

**”No Child Left Behind: An Evaluation of the Law’s Impact on  
Immigrants and Refugees”**

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**A Thesis Presented to  
The Department of Literature, Area Studies, And European Languages  
-North American Area Studies-  
- Faculty of Humanities-  
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**In partial fulfilment of the requirements for the MA degree  
UNIVERSITY OF OSLO  
Spring 2011**

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## **Acknowledgements**

First, I would like to thank my supervisor David Mauk for his inspirational classes of American immigration history; classes that have broaden my horizons as a student as well as helped me cope with my immigrant status in Norway. I would like to thank him for ‘taking me back’ after a three years of absence from the university and for helping me hold a steady course this final year with his comments and suggestions.

I would also like to thank my husband, Vuong, for his patience in these busy times and for encouraging me every time the thesis seemed a far-fetched dream. I hope I can return the favor one day. Thanks to my parents, brother and grandmothers, who stood by my side throughout these long study years.

Thanks to my friend Kristin Weaver, for helpful discussions on assimilation, for lending me relevant books and for proofreading my thesis.

Last, but not least, I would like to congratulate myself with the finishing of my most extensive writing project.

## Introduction

”Two-and-a-half years ago, I signed the No Child Left Behind Act, a bipartisan law that is challenging the soft bigotry of low expectations in public education. My budget for next year increases school funding to \$37 billion, a 49 percent increase since 2001. And we're insisting on results in return. We are leaving behind the broken system that shuffled children from grade to grade, even when they were not learning the basics. We're requiring regular testing, providing extra help for children falling behind, we're giving information and options to parents, we are holding schools accountable for the progress of every child.”<sup>1</sup> George Bush, radio address, 2004

NCLB's goals were in line with the political demand for change in the educational field, since the U.S. school system was in desperate need of reform. The achievement gap between white and minority students was not getting any narrower, the literacy rate was disquietingly low and the quality of schools and teachers had to be enhanced. The idea that the early years of schooling are responsible for a student's school carrier in terms of basic knowledge and the feeling of mastery is supported by research in the field.<sup>2</sup> The question is whether NCLB provided schools with the necessary tools to improve the students' performance.

Five years later the Bush administration's corner stone was being defended by its most tenacious supporter- "I firmly believe that thanks to this law, more students are learning, an achievement gap is closing. And on this anniversary, I have come to talk about why we need to keep the law strong. If you find a piece of legislation that is working, it is important to make sure the underpinnings of that law remain strong."<sup>3</sup> George Bush, Philadelphia, 2009

This thesis is an analysis of the consequences that the “No Child Left Behind Act” of 2001 has had for immigrant and refugee children in the U.S. The act promotes the Republican belief that inequality can be minimized by going back to basics. If the teachers concentrate on fewer subjects and the pupils are being tested regularly, surely this must be the best way to make them learn. The NCLB Act has been a very controversial law; many of its opponents argue that it has

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<sup>1</sup> <http://www2.ed.gov/news/newsletters/extracredit/2004/08/0823.html>, 2004-08-23

<sup>2</sup> Schultz, Jon Håkon, Hauge, Ann-Magritt and Støre, Harald, Ingen ut av rekka går. Tilpasset opplæring for Shaza og Kristian, (Universtitetsforlaget:Oslo, 2004)

<sup>3</sup> <http://blogs.abcnews.com/politicalradar/2009/01/bush-urges-cont.html>, 2009-01-08

narrowed the students' horizons without doing anything to reduce the inequality itself.<sup>4</sup> Nine years after the law was passed, this author has analyzed the costs and benefits the act has had for the above-mentioned group.

Social mobility starts with school. In a society concerned about its members' wellbeing, social mobility is vital. Upward mobility is a way to avoid social unrest. With this in mind, this thesis focuses on immigrant children's opportunities to integrate into the American school and the challenges they face in doing this. Social imbalances are the root of most evils and society should therefore start the battle against them already in school. According to Isabel Sawhill, Senior Fellow at Brookings Institute, "if you care about social mobility or opportunity in America, you have to care about education."<sup>5</sup> At the present time, several minority groups have been left out of the equation regarding their chances to improve their social status. Edgar G. Epps claims that "while African Americans' families view education as a major avenue of social mobility, schooling has generally not operated to equalize opportunity for African Americans."<sup>6</sup> The question of how well the schools serve immigrant families' ambitions for social mobility is discussed in some depth in this study.

It is interesting to see how school policy affects the lower layers of society and what the federal authorities have attempted to do to redress the situation. The United States is going through a challenging time right now and the political temperature is imposing change. The No Child Left Behind Act is up for revision and it is therefore imperative to analyze the impact it has had on the very people it was designed not to leave behind. The changes proposed by the Obama administration are mentioned in passing, the main focus of this study being to evaluate the NCLB in the years Bush was president.

According to information from the Bush administration's Department of Education, the "No Child Left Behind Act" of 2001 was introduced in an attempt to bring about major change in American school policy and improve learning in public schools. Its main goal was "to close the

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<sup>4</sup> Karen, David, No Child Left Behind? Sociology Ignored!, *Sociology of Education* 2005, Vol.78, 165-182

<sup>5</sup> Isabel Sawhill, Senior Fellow at Brookings Institute and budget expert, said this in a seminar on Sept. 19, 2006

<sup>6</sup> Epps, Edgar G., Race, Class and Educational Opportunity: Trends in the Sociology of Education, *Sociological Forum*, Vol. 10, No.4

achievement gap with accountability, flexibility, and choice, so that no child is left behind.”<sup>7</sup> This law aimed to improve the achievement of less resourceful students by raising the bar for teachers and principals. The nation’s primary and secondary schools would be improved by increasing the standards of accountability for states, school districts and schools, as well as by providing parents with more flexibility in choosing which schools their children attended. The belief that high expectations and goal setting would result in success for all students was strong among the law’s advocates. Good results were believed to be achieved by operating with standard testing, teacher training, rewards for the schools and states that narrow the achievement gap and “corrective action” (withdrawal of funds) for the ones that do not.<sup>8</sup> Now these beliefs and the ways they were implemented are up for review.

The main question the thesis tries to answer is: What did the law do for the least resourceful immigrant groups in public schools - the children of refugees, asylum seekers and undocumented immigrants - during the Bush administration? In other words, in what respects did the NCLB succeed in improving the learning results of less resourceful immigrant children? This author is interested in finding some concrete proof that the law was helpful to these most vulnerable immigrant children. The dropout rate is vital to look at in this case. Another parameter is whether the test results point upwards.<sup>9</sup>

Like Johnson’s Elementary and Secondary Education Act (ESEA) of 1965, the NCLB was born out of a vision of achieving social equality, and declared war not only on poverty, but on education as a perpetuator of social imbalance. The ESEA Act was designed to give federal assistance to the schools with the greatest percentage of underprivileged children. The NCLB concentrates on testing as a means of accountability, with the result that many schools with the most underprivileged children are being closed. Americans have been skeptical to federal interference and many teacher forums use NCLB as an argument for that skepticism.<sup>10</sup>

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<sup>7</sup> <http://www2.ed.gov/policy/elsec/leg/esea02/107-110.pdf>, read 2007-12-23

<sup>8</sup> <http://www2.ed.gov/policy/elsec/leg/esea02/107-110.pdf>, read 2007-12-23

<sup>9</sup> Cohen, Deterding & Clewell, Who’s Left Behind? Immigrant Children in High and Low LEP Schools, Program for Evaluation and Equity Research, The Urban Institute Washington, DC, 2005

## **Research questions and the discourse about the effects on the NCLB**

A critical overview of the major voices in politics and education is needed when asking the first question: How did this law affect the most vulnerable groups? The general outcome of the law is a matter of interest, too. This author's view is that people tend to focus on different aspects of the same event, depending on their angle of sight. An educator will see the NCLB Act with a teacher's eyes, in terms of time, energy, resources and earlier experience. A politician will place himself at an ideological level; he will try to alter education according to his political beliefs, and will have to take the voting public's feelings into consideration. The law's advocates believe that accountability and standard testing is the way to improve the quality of public education for all students. They also feel that NCLB democratizes the US by making standards apply to all states, by channeling resources without taking into consideration wealth, ethnicity, disabilities and mother tongue. All major teacher unions oppose this law<sup>11</sup>; they feel that the act has not given any results in public education (least results in high schools), and point to mixed results in standardized tests. Moreover, they consider testing to be "deeply flawed and biased"<sup>12</sup> adding that stricter teacher qualifications have made the national teacher shortage worse, and not provided a stronger teacher force, as intended. Some critics believe that federal government has no business interfering in the educational arena, that its intrusion is unconstitutional and "erode[s] state and local control over the education of children."<sup>13</sup>

The second question asked in this thesis is: What were the unintended consequences of the law? As there is a great deal of disagreement about this, this paper will attempt to draw the main lines of the discourse. According to some of the primary material, NCLB has resulted in better training for pupils going to college than for the ones who are not - a clear parallel to eugenics education in the UK in the 60's, which stressed the importance of vocational schools for poor children.<sup>14</sup> The demand for better trained teachers in school has lead to a temporary staff crisis in some schools,

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<sup>10</sup> <http://www.colorincolorado.org/research/policy>, read 2011-02-06

<sup>11</sup> Krisbergh, Jonathan P., *Marginalizing Organized Educators: The Effect of School Choice and No Child Left behind on Teacher Unions*, *The Journal of Business Law, Issues*, Volume 8, Issue 4 - Published as *University of Pennsylvania Journal of Labor and Employment Law*

<sup>12</sup> <http://usliberals.about.com/od/education/i/NCLBProsCons.htm>, read 2011-02-09

<sup>13</sup> <http://usliberals.about.com/od/education/i/NCLBProsCons.htm>, read 2011-02-09

<sup>14</sup> Chitty, Clyde, *Eugenics, Race and Intelligence in Education* (London: Continuum Intl. Pub Group, 2007)

but the long-term effects are believed to be advantageous. “In the short term, NCLB requirements for -highly qualified- teachers and para-professionals may exacerbate the current shortage of bilingual and ESL teachers and para-professionals. In the long run, however, the law might improve the quality of teachers that serve LEP [Limited English Proficient] students.”<sup>15</sup>

This paper concentrates on two of NCLB’s central goals - to improve the level of reading and the understanding of mathematics. As mentioned above, it is very interesting to see if the testing has actually resulted in better skills or just in test-focused education. The law presents the pupils, teachers and the school administration with a series of challenges; the introduction of testing that minimizes educational values is one of them. The emphasis is on how much a pupil can prove he/she has learned and not on the way he/she comes to understanding the subjects. These achievement targets result in teachers losing their jobs and pupils having to commute when their local school is closed. The parents’ ability to choose a school for their children has been a central focus in the NCLB Act, but has merely functioned in theory in many districts. Lack of transportation and parental engagement, as well as political resistance from the states’ and districts’ side has complicated the situation for children that want to switch schools. Tutoring underachieving pupils seems to give good results, but the offer is far from satisfactory in comparison to the number of students in need of supplemental education.

Concerning the tests, a number of article writers point to the fact that as long as the states will be allowed to make their own tests the scores will be difficult to compare at a national level.<sup>16</sup> Other critics point to the fact that NCLB has resulted in better training for the students who intend to go to college than for the ones who do not.<sup>17</sup> This fact is reminiscent of the outdated eugenics education models, where pupils belonging to the working class in England were believed to be less apt than the ones from the ruling class. In the US the eugenics principles were applied to ethnicity and race in addition to social background.<sup>18</sup> Modern race and ethnicity studies, however,

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<sup>15</sup> Fix, Passel, Immigration Studies Program& The Urban Institute, U.S. Immigration- Trends& Implications for Schools, New Orleans, National Association for Bilingual Education, 2003

<sup>16</sup> Noddings, Nel, When School Reform Goes Wrong, (Teachers College Press:New York, 2007); <http://blog.american.com/?p=6061>, 2009-10-14, read 2011-03-21

<sup>17</sup> Chitty, Clyde, Eugenics, Race and Intelligence in Education (London: Continuum Intl. Pub Group, 2007)

<sup>18</sup> Chitty, Clyde, Eugenics, Race and Intelligence in Education (London: Continuum Intl. Pub Group, 2007)

<sup>19</sup> Edsall, Thomas Byrne, and Edsall, Mary D., “Race.” The Atlantic Monthly 267 (5 May):53-86



point to the close connection between the concepts of race, ethnicity and social status. “Not being black is what constitutes being middle class.”<sup>19</sup> “Eugenic ideas about human ability and intelligence continued to be popular and influential in America until the very end of the twentieth century, and 1994 saw the publication of *The Bell Curve: Intelligence and Class Structure in American Life*, co-authored by Charles Murray and the late Richard J. Herrnstein, a work which rapidly became one of the most controversial and headline-grabbing contributions to the debate about ‘race’, class and intelligence.”<sup>20</sup> The book presents old beliefs that intelligence differs with races, in this particular case they find the Asian people at the top and blacks at the bottom.

While emphasizing communication with parents in their own language to the extent possible, the NCLB Act has limited students’ option of taking bilingual classes. Bilingual education is believed to be crucial if the student is not English proficient. At the same time, mastering one’s mother tongue is being associated with a positive self identity and represents a cultural bridge between generations.<sup>21</sup> It is interesting to look at the areas of concern regarding this and what the Obama administration wants to revise before reauthorizing NCLB.

In America’s constitutional framework there is not a word about education, since this has traditionally been a state responsibility. The NCLB places itself in an educational tradition that has usually been associated with the right wing. The USA, as the land of immigrants, has had extensive training in adopting the newcomers and integrating them through Americanization and socialization programs in its school systems. At the same time the difficulties have been standing in line since immigrants usually overcrowd inner-city schools that are already lacking in resources.

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<sup>20</sup> Chitty:113

<sup>21</sup> Crawford, J., *Bilingual Education: History, Politics, Theory and Practice* (Los Angeles: Bilingual Educational Services, Inc., 1989); Cummins, J., *Bilingualism and Special Education: Issues in Assessment and Pedagogy* (Avon, England: Multilingual Matters, 1984); Cummins, J., *Language, Power and Pedagogy: Bilingual Children in the Crossfire* (Clevedon, England: Multicultural Matters, 2000); Padilla, A., Lindholm, K., Chen, A., Durán, R., Hakuta, K., Lambert, W. and Tucker, R., *The English-Only Movement: Myths, Reality, and implications for Psychology*, *American Psychologist*, Vol 46 (2), pp 120-130, American Psychological Association, Febr., 1991

## Theory, Sources and Methods

The primary sources used are research studies, newspaper articles and comments to those articles, sociological and educational reviews as well as teacher forums and blogs. As secondary sources the paper draws on works on immigration, ethnicity and education. However, there is not a clear line between primary and secondary sources since an educator often can possess several roles. In order to be able to get a balanced paper this author made sure to let both conservative and liberal voices be heard. The debates are evaluated against each other; the sides are compared, resulting in this author's ranking of the most believable arguments. Theories serve also as secondary material, and the method is applying these sources from immigrants in general to the particular group the thesis is concerned with. Authors of ethnicity studies have some theories about refugees' adaptation to their environment, also valid in relation to school.

The method used has both qualitative and quantitative elements. As much of the information needed had already been collected by the government, schools and research centers, it could be easily accessed and analyzed. The main advantage was that this author could get ahold of substantial material from different sources, forums and data bases that answered the thesis' research questions. Qualitative research is efficient when working within a social framework where values, opinions and circumstances are of most interest for the researcher. Scientific research refers to the process of trying to answer a question through a systematic use of a set of standards that samples evidence and produces findings that were not established beforehand and that can be translated into a larger field than the research area itself. Qualitative research is suitable to render a more complex picture of human experiences and their experience of a certain research topic. The qualitative method can also be applied when studying social standards, ethnicity, religion and political conviction that are not transparent enough when measured quantitatively.<sup>22</sup>

In certain cases, qualitative research can be used in addition to quantitative measures in order to allow the author to get the bigger picture with all the connotations of the quantitative data. Participant observation, in-depth interviews, focus groups and content analysis are four of the most common qualitative research methods. Quantitative and qualitative research methods vary

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<sup>22</sup><http://www.fhi.org/nr/rdonlyres/et17vogszehu5s4stpzb3tyqlpp7rojv4waq37elpbyei3tgmc4ty6dunbccfzxtaj2rvbaubzmz4f/overview1.pdf>, <http://www.socialresearchmethods.net/kb/unobtrus.php>, read 2011-03-16

<sup>23</sup><http://www.fhi.org/nr/rdonlyres/et17vogszehu5s4stpzb3tyqlpp7rojv4waq37elpbyei3tgmc4ty6dunbccfzxtaj2rvbaubzmz4f/overview1.pdf>, <http://www.socialresearchmethods.net/kb/unobtrus.php>, read 2011-03-16

mainly by their research goals, the questions' nature, the way they gather information, the kind of information they generate and the level of flexibility the method provides.<sup>23</sup>

In this paper the author has focused on three educational theories and placed NCLB in relation to them. The Control Theory of Motivation was introduced by William Glasser and states that “behavior is never caused by a response to an outside stimulus.”<sup>24</sup> In his opinion behavior is guided by a person's strongest wish at any time. Glasser asserts that students' lack of involvement in schoolwork has to do with their perceiving schoolwork as “irrelevant to their human needs.”<sup>25</sup> According to Glasser there are two types of teachers: boss teachers and lead teachers. The first ones use incentives and penalties to drive their students to obey their rules and finish their tasks. Glasser shows further that most students acknowledge that they do low-level work, even when their teachers praise them. The lead teacher shuns compulsion and instead tries to make the work available and relevant to their students. Those teachers will try to take engaged students to a deeper level of understanding and will use grades as a marker of learning, instead of a reward. According to Control Theory, teachers consult their students to make the syllabus more relevant. They employ two-way learning techniques to empower the learners, too. Good grades are only given to students that deserve them.<sup>26</sup> How does The Control Theory of Motivation apply to immigrant students? Do they perceive the tests as motivating or does the effort seem superhuman? Are they a brick in a political puzzle or does NCLB protect their interests?

The second theory, Observational Learning or The Social Learning Theory states that an observer's conduct is influenced by his or her interaction with a “behavioral model.”<sup>27</sup> An observer's demeanor can also be determined by the positive or negative consequences of a model's behavior, a phenomenon called “vicarious reinforcement” and “vicarious punishment.”<sup>28</sup> The main philosophy of the Observational Learning Theory is that an observer will reproduce a model's behavior if the model has qualities that the observer thinks advantageous. Second, the

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<sup>24</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, read 2011-02-03

<sup>25</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, read 2011-02-03

<sup>26</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, read 2011-02-03

<sup>27</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, read 2011-02-03

<sup>28</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, 2011-02-03

<sup>29</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, 2011-02-03

<sup>30</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, 2011-02-03

observer is attentive to the outside world's response to the model's behavior, meaning that rewarded manners will more likely be reproduced than punished manners. In order for Observational Learning to influence learning, the students have to be presented to a model whose behavior harvests a positive response. Further, the teachers should promote mutual learning, given that learning takes places in a social and environmental framework. Last, but not least, a learned conduct needs favorable conditions to be performed, so the teachers should present students to an encouraging setting for the behavior to manifest. The questions here are whether the teachers have the opportunity to present themselves as behavior models and if the students regard the educators' qualities as attractive. Does the NCLB create a constructive environment for learning?

The third theory, The Social Cognition Learning Model views culture as the main “determinant of individual development.”<sup>29</sup> Every child grows up in the environment of a culture, which is why his learning development is affected both by the culture of the society he is a part of and by the culture of the family he comes from. The ideology of The Social Cognition Learning Model is that culture influences a child's development both by being a context of their knowledge and by providing him with tools of his thinking. Rephrased, culture teaches a child both what and how to think. According to The Social Cognition Learning Model, the curriculum should focus on interaction between students and their tasks. Further, adult guidance is essential since children can complete tasks assisted by an adult that they could not complete on their own. Scaffolding is seen as an efficient educational method because it has instant results and provides the child with the necessary ability to cope with a problem on his own the next time. A child's actual level of development is an indicator of the child's skills, while the potential level of development weighs heavily on the adult's level of involvement.<sup>30</sup> How does NCLB's focus line take culture into consideration? What are tests like for a refugee from Indochina or for an asylum seeker from Middle East? When are the immigrant children ready to take their tests in English and are they provided the tests in their mother tongue?

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<sup>31</sup> Kazal, Russel A., Revisiting Assimilation: The Rise, Fall and Reappraisal of a Concept in American Ethnic History, *American History Review* 155, 1995

<sup>32</sup> Benedict Anderson quoted in Kazal:440

<sup>33</sup> Gjerde, Jon, *Major Problems in American Immigration and Ethnic History* (Boston/New York: Houghton Mifflin Company, 1998)

There are several scholars of ethnicity and migration studies who also have theories about refugees' adaptation to the American school. Assimilation and Americanization have been resonant concepts both in the American immigration debate and in scholarly circles, from history to sociology and American studies. Although sometimes used in stead of each other, "assimilation in the immigrant context" is a sum of "processes that generate homogeneity beyond the ethnic-group level,"<sup>31</sup> while Americanization suggests the joining of the "imagined community."<sup>32</sup> Oscar Handlin writes about immigrants as in "The Uprooted"<sup>33</sup> and sees the attaining of individualism as essential to the American experience. His views are seen as outdated by many scholars<sup>34</sup>, however, they seem sensible in the context of education of minorities. The three main approaches to assimilation and ethnicity have been: "Anglo-conformity", "the melting pot" and "cultural pluralism."<sup>35</sup> The first model saw American society as an Anglo-American core that the other ethnic groups revolved around and tried to get assimilated into. According to the second belief, different ethnic groups would melt together with the Anglo-American and form the new American people. Cultural pluralism was an idea of the 20th century and had advocates like Horace Kallen, who thought all groups should be equally important and equally represented in the US.<sup>36</sup> In *Rethinking Migration*, Portes and DeWind explore a new theoretical standpoint to migration, that of segmented assimilation.<sup>37</sup> This idea is also thoroughly discussed by Portes and Rumbaut in *Immigrant America: A Portrait*<sup>38</sup>, where assimilation, a no-no word in modern ethnic studies, regains its old credence when used to denote adjustment to smaller scale phenomena, meaning that immigrants can assimilate into micro societies and not necessarily to the whole American community.

## Structure

The thesis contours the new elements that NCLB brings to American education and then overlaps them with the results they have given for certain groups of immigrant children. The work opens with a presentation of the law in relation to the less resourceful immigrant children. The NCLB

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<sup>34</sup> Kazal:448

<sup>35</sup> Kazal:442

<sup>36</sup> Kazal:446

<sup>37</sup> Portes&DeWind, *Rethinking Migration* (New York/Oxford:Berghahn Books, 2007)

<sup>38</sup> Portes&Rumbaut, *Immigrant America, A Portrait* (University of California Press:Los Angeles/London, 1996)

Act of 2001 was an ambitious law born in a political environment that commanded change. Last but not least, the opening chapter comprises basic definitions of the concepts of immigrant, race, educational terminology and the law's central notions.

The second chapter deals with reading as one of the central subjects NCLB wants students to focus on. How has the introduction of test scores influenced reading for immigrant children? What do the reading results say about increased proficiency? Theories that speak of teaching reading to children and particularly to bilingual children are introduced and the present system is evaluated through them. The thesis also presents the changes the teachers object to and the revisions they propose. This chapter is somewhat longer than the third, due to the fact that some of the parameters discussed are common for both subjects, and need not be repeated in the math chapter.

The third chapter focuses on mathematics as the other main subject that students have to center their attention on. Has testing had a different impact on immigrant students' performance in mathematics? Has the achievement gap narrowed? What do the graduation rates have to say about the NCLB? How do teachers perceive the new way of teaching? Many educators confess in teacher forums that they quit teaching in the public sector because of the pressure put on them by the NCLB and the continuous "pushing down the [of the] curriculum."<sup>39</sup> Some even admit to quitting the profession due to increasing demands, and it is no secret that many teachers in America leave their occupation after 5-10 years.<sup>40</sup>

The fourth and final chapter gives an overall view on how this law affected the bottom layer of society and what were its unintended consequences. The author correlates the findings with the law's intentions and draws the line for its achievements. Has NCLB increased the students' performance in reading and mathematics? Have the students had other benefits from the law's introduction? Are the school choices given real? Did the NCLB narrow the achievement gap? How does the focus on three subjects in the curriculum affect the other subjects?

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<sup>39</sup> [http://blogsedweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.htm](http://blogsedweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.htm), 2011-02-05

<sup>40</sup> [http://blogsedweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.htm](http://blogsedweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.htm), 2011-02-05

<sup>41</sup> <http://www.aclu.org/immigrants-rights>, read 2010-12-28

<sup>42</sup> Spickard, Paul, *Almost All Aliens, Immigration, Race and Colonialism in American History and Identity* (New York:Routledge Taylor and Francis Group, 2007)

## Defining concepts used

An immigrant is a person who leaves his or her country of birth voluntarily, seeking better economic opportunities, and settles in another country. A refugee is a person forced to leave his or her country of birth, to seek shelter from war, dictatorship or political persecution. The term refugee implies that the protection seeker has been given this status by the UN and that he or she already lives in a refugee camp. Asylum seekers do not have the refugee status yet; - they seek protection directly from the state they come to. The main difference between them is choice. The first have it, the second and third do not. Undocumented immigrants in this sense are immigrants that enter the US territory without seeking any visa, work permit or other measures of registration. In upheated political debates undocumented immigrants are referred to as illegal aliens. Groups that advocate for human rights and immigrants' rights draw the attention that no person can be illegal.<sup>41</sup> Immigration and ethnicity scholars usually use "undocumented" or "unaccounted for."<sup>42</sup>

Race is a socio-historical term, constructed to illustrate the difference between human beings with ancestors from different parts of the world. Although charged with pejorative connotations, due to the fact that it has been used to justify white dominance and minority oppression in different parts of the world, the concept is still in use in the U.S. as a means of tracing ancestry, a way of reaffirming minority emancipation, but also so that the state and private organizations and institutions can carry out affirmative action and make up for the injustice done to, among others, immigrants, Native Americans and blacks.<sup>43</sup>

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<sup>43</sup> Gjerde:305, Nancy Foner and Fredrikson, M.George, Not Just Black and White, Historical and Contemporary Perspectives on Immigration, Race and Ethnicity in the United States, (Russel Sage Foundation:New York, 2004), Spickard:19, Holliger, David A. in Gjerde:446, Crawford, J., Bilingual Education: History, Politics, Theory and Practice (Los Angeles: Bilingual Educational Services, Inc., 1989) ; Cummins, J., Bilingualism and Special Education: Issues in Assessment and Pedagogy (Avon, England: Multilingual Matters, 1984); Cummins, J., Language, Power and Pedagogy: Bilingual Children in the Crossfire (Clevedon, England: Multicultural Matters, 2000), Padilla, A., Lindholm, K, Chen, A., Durán, R., Hakuta, K., Lambert, W. and Tucker, R., The English-Only Movement: Myths, Reality, and implications for Psychology, American Psychologist, Vol 46 (2), pp 120-130, American Psychological Association, Febr., 1991

<sup>44</sup> Mauk. David, An Enlightning Lens, Seminar at University of Oslo, Fall 2010

LEP means Limited English Proficient and refers to a segment of the school population with English language deficiencies. Contrary to expectations, LEPs are not only children of immigrants, foreign born or second generation, but also third generation in cases where the pupil comes from a language isolated family or environment in general. Groups with a preponderance of LEP children are Latinos and South-East Asians. ELL stands for English Language Learner and describes the newly arrived immigrants, in need of bilingual education. Those groups are critical for the NCLB as one of the law's stated provisions is both 100 percent proficiency and the narrowing of the racial gap between white and black/Hispanic.

“Ethnicity is a cultural construction accomplished over historical time.”<sup>44</sup> It was invented by articulate leaders of society as a way of defining difference that would not cause prejudice.<sup>45</sup> Marcus Hansen's thesis stated that ethnicity returns with the 3rd generation, as a sense of wholeness.<sup>46</sup> Moses Rischin saw ethnicity as a mentalité,<sup>47</sup> meaning a state of mind. Stanford M. Lyman remarked that race and ethnicity are closely linked and illustrated it with the case of American Blacks, who are considered both a race and an ethnicity. His conclusion is that the 2nd generation is becoming Americanized and America is becoming ethnicized.<sup>48</sup>

“Acculturation is the first step of the adaptation process where (...) [immigrants] learn the ways and the language of their new country.”<sup>49</sup> The adaptation can be total or partial, in the sense that the immigrant can adapt and function in certain areas of the community, but remain a stranger to others. Portes and Rumbaut speak of selective acculturation to describe the process of Americanization where immigrants do not align to the white middle class ways, but to their inner city experiences.<sup>50</sup>

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<sup>45</sup> Kivisto, Peter and Blanck, Dag, *American Immigrants and Their Generations*(Urbana/Chicago:University of Illinois Press, 1990)

<sup>46</sup> Kivisto and Blanck:4

<sup>47</sup> Kivisto and Blanck:5

<sup>48</sup> Kivisto and Blanck:5

<sup>49</sup> Portes and Rumbaut, *Immigrant America, A Portrait* (University of California Press:Los Angeles/London, 1996)

<sup>50</sup> Portes and Rumbaut, *Immigrant America, A Portrait* (University of California Press:Los Angeles/London, 1996)

<sup>51</sup> Kazal:439

<sup>52</sup> Stephan Thernstrom, *Harvard Encyclopedia of American Ethnic Groups*, (Harvard University Press:London, 1980)



In “Revisiting Assimilation: The Rise, Fall, and Reappraisal of a Concept in American Ethnic History”, Russel Kazal defines assimilation “in the immigrant context (...) [as] the process that generate[s] homogeneity beyond the ethnic group level”<sup>51</sup> In other words, assimilation is a total abandonment to the guest society’s norms and values, to the extent where you erase your former culture.

### **NCLB in the Context of Education**

”The school is central to the immigrant epic and the school bus today symbolizes the persisting conflict between white and black Americans. When the U.S. Government declared war on poverty in the 1960s, it first thought to give poor children a head start on school success.”<sup>52</sup>

Today’s model of public education in America was introduced in 1980 and is financed both by federal, state and local administrations. About 85% of US children attend public schools, the remainder go to private schools, or are home-schooled. The present administration has stated the importance of education in a blueprint, together with the parts of the NCLB Act they wish to revise. World class education is a way of maintaining the upper hand on the international arena and at the same time a means of arriving to social equity, declares Barack Obama.<sup>53</sup>

Although many immigrants in America possess higher education degrees, they also make up a majority of the primary school degree holders, comprising 50% of all US citizens who attended school for less than 5 years and a substantial number of those who never went to school.

While immigrants from Taiwan, India, Iran and some African countries have a high level of education and are considered human capital-immigration, people from Mexico, Haiti and the Dominican Republic have traditionally been labor migrants and thus few of them are educated.

The Cambodians are traditionally less educated, while the Chinese and the Cubans are mixed cases, often placed at the high end and low end of the hierarchy.<sup>54</sup>

Studies that focus on educational achievement of children of immigrant families, that is the 1.5 generation and the second generation, show that they do better than their American peers. The

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<sup>53</sup> <http://www.c-spanvideo.org/program/292516-1>, 2010-03-12

<sup>54</sup> Takaki, Ronald, *Strangers from a Different Shore*, (Little, Brown and Company:New York, 1989)

latter term was coined by the Korean Americans to describe a person with roots in both worlds. A typical 1.5 generation child will be fluent in both his mother tongue and English and will interpret America to his parents and at the same time his parents' cultural legacy to the American society.<sup>55</sup> Their parents insist on education as an entry door to the American society. The children's success depends, among other factors, on their English proficiency, the second generation being thus in clear advantage. Research<sup>56</sup> has come up with a number of factors that seem to reduce immigrant children's motivation to do well in school, three of them being vital. First and foremost, the human capital that immigrant parents bring with them as formal education and occupational skills is decisive for the immigrant children's school results. The social context in which they are received in America- government, society or community is another important aspect. Vietnamese refugees have benefited from more help and cordiality after the Vietnam War than for example African immigrants. The composition of the immigrant family is the third most important parameter. Children from families where both parents involve themselves in their children's studies, and extended families where grandparents and older siblings mould and have power over them are much more likely to succeed. Single-parent families, on the other hand, try to reconcile the financial aspect and long working hours with their children's need for a parent, thus being less able to supervise their children well enough. The immigrant children's drive diminishes over time - the time spent on studies declines with the number of years in US and the time spent in front of the TV increases. Thus assimilation to American norms has a negative impact on school results.<sup>57</sup>

Second generation Asian- and Latin Americans find it harder to enter the mainstream America than the European immigrants' children do. "In today's context, many of these children face the paradox that assimilating to their American surroundings may derail their successful adaptation; while remaining firmly ensconced in their parents' immigrant communities may help further it."<sup>58</sup> A closer look at the financial situation in immigrant households reveals that families where parents are native-born make more money than households with foreign-born parents. At the

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<sup>55</sup> Spickard, Paul, *Almost All Aliens, Immigration, Race and Colonialism in American History and Identity* (New York:Routledge Taylor and Francis Group, 2007)

<sup>56</sup> Alba&Nee, *Remaking the American Mainstream- Assimilation and Contemporary Immigration* (Cambridge/London: Harvard University Press, 2003)

<sup>57</sup> Alba&Nee, *Remaking the American Mainstream- Assimilation and Contemporary Immigration* (Cambridge/London: Harvard University Press, 2003)

<sup>58</sup> Portes and Rumbaut, *Immigrant America, A Portrait* (University of California Press:Los Angeles, 1996)

<sup>59</sup> Portes and Rumbaut:239

<sup>60</sup> Portes and Rumbaut:239

bottom of the economic pyramid one finds households with foreign-born children. The longer the family's members have lived in the US, the higher they climb on the social and economic ladder.<sup>59</sup> On the other hand, immigrant families score high on family stability, since they often involve a married couple, in opposition to less resourceful native families. Preference and use of English, relationship with parents, perceptions of discrimination and self-esteem have been some variables investigated here.<sup>60</sup> The conclusion is that most second-generation immigrants are fluent in English and three quarters prefer to speak English rather than their mother tongue. Children of Vietnamese, Lao and Mexican origin are an exception; half of them or less prefer English. Preferences set aside, many immigrant children speak another language at home, with the exception of Jamaican, West Indian and Filipino children.<sup>61</sup>

A phenomenon worth noticing when talking about second generation adaptation is the role reversal between parents and children. In a foreign society children become negotiators between their parents and their immediate surroundings. This creates a big gap between generations, resulting in many youngsters feeling embarrassed by their parents' behavior and leading to a conflicted relationship. Parents can nevertheless maintain their authority when both parts acculturate at the same pace. However, parental influence is even more prominent when they have enough resources to steer the second generation's adjustment to the host society. These resources are often parental education or strong ethnic bonds.<sup>62</sup> Borrowing Portes' and Rumbaut's coinage, "generational consonance", occurs in three situations: when both parents and children remain unacculturated, when both adjust at the same pace and when the American immigrant community promotes selective second-generation acculturation.<sup>63</sup>

"General dissonance"<sup>64</sup> takes place when the first generation is not present on the acculturation field, neither as an assistance instance, nor as an acculturated mass. This situation can trigger role reversal, especially when parents have a low level of education and are not well enough integrated in the ethnic community to cope with the outside environment, depending thus on their

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<sup>61</sup> Portes and Rumbaut: 239

<sup>62</sup> Portes and Rumbaut: 241

<sup>63</sup> Portes and Rumbaut:241

<sup>64</sup> Portes, Alejandro, Rumbaut, G. Rubén, Legacies, The Story of the Immigrant Second Generation, University of California Press:Berkeley, 2001)

children's guidance. According to earlier theories, the second generation was either as obedient or rebellious if it entered the mainstream America. In our time the mainstream is no longer a homogenous mass, so giving up the immigrant community no longer represents the way to success.

### **Refugees, Asylum Seekers and Undocumented Immigrants in America**

“For children and grandchildren of European immigrants, one outcome of widespread acculturation, social mobility, and intermarriage with the native population is that ethnic identity became an optional leisure-time form of symbolic ethnicity.”<sup>65</sup> Portes and Rumbaut

In the introduction to his *The New Second Generation*<sup>66</sup>, Portes makes a valid comparison between the former European second generation and its entry into the American mainstream and today's second generation, characterized by a different economic conjuncture and other ethnic and racial implications. According to Portes, the social and economic circumstances were favorable for the European second generation in obtaining success in the American society: the war created labor shortage and the immigrant children were there to profit from it. Their experiences were used to define the linear process of assimilation theory.<sup>67</sup>

Today's second-generation immigrants differ from the second-generation Europeans in more ways than one. First and foremost, these children are not descendants of European immigrants; they have backgrounds from Asia, South America, Mexico and the Caribbean and their phenotypes give them away. These immigrants have encountered “widespread racial discrimination and a changing economy”<sup>68</sup> ever since they started coming in the '50s. These factors have hindered their social mobility and delayed their entry into the American mainstream by what seems to be generations. This is the very reason why ethnic communities, family resources and cultural capital have ended up meaning more for this group compared to their predecessors. It is also a valid reason why the NCLB should stretch its authority past the challenges in the American class room and all the way into the realities of the American society.

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<sup>65</sup> Portes, Alejandro, *The Second New Generation*, (Russel Sage Foundation:New York, 1996)

<sup>66</sup> Portes: 50

<sup>67</sup> Portes:55

<sup>68</sup> Portes: 72

Assimilation before 1965 meant that after a while, immigrant children spoke English and became an integrated part of the American society. As discussed in the introduction, the social conditions today, with regard to poverty, illiteracy, language and geographical isolation- impede many immigrant children from entering American society on the same premises as the former immigrants. At the current pace of immigration and the persistent rate of LEPs there is no doubt that schools will be faced with major problems when accommodating the needs of all their students. It is nevertheless crucial that they try to do it since it is the work force of tomorrow they are dealing with. As Pierre Bourdieu - the sociology's father - said, schools perpetuate the patterns of inequity that society manufactures.<sup>69</sup> Perhaps this is yet another reason to start with changing the society, rather than simply aiming to enhance the role of education.

In *Ethnicities - Children of Immigrants in America*<sup>70</sup>, Rumbaut and Portes speak about ethnic identity and assimilation of the second-generation immigrants. They point out the fact that although America's immigrants constituted 27 million in 1997 and came from 150 different countries, 40% were from only 4 countries: Mexico, The Philippines, Cuba and Vietnam.<sup>71</sup> America's second generation is thus predominantly non-European and distinguishes itself from mainstream America by culture, language and appearance. The erosion of ethnicity by the third generation, a phenomenon considered to be a truth in the old days, has to be reassessed in order to see if it applies to the immigrant children in cause.

Children of Mexican immigrants, by far the largest group, are also the ones that struggle most against the odds. Largely working class, the families retain their mother tongue to a larger extent than other ethnic groups, as well as their Hispanic identity.<sup>72</sup> In addition to that, a significant number of Mexican immigrants are undocumented, a fact that makes their children's chances in school more difficult. As undocumented immigrants are much likely to have a low income and poor knowledge of the English language, their adaptation to American society is severely limited by that.<sup>73</sup>

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<sup>69</sup> Bourdieu, Pierre and Passeron, Jean-Claude, *Reproduction in Education, Society and Culture*, (Sage:London, 1977)

<sup>70</sup> Rumbaut, Ruben and Portes, Alejandro, *Ethnicities- Children of Immigrants in America*, University of California Press:Berkeley/Los Angeles, 2001)

<sup>71</sup> Rumbaut&Portes:187

<sup>72</sup> Gjerde:430

<sup>73</sup> Gjerde:430

The Philippines has mostly exported highly trained people after 1965, due to a surplus of educated work force in a range of branches, as well as low wages. Unlike the first wave of immigration, most Filipino immigrants come from urban environments and they came to make America their home. Most of the immigrants from the Philippines work as scientists, lawyers, teachers, accountants, nurses, doctors and engineers. Due to the country's historical bonds with the USA, Filipino/a immigrants have grown up looking up to American values. They speak English on arrival and have adjusted pretty well in American society.<sup>74</sup>

Cuban immigrants have come to America in two major waves. The first Cuban immigrants were upper and middle class, educated, often white and with money to start over. They have settled around Miami and now represent the largest ethnic group in the Miami Dade area. The second wave was made up of mostly poor Cubans, often of African ancestry. Both their social status and their race have made their transition in the American society harder.<sup>75</sup>

The Vietnamese came as refugees after the Vietnam War in 1975. Many of them had worked for American authorities in Vietnam, military personnel and administrative employees, they were middle class and some spoke English.<sup>76</sup> Their incorporation into the American society was facilitated by programs that sought to acknowledge their status as refugees and offered federal support. As mentioned in the introduction, the degree of assimilation of an ethnic group depends on the reception the host society provides, too.

Rumbaut also speaks of the new-second generation immigrants and the way they perceive their place in America in *The New Second Generation*.<sup>77</sup> As mentioned before, race and phenotypes are a hinderance for many immigrant children both to be seen as American and to see themselves as being American. Although the popular assumption is that European immigrants were more easily assimilated into the American society because they were white, immigration scholars point

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<sup>74</sup> Takaki:432

<sup>75</sup> Portes and Rumbaut, *Immigrant America, A Portrait*, (University of California Press:Berkely, 1996)

<sup>76</sup> Takaki:449

<sup>77</sup> Rumbaut, Rubén G., *The New Second Generation*, (Russel Sage Foundation: New York, 1996)

<sup>78</sup> Portes, Alejandro and Schauffler, Richard, *Language Acquisition and Loss among Children of Immigrants, Origins and Destinies, Immigration, Race and Ethnicity in America*, (Wadsworth Publishing Company:California, 1996)

<sup>79</sup> Rumbaut:203

out that they were seen as non-white until they climbed up the social ladder to middle class.<sup>78</sup> Thus, Rumbaut emphasizes the importance of class when analyzing assimilation. On the other hand, several immigrant children interviewed in his work did not feel that their appearance could grant them any place in the American society.<sup>79</sup> The question implied is this: What requirements does an immigrant child have to meet in order to be accepted as an American citizen on an equal footing with the other? There is no doubt that proficiency in English is vital as an indicator of belonging to the American society. Although permissive with the immigrant's cultural features, America is merciless when it comes to the English language.<sup>80</sup> Thus, language seems to be an additional factor when discussing assimilation.

In *The New Immigration: An Interdisciplinary Reader*<sup>81</sup> by Marcelo and Carola Suárez-Orozco, the school results of the immigrant youth are seen in the light of three hypotheses: straight-line assimilation, accommodation without assimilation and immigrant optimism. In order to measure immigrant students' school performance, The National Education Longitudinal study of 1988 collected data about grades, test scores and college aspirations of eighth graders. The results pointed towards hypothesis two and three, reinforcing Rumbaut and Portes' theory of segmented assimilation.

According to Suárez-Orozco, there are however additional factors that influence student performance, their relevance depending on race and ethnic group. Parental nativity proves to be crucial for Asians, but does not play a central role in the Hispanic immigrant children's performance. Another feature essential for blacks is the child's birth place; there is however no indication that this factor has any major saying in the performance of other ethnic group.

As mentioned before, many research studies on immigrants and their adaptation to American society have focused on adults and European immigrants, leaving out youth as well as the new minorities. Acknowledging that American immigration experienced a dramatic change after

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<sup>80</sup> Rumbaut:205

<sup>81</sup> Suárez-Orozco, M. Suárez- Orozco, C. and Baolian Qin, *The New Immigration, An Interdisciplinary Reader*, (Brunner-Routledge:New York, 2005)

<sup>82</sup> Rumbaut:247

1960, research studies see the population shift in light of the old assimilation models and discover that they do not describe the realities the new immigrants have been met by. This fact creates a necessity for new assimilation theories to be considered.

As Rumbaut also points out, assimilation is not necessarily the best way to succeed in America any more; since the question is what part of the American society the immigrants are assimilating into.<sup>82</sup> Several ethnic groups have gained from their accommodation without assimilation strategy, for example by acquiring the language and pairing it with a strong work ethic. This combination has been particularly successful in school.<sup>83</sup>

Succeeding by accommodation without assimilation is especially true for Asians and Asian Indians, hence the myth of the Asian student as a top student. Paul Spickard discusses the downsides of the Asian Model-Minority myth, talking about the pressure Asian children have to live with, and the fact that many underprivileged Chinese, Cambodian and Hmong children cannot live up to the expectations society has of Asians.<sup>84</sup> Just as Gjerde, Rumbaut, Portes and Zhou, Spickard thinks the Asian Model-Minority myth was invented by politicians in order to conceal the real problems immigrants are facing in society today- discrimination, poverty, the lack of equal opportunity, to name a few. As much as the fact that highly qualified Asians have been successful on the labor market is true, so is the fact that few Asians have landed executive positions, being stuck at the middle level of the food chain. Although the myth has done some good for certain Asians in the American society, it has also enabled politicians to boast about one 'model' panethnic group, to make the other minorities look bad.

Public schools have been an arena for acculturation and assimilation since the early days of the American society. At the beginning of the 20th century 14% of the American population was

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<sup>82</sup> Rumbaut:67

<sup>84</sup> Spickard:367

<sup>85</sup> <http://www.watchblog.com/republicans/archives/003991.html>, 2006-07, read 2011-02-09

<sup>86</sup> Kivisto, Peter and Blanck, Dag, *American Immigrants and Their Generations*(Urbana/Chicago:University of Illinois Press, 1980)



foreign born. Now the percentage is only 10%.<sup>85</sup> Compared to earlier migration, “the geography of immigration has shifted from Europe to Asia, Africa and Latin America” and “institutional changes, from civil rights legislation to immigration law, have provided a more favorable environment for nonwhite immigrants and their children than in the past.”<sup>86</sup> Today, America has three major types of immigration: legal immigrants, refugees and undocumented migrants. Based on Census 2000, the 1990s saw more than 14 million immigrants, an all time high number, unrivalled by any other period in the country’s history. About 800,000 immigrants enter the country legally each year, according to the immigration quotas, and about 500,000 are believed to either cross illegally or overstay their visas. The foreign born population in 2000 was thus 31 million, a tripling compared to less than 10 million in 1970. The immigrant population represented in 2000 11% of the entire population, whereas in 1970 it reached no more than 4.7%.<sup>87</sup>

The economic crisis might reduce the immigration numbers for 2000-2010, but there is no doubt that the U. S. is facing major challenges in accommodating the huge number of immigrants and in meeting their needs.<sup>88</sup> The geographical pattern of settlement has changed dramatically from earlier immigration. Migrants went west and formed rural communities in the 17th century, or became city dwellers and worked in the industrial field in the 19th century. Many of today’s newcomers shun from crowded inner-city life with poverty and crime as its natural followers, and move not only directly into the suburbs, but also further to the interior, choosing small town and village life.<sup>89</sup> There they meet fairly homogeneous communities where educators have little experience with bilingual teaching and what other needs immigrant children might have. In this respect the schools often fail their newcomers, if not because of resources, as in inner-city schools, but because they don’t have the qualifications needed and they have difficulties finding appropriate staff.

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<sup>87</sup> Fix, Michael and Passel, Jeffrey S. Immigration Studies Program& The Urban Institute, U.S. Immigration-Trends& Implications for Schools, New Orleans, National Association for Bilingual Education, 2003

<sup>88</sup> Fix and Passel:4

<sup>89</sup>Fix and Passel:10

At the heart of this thesis are the new immigrants' (both documented and undocumented), refugees' and asylum seekers' children, U.S. born, the second generation and the ones that came over at an early age or the 1.5 generation. For the most part, the new immigrants they are Asian (from Vietnam, Laos, Cambodia, Philippines, China and India), Latino (from Mexico, Cuba and Puerto Rico) and Caribbean. The Chinese, Filipino and Cuban immigrants form a very successful group, but have also members of very low achievement. The Vietnamese are doing relatively well, while the Laotians, the Hmong, the Mexican, Puerto Ricans and Haitians are at the bottom of the list, both in what education, income and life expectancy is concerned. It is exactly this wide range of ethnicities and nationalities that make the analysis so important. The undocumented immigrants' children need most help due to cultural differences and language skills. For a large part of them, insecurity constitutes yet another stress factor, in addition to the fact that many of them have not lived in the U.S. for a long time. How does the NCLB meet their needs? In an era of constant chasing after "illegals," where laws and political scoring weigh more than human destinies, this will be an interesting question to find an answer to. Paul Spickard's *Almost All Aliens*<sup>90</sup> was an invaluable source of inspiration for this thesis. His uncompromising tone regarding the dehumanization undocumented immigrants are experiencing today was a real eye opener for this author. The idea that school has to embrace everybody was a driving force in the writing of this paper. The belief that by doing a good job in instructing children, the school would render the American dream more attainable for children of all social layers is what made Bush propose the law and what pushes Obama to revise it.

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<sup>90</sup> Spickard, Paul, *Almost All Aliens, Immigration, Race and Colonialism in American History and Identity* (New York:Routledge Taylor and Francis Group, 2007)

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## Chapter II

### What Did NCLB's Focus on Reading Mean for Underprivileged Immigrant Children?

This first chapter deals with reading as a key subject in NCLB and explains how the emphasis on reading affected the underprivileged immigrant children. The intention of NCLB was to give reading an even higher priority through careful testing, since children need to pick up reading early. Relevant studies show that reading skills are difficult to acquire after the third grade<sup>91</sup>, so NCLB's goal was that all children acquire proficiency at grade level by the third grade. There is a lot of disagreement between policy makers and educators with regard to whether NCLB has helped immigrant children achieve proficiency. The teacher force believes that NCLB has done more harm than good to immigrant children, both since there is little to no evidence that it has narrowed the gap or improved immigrant students' results and by the collateral damage it made.<sup>92</sup>

This chapter concentrates on the role of reading in education, as portrayed by educational theories and studies. The effect of reading on society is fundamental: it can empower weak groups and eradicate poverty and racial gaps. The analysis here is based on the comparison between different strategies to teach reading, advocated by teaching groups, and NCLB's ideological standing point. Its goal is to sketch a list of effects NCLB has had on reading in public education as it affects special groups - the immigrants and refugees in school. An investigation of the effective ways to teach reading in general and the stakes to teach reading to ELLs or LEPs in particular is comprised. The chapter tries to render a balanced overview of the different actors active in the area of study, from liberal to conservative.

According to Cindy D'on Jones, an award winning doctoral dissertate, literacy is just as much about writing as it is about reading. "Writing is an important part of literacy for all beginning readers, including English learners."<sup>93</sup> (hereafter called ELLs) [teknisk-repro@admin.uio.no](mailto:teknisk-repro@admin.uio.no) Reading and writing work together in attaining language proficiency and research shows that by perfecting

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<sup>91</sup> [http://main.zerotothree.org/site/PageServer?pagename=ter\\_key\\_language\\_importance&AddInterest=1145](http://main.zerotothree.org/site/PageServer?pagename=ter_key_language_importance&AddInterest=1145), read 2011-05-05

<sup>92</sup> <http://www.theteacherscorner.net/forums/showthread.php?5364-How-NCLB-Has-Affected-Education>, 2008-04-03, read 2011-02-15

<sup>93</sup> Jones D'On, Cindy, An Investigation of Writing Instruction and Kindergarten English Learners' Acquisition of Early Reading Skills, Doctoral Dissertation Award Winner

one of the skills, the learner is endorsing the other. She believes this to be the very reason ELLs should start with writing training parallel with speaking and reading tuition. In her opinion, basing education on both reading and writing can prove to be beneficial “in the primary grades when the foundations of literacy are established.”<sup>94</sup>

The U.S. Department of Education has some disturbing figures concerning the rate of literacy in American schools. According to the Nation’s Report Card from 2002, only 32% of the students can read in the 4<sup>th</sup> grade. The number is almost the same for 8<sup>th</sup> graders - only 33% are proficient readers and in the 12<sup>th</sup> grade only 36% can read.<sup>95</sup> This is an alarmingly low percentage, explained by the fact that reading has to be learned in the early years; otherwise it is difficult to catch up. Sue Whitney, research editor at Wrightslaw, a conservative special education advocate, explains that NCLB focuses on reading because two thirds of American students are not able to read at the end of high school. The law’s main purpose is to ensure that students are able to read at their “grade level or above... [by] the end of grade 3.”<sup>96</sup> The federal authorities commit themselves to helping the state and local educational agencies, and supply reading programs for students up to and including the third grade. These reading programs are to be based on the latest and the best reading research, and should prove effective in promoting literacy at grade level or above by the end of third grade. The federal authorities offer courses for teachers in order to provide them with “the tools to effectively help their students learn to read.”<sup>97</sup> However, in *Teaching English Language Learners in Career and Technical Education Programs*<sup>98</sup>, Victor Hernández-Gantes, William Blank and William E. Blank uncover that most teachers find the educational material provided by the federal authorities as insufficient in meeting the needs of ELLs.

According to the Nation’s Report Card from 2007, the scores for reading show three main findings: that the average reading scores are higher than in 1992 for both fourth and eighth graders, that the average scores for white, black and Hispanic students are higher in 2007 than in

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<sup>94</sup> Jones D’On:2

<sup>95</sup> <http://www.wrightslaw.com/nclb/reading.grade3.htm>, read 2011-02-21

<sup>96</sup> <http://www.wrightslaw.com/nclb/reading.grade3.htm>, read 2011-02-21

<sup>97</sup> <http://www.wrightslaw.com/nclb/reading.grade3.htm>, read 2011-02-21

<sup>98</sup> Hernández-Gantes, Victor, Blank, William and Blank, E. William, *Teaching English Language Learners in Career and Technical Education Programs*, (Routledge:New York, 2009)

1992, and that the average proficiency is higher in 2007 than in 2005 in 18 states for fourth graders and six states for eighth graders.<sup>99</sup> The National Center for Education Statistics considers that “the 2007 assessment shows that reading skills are improving for both fourth- and eighth-graders, particularly among lower- and middle-performing students. Many student groups made gains in both grades; however, these gains were not always accompanied by significant closing of racial/ethnic and gender gaps.”<sup>100</sup> Cathrine Gewertz, a Washington reporter at the Education week, states that the results are disappointing, when taking into account the efforts made by schools to attain NCLB’s proficiency goals.<sup>101</sup> There is no doubt that the results do not show the kind of improvement proportional to the range of measures employed by NCLB. The fact that all the ethnic/racial groups are performing at the same level is good, but not enough to narrow the gap. In order for that to happen the disadvantaged students need to be addressed through special educational measures.

According to National Assessment of Educational Progress (NAEP) results for reading for 2009, reading scores are unchanged for fourth graders since 2007. This is an indication of NCLB employing measures that do not work in practice. The reading results have nevertheless gone up for eighth graders, registering one point more than in 2007 and four points more than in 1992. The change was however not higher than in the years between 1992 and 2007.<sup>102</sup> The scores of fourth grade students have increased in three states, while eighth graders have improved their proficiency in nine states. Although some student groups have thus attained a higher level of literacy, there are no significant changes with regard to racial and ethnic gaps compared to 2007.<sup>103</sup>

Wrightslaw believes that by passing NCLB, the national authorities said yes to backing up the state and local educational agencies with reading assessments. In addition to that, the federal system provides “effective instructional materials”<sup>104</sup> and strategies to ensure that the law’s aim would eventually be reached. In their opinion, the law intends to enable cooperation between schools, as well as reinforce early literacy programs and, family literacy programs to ensure a

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<sup>99</sup> [http://www.nationsreportcard.gov/reading\\_2007/r0001.asp](http://www.nationsreportcard.gov/reading_2007/r0001.asp), read 2011-04-28

<sup>100</sup> <http://www.readingrockets.org/article/33940>, by National Center for Education Statistics, 2007, read 2011-04-28

<sup>101</sup> <http://www.edweek.org/ew/articles/2010/03/24/27naep.h29.html>, March 2007, read 2011-04-28

<sup>102</sup> <http://nces.ed.gov/nationsreportcard/pubs/main2009/2010458.asp#section1>, 2010-March, read 2011-04-28

<sup>103</sup> <http://nces.ed.gov/nationsreportcard/pubs/main2009/2010458.asp>, 2010-March, read 2011-04-28

<sup>104</sup> <http://www.wrightslaw.com/nclb/reading.grade3.htm>, read 2011-02-21

reading progress for all children. Wrightslaw's views are conflicting with the more liberal educational advocates, who feel that NCLB does not see the whole student, only the school student. This refers to the fact that in order for the law to improve the student's achievement, the law has to take into consideration all the variables that affect the student's performance and not only school. Many experts in the field state that the federal authorities do not contribute enough to the school's journey towards increased proficiency, instead they just place demands and sanctions if the results are not good enough. Educators have complained that training is stealing much time from teaching.<sup>105</sup>

According to Seth A. Parsons at the George Mason University, educational theories agree about the fact that teachers of reading have to adapt their material in order to include all their students.<sup>106</sup> Research made in the field suggests that in order to be an effective teacher of literacy, one has to be "flexible, responsive and adaptive."<sup>107</sup> This idea is also emphasized in the work of Briggs, Perkins and Walker-Dalhouse - *Best Literacy Practices For Children of Poverty: Implications for Schools, Teachers, And Teacher Preparation Programs* - and their research article is even more relevant for this thesis when taking into account that immigrant children are often included in the group of economically disadvantaged group.<sup>108</sup>

### **Methods of Teaching Reading to Bilingual Students (here LEPs and ELLs)**

Language is essential to communication and participation in the society. For less resourceful immigrant children, language can be a door opener or a closed gate. Alejandro Portes and Ruben G. Rumbaut assert that "learning to live simultaneously in two social [or linguistic] worlds is a requisite of 'successful' immigrant adaptation. In a world so different from one's native land, much has to be learned initially to cope - especially, the new language."<sup>109</sup> Many children in the above mentioned group come from families with little education and economic possibilities; they often speak another language at home and live in areas that cannot be said to promote integration

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<sup>105</sup> <http://www.wrightslaw.com/nclb/reading.grade3.htm>, read 2011-02-21

<sup>106</sup> Parsons, A. Seth, Adaptive Teaching. A Case Study of One Third-Grade Teacher's Literacy Instruction, George Mason University, Education Research Information Center, read 2011-02-23

<sup>107</sup> Parsons, A. Seth, Adaptive Teaching. A Case Study of One Third-Grade Teacher's Literacy Instruction, George Mason University, Education Research Information Center, read 2011-02-23

<sup>108</sup> <http://20.132.48.254/PDFS/ED514888.pdf>, read 2011-02-30

<sup>109</sup> Portes and Rumbaut, *Immigrant America, A Portrait* (University of California Press:Los Angeles/London, 1996)

to the mainstream American society.<sup>110</sup> It is not surprising that these children experience an unusual degree of learning difficulties.

According to several studies, bilingual students read more slowly and have more difficulties understanding the text in their second language than when reading in their mother tongue or when compared to peers their own age.<sup>111</sup> This is the reason bilingual teaching has been employed in school as a device to achieve English proficiency. The first school years are vital for the development of both American children and immigrant children, since they lay the foundation for the coming years. NCLB's focus on students' attaining reading proficiency by the third grade seems to be in line with the broad range of views on how to raise reading levels. By analyzing the educational strategies employed by ten New York City high schools after the introduction of NCLB, Kate Menken at City University of New York found out that most schools increased the English instruction to ELLs.<sup>112</sup> Some of them however used more hours of native language instruction as a way to boost the test results. According to research the second approach to teaching ELLs is more constructive, since it gives the children the chance to internalize their knowledge in their own language first.

That teaching should start in the language the child is most comfortable with is an educational truth, pointed out by most research in the field.<sup>113</sup> Not only should students be able to use their mother tongue on their first encounter with school, but the teaching should also be based on the children's cultural experiences. In order to walk from a safe territory to an unknown one the student has to gain enough confidence. Lise Iversen Kulbrandstad, principal at the Oslo University College, has been interested in the relationship between language and reading,

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<sup>110</sup>Portes and Rumbaut:193

<sup>111</sup>Kulbrandstad, Lise Iversen, Leseoppl ering for elever fra spr aklige minoriteter, blandingskompendium for flerkulturell pedagogikk, v ar 2005

<sup>112</sup>Briggs, Connie, Perkins, Helen J., Walker-Dalhouse, Doris, Best Literacy Practices for Children of Poverty:Implications for Schools, Teachers, and Teacher Preparation Programs, The Future of Children, Vol.14, Nr.2, Summer 2004

<sup>113</sup>Kulbrandstad:3

<sup>114</sup> Kulbrandstad:5

considering that in order to be able to understand what one is reading one has to be in possession of various language skills.<sup>114</sup>

Jon Håkon Schulz, Ann-Magritt Hauge and Harald Støre emphasize four aspects of teaching immigrant children to be of most importance.<sup>115</sup> First, the students have to understand what the teacher and their colleagues are saying in order for the teaching to be efficient. Second, students have to grasp the meaning of the various teaching situations as well as its correlation to the teaching material. Third, the students need to feel that they master a situation in order for them to have a good teaching experience. Last, but not least, a student has to experience the feeling of identification, recognition and belonging, as well. This model is consistent with the Social Cognition Learning Model that assigns culture an important place in a student's life. One thing NCLB should support is the feeling of mastery, since it is vital to a child's development. By taking away the opportunity to take pride in one's language and culture and feel a sense of belonging, NCLB deprives these children of a future.

In a report the National Association for Bilingual Education's published in 2004,<sup>116</sup> James Crawford discusses the reasons why he finds the NCLB's efforts to improve ELLs' proficiency to be flawed. He refers to a report from 2000, in which The National Research Council states that school accountability is indeed the answer to a better education, but that by "testing students whose language skills are likely to significantly affect their test performance"<sup>117</sup> one will only get erroneous results. The National Research Council is critical to testing that might affect ELLs' future, without improving their results. So far there is little evidence that the NCLB measures are improving ELLs' results.

Crawford thinks NCLB's aim is laudable, but disagrees with its accountability measures, finding them "overly rigid, punitive, unscientific and likely to do more harm than good to the children

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<sup>115</sup> Schulz, Jon Håkon, Hauge, Ann-Magritt and Støre, Harald, Ingen ut av rekka går. Tilpasset opplæring for Shaza og Kristian, Blandingskompendium for flerkulturell pedagogikk, vår 2005, ved UIO

<sup>116</sup> Crawford, James, No Child Left Behind: Misguided Approach to School Accountability for English Language Learners, National Association for Bilingual Education, 2004

<sup>117</sup> Crawford:1

who are now left behind.”<sup>118</sup> In agreement with many other opponents of the law, Crawford believes the law to be the least constructive for ELLs. When taking into account that this opinion is expressed by quite a few education- and sociology experts, it is fairly disturbing that the policy makers have not included the field knowledge in their law design.

The National Association of Bilingual Education was positive to the law to begin with and welcomed the act’s increased attention on ELLs’ proficiency. They believed that the accountability will only force schools to pay more notice to the ELLs needs.<sup>119</sup> Today, nevertheless, Crawford feels that the attention placed on these children has not been favorable, since the law is not sensitive to the “resource inequities, critical shortages of teachers trained to serve ELLs, inadequate instructional materials, substandard school facilities, and poorly designed instructional programs.”<sup>120</sup> By failing to address the underlying reasons that explain the ELLs’ poor performance, the law does change the patterns of inequity.

The main limitation of NCLB according to Crawford is that the ELLs are held accountable in the same way as regular students. ELLs are different from other students because they are trying to reach the grade level at the same time as they learn a second language. In this respect language errors cannot easily be separated from academic errors in tests, with the result that the present tests for ELLs are imprecise. Thus it is essential to include knowledge about bilingual education when designing a law that will affect the above named group. The Control Theory of Motivation backs up studies on bilingual students. According to it, students perform well if they interact well with the teacher and if school work is made relevant to them.<sup>121</sup>

Crawford is critical to the way bilingual children’s rights are being met, since most of them have to take tests in English, a fact that does not give accurate results, since ELLs with little knowledge of English will score poorly.<sup>122</sup> Although a provision of NCLB ensures that states can employ tests in the students’ mother tongue, the tests are seldom available and often translated

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<sup>118</sup> Crawford:1

<sup>119</sup> Crawford:1

<sup>120</sup> Crawford: 2

<sup>121</sup> Crawford:2

<sup>122</sup> Crawford:3



directly from English. Translated tests have proven to be a poor alternative given that languages differ in vocabulary difficulty, with the result that the measuring is inexact.

### **NCLB Seen by the Teachers**

“How has NCLB affected education? It has focused our attention on ALL children, this is a good thing. But- it has reduced education to a mindless, joyless process that defeats the original purpose.”<sup>123</sup> teacher in a teacher forum

When it comes to NCLB, the negativity seems to be unanimous in the different teacher forums consulted, as well as in the research studies that inquire both if the results have become better or if the racial gap has been narrowed. First and foremost, educators and researchers raise some questions about the funding not being enough to support the law’s demands.<sup>124</sup> A law that sets a target of 100% achievement without taking into consideration the progress schools made from the last tests does not seem to do education justice. Teachers focus only on testing and not having time to get through the curriculum is yet another example of counterproductive education. Children learning how to fill in forms rather than acquiring basic knowledge in school should not be the standard of American schools, either. There is evidence that special needs- students are being pressed into the ‘normal student’- pattern, with the result that they cannot cope.<sup>125</sup>

A research study done by the Center of Education Policy in 2007, shows that several subjects are losing ground in school in favor of reading and mathematics.<sup>126</sup> Science, art, history, music, social studies and gym are all falling behind after the implementation of NCLB. In 2006, a report released by the same institution shows that 71% of districts acknowledged that the focus on reading and math made subject prioritizing necessary. The year after, only 44% of districts admitted to having cut time from one or more subjects and activities to emphasize the above mentioned subjects. The major decrease is seen by the Center as a direct consequence of a more detailed survey and not as essential changes in school within a year. The second report reveals

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<sup>123</sup> [http://www.nytimes.com/2007/07/25/education/25child.html?\\_r=2&oref=slogin](http://www.nytimes.com/2007/07/25/education/25child.html?_r=2&oref=slogin), read 2011-02-15

<sup>124</sup> <http://www.theteacherscorner.net/forums/showthread.php?5364-How-NCLB-Has-Affected-Education>, 2008-04-03, read 2011-02-15

<sup>125</sup> <http://www.theteacherscorner.net/forums/showthread.php?5364-How-NCLB-Has-Affected-Education>, 2008-04-03, read 2011-02-15

<sup>126</sup> [http://www.brookings.edu/reports/2007/1211\\_education\\_loveless.aspx](http://www.brookings.edu/reports/2007/1211_education_loveless.aspx), 2007-12-11, read 2011-02-19

that 140 minutes were added per week for reading and 87 minutes for math, resulting in 76 fewer minutes per week for social studies, 75 fewer minutes for science, 57 for art and 40 for gym. The curriculum in elementary schools has been narrowed considerably, but this seems not to have affected as many schools as previously thought.<sup>127</sup> Secretary of Education Margaret Spellings nevertheless defended the law, asserting that there is support to believe that schools are extending their programs in order to increase time spent on reading and math rather than redistributing time from other subjects.<sup>128</sup> The Secretary talked fondly of the focus on reading, saying that children cannot progress without being able to read. One has to agree with the second statement; the problem is that NCLB does not seem to be the way to get there.

The teacher forums consulted on this topic admit not only to a sharpened focus on reading, but talk about the integration of literacy in all the other subjects, as well. Because reading is seen as central to education under NCLB, teachers cross disciplines in an attempt to attain the proficiency target. The strategies that allow the implementation of literacy are seen as a tedious task; teachers feel constrained to obey the rules, and claim the stress caused by the NCLB's testing is consuming. Several teachers complain that NCLB has added much pressure to their already stressful profession, causing many of their fellow teachers to quit their jobs.

In a discussion forum of the *New York Times*<sup>129</sup> article on education from 2010, a teacher talks about her working in a Native American school and says that she believes that NCLB has resulted in the administration doing a better job at seeing the children and placing them in the right class for their skills. The teacher thinks this may have a positive outcome on the children's reading skills long-term, an idea also sustained by conservative forces, like the Lexington Institute. However, the teacher is worried about the fact that getting better at reading means cutting down on native language and gym. She is saddened by the idea that the NCLB will have a direct impact on native language extinction, the glue that keeps together many Native American communities. The teacher is also concerned that fewer gym hours will hinder diabetes from being

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<sup>127</sup> [http://www.brookings.edu/reports/2007/1211\\_education\\_loveless.aspx](http://www.brookings.edu/reports/2007/1211_education_loveless.aspx), 2007-12-11, read 2011-02-19

<sup>128</sup> <http://learning.blogs.nytimes.com/2010/02/05/teacher-q-how-would-you-reform-nclb/#comment>, 2010-02-05, read 2011-02-15

<sup>129</sup> <http://learning.blogs.nytimes.com/2010/02/05/teacher-q-how-would-you-reform-nclb/#comment>, 2010-02-05, read 2011-02-15

contained in an increasingly more sedentary generation.<sup>130</sup> Her opinions are reinforcing the findings of the Center of Education Policy and help draw a whole picture of side-effects, a picture that the author hopes to complete by the end of the paper.

“My first years in the field of education were spent in high schools, where I often wondered what all the fuss about NCLB was. For the past two years I have taught in a middle school with a high percentage of minority, low-income, and special needs students. Now I understand,”<sup>131</sup> - a teacher in a New York Times discussion forum discloses. Many teachers complain about NCLB killing the spontaneity in class by making the test skills the classroom’s main goal instead of promoting creativity, “love of language”<sup>132</sup> and curiosity as an approach to learning. This assertion is consistent with the Control Theory of Motivation, according to which educators need to make schoolwork relevant for students’ needs in order to get them interested in learning. Moreover, a deeper level of understanding is required to facilitate learning. The theory also stresses the need for teachers to employ two-ways techniques and not just prepare them for tests. It is not farfetched to assume that immigrant children get demoralized by the learning promoted by NCLB and that instead of progressing, they are stagnating.

Most educators feel that the tests-makers are disconnected from the realities of school learning and they are provoked by the politicians drafting a law without consulting any experts in the area.<sup>133</sup> Moreover, they protest that NCLB, far from narrowing the achievement gap, has widened it. Not only is the law testing special needs students at their grade level, but also children that have been passed on without the necessary qualifications, teachers complain. The policy fails to acknowledge that children learn at a different pace and that different children need a different way of teaching. In addition to that, many educators feel that the schools would get further ahead

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<sup>130</sup> <http://learning.blogs.nytimes.com/2010/02/05/teacher-q-how-would-you-reform-nclb/#comment>, 2010-02-05, read 2011-02-15

<sup>131</sup> <http://learning.blogs.nytimes.com/2010/02/05/teacher-q-how-would-you-reform-nclb/#comment>, 2010-02-05, read 2011-02-15

<sup>132</sup> <http://learning.blogs.nytimes.com/2010/02/05/teacher-q-how-would-you-reform-nclb/#comment>, 2010-02-05, read 2011-02-15

<sup>133</sup> <http://learning.blogs.nytimes.com/2010/02/05/teacher-q-how-would-you-reform-nclb/#comment>, 2010-02-05, read 2011-02-15

<sup>134</sup> <http://learning.blogs.nytimes.com/2010/02/05/teacher-q-how-would-you-reform-nclb/#comment>, 2010-02-05, read 2011-02-15

by getting extra staff to help the struggling children, or by employing small group teaching.<sup>134</sup> This idea is also pointed out in The Social Learning Theory, where the role of a constructive environment for learning is seen as crucial. The children left behind in the present state of facts, when more and more schools fail, are the ones with lowest ability level or least resources. The last category includes the most disadvantaged immigrant children, with illegal immigrants on the top of the pyramid.

Yet another belief that several teachers share is that NCLB is a mere disguise of the “school choice”<sup>135</sup> lobby, to simply get the public schools in the hands of private actors. Surprising at the first glance, the idea seems to have more supporters than one, different educators exposing that NCLB so gravely disregards learning that it must be a sheer joke, with another purpose than the one stated. Others regard it simply as a desperate political attempt to gain popularity at a time when the nation needed a common goal to gather around.<sup>136</sup>

According to the Lexington Institute - which is anchored in a conservative point of view - underprivileged immigrant children benefit from NCLB. The Institute uses the progress made by students in California to illustrate their point. The rate for literacy has gone up 9% for children who started school with no or little knowledge of English in California, while in Sacramento, as much as 50% of the immigrant children have attained literacy.<sup>137</sup> A Council of the Great City Schools study of 61 urban systems in 37 states shows that Hispanic children are gaining from the NCLB’s focus on reading. Researches from 2003 point out the fact that 60% of the fourth grades tested in the cities included, narrowed the gap in reading achievement between Hispanic and white students. Connecticut was highlighted as the state where English learners taking the state’s

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<sup>135</sup> <http://learning.blogs.nytimes.com/2010/02/05/teacher-q-how-would-you-reform-nclb/#comment>, 2010-02-05, read 2011-02-15

<sup>136</sup> <http://learning.blogs.nytimes.com/2010/02/05/teacher-q-how-would-you-reform-nclb/#comment>, 2010-02-05, read 2011-02-15

<sup>137</sup> <http://www.lexingtoninstitute.org/no-child-left-behind-what-doesnt-nea-get?a=1&c=1136>, 2004-08-03, read 2011-02-18

<sup>138</sup> <http://www.lexingtoninstitute.org/no-child-left-behind-what-doesnt-nea-get?a=1&c=1136>, 2004-08-03, read 2011-02-18

tests almost doubled since 2000.<sup>138</sup> Contrary to the common understanding according to which scores drop when more children are taking the tests, state spokespersons draw attention to the fact that proficiency has been rising faster in the low-income cities where many ELLs live than in the other parts of the state. This may have to do with the fact that many ELLs drop out of school, but fail to be counted in the drop out rate. This matter is discussed at large in Chapter II, under Graduation Rates.

The very correlation between student proficiency and increased federal funding is the key to NCLB's success, especially for ELLs. Holland and Soifer think that the state bilingual programs are in need of revision and that by forcing ELLs to learn English at an earlier age NCLB proves its efficiency.<sup>139</sup> This statement is in clear contradiction with the educational material the thesis is based on. According to the learning theories employed here, students need to acquire a sense of security in their mother tongue first, before the focus can be transferred to their second language. In addition to that, studying in a language one does not master well enough will only get the students to lose motivation. Besides, they will not be able to internalize all the information given, not being able to benefit in this way from the second language.

The 1990s saw more immigrants coming than any previous decade, increasing the number of Limited English Proficiency students (hereafter LEPs) to 4 million, a 105% raise from 1990-91.<sup>140</sup> The Lexington Institute sees the reauthorizing of NCLB as a step backwards for the 4 million LEPs in the USA.<sup>141</sup> There is no doubt that a large number of LEPs will have a say on the test scores, especially since they are concentrated more or less in the same schools. According to many of the research reports made in the field, NCLB is not the answer to the LEP challenge.<sup>142</sup>

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<sup>139</sup><http://www.lexingtoninstitute.org/no-child-left-behind-what-doesnt-nea-get?a=1&c=1136>, 2004-08-03, read 2011-02-18

<sup>140</sup><http://www.lexingtoninstitute.org/no-child-left-behind-what-doesnt-nea-get?a=1&c=1136>, 2004-08-03, read 2011-02-18

<sup>141</sup><http://www.lexingtoninstitute.org/no-child-left-behind-what-doesnt-nea-get?a=1&c=1136>, 2004-08-03, read 2011-02-18

<sup>142</sup><http://www.lexingtoninstitute.org/no-child-left-behind-what-doesnt-nea-get?a=1&c=1136>, 2004-08-03, read 2011-02-18

In 2005 eleven Californian school districts sued state authorities over the federal NCLB, making the already controversial act a public concern. Although Dan Soifer at the Lexington Institute acknowledges that the law had not made any visible difference by 2005, he believes that “one critical category of students,”<sup>143</sup> ELLs, has been the exception. He asserts that the positive results are indisputable for the ELLs, according to the comprehensive study done by the Lexington Institute. By comparing how the states with the largest rate of ELLs have adjusted to NCLB’s implementation, the Lexington Institute discovered that there was a major upgrading in meeting the ELLs needs. Soifer believes the educators’ resistance to the law is based on the wrong premises and that NCLB, far from being stripped of unintended consequences, nevertheless makes a difference for immigrant students. His study reveals that most states have improved their measuring of the students’ progress on their way to proficiency after NCLB’s passing. This does not, however, mean that the proficiency rate has grown. This idea is stressed by the teacher that worked with Native American children and, who was talking about the administration getting better, and who believed NCLB would have positive effects on LEPs.

Further, the Lexington Institute thinks that California is the state best endowed to attain NCLB’s goals, since it was the first state to implement an English proficiency test.<sup>144</sup> The argumentation takes an interesting turn when Soifer discloses that NCLB’s opponents follow the National Education Association, which wants to remove ELLs as a category from NCLB’s accountability structure. According to him, making ELLs a non-accountable category would lead to segregation and an increased number of school drop outs. Soifer concludes that NCLB should be given a chance to make some difference for the above mentioned group, especially now that results are starting to be seen and that the size of the underprivileged immigrant population is growing.<sup>145</sup> James Crawford, the Executive Director of the National Association for Bilingual Education, draws the attention to the fact that “ELL” is in many ways a defectively composed category, due

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<sup>143</sup><http://www.lexingtoninstitute.org/no-child-left-behind-helps-english-learners?a=1&c=1136>, 2004-08-03, read 2011-02-18

<sup>144</sup><http://www.lexingtoninstitute.org/no-child-left-behind-helps-english-learners?a=1&c=1136>, 2004-08-03, read 2011-02-18

<sup>145</sup><http://www.lexingtoninstitute.org/no-child-left-behind-helps-english-learners?a=1&c=1136>, 2004-08-03, read 2011-02-18

to the fact that once reaching proficiency, students move out of the group, thus leaving the ELLs category with no means of improving its proficiency.<sup>146</sup>

### **Is NCLB Reinforcing Inequality?**

“Decrying the ‘soft bigotry of low expectations,’ Bush replaced it with the hard bigotries of low funding, a poor understanding of the nature of educational and social inequality and an even worse implementation plan.”<sup>147</sup> David Karen, sociologist of education, Professor of Sociology at Bryn Mawer College, Pennsylvania

David Karen stresses the need to take a closer look at the social structure of inequality when discussing NCLB’s impact on disadvantaged children, and not only the individual’s background in terms of race and class.<sup>148</sup> By demonstrating how social structure influences the results, Karen gets to the heart of the problem, instead of just mentioning it as “the soft bigotry of low expectations”.<sup>149</sup> Further, Karen believes that achievement gaps among students of different racial background, ethnic groups or social classes can be understood by paying more attention to the reasons the groups’ experiences differ from each other and in which way. A study by Lee and Burkam documents that race/ethnicity and test scores before children join kindergarten are strongly correlated, but that the differences are much smaller when social status is inserted in the equation, too.<sup>150</sup> When one tries to analyze children’s performance one has to take into account the “larger patterns of resource distribution in the society: unequal access to medical and dental care; unequal access to housing; unequal access to labor markets and adequate incomes; unequal access to vibrant communities with high levels of social capital ; and, yes, unequal access to educational resources.”<sup>151</sup> This assertion is backed by sociological studies that stress the importance of analyzing social phenomena in their social context, in order to be able to

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<sup>146</sup> Crawford:3

<sup>147</sup> Karen, David, No Child Left Behind? Sociology Ignored!, Sociology of Education 2005, Vol.78, 165-182

<sup>148</sup> Karen:168

<sup>149</sup> Bush quoted in Karen:165

<sup>150</sup> Lee and Burkam in Karen:166

<sup>151</sup> Karen:168

understand their implications and ramifications.<sup>152</sup> For immigrants and refugees this means that there are several barriers that have to be overcome first in order for the school to be seen as most important.

Karen disagrees with the advocates of NCLB who see the classroom and test scores as the most relevant aspects of learning, making a point of the fact that 40 years of sociological research on the dynamics of students' learning have come up with another result.<sup>153</sup> His affirmation is supported by educational studies and the teacher responses consulted here, according to which testing only answers how well a student does in relation to the questions asked and at that given time, and not how well the student understands the subject in general, at any given time.<sup>154</sup>

In conclusion, Karen believes that narrowing the achievement gaps should be done by securing access to medical care and housing, by encouraging economic development in the neighborhoods where people live, and by economically and racially integrating schools. The above-named prioritizing would not only alter the gap in education, but also smooth over the inequalities in society in general. Karen's approach to education is more comprehensive than NCLB's and should be taken into consideration.

Nel Noddings, Professor of Education at Stanford University<sup>155</sup> speaks of NCLB as being born out of the political ideology launched by the report *A Nation at Risk*.<sup>156</sup> According to this work,

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<sup>152</sup> Ogbu, John U., Simons, Herbert D., Voluntary and Involuntary Minorities: A Cultural-Ecological Theory of School Performance with Some Implications for Education, *Anthropology & Education Quarterly*, Vol.29, No.2 (Jun., 1998), pp. 155-188; Kalogrides, Demetra, Generational Status and Academic Achievement Among Latino High School Students: Evaluating the Segmented Assimilation Theory, *Sociological Perspectives*, Vol.52, No.2 (Summer, 2009), pp.159-183; Mare, Robert D., Change and Stability in Educational Stratification, *American Sociological Review*, Vol.46, No.1, (Febr., 1991), pp.72-87

<sup>153</sup> Karen: 169

<sup>154</sup> <http://www.talkbass.com/forum/f34/any-teachers-affected-no-child-left-behind-act-353145/>, 2007-02-08, read 2011-02-15

<sup>155</sup> Noddings, Nel, *When School Reform Goes Wrong*, (Teachers College Press: New York, 2007)

<sup>156</sup> <http://www2.ed.gov/pubs/NatAtRisk/index.html>, 1983-04, read 2011-03-02



America's schools are in crisis and something drastic has to be done in order for the situation to be improved. Noddings explains that NCLB seemed a viable solution at the time since a school reform had never before been backed by federal authorities. The second reason why NCLB was well received is that the country's unaddressed problems of race and poverty no longer could remain in the shadows. The politicians had to pursue narrowing the achievement gap between white and black/Hispanic children and this was their starting point.

In agreement with several other educators in the material consulted for the thesis, Karen included, Noddings draws attention to the fact that minority children's problems are not limited to school. The children in cause are often let down by the system, living in poor quality homes, often lacking health insurance, in single parent-households and some even with a parent in jail. Some of these children are in state custody, their present problems and their insecurity for the future being so overwhelming that school does not present itself as a priority.<sup>157</sup> Moreover, she believes the policy of "No excuses" for schools to be an excuse in itself, a sliding maneuver meant to cover over the existing social problems by derailing the focus elsewhere. The "zero tolerance" policy, referred to as "No excuses" by Noddings, and its consequences are thoroughly discussed in the second chapter.

Further, Noddings feels that studies show clearly that it is the inner-city schools that are in need of a boost and not all schools. By comprising all schools, NCLB is wasting a lot of funds that could be better put to use elsewhere. The idea that by channeling resources in the wrong direction, the real social problems remain unaddressed is expressed by numerous teachers and researchers, remaining one of the most stringent challenges of the NCLB act.

Noddings discusses another feature of NCLB, a feature that stands at the core of the educational ideology, the principle of equal opportunity. The belief in equal opportunity is the very foundation of a democratic state that takes care of all its citizens. Under NCLB, equal opportunity in education is measured in equal results, leaving schools responsible for narrowing the achievement gap between whites and blacks/Hispanics. Since most scholars admit that the reasons the racial gap exists are much more complex than the schools demanding enough of their

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<sup>157</sup> Noddings:8

students and providing adequate teaching, NCLB's view of the solution is therefore oversimplified. The belief that all children would have the same capacity to process the material and this in a way that shows on the test results, has earlier been proven misguided by educational scientists.<sup>158</sup> Most of today's educators agree upon the fact that uniform classical education is not the answer to today's school realities and that a differentiated curriculum has a better impact on the students' learning. In this respect, expecting equal results in education is an unequal demand, since no students are alike. Noddings stresses, however, that a minimum of accountability can be favorable, but that the present requirements by the law are simply unjust.<sup>159</sup>

In December of 2007 the *New York Times* wrote about the changing demography of immigration and its impact on schools' scoring on NCLB tests. Many suburban schools deal with an increasing number of Spanish speaking immigrant children that present them with new challenges; often outside the school's former experience. After hiring a superintendent renowned for improving minority students' achievement, as well as a literacy coach to provide teachers with new tools for coping with bilingual children, one of the schools in question registered advancement. Their conclusion was that once accepting that it more expensive to run a school with many immigrant children (due to their complex needs compared to the average student), when the necessary resources were in place, the scores started pointing upwards.<sup>160</sup> Funding has been an ongoing issue in the debate on the NCLB. Most critics have asserted that as long as the NCLB does not back its goals with the appropriate funding, the act cannot change much.

The Migration Policy Institute in collaboration with The Urban Institute published the article *Immigrant Children, Urban Schools and the No Child Left Behind Act* in November of 2005 where they address the problems many urban schools face in their trial to accommodate growing numbers of immigrant children and at the same time meet the NCLB demands.<sup>161</sup> According to the article, 95% of all children of immigrants and 91% of LEPs attend urban schools, making therefore the diverse schools in major urban areas the reference point for NCLB, but also the schools least endowed to cope with the law's constraints. The same idea is stressed by Noddings

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<sup>158</sup> Noddings:10

<sup>159</sup> Noddings:11

<sup>160</sup> [http://www.nytimes.com/2007/07/25/education/25child.html?\\_r=2&oref=slogin](http://www.nytimes.com/2007/07/25/education/25child.html?_r=2&oref=slogin), 2007-07-25, read 2011-02.15

<sup>161</sup> Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

in her *When School Reform Goes Wrong*, this being one of her major arguments for why the NCLB does not function in practice. She suggests that the law should focus more of its attention on the inner city schools, since it is them that need it the most.<sup>162</sup> Numerous teachers express the same thought.<sup>163</sup>

The report's authors point out seven major challenges the schools are facing in meeting the NCLB's requirements, summarized below. First, the number of children with at least one foreign-born parent has reached 19% in 2000, compared to 6% in 1970, placing a large burden on schools, in terms of resources and school material. By 2010 the authors estimated that the rate of immigrant children will comprise 25% of all kindergarten to 12<sup>th</sup> grade students. Since the number of immigrant children has risen, the number of LEPs has also multiplied in the last 20 years. In the 10 years from 1993-2003, the number of LEPs' rose 84% while the overall student population grew with only 12%. The number of children who speak Spanish at home doubled from 3.5 million to 7 million in the course of 30 years between 1970 and 2000, while the share of children speaking an Asian language tripled from 0.5 to 1.5 million.<sup>164</sup> The figures show that the American schools have to absorb a large number of immigrant children, students that require bilingual teaching, extra tuition, translated into better funding.

Another problem urban schools are confronted with is the distribution of the immigrant population. School-age immigrant students live mainly in six states - California, New York, Texas, Florida, Illinois, and New Jersey. 47% of all school-age children in California were immigrant children in 2000. Between 1990 and 2000 however, states like Nevada, North Carolina, Georgia and Nebraska, states that had not traditionally received substantial immigrant population, almost doubled their immigrant share. The newcomers' arrival puts small or rural schools in a difficult position concerning meeting the NCLB's standards, due to lack of experience, underfunding or the scarce availability of bilingual teachers and interpreters. In addition to that, the immigrant population settling in those areas is expected to be newly arrived, poorer, less proficient in the English language and often undocumented, compared to the long-

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<sup>162</sup> Noddings:13

<sup>163</sup> Noddings:14

<sup>164</sup> Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

established immigrant states.<sup>165</sup> Portes and Rumbaut speak of the new demography of immigration; the change in settling patterns affects schools unprepared to provide extra assistance for ELLs or LEPs.<sup>166</sup>

A third challenge is the fact that immigrant children form a larger share of the secondary school student population than the PK, being one in three in grades 6-12, compared to one in eight, in PK. The explanation provided for this fact is that older children have had more time to migrate to the USA. The problem the high numbers of immigrant children in secondary schools presents, is that secondary schools have less resources for language literacy as well as less experience with teaching Basic English language skills to teenagers.<sup>167</sup>

Yet another feature that complicates the picture is the expanding level of poverty among immigrant children. Since the immigrants no longer come in sizeable numbers from Europe and Canada, but Central and South America and Asia, the poverty has mounted considerably. This is illustrated by the fact that “in 1970, children of immigrants and immigrant children were about as likely as non-Hispanic whites to be low income, and they were much less likely than African-American youth to live in low-income families.”<sup>168</sup> By the 2002, however, the rate of first or 1.5 generation children in 6th-12th grades in low-income families was equal to those of African Americans. The level of poverty is highest among the immigrant children that are also LEP, attaining 60%.<sup>169</sup> Also Portes and Rumbaut address this issue in *The New Second Generation*; they believe the phenomenon can be explained by the new economic situation, in which the earlier industrial jobs immigrants could get are replaced by poorly paid service jobs. Racial discrimination is in their opinion another contributor to the financial alienation of the immigrants.<sup>170</sup> It is however important to keep in mind that European immigrants were not viewed in a particularly positive light at that time, either, with the Southern Europeans and the

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<sup>165</sup> Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

<sup>166</sup> Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

<sup>167</sup> Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

<sup>168</sup> Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

<sup>169</sup> Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

<sup>170</sup> Portes and Rumbaut:5

Jews at the bottom of the hierarchy. Besides, the Chinese had been in the USA since the 1880 and they had experienced a fair amount of racial prejudice.<sup>171</sup>

“Long-term LEPs”<sup>172</sup> is a category of students that represent the fifth challenge discussed in the article. This term accounts for children that have not learned English after seven or more years in American schools. According to the 2000 census, “most LEP students in both elementary and secondary schools were born and raised in the United States.”<sup>173</sup> More than three quarters of LEP elementary- and half of the LEP secondary school children were born in the US, many of them were even third-generation Americans. The conclusion drawn is that American schools do leave those children behind, especially when it comes to learning the country’s own language.<sup>174</sup>

Other national statistics consulted in the article point out that the segregation of LEP students is on the rise too, due to the fact that poor people tend to cluster in the same area, divided by ethnicity and race. These findings suggest that LEP children not only go to ethnically segregated and less resourceful schools, but also “linguistically isolated schools.”<sup>175</sup> The authors found out that schools with a high rate of LEP students fail to meet the NCLB standards more often than other urban schools, thus suffering funding cuts. In addition to that, the managing and the teaching staff in high LEP schools are less experienced than in other schools, a fact that makes the NCLB’s requirements even harder to meet. This is a clear example of the law breaking the equity premise, since there is no doubt that LEPs need more incentives to be at the same level with language proficient students.

The seventh obstacle is the linguistic isolation the LEP children go through at home; most LEP children have families where those over age 14 are also LEP. According to the Migration Information Source, six in seven elementary school LEPs came from linguistically isolated

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<sup>171</sup>Takaki, Ronald, *Strangers from a Different Shore, A History of Asian Americans*, (Little Brown and Company:New York, 1998)

<sup>172</sup>Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

<sup>173</sup>Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

<sup>174</sup>Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

<sup>175</sup>Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

families in 2000.<sup>176</sup> The rate for linguistically isolated children was higher in kindergarten and considerably lower in secondary school, consistent with the fact that pupils perfect their English skills along their journey through school. The authors mention the need for family learning programs and ask themselves why the main federal program had to succumb to federal budget cuts.<sup>177</sup> According to official sites, the NCLB was to reinforce the family learning programs, not to cut them out.

A research study conducted by the Urban Institute uncovers that as much as 70% of the US LEP students go to 10% of its schools.<sup>178</sup> The study takes a look at the carrying out of the NCLB Act in school districts and schools with high numbers of ELLs and immigrant children. One of the first findings regarding the impact of NCLB, is that the district- and school staff had different views about it. Of the three districts included in the study, all district personnel believed that NCLB had increased accountability for ELL students and that more grade levels were tested than before. School staff in two districts felt on their part that the testing demands represented yet another tension in the life of teachers and students alike. The school staff in the third district perceived the tests as beneficial for all ELL students.<sup>179</sup> This is yet another example where the teaching force and the administrators have their own perception of the law. Taking into account that educators are the ones that actually deal with the law's requirements day in and day out, NCLB is thereby viewed as detrimental in two of the three districts asked.

In *The New Demography of America's Schools*<sup>180</sup>, Capps, Fix, Murray, Ost, Passel and Herwanto discuss the way NCLB could in fact improve the education of immigrant children and LEPs. One thing mentioned in many other reports is that immigrant children fall into more than one category that NCLB calls attention to, with regards to for instance poverty, race or

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<sup>176</sup> Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

<sup>177</sup> Fix, Michael, Migration Policy Institute, Capps, Randy and The Urban Institute, *Immigrant Children, Urban Schools and the No Child Left Behind Act*, 2005

<sup>178</sup> Fix, Michael, Passel, Jeffrey S., Immigration Studies Program, The Urban Institute, U.S. Immigration – Trends & Implications for Schools, National Association for Bilingual Education, NCLB Implementation Institute, New Orleans, LA, January 28-29, 2003

<sup>179</sup> Fix, Michael, Passel, Jeffrey S., Immigration Studies Program, The Urban Institute, U.S. Immigration – Trends & Implications for Schools, National Association for Bilingual Education, NCLB Implementation Institute, New Orleans, LA, January 28-29, 2003

<sup>180</sup> Capps, Randy, Fix, Michael, Murray, Julie, Ost, Jason, Passel, Jeffrey S. and Herwanto, Shinta, *The New Demography of America's Schools, Immigration and the No Child Left Behind Act*

ethnicity.<sup>181</sup> When dealing with the immigrant children's results one must therefore take into account all the other parameters that can shed a light on their situation and not measure the intersecting categories separately. This idea has been discussed earlier, referring to the work of Karen and Noddings.<sup>182</sup>

The research's authors fear that the stress on testing will eventually affect the quality of the education provided to immigrant children and LEPs, given that 53% of LEP students go to schools where over 30% of their fellow mates are LEP, whereas 57% of English proficient students go to schools where the LEP percentage is lower than 1%.<sup>183</sup> This concern has been expressed by just about every teacher in the comments included here. The teacher force is alarmed by the implications testing has for ELLs and LEPs, predicting that it will take a long time for the law's wrongs to be redressed.

Another topic several research studies and educators have addressed is that bilingual education might suffer as a result of NCLB. In fact, there is evidence that its downfall is beginning to show.<sup>184</sup> Capps, Fix, Murray, Ost, Passel and Herwanto fear that the NCLB might "narrow the focus to subjects covered by the standardized tests"<sup>185</sup>, particularly in the schools that struggle to reach their goals. Most teacher blogs indicate the same apprehension. Portes and Rumbaut speak of the fact that "the positive association of bilingualism with cognitive development has become commonly accepted in the contemporary literature."<sup>186</sup> Studies have shown that bilingual children progress faster. The demand for language skills in the labor market only reinforces this idea.<sup>187</sup>

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<sup>181</sup> Karen:168; Fix, Michael, Passel, Jeffrey S., Immigration Studies Program, The Urban Institute, U.S. Immigration – Trends & Implications for Schools, National Association for Bilingual Education, NCLB Implementation Institute, New Orleans, LA, January 28-29, 2003

<sup>182</sup> Noddings, Nel, *When School Reform Goes Wrong*, (Teachers College Press: New York, 2007), Karen, David, *No Child Left Behind? Sociology Ignored!*, *Sociology of Education* 2005, Vol.78, 165-182

<sup>183</sup> Capps, Randy, Fix, Michael, Murray, Julie, Ost, Jason, Passel, Jeffrey S. and Herwanto, Shinta, *The New Demography of America's Schools, Immigration and the No Child Left Behind Act*

<sup>184</sup> Capps, Randy, Fix, Michael, Murray, Julie, Ost, Jason, Passel, Jeffrey S. and Herwanto, Shinta, *The New Demography of America's Schools, Immigration and the No Child Left Behind Act*

<sup>185</sup> Capps, Randy, Fix, Michael, Murray, Julie, Ost, Jason, Passel, Jeffrey S. and Herwanto, Shinta, *The New Demography of America's Schools, Immigration and the No Child Left Behind Act*

<sup>186</sup> Portes, Alejandro and Rumbaut, G. Rubén, *Legacies, The Story of the Immigrant Second Generation*, (Russel Sage Foundation:New York, 2001)

<sup>187</sup> Clewell, Beatriz Chu, de Cohen, Clemencia Cosentino and Murray, Julie, *Promise or Peril?:NCLB and the Education of ELL Students*, Program for Evaluation and Equity Research, The Urban Institute, Washington DC, April 2007

In addition to the above-mentioned concerns, Capps, Fix, Murray, Ost, Passel and Herwanto are also inclined to think that the selection of foreign languages available in US schools will decrease; forcing parents who want their children to learn another language than English, to seek other solutions.<sup>188</sup> Another probable consequence of the increased focus on testing under the NCLB is that LEP students might be discouraged by their lack of progress and drop out of school. The percentage of LEP dropouts backs the authors' concern. The dropout rate has in fact gone up after the NCLB. This topic is discussed in detail in chapter II. It seems an established truth in the teacher community that the NCLB is leaving behind mainly the immigrant student population, exactly the group it was designed to support.<sup>189</sup> The authors resonate that if a large number of LEPs drop out, this will affect the schools with a considerable share of LEPs to a high extent.<sup>190</sup> The schools will have a difficult time meeting the NCLB requirements, thus they will receive even less funding, which again would lead to poorer teaching staff, or to the school's closing. The phenomenon has the proportions of a vicious circle, perpetuating the pattern of poverty and underachievement.

*Science Daily* writes about a concerning school practice regarding classes with illiterate immigrant children.<sup>191</sup> Many first generation children reach the U.S. without being able to read, regardless of their age and so they are normally placed in a class with students in the same situation. More and more often however, the classes are dismembered because the schools fear government sanctions for poorer scores. This is yet another example where the law works against its own provisions. According to the Social Cognition Learning Model, culture is vital in the process of learning. In immigrant children's case, culture should be translated into school practice as bilingual education, tests in the immigrant students' mother tongue, as well as interaction with peers in a similar situation.<sup>192</sup> Judging from the information discussed earlier, the cultural context is not a priority when schools try to live up to NCLB's requirements.

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<sup>188</sup> Capps, Randy, Fix, Michael, Murray, Julie, Ost, Jason, Passel, Jeffrey S. and Herwanto, Shinta, *The New Demography of America's Schools, Immigration and the No Child Left Behind Act*

<sup>189</sup> <http://www.theteacherscorner.net/forums/showthread.php?5364-How-NCLB-Has-Affected-Education>, 2008-04-03, read 2011-02-15

<sup>190</sup> Capps, Randy, Fix, Michael, Murray, Julie, Ost, Jason, Passel, Jeffrey S. and Herwanto, Shinta, *The New Demography of America's Schools, Immigration and the No Child Left Behind Act*

<sup>191</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>192</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, read 2011-02-03



Another interesting example of the NCLB doing more damage than good to the less resourceful immigrant student population is illustrated by the formation of “push-out”<sup>193</sup> groups. Just like the illiterate immigrants mentioned above, these students are characterized by weak performance, influencing therefore the schools they attend in a negative way. The *Science Daily* article mentions a report from Rice University in Texas that revealed that Texan schools were keeping students back in the 9<sup>th</sup> grade to be able to improve the schools’ performance.<sup>194</sup> Data from over 271.000 students in a large urban district shows that 60% of the African American students, 75% of Latino students and 80% of ESL students did not graduate within five years, the general graduation rate being of mere 33%.<sup>195</sup>

Fix et al. came to the conclusion that “high-stakes test-based accountability leads not to equitable educational possibilities for youth, but to avoidable losses of thousand of youth from schools.”<sup>196</sup> The students drop out not as a consequence of a corrupt system, but because the schools try to make their way up the achievement scale. The Texas study links the implementation of the accountability system to the percentage of school drop-outs.<sup>197</sup> In this way the scores appeared to be improving and the achievement gap between white and minority children seemed to be narrowing. It is on the false grounding of the rising scores that President George Bush promoted the “Texas Miracle” as a whole nation’s answer to educational problems.<sup>198</sup> By failing to count students that dropout because of pregnancy, incarceration or the ones that state that they intend to finish their studies at one point, the states conceal the real extent of dropout rates. This problem is discussed in detail in the third chapter.

### **Teaching to the Test**

Another consequence of NCLB is that the curriculum circles around the test material, leaving out subject preparation or interesting information about the subject in question. The students consulted in the report said that the change from normal teaching to test teaching not only made it

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<sup>193</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>194</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>195</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>195</sup> Capps, Randy, Fix, Michael, Murray, Julie, Ost, Jason, Passel, Jeffrey S. and Herwanto, Shinta, *The New Demography of America’s Schools, Immigration and the No Child Left Behind Act*

<sup>196</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>197</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>198</sup> <http://www.theteacherscorner.net/forums/showthread.php?5364-How-NCLB-Has-Affected-Education>, 2008-04-03, read 2011-02-15

difficult to be motivated for classes, but it also created an atmosphere of nervousness with regard to the tests.<sup>199</sup> Assigning tests such a prominent role in school does little other than reducing school to proficiency results, taking away its role as a socializing arena and an arena where the students learn and are seen as individuals. The narrowing of the curriculum is another imbalance affecting minority and disadvantaged children to a larger extent than middle class suburban students, due to the fact that more grade levels are rated as high-stakes classes in urban schools than in suburban.<sup>200</sup> This means that the already underprivileged children only concentrate on the test, while the better functioning ones get to broaden their horizons with more complex curriculums. Antony Cody underscores the last idea by speaking of teachers in low-achievement schools in Oakland that admitted to having to skip social studies and science in favor of reading and math.<sup>201</sup> The same idea is expressed in teacher forums- reading and math are stealing time from the other subjects.<sup>202</sup>

The article got several responses that highlight the need to back NCLB with the proper funding that can allow the schools to meet its demands. One reader considers that schools should not lower their education level in order to accommodate immigrant children, but that there should be classes especially formed to bring the former category to a functioning level in the American schools.<sup>203</sup> As a response to this, Antony Cody draws attention to the fact that even though many schools actually try to organize the studies in this way for immigrant children, they are nevertheless held accountable by the federal authorities under NCLB, thus end up losing funds or being closed. Another post points out to the impossibility of attaining NCLB goals, due to the fact that immigrant children keep coming to the U.S. and that it is inconsiderate to expect a

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<sup>199</sup> [http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.html](http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.html), 2009-01-26, read 2011-02-21

<sup>200</sup> [http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.html](http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.html), 2009-01-26, read 2011-02-21

<sup>201</sup> <http://www.talkbass.com/forum/f34/any-teachers-affected-no-child-left-behind-act-353145/>, 2007-02-08, read 2011-02-15

<sup>202</sup> [http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.html](http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.html), 2009-01-26, read 2011-02-21

<sup>203</sup> [http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.html](http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.html), 2009-01-26, read 2011-02-21

proficiency of 100 percent from the very beginning.<sup>204</sup> Crawford is of the same opinion and so are the educators that meet with these problems every day.<sup>205</sup>

A former classroom teacher thinks that there are four major factors that impede the functioning of the NCLB - poverty, money, time and accountability.<sup>206</sup> When it comes to poverty, he explains the need for the authorities to see the bigger picture, and understand that extra focus on reading will not get the student very far if his immediate needs are food, shelter or security. His line of thought is supported by the larger part of sociological and educational research, Karen and Noddings included.<sup>207</sup> To be able to improve school results, one needs to find the real reason why the results are poor and change that fact.

Further, the teacher believes that in order to improve reading, testing is not the answer. He sees extra funds necessary in order to start smaller classes and to hire teacher assistants. This is in perfect accordance with the Control Theory of Motivation, where interaction and collaboration are seen as vital in education.<sup>208</sup> The same approach has been suggested both by the school in Florida and by Crawford.<sup>209</sup> Once you identify the need, you have deal with the problem in a way that works.

The teacher is also worried about the scarce time teachers have to prepare for lessons, disclosing that a teacher spends most of his/her time torn between grading and teaching, with the outcome that classes are tedious and they get a self-indulgent approach to their job.<sup>210</sup> Many teachers reveal the same patterns. The NCLB has increased the number of workshops at the same time as

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<sup>204</sup>Crawford:3; <http://www.talkbass.com/forum/f34/any-teachers-affected-no-child-left-behind-act-353145/>, 2007-02-08, read 2011-02-15

<sup>205</sup> [http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.html](http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.html), 2009-01-26, read 2011-02-21

<sup>206</sup> Noddings, Nel, *When School Reform Goes Wrong*, (Teachers College Press: New York, 2007)

<sup>207</sup><http://crescentok.com/staff/jaskew/isr/education/theories.htm>, read 2011-02-03

<sup>208</sup>Crawford, James, *No Child Left Behind: Misguided Approach to School Accountability for English Language Learners*, National Association for Bilingual Education, 2004

<sup>209</sup>[http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.html](http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.html), 2009-01-26, read 2011-02-21

<sup>210</sup><http://educationpolicyblog.blogspot.com/2006/03/hidden-purpose-of-nclb.html>, 2006-03-19, read 2011-03-01

<sup>211</sup> [http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.html](http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.html), 2009-01-26, read 2011-02-21

it expects good results in school.<sup>211</sup> When it comes to accountability, the teacher finds the students' testing a step in the wrong direction. He believes that teachers should be rated according to their own performance, and not on the performance of their students.<sup>212</sup> The teacher suggests that teachers be evaluated, so that the ones with a potential for improvement can be helped to reach their potential and the others that do not fit in the job, should be guided elsewhere.<sup>213</sup>

A research study at Berkeley University stresses the legislators' need to see the NCLB's as being a success.<sup>214</sup> Once analyzing the data from the National Assessment of Educational Progress (NAEP) and data states have collected from 1992-2006, the authors see little sign of the success politicians are referring to. The authors use the student performance in fourth grade as an example that the law has failed. Previously the students presented the most improvement since 1970s in the fourth grade, but the past increase has flattened under the NCLB.<sup>215</sup> This means that with all the testing and the increased focus on reading and math, students performed better before the NCLB. Another aspect worth taking into consideration when studying figures is that the states' level of proficiency is lower than the NAEP's, so that state and federal findings differ. There has also been no progress in narrowing the achievement gap since the 1990, meaning that NCLB has had no effect on that matter, even though it was one of its stated provisions.<sup>216</sup>

In *The Dallas Morning News*<sup>217</sup>, a conservative-bent paper, William McKenzie argues against the proposal the Obama administration makes for the reauthorization of the NCLB. McKenzie believes that weakening the pressure on schools and states is not doing children a favor, least of all immigrant children. In his view, giving up on the goal according to which children should be proficient in the main subjects by 2014 is not the way to do it. He argues that if the government no longer measures how many students are making a substantial progress every year, it will be a

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<sup>212</sup> [http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.html](http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.html), 2009-01-26, read 2011-02-21

<sup>213</sup> [http://gse.berkeley.edu/research/pace/reports/Gauging\\_Growth.pdf](http://gse.berkeley.edu/research/pace/reports/Gauging_Growth.pdf), 2007-07-05, read 2011-02-22

<sup>214</sup> [http://gse.berkeley.edu/research/pace/reports/Gauging\\_Growth.pdf](http://gse.berkeley.edu/research/pace/reports/Gauging_Growth.pdf), 2007-07-05, read 2011-02-22

<sup>215</sup> [http://gse.berkeley.edu/research/pace/reports/Gauging\\_Growth.pdf](http://gse.berkeley.edu/research/pace/reports/Gauging_Growth.pdf), 2007-07-05, read 2011-02-22

<sup>216</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>217</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

step backwards in the educational reform.<sup>218</sup> *The Dallas Morning News* insists on the fact that cutting down on accountability will only suggest that children are not worthy of good teaching and good schools, and that education's goal to prepare them for life as it is will not be attained.<sup>219</sup> McKenzie's reasoning is compatible with the Bush administration's arguments. However, McKenzie acknowledges that some improvements are due in order for the NCLB to function optimally. First and foremost, he sees the need for "states to show progress with their students, even if not all are proficient,"<sup>220</sup> a phenomenon called "differentiated consequences,"<sup>221</sup> and introduced by the Bush Administration's Education Secretary Margret Spellings. The need for the law to be less rigid and to take into account progress made is stated by many teachers and comment posters, too.<sup>222</sup>

Other suggestions made by McKenzie are that the schools demand of their students what is later required from them in a college or a trade job. McKenzie calls further attention to the need for the NCLB to be backed by federal funds, but thinks that by increasing funds the government cannot withdraw demands.<sup>223</sup> Last, but not least, the article's writer is open to the idea that the proficiency date be postponed, if that is what it takes for the schools and teachers to comply with the act.<sup>224</sup> As discussed in chapter III, teachers believe that a proficiency date is unrealistic no matter when, due to the fact that children perform at different levels and that some students do not have the cognitive abilities to stretch up to the law's requirements.<sup>225</sup>

A comment to the article from Whole Child Reform gets to the heart of the problem, as discussed in many other articles and comments, namely that the "the fundamental system and philosophy of education was never designed to serve all students."<sup>226</sup> The author believes the focus should be

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<sup>218</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>219</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>220</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>221</sup> <http://www.theteacherscorner.net/forums/showthread.php?5364-How-NCLB-Has-Affected-Education>, 2008-04-03, read 2011-02-15

<sup>222</sup> <http://www.theteacherscorner.net/forums/showthread.php?5364-How-NCLB-Has-Affected-Education>, 2008-04-03, read 2011-02-15

<sup>223</sup> <http://www.theteacherscorner.net/forums/showthread.php?5364-How-NCLB-Has-Affected-Education>, 2008-04-03, read 2011-02-15

<sup>224</sup> <http://forums.atozteacherstuff.com/showthread.php?t=87527&page=2>, read 2011-03-26

<sup>225</sup> <http://www.wholechildreform.com/nclbtestingillegal.html>, read 2011-02-30

<sup>226</sup> Karen, David, No Child Left Behind? Sociology Ignored!, *Sociology of Education* 2005, Vol.78, 165-182;

on educational values and the entire sociological context of a student's life, not only on school and testing. The same idea is made clear by both Karen and Noddings and supported by the literature in the field.<sup>227</sup> The commentator expresses his or her opinion regarding the article as being “just a warmed up version of the same failed stuff.”<sup>228</sup>

A teacher comments that NCLB was a dysfunctional law to begin with, referring especially to the federal involvement in state issues.<sup>229</sup> Federal involvement in state matters has been of concern to Americans for generations, especially on the Republican side. Gary Orfield, co-director of the Civil Rights Project at Harvard University, believes that the time has come for local, state and federal authorities to work together to be able to make a difference in the educational field.<sup>230</sup> This approach is in line with the Democratic vision of the educational system. As long as resources are unequally divided in society, the federal authorities should try to smooth over them with federal funding. Further, the Democrats believe that the federal commitment to state problems would also democratize the U.S. education.<sup>231</sup>

The teacher also draws attention to the “proficiency at the grade level”-requirement, arguing that there are many types of special needs students who have no chance in attaining this goal. Additionally, the educator complains about the TAKS test running the curriculum instead of “creativity”<sup>232</sup> and “subject knowledge.”<sup>233</sup> This particular consequence of the NCLB has been brought to attention by many teachers in various teacher forums. Educators are saddened by the fact that learning has been reduced to test mastering. What is more, they believe NCLB to have a particular negative outcome on the ELLs, LEPs as well as low achieving students, in general,

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<sup>227</sup> Noddings, Nel, *When School Reform Goes Wrong*, (Teachers College Press: New York, 2007)

<sup>228</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>229</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>230</sup> <http://www.gse.harvard.edu/news/features/orfield02092004.html>, 2004-02-09, read 2011-04-18

<sup>231</sup> <http://usliberals.about.com/od/education/i/NCLBProsCons.htm>, read 2011-04-18

<sup>232</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>233</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>234</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>235</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

since it is this very group that has to insist on their test proficiency.<sup>234</sup> In conclusion the teacher speaks out about his 39 years in the field, and the pressure NCLB puts on teachers and administrators, suggesting that the law-makers might try to see NCLB and TAKS from inside the classroom and hoping that the experience would make them realize the need for corrections.<sup>235</sup>

Another teacher suggests additional reading<sup>236</sup> for McKenzie, as a courtesy “to the citizens of Dallas.”<sup>237</sup> The teacher insists on the need to bring down the myths that exist in that topic by going to the sources that weigh a lot in the field. This is in concordance with what many of NCLB opponents feel, namely that NCLB is trying to erase inequality without seeking advice from acknowledged research in the education field, thus employing the wrong means.

Another educator reveals that both she and her parents were teachers, but that they quit due to their experiences with less resourceful children.<sup>238</sup> In her opinion, it is not enough to focus one’s attention on a child’s needs at school, as long as the child goes home to a dysfunctional family. The teacher believes that NCLB should be called “No Family Left Behind”<sup>239</sup>, thus expressing the same opinion sociologists, educational scholars and other teachers have made known, namely that students function in a family context and that in order to help them increase their proficiency at school, one has to improve their situation at home, too.<sup>240</sup>

An educator for the intellectually disabled claims that NCLB requirements are simply impossible for special needs children that are taught at ability level all year and yet expected to perform at

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<sup>236</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>237</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>238</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>239</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>240</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>241</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

proficiency level to reach NCLB goals.<sup>241</sup> She considers the law to be outrageous in this respect, arguing that expecting proficiency at grade level from low IQ children is like expecting all basketball players to be able to play professionally after high school. Although her arguments are sensible, a mother responds promptly, saying that as long as one does not expect enough of students, they will simply live up to the poor expectations. She thinks that this is exactly what the NCLB is trying to reform and that as long as teachers do not grasp the law's central idea, children will be left behind.<sup>242</sup> The same idea is usually stressed by republican advocates of the law; the question is however not what the NCLB expects, but what incentives it uses to back its requirements.

Another response comes from a person who believes that "NCLB is not a perfect law, but [...] a good start."<sup>243</sup> In her opinion, as long as schools accept federal funding, it is only natural that they should be held accountable by the Department of Education. To support her point of view, she stresses that districts that do not receive funding are not affected by the law's sanctions, either. "For almost a half century, we've spent untold billions on our most disadvantaged communities through free/reduced lunch, Title I funding of additional staff, and Title III funding for language acquisition programs. The time for asking about the stewardship of those funds is long overdue."<sup>244</sup> The accountability part is however not the problem with NCLB; both its advocates and its critics see that as a positive task. The problematic part of NCLB is that its requirements are not in line with the funding and the support offered to the states, nor are they sensitive to the differences between students, either.

The commentator believes the growing graduation rate in Dallas to be a consequence of the NCLB sanctions, reasoning that without a degree the children's future will either be social welfare or prison, in other words that without sanctions, nothing will be done. This assertion is in

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<sup>242</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>243</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>244</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>245</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23



contradiction to the real facts, according to which the “school-to-prison pipeline”<sup>245</sup> has been smoother since the passing of the NCLB. Moreover, the figures show that the graduation rate has not grown, but, as discussed earlier, by failing to count certain groups of dropouts, it only appears to do so.

Further, the person considers that a goal of 80% reading standard should be attainable if one focuses more attention on SpEd, LEP and EcoD (free lunch) students.<sup>246</sup> In addition to that, she regards the school’s chances to attain 80% to be fair if the necessary amount of effort is put into teaching. Besides, a 10% reduction in failing students or an increased attendance by 1% would qualify as an “improvement”, as Margaret Spelling had defined.<sup>247</sup> An improvement of 10% seems realistic for the comment’s writer.

## **Conclusion**

When it comes to NCLB and reading, all the sources consulted in this thesis seem to agree on one thing - that the law needs adjustments. Aside from that, the conservative point of view according to which the law is making progress, especially for ELLs and LEPs, and the liberal approach - that the NCLB is not doing children any service, least of all the less resourceful ones, are as far from each other as one might expect. The liberal arguments are backed by educational theories, the teacher force, sociological reports and civil rights advocates. Scholars who devote their time to research are giving the NCLB a thumb down. The large majority of the teacher comments are critical to the NCLB, too. This draws a clear picture of how the act is viewed from the inside of a classroom - there is little doubt that the NCLB needs additional measures in order for the law to attain its goals.

Research studies find that the proficiency level of reading has more or less stayed the same or at best continued to rise at the same pace as before the NCLB. The dropout rate seems to be pointing up, many LEPs feeling discouraged from learning, a consequence in clear opposition to

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<sup>246</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

<sup>247</sup> <http://educationfrontblog.dallasnews.com/archives/2010/02/no-child-left-behind-mend-dont.html>, 2010-02-04, read 2011-02-23

the law's intent.<sup>248</sup> In addition to that, the act has slowed the pace for many less resourceful children in order for the schools not to fail the AYP-targets, leaving many children behind in grade.<sup>249</sup>

Another consequence of reading's reinforced status under the NCLB is that other subjects lose ground in school. From literacy strategies integrated into the rest of the subject material to fewer gym, language and science hours, many educators find the trend concerning. Some teachers even admit that their schools do not test their students in other subjects than the ones required by the NCLB. Although the basic knowledge is crucial for the child's further school carrier, students should be encouraged to get a well-rounded education; otherwise America might find out at a later point that the increased focus on reading and math was a short sighted goal.

The act has not improved the social conditions of the underprivileged immigrant children, due to the fact that it has focused on group testing and not on testing at the individual level. The curriculum has been narrowed in order to make room for more reading and literacy strategies have been employed in most subjects. However, test results show little progress.

The NCLB is however a step forward in education through its accountability demands and through federal involvement. Its emphasis on better teacher training as well as its focus on the narrowing of the achievement gap should continue to be on the priority list after the law's reauthorization. When it comes to the law's focus on two main subjects, test results show that the emphasis alone is not enough to boost the students' performance. Additional measures are therefore required, measures that should be discussed at the federal level, making use of the educational and sociological material available, as mentioned in this chapter.

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<sup>248</sup> Noddings: 40

<sup>249</sup> Noddings: 31

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## Chapter III

### How Did NCLB's Focus on Math Influence the Results of Underprivileged Immigrant Children?

Having taken a look at the way the focus on reading in school has affected the proficiency of less resourceful immigrant children; this chapter discusses what immigrant children's math results have to say about the NCLB. Math is one of the two subjects highlighted by the act in its attempt to narrow the achievement gap and improve proficiency for all students by going back to basics. The law's success can thus partly be measured by the degree of progress showed by math results, as well as by the effects the focus on math has had on other subjects.

The practice of setting national and state standards for academic progress levels appeared towards the end of the 1990s, with the result that national educational standards have been employed in most subjects for some time. The National Council of Teachers of Mathematics (NCTM) became the institution with most authority in the area and set the standards for math teaching. *Principles and Standards for School Mathematics* was published in 2000 and "reflects a concern that students in the United States are not mathematically literate and often fail to see the relationship between mathematics learned in school and real-life situations."<sup>250</sup> It is in relation to this concern that the NCLB placed math at the heart of teaching in primary school.

### Theories in Math Education

Behaviorist theory, according to which "all behavior caused by external stimuli can be explained without the need to consider internal mental states or consciousness,"<sup>251</sup> was the most accepted theory in the field until rather recently. Today it has been replaced by cognitive leaning theories that see humans as responding to learning in accordance with earlier experiences. Constructivism is a theory according to which "learning is an active, constructive process."<sup>252</sup> Constructivists believe that people make their own understanding of the world and that they build this understanding on earlier experience. Prominent figures in constructivism are Vygotsky and Piaget.<sup>253</sup>

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<sup>250</sup> <http://www.ncrel.org/sdrs/areas/issues/content/contareas/math/ma500.htm>, read 2011-03-08

<sup>251</sup> <http://www.learning-theories.com/category/behaviorist-theories>, read 2011-03-29

<sup>252</sup> <http://www.learning-theories.com/constructivism.html>, read 2011-05-04

<sup>253</sup> <http://www.learning-theories.com/constructivism.html>, read 2011-05-04

Constructivism is the most widespread theory in math teaching. Research concludes that constructivism offers a positive approach to teaching math and many scientists advocate for a constructivist view on math in the curriculum, instruction and assessment.<sup>254</sup>

Since the curriculum in mathematics is ample, priorities have to be made regarding what to emphasize, so that the students get an overall view of the subject, as well as a mathematical understanding they can use in their everyday life. The measures teachers have to adopt to pass their mathematical skills on to their students are also important, as is the emphasis on the students' being able to see reason in math and use it in everyday situations, too. There is a never-ending discussion on nature versus nurture when it comes to cognition, to the brain and its capacity for learning. Especially when it comes to math, it has been argued that some people are born with a better understanding of mathematics than others and that logical intelligence is one of the eight intelligences people have by genetic inheritance. Research shows, however, that most mathematical knowledge is acquired through learning. Therefore, the need to know how to teach math and make the students understand the subject is crucial. Many authorities in the field state that math is a discipline that builds knowledge on already existing knowledge, an angle that clearly favors constructivism.

According to the constructivist theory, it is important for students to create their own understanding of mathematical concepts. Constructivists believe that teaching should first and foremost present the students with situations that enable them to construct mathematical understanding.<sup>255</sup> A theory of learning to begin with, constructivism is now considered to be the central theory of teaching, much used in education.<sup>256</sup> The Control Theory of Motivation, discussed in the introduction, states that for a child to be interested in a subject, the curriculum has to be made relevant to his or her needs. This is a helpful approach to math teaching.

Dating back to Socrates' days, the constructivist view suggests that knowledge is directly linked to the learner's activities and not a result of the inactive intake of information.<sup>257</sup> In the tradition of Jean Piaget, the Swiss founder of cognitive psychology, constructivists believe that our cognitive functions help us navigate in a world of experience, operating thus in a given context.

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<sup>254</sup> <http://www.learning-theories.com/category/behaviorist-theories>, read 2011-03-29

<sup>255</sup> <http://mathforum.org/mathed/constructivism.html>, read 2011-03-24

<sup>256</sup> <http://www.wcsi.unian.it/educa/inglese/matthews.html>, read 2011-03-24

<sup>257</sup> Von Glasersfeld, Ernst, *Radical Constructivism in Mathematics Education*, (Kluwer Academics Publisher:Dordrecht, 1991)

In the same way, a teacher reads into her or his student a whole range of social and cultural associations based on her or his experience, in addition to the society's depiction of the student. The constructivist point of view supports the findings of the research discussed in this paper, according to which the teacher's expectations of a student are colored by his or her representation of the student's culture and social background.<sup>258</sup>

Richard Elmore at Harvard Graduate School of Education presents a problem he sees as dominant in math teaching, namely "that teaching mathematics is not [seen as] a developmental problem, but [as] a problem of aptitude."<sup>259</sup> Consequently, when teachers believe that students either understand math or do not, weak students tend not to receive extra attention, since it is seen as purposeless. It is this very approach to teaching that reinforces the need to have theories as guidelines.

"Situating learning" is another learning theory relevant to teaching. According to this theory, in order to solve a problem in a certain field, one has to possess enough knowledge of the relevant conceptual tools. Situating learning challenges the traditional way of teaching, where knowledge is seen as an independent entity, autonomous from the situation where the knowledge can be put into application. John Seely Brown, Allan Collins and Paul Duguid speak of the culture of learning and how "activity and situations are integral to cognition and learning, and how different ideas of what is appropriate learning activity produce very different results."<sup>260</sup> According to them, putting knowledge in a social framework increases the students' possibilities to keep up with it. As an example, vocabulary teaching in school is compared to word acquisition in "the real world."<sup>261</sup> While a student learns around 5000 words a year through general communication, he or she can only gain knowledge of 100-200 words from school in their view. This has to do with the fact that words are much more easily memorized when used in a proper context and that language is a dynamic entity that requires nuances and degrees.<sup>262</sup>

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<sup>258</sup> Von Glasersfeld, Ernst, *Radical Constructivism in Mathematics Education*, (Kluwer Academics Publisher:Dordrecht, 1991)

<sup>259</sup> <http://pages.uoregon.edu/moursund/Math/learning-theories.htm>, read 2011-03-25

<sup>260</sup> *Situated Cognition and the Culture of Learning*, Brown, John Seely, Collins, Allan and Duguid, Paul, *Educational Researcher*, Vol. 18, No. 1. (Jan. - Feb., 1989), pp. 32-42.

<sup>261</sup> Brown, Collins and Duguid:32

<sup>262</sup> Brown, Collins and Duguid:33



Tom Loveless, Senior Fellow at the Brookings Institution finds it strange that NCLB has little educational insight to offer as guidance, except for the funding. In his opinion, the law has a simple message - more money makes education better.<sup>263</sup> It is difficult to see how funding can replace an ideology or educational theory and function as a unifying platform for all American public schools. In order to be able to improve teaching and increase student proficiency, one has to have a methodological approach that provides schools with the necessary tools. NCLB has no such methodological base to build its targets on; instead it uses test scores as a replacement for ideology, calling itself a result-driven law instead of a theory-guided act. This is yet an example where NCLB is perceived as a politician's law and not an educator's.<sup>264</sup>

### **Teaching Math to Immigrant Children**

According to *A Survey of Research on the Mathematics Teaching and Learning of Immigrant Students*<sup>265</sup> by Marta Civil at the University of Arizona, math teaching should be based on the children's previous knowledge of mathematics. In order to be able to meet the students on common ground, the teachers should learn more about the students' culture and experiences and build their teaching on the information they get. Civil draws attention to the fact that an exaggerated focus on language mastery renders the immigrant students' knowledge useless instead of being seen as valuable. As long as school does not see the immigrant students' previous knowledge as an asset, their right to equal treatment is threatened.<sup>266</sup>

According to research from Europe, teachers feel unprepared to work with immigrant students and tend to minimize the role of culture in learning math.<sup>267</sup> Educators often ignore other ways to teach math than the ones they know and stress the need to see equity and ability as ruling factors in education. Nevertheless, the teacher's perception can be misleading in the cases where the immigrant students' ability is limited by his or her poor understanding of mathematical concepts in the second language. That is why the teacher has to be aware of his or her responsibility to

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<sup>263</sup> [http://www.brookings.edu/papers/2006/08k12education\\_loveless.aspx](http://www.brookings.edu/papers/2006/08k12education_loveless.aspx), 2011-03-26, read 2011-03-26

<sup>264</sup> [http://www.brookings.edu/papers/2006/08k12education\\_loveless.aspx](http://www.brookings.edu/papers/2006/08k12education_loveless.aspx), 2011-03-26, read 2011-03-26

<sup>265</sup> <http://www.inrp.fr/publications/edition-electronique/cerme6/wg8-01-civil.pdf>, read 2011-03-22

<sup>267</sup> Civil:1

<sup>268</sup> Civil:2

include immigrant students on an equal basis, a meeting that can compensate for the students' lack of language skills.<sup>268</sup>

Further, Civil finds that teachers have different perceptions of the immigrant students depending on the students' country of origin and social class. Since both of these variables influence the teachers' expectations of the student, the student's access to equity in school is severely reduced. In the public discourse immigration is portrayed as a problem and not as a resource for learning, which can explain why teachers view their students in light of the same prejudices as society does. Moreover, educators fail to register the cultural conflict born from the difference between the host country's school and classroom culture and the student's previous experiences.<sup>269</sup>

Yet an important feature regarding math learning is that math is erroneously regarded as a culture-free subject. Research indicates that math teachers have little or no knowledge of how math is taught in other countries and the approach to math as an everyday necessity is little explored. Civil uses Roma students as an example, whose approach to math is tightly tied to family business; in this case a practical approach to math being best suited for the students.<sup>270</sup>

Some prominent European researchers point out that education nowadays is driven by the principle of assimilation and that schools function as an arena for eliminating diversity. Researchers suggest a multicultural approach to teaching as a way of providing equal treatment in schools. Many students have limited or underdeveloped knowledge of terminology in their mother tongue, so that the loss of their mother tongue leaves them without conceptual tools to make use of in understanding math. In this way equal treatment of students does not lead to equal results.<sup>271</sup>

Civil's point of view is sustained by Rochelle Gutierrez' study at the University of Illinois *Beyond Essentialism: The Complexity of Language in Teaching Mathematics to Latina/o Students*,<sup>272</sup> according to which students perform well in math when the knowledge builds on their previous concepts of the subject. Further, Gutierrez believes that students have better results when allowed to work in groups, as interaction and communication helps the learning process.

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<sup>269</sup> Civil:2

<sup>270</sup> Civil:2

<sup>271</sup> Civil:1

<sup>272</sup> Civil:4

Moreover, if students receive math teaching in their dominant language, they tend to have better notions of it. Last, but not least, Gutierrez names the need for relevant material to supplement the curriculum. All those factors have been stressed by the Social Cognition Theory, a theory that places culture in the middle of learning.<sup>273</sup> According to it, a student can best make sense of the information if he or she has the necessary cultural codes to decode it. When it comes to bilingual education, there is hardly a name in the field that does not acknowledge the advantages both the student and the school system can draw from teaching in the student's first language.<sup>274</sup> There are however two types of bilingual education- transitional bilingual education and bilingual education as a form of cultural maintenance. According to the Civil Rights Act of 1964 and the Bilingual Education Act of 1968, immigrant children are entitled to transitional bilingual education for a year, before they are transferred in a class where English is the only language.<sup>275</sup>

Peter Duignant, Senior Fellow at the Hoover Institute, writes in *Bilingual Education - A Critique* that the transitional approach to bilingual education was gradually replaced by the idea that bilingualism should function as a form of cultural maintenance, especially with Spanish. The *Lau vs. Nichols* decision from 1974 states that children with another mother tongue than English should be taught in their mother tongue first, until their mastery of English is good enough.<sup>276</sup> It is here the authorities have made a mistake, Duignant asserts. By reducing English teaching to half an hour a day, students have been alienated in school, with the result that they are kept out of the labor market or simply get the lowest paid jobs.<sup>277</sup>

The English-Only Movement, born out of immigration restriction concerns, is now a mainstream phenomenon. In his article *The Anatomy of the English-Only Movement*,<sup>278</sup> James Crawford

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<sup>273</sup><http://aer.sagepub.com/content/39/4/1047.abstract>, read 2011-03-21

<sup>274</sup><http://crescentok.com/staff/jaskew/isr/education/theories.htm>, read 2011-02-03

<sup>275</sup> Cummins, J., *Bilingualism and Special Education: Issues in Assessment and Pedagogy* (Avon, England: Multilingual Matters, 1984); Briggs, Connie, Perkins, Helen J., Walker-Dalhouse, Doris, *Best Literacy Practices for Children of Poverty: Implications for Schools, Teachers, and Teacher Preparation Programs, The Future of Children*, Vol.14, Nr.2, Summer 2004

<sup>276</sup> <http://www.hooverpress.org/productdetails.cfm?PC=1232>, 1998-09-28, read 2011-04-20

<sup>277</sup> <http://www.hooverpress.org/productdetails.cfm?PC=1232>, 1998-09-28, read 2011-04-20; Kulbrandstad, Lise Iversen, *Leseoppl ring for elever fra spr klige minoriteter, blandingskompendium for flerkulturell pedagogikk, v r 2005*

<sup>278</sup> <http://www.hooverpress.org/productdetails.cfm?PC=1232>, 1998-09-28, read 2011-04-20

<sup>279</sup> <http://ourworldcompuserve.com/homepages/JWCRAWFORD/anatomy.htm>, read 2006-09-23

<sup>280</sup> Schmid quoted in Crawford, <http://ourworldcompuserve.com/homepages/JWCRAWFORD/anatomy.htm>, read 2006-09-23

asserts that the phenomenon has a nationalist flavor and is based on an “ideology of exclusion”<sup>279</sup> that manifests itself in a “symbolic clash between a dominant and minority culture”.<sup>280</sup> Crawford mentions that research shows that instruction in the children’s mother tongue is favorable to learning. Thus, he pinpoints that the English-Only movement is more about politics than pedagogy. The same idea is rendered in *Legacies, the Story of the Immigrant Second Generation*,<sup>281</sup> where Alejandro Portes and Rubén Rumbaut speak of dissonant acculturation and limited bilingualism as a major drawback for immigrant students. By limited bilingualism they mean “a common outcome of forced language immersion.”<sup>282</sup>

Further, Gutierrez emphasizes the fact that although the Latino population is well represented in school both the state and the federal authorities do little to accommodate them. Educators are not prepared to teach Latino students who have Spanish as their first language and bilingual education is losing ground in the US. According to Gutierrez, if the teachers do not take the initiative to participate in courses needed for bilingual education, little is done on the school’s part to encourage it. This is a sad reality in American schools and partly a consequence of the NCLB since all focus is now pointed towards test scores and not on how to get students to learn more.<sup>283</sup>

### **Math Results Speak for Themselves**

In the *Journal of the American Enterprise Institute*, Mark Schneider discusses the math results of 2009 published by the National Assessment of Educational Progress (NAEP) and their implication for the NCLB in the article “NAEP Math Results Hold Bad News for NCLB.”<sup>284</sup> The NAEP test is given every two years to fourth and eighth grade students, the results being therefore an important means of evaluating the law’s efficiency. The NAEP report reveals that the students’ math scores in 4th grade have not changed since 2007. Since 1990, the year NAEP started measuring students’ results, 2009 is the first year with no improvement. Students in the 8th grade have increased their proficiency by 2% since 2007, continuing at the same pace as

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<sup>281</sup> Schmid quoted in Crawford

<sup>282</sup>Portes, Alejandro and Rumbaut, G. Rubén, *Legacies, The Story of the Immigrant Second Generation*, (Russel Sage Foundation:New York, 2001)

<sup>283</sup>Portes&Rumbaut:239

<sup>284</sup> <http://aer.sagepub.com/content/39/4/1047.abstract>, read 2011-03-21

before. Seen in this light, the NCLB has had little impact on students' math results. The results are even more disheartening when compared to the fact that grade improvements were higher before the NCLB both for 4<sup>th</sup> and 8<sup>th</sup> graders. Moreover, the scores of low performing students between 1996 and 2003 increased by 15 points, while their gains in the NCLB period only reached 5 points. According to this data, the performance of Hispanic and black students has deteriorated. Schneider believes that the main shortcoming of the law is that it sets the date of proficiency for all students in reading and math at 2014, at the same time as it allows states to operate with their own tests. The consequence of the proficiency date has been that states lower their standards to be able to meet federal requirements by 2014.

Schneider points out the fact that according to the National Center for Education Statistics, states are employing the NAEP's basic level as their proficiency standard, moreover, some states operate with an even lower standard than NAEP's. In this way, NCLB's accountability requirements turned out to have the opposite effect than the one intended, causing students to perform at a lower level than before. This particular problem has been discussed at length in chapter II.<sup>285</sup>

At the conservative pole in the educational field, Wendy Leopold, education editor at Northwestern University, writes in January of 2010 that research is able to pinpoint for the first time a relation between improved student proficiency in math and the NCLB. According to a study done by Northwestern University, NCLB improved the level of math proficiency "by six to nine months over seven years for the nation's fourth graders and by four to 12 months for eighth graders."<sup>286</sup> This seems to be good news for the controversial NCLB, especially since previous reports on NCLB's results for math have been mixed.

Leopold explains the study's positive results with methodology. She speaks of two main problems encountered by a researcher when trying to analyze the NCLB results. "The absence of a control group of students not subject to NCLB [is the first challenge], since NCLB applies to all U. S. public school students."<sup>287</sup> The second difficulty encountered is that the states have their own standards for proficiency, a fact that makes results comparison both difficult and imprecise.

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<sup>285</sup> <http://blog.american.com/?p=6061>, 2009-10-14, read 2011-03-21

<sup>286</sup> <http://blog.american.com/?p=6061>, 2009-10-14, read 2011-03-21

<sup>287</sup> <http://www.northwestern.edu/newscenter/stories/2010/01/nclb.html>, 2010-01-04, read 2011-03-08

An assessment of the NCLB's impact on student learning only from the state tests is insufficient, since states use different reference points. This idea has been stressed by most parts involved in the debate.<sup>288</sup>

Aware of these research shortcomings, the Northwestern scholars analyzed the achievement of public school students in the pre- and post- NCLB period in relation to Catholic school students. Since that did not say anything about state standards, the researchers considered the student achievement results before and after NCLB in states with high proficiency standards in relation to states with low proficiency standards. The study was conducted in this way due to the fact that Catholic students are not affected by the NCLB to any large extent. When it comes to the states using low proficiency standards, they find it easier to make Adequate Yearly Progress (AYP), meaning that fewer schools implement the NCLB requirements.

According to the research, "both sets of analyses show that the NCLB raised achievement in fourth- and eighth- grade math on the NAEP test."<sup>289</sup> Public schools had better results than Catholic schools after the NCLB enactment in 2002; while states with higher achievement goals surpassed the ones with low achievement goals in proficiency improvement, even though the former had more failing schools than the latter. There is no doubt that the results would be much easier to see if the NCLB aligned state standards. If all states had the same high expectations of their students and the tests were the same, not only would results be easier to measure, but there is evidence that the results should point further up, reasons one of the research scholars.<sup>290</sup>

The study addresses neither the collateral damage done by the NCLB requirements, nor the educators' working conditions after its implementation. The authors feel that the most important factor when evaluating NCLB are the results themselves, due to the substantial amount of tax money spent on schools and the effort put into making the policy work. This approach omits the larger implications of NCLB, failing to acknowledge its central role in American schools.

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<sup>288</sup> <http://www.northwestern.edu/newscenter/stories/2010/01/nclb.html>, 2010-01-04, read 2011-03-08

<sup>289</sup> <http://www.northwestern.edu/newscenter/stories/2010/01/nclb.html>, 2010-01-04, read 2011-03-08

<sup>290</sup> <http://www.northwestern.edu/newscenter/stories/2010/01/nclb.html>, 2010-01-04, read 2011-03-08

Seyward Darby at *The New Republic* comments on the NAEP results in math in October of 2009 in the article “Students Aren’t Learning Math. Can NCLB Help?”<sup>291</sup> Darby points out that the student scores have doubled since the NAEP was introduced, but that fourth grade students show little progress and the achievement gap between White and Black students does not seem to narrow. After giving a short explanation of the results, Darby concludes in accordance with Schneider at *The Journal of the American Enterprise Institute*, by drawing into question the supporters of the NCLB, since the NAEP results show that greater progress was being made in the pre-NCLB era than after.<sup>292</sup>

Darby mentions that Pedro Noguera, a professor of teaching and learning at New York University, believes NCLB to have deteriorated teaching and simplified curricula in order for the students to pass the tests. In his opinion many children are not stimulated enough in American schools, but instead find themselves learning for tests day in and day out.<sup>293</sup> This assertion is consistent with what most teachers express in teacher forums and blogs and seems to represent the official stand of educators in relation to NCLB. A varied curriculum that stimulates students, awakening their curiosity and motivating them to learn, is crucial to teaching. The opinion that the curriculum should be relevant to students and teaching- interactive is supported by most studies in the field; they particularly state the need to make knowledge pertinent to children, so that everyone of them understands its applicability.<sup>294</sup> A simple example would be that learning physics in a laboratory, through experiments that allow one to understand the phenomena discussed will undoubtedly give better results than looking at the blackboard and memorizing formulas that make no sense to a primary school student.

Other authorities in the field believe that NAEP math scores improved more in the pre-NCLB period due to the introduction of new methods of teaching and charter schools.<sup>295</sup> In order for NAEP results to keep the same level of improvement today, more adjustments have to be made. Several important researchers believe that a reform has to be taken to new heights when it no

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<sup>291</sup> <http://www.tnr.com/blog/the-plank/students-arent-learning-math-can-nclb-help>, 2009-10-16, read 2011-03-08

<sup>292</sup> <http://blog.american.com/?p=6061>, 2009-10-14, read 2011-03-21

<sup>293</sup> <http://www.tnr.com/blog/the-plank/students-arent-learning-math-can-nclb-help>, 2009-10-16, read 2011-03-08

<sup>294</sup> <http://www.learning-theories.com/category/behaviorist-theories>, read 2011-03-29

<sup>295</sup> <http://www.tnr.com/blog/the-plank/students-arent-learning-math-can-nclb-help>, 2009-10-16, read 2011-03-08

longer works in a satisfactory manner. Since the NCLB's reauthorization is being discussed, the politicians should accept the challenge to drive the reform further. This statement is in accordance with both what the educational researchers and the politicians push for.<sup>296</sup>

Further, Darby thinks that the NCLB should impose an achievement standard for all states, either through NAEP or the Common Core Standards Project. The teachers have identified the different state standards as a weak point for a long while now, so change is due. Strong lobbying from the states is what caused NCLB to allow difference standards in the first place, according to Jeanne Allen, the president for the Center for Education Reform. In her opinion, no funding should be made available to the states that do not want to accept the national standards after the law's revision. Although a seemingly drastic measure, the requirement is fair and necessary to provide a just enforcement of the law.<sup>297</sup>

Another essential aspect is training of the teachers. This fact is stressed by the NCLB, too. Darby argues that poorly trained teachers are not helping students reach their achievement standards. He believes that nowadays inexperienced or poorly trained teachers end up working with minority and low achieving students, due to the fact that the job is considered difficult and shun by others. In this way, the system is depriving the students that need a boost the most of their right to a better education. In conclusion, Darby reasons that the NAEP scores should get politicians to act fast in reauthorizing the NCLB, but that the law itself should not be dismissed without first having tried to alter it first. Judging from the evaluations in the sources used here, major adjustments are due in order for the NCLB to serve its initial role.<sup>298</sup>

In a *New York Times* article "Sluggish Results Seen in Math Scores,"<sup>299</sup> Sam Dillon comments on the NAEP results as well. Dillon speaks of one of the NCLB's most poignant consequence, namely that of lowering the standards to achieve proficiency. He raises question about the federal coordination being the real problem and not the way math is taught or children's performance. At all times when the focus in school is changed, there will be some consequences. In this respect,

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<sup>296</sup> <http://www.tnr.com/blog/the-plank/students-arent-learning-math-can-nclb-help>, 2009-10-16, read 2011-03-08

<sup>297</sup> <http://www.tnr.com/blog/the-plank/students-arent-learning-math-can-nclb-help>, 2009-10-16, read 2011-03-08

<sup>298</sup> <http://www.tnr.com/blog/the-plank/students-arent-learning-math-can-nclb-help>, 2009-10-16, read 2011-03-08

<sup>299</sup> [http://www.nytimes.com/2009/10/15/education/15math.html?\\_r=1](http://www.nytimes.com/2009/10/15/education/15math.html?_r=1), 2009-10-14, read 2011-03-09



enhanced focus on math with the tests in mind might have resulted in less understanding of mathematics as a discipline, due to the mechanical character of the assignments.<sup>300</sup>

In the *Equity of Literacy-Based Math Performance Assessments for English Language Learners*,<sup>301</sup> Clara Lee Brown discusses differences in math achievement for ELLs and fully English Proficient (FEP), as encountered after the introduction of the literacy-based performance assessment (LBPA). Although LBPA are considered better than multiple choice tests from an educational point of view, there is little evidence that this applies to students whose ethnicity limits their English. The main difference between LBPA and standardized multiple choice test is that the students have to put in plain words how they would solve a mathematical problem. The literacy expectation is thereby greater with literacy based tests than with standard tests and since ELLs have scarce literacy proficiency, the test places a bigger burden on them. As with reading, socioeconomic status (SES) plays a big part in the students' school performance. What is worth noticing though is the fact that there seems to be little difference between English Proficient students with low socioeconomic status and English Learning students with low socioeconomic status. While English proficient students with high socioeconomic status displayed "more cognitive academic language proficiency"<sup>302</sup> due to the fact that they have access to a larger range of experiences, privileged ELLs were not able to score in accordance with their skills due to deficient English mastery. What might explain the fact that English Proficient students with low socioeconomic status and English Learning students with the same position score at about the same level is that English Proficient students master everyday English better, but the literacy based tests require an enhanced level of academic English, which neither categories have. Brown concludes that the present accountability requirements do not provide equal treatment for children with no English at home.<sup>303</sup>

Educational studies acknowledge an important achievement gap between ELLs and native English speakers. The achievement gap in math scores makes teachers worry that a whole generation of ELLs might be banned from well-paying occupations due to their low level of math knowledge. It is therefore important that the results of ELLs be considered in relation to the

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<sup>300</sup> [http://www.nytimes.com/2009/10/15/education/15math.html?\\_r=1](http://www.nytimes.com/2009/10/15/education/15math.html?_r=1), 2009-10-14, read 2011-03-09

<sup>301</sup> <http://www.inrp.fr/publications/edition-electronique/cerme6/wg8-01-civil.pdf>, read 2011-03-22

<sup>302</sup> <http://www.inrp.fr/publications/edition-electronique/cerme6/wg8-01-civil.pdf>, read 2011-03-22

<sup>303</sup> <http://www.inrp.fr/publications/edition-electronique/cerme6/wg8-01-civil.pdf>, read 2011-03-22

perpetuation of social imbalance. This idea is discussed by Karen and Noddings and is presented in the second chapter.<sup>304</sup>

The National Council of Teachers of Mathematics (NCTM) published a *Curriculum and Evaluation Standards for School Mathematics*<sup>305</sup> in 1989, according to which students should acquire a more practical orientation towards math- being able to communicate in mathematical terms and not only solve arithmetic problems. At the NCTM's recommendation, several states began employing LBPA tests, considered to be more in line with the expectations from modern teaching. Its outcome may nevertheless be that math tests became even more demanding for ELLs, resulting in an even larger gap than the current one, scholars fear. Due to the fact that ELLs' academic English is below their grade level by a year or more, they are confronted with language problems in addition to the mathematic problem solving.<sup>306</sup>

NCLB opens for accountability with the intent of both raising the level of student achievement and narrowing the achievement gap between privileged and underprivileged children.<sup>307</sup> Therefore whether the LBPA tests are providing equity for all students or not is a central question. By raising the bar for education in schools with a large number of ELLs, NCLB puts a lot of pressure on a strained teaching force at the same time as it provides students with literacy tests. These seem to be irresponsible educational measures.

Little research on ELLs and LBPAs had been done until 2005, Brown being the first one to analyze test scores of third grade students and pinpoint that LBPA is not doing ELLs justice.<sup>308</sup> Regarding ELLs proficiency in math, several experts in the field reveal that acquiring math skills in a second language presents the student with triple challenges, since math has its own conceptual language.<sup>309</sup>

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<sup>304</sup> Karen, David, No Child Left Behind? Sociology Ignored!, *Sociology of Education* 2005, Vol.78, 165-182; Noddings, Nel, *When School Reform Goes Wrong*, (Teachers College Press: New York, 2007)

<sup>305</sup> [http://www.mathcurriculumcenter.org/PDFS/CCM/summaries/standards\\_summary.pdf](http://www.mathcurriculumcenter.org/PDFS/CCM/summaries/standards_summary.pdf), read 2011-03-23

<sup>306</sup> [http://www.mathcurriculumcenter.org/PDFS/CCM/summaries/standards\\_summary.pdf](http://www.mathcurriculumcenter.org/PDFS/CCM/summaries/standards_summary.pdf), read 2011-03-23

<sup>307</sup> <http://www2.ed.gov/policy/elsec/leg/esea02/index.html>, read 2006-12-13

<sup>308</sup> <http://www.inrp.fr/publications/edition-electronique/cerme6/wg8-01-civil.pdf>, read 2011-03-22

<sup>309</sup> Murphy, Joseph, *Understanding and Closing Achievement Gaps*, (Corwin:Thousand Oaks, 2010)

In *Interdependence of First and Second Language Proficiency in Bilingual Children*<sup>310</sup>, Jim Cummins explains that proficiency has two levels: attribute-based and input-based. Attribute-based proficiency depends on cognitive and personal variables, while the input-based proficiency is influenced by the degree and the quality of the exposure to the second language in the student's environment. Further, Cummins states the importance of the student's first language as a framework for acquiring the second language. Cummins also explains why ELL students cannot be tested in the same way as English Proficient students - even though some ELLs master the English language on a conversational level, they can hardly be expected to use it in an academic context.

James McKenzie writes in the article "Gaming the System" from 2006 about schools trying "to game" the system, in cooperation to the Department of Education, escaping thereby penalties and undermining NCLB's purpose.<sup>311</sup> By "gaming" McKenzie refers to "avoid[ing] responsibility, escap[ing] penalty and fudg[ing] results"<sup>312</sup> According to him, "millions of children have been cheated by this gaming. They have been left behind and abandoned. They have been poorly educated. They have been starved. They have been fed a Dickensian diet of educational gruel. Poor children in the USA get a narrow reading/math curriculum with no recess."<sup>313</sup>

The first strategy employed by schools to deceive the federal authorities is in McKenzie's view simple tests used to suggest increased proficiency. The same idea is stated by Schneider in "NAEP Math Results Hold Bad News for NCLB"<sup>314</sup> and by Wendy Leopold at the Northwestern Institute,<sup>315</sup> and this is why aligning state standards should have been the first measure in the implementation of the NCLB. Promoting the same standard is indeed one of the main goals for the NCLB's reauthorization.

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<sup>310</sup> Language Processing in Bilingual Children, edited by Ellen Bialystok, (Cambridge University Press:Cambridge, 1991)

<sup>311</sup> <http://nochildleft.com/2006/jun06gaming.html>, Vol.IV, Nr.6, 2006-06, read 2011-03-28

<sup>312</sup> <http://nochildleft.com/2006/jun06gaming.html>, Vol.IV, Nr.6, 2006-06, read 2011-03-28

<sup>313</sup> <http://nochildleft.com/2006/jun06gaming.html>, Vol.IV, Nr.6, 2006-06, read 2011-03-28

<sup>314</sup> <http://blog.american.com/?p=6061>, 2009-10-14, read 2011-03-21

<sup>315</sup> <http://www.northwestern.edu/newscenter/stories/2010/01/nclb.html>, 2010-01-04, read 2011-03-08

There is a big performance gap between the state results and the NAEP test results, published on the website [nochildleft.com](http://nochildleft.com) already in 2005.<sup>316</sup> According to a *San Francisco Chronicle* from 2006, a research study done by Policy Analysis for California Education (PACE) uncovers that 11 of 12 states counted results higher than NAEP's.<sup>317</sup> PACE's sentence was clear: states overstate students' math proficiency in comparison to federal findings. According to PACE's table, Arkansas was the state that inflated the least in where math results are concerned- only 16%, while Oklahoma exaggerated the most - 55%.<sup>318</sup>

The second strategy used by states, and the most distressing one, is that only some children were counted. McKenzie finds it outrageous that politicians have made a common case of cheating minority children out of education by lowering state standards and failing to count them. Created in the name of disadvantaged children, NCLB forces schools to leave out the law's target group in order to attain Adequate Yearly Progress. It is difficult to imagine an act that has failed so gravely in helping the children it was designed to protect.<sup>319</sup>

According to McKenzie, the third strategy employed by schools to game the system is sorting out students. Additional resources are invested in some students at the expense of students seen as less promising. In this way the law is rewarding schools that leave children behind instead of speaking the case of minority and underprivileged students' case. Jennifer Booher-Jennings of the Columbia University Department of Sociology, referred to in McKenzie's article, has named the process of sorting out students as a result of NCLB for "educational triage".<sup>320</sup> Educational triage, in Booher-Jennings' opinion defines "the process through which teachers divide students into safe cases, cases suitable for treatment, and hopeless cases and ration resources to focus on those students most likely to improve a school's test scores."<sup>321</sup> She finds this type of sorting out students to be reminiscent of dramatic scenery like war zones or hospitals, a fact that illustrates the degree of despair the NCLB has thrown schools into. In the present situation, when schools are threatened by sanctions lest they satisfy NCLB's accountability targets, when students fear

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<sup>316</sup> [www.nochildleft.com](http://www.nochildleft.com), Nov. 2005, read 2011-03-10

<sup>317</sup> [http://articles.sfgate.com/2006-06-30/news/17300573\\_1\\_test-scores-naep-scores-california-s-test](http://articles.sfgate.com/2006-06-30/news/17300573_1_test-scores-naep-scores-california-s-test), 2006-06-30, read 2011-03-08

<sup>318</sup> [http://articles.sfgate.com/2006-06-30/news/17300573\\_1\\_test-scores-naep-scores-california-s-test](http://articles.sfgate.com/2006-06-30/news/17300573_1_test-scores-naep-scores-california-s-test), 2006-06-30, read 2011-03-08

<sup>318</sup> <http://nochildleft.com/2006/jun06gaming.html>, Vol.IV, Nr.6, 2006-06, read 2011-03-28

<sup>320</sup> <http://www.kappanmagazine.org/content/87/10/756.abstract>, 2006-06, read 2011-03-28

<sup>321</sup> Cited in <http://nochildleft.com/2006/jun06gaming.html>, Vol.IV, Nr.6, 2006-06, read 2011-03-28

retention if they cannot deliver proper scores and teachers are evaluated by the number of the students that pass, desperate measures are taken. This fact has been stressed several times along this thesis, and is a true paradox.

Booher-Jennings raises many of the same questions researchers mentioned in this thesis have, namely that NCLB is most cruel to disadvantaged students. They are channelled to special education or held back a grade by their teachers in order to improve test scores. This consequence makes one wonder if the “bigotry of soft expectations”<sup>322</sup> that Bush so frequently referred to is not exactly this. In addition to this, students generally are not receiving proper education in the subjects they are not tested in. This particular result of the NCLB is much discussed in the teacher forums, many educators arguing that the competitiveness and innovative spirit of America will lose ground on account of science being pushed out from schools.

Teaching to the test is yet another negative result of the NCLB’s focus on accountability, also very well documented in the teacher forums, where educators themselves argue that NCLB has forced them to make adjustments to their normal teaching program, or else they would be out of work. The findings themselves are disheartening enough, but their unanimity makes them even more disquieting. That the NCLB has reduced the American public school to a mediocre place of learning, where the only focus is on reading and math, taught through standardized material that does not catch the subject’s relevance in real life, as it seems to have done, is the very reverse of what the law has declared to do for its students.

### **Teacher Forums on NCLB and Math**

Just as with reading, several teachers stress the fact that the enhanced focus on math takes away time and resources from science and arts, with the result - as one educator put it - “that students do not know that the US fought two wars with Germany.”<sup>323</sup> Another teacher thinks that good results should be a consequence of good teaching and not an aim in itself. This author agrees with this view since measuring students’ progress only by test results is a short-sighted approach to education.<sup>324</sup>

Another educator predicts that the corrections of NCLB will take at least 20 years, years in which today’s students will not be able to work creatively through the knowledge they got through

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<sup>322</sup> Bush quoted in Karen: 165

<sup>323</sup> <http://forums.atozteacherstuff.com/showthread.php?t=87527&page=2>, read 2011-03-26

<sup>324</sup> <http://forums.atozteacherstuff.com/showthread.php?t=87527&page=2>, read 2011-03-26

learning to the test in real life situations.<sup>325</sup> Other commentators stress the need for politicians to understand that children learn at a different pace and that creativity is essential to learning.<sup>326</sup> One educator thinks that creativity is just as important as discipline and knowledge and believes that a unilateral focus on testing is harmful to good pedagogy. Others again emphasize the importance of vocabulary and critical thinking. School should also broaden the students' horizons by promoting independent learning.

Asked about how NCLB has changed education for the nation's children, one teacher answers that she can see no benefits, since many students are pushed further in grade without the necessary knowledge or attendance. At the same time studies show that many students are kept back in grade so that the tests improve from year to year. Another teacher thinks NCLB has worked to some degree through funding for TAs and aides, as well as before- and after-school tutoring. On the other hand she says that the NCLB is "accelerating good students, while holding back those with learning disabilities and emotional problems."<sup>327</sup> Another educator sees the fact that states are using various tests as a major flaw with NCLB and believes that the law will not be able to change anything until that mistake is rectified. This is one feature of the law that all parts involved in the debate agree has to be changed. Most teachers agree that the requirements of training and workshops have been positive, but that they add a lot of pressure to their work.<sup>328</sup>

When inquired how they feel regarding the proficiency date of 2012 (later postponed to 2014), most teachers believe that having a proficiency date at all is unrealistic. The fact that children develop at a different pace and are not able to process information at the same age is a good enough explanation. Learning disabilities or behavioral disorders only add to the problem, since it means that some students will never be able to perform at grade level.<sup>329</sup>

Another feature of the NCLB emphasized by the teachers is that the law is holding gifted children back. By lowering the test level and narrowing the curriculum, as well as by concentrating on test mastering, the NCLB has alienated many students that end up getting bored in school. This is especially true in the states where alternative schools for well-performing children are non-existent or difficult to access.<sup>330</sup> This is not a surprise, since educational theories stress the need to have a varied curriculum.<sup>331</sup> The very fact that children have different rhythms means that

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<sup>325</sup> <http://forums.atozteacherstuff.com/showthread.php?t=87527&page=2>, read 2011-03-26

<sup>326</sup> <http://forums.atozteacherstuff.com/showthread.php?t=87527&page=2>, read 2011-03-26

<sup>327</sup> <http://www.theteacherscorner.net/forums/showthread.php?6853-NCLB-Survey>. 2008-01-10, read 2011-04-07

<sup>328</sup> <http://www.theteacherscorner.net/forums/showthread.php?6853-NCLB-Survey>. 2008-01-10, read 2011-04-07

<sup>329</sup> <http://www.theteacherscorner.net/forums/showthread.php?6853-NCLB-Survey>. 2008-01-10, read 2011-04-07

<sup>330</sup> <http://forums.atozteacherstuff.com/showthread.php?t=87527&page=2>, read 2011-03-26

<sup>331</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, 2011-02-03

some children will always be faster at learning while others will need more time. The need to include all students does not mean to treat them all as if they were alike, but to meet them all on equal premises, providing time, smaller classrooms and extra tuition to the students to need it and making the curriculum more interesting for the other students who need more challenges.<sup>332</sup>

### **Achivement Gaps**

“America is a diverse society in which educational differences have the potential to become a progressively larger source of inequality and social conflict. Many people now recognize that eliminating these differences has become a moral and pragmatic imperative.” Miller, L. S.<sup>333</sup>

The concept of “achievement gap” is used to describe the difference in learning results between white students and minority students. The term also refers to the discrepancy in socio-economic background between white students and various ethnic and racial groups. The gap is detrimental to both society and minorities, due to its socio-economic implications and as long as the achievement gap is a fact, racial equality cannot be attained.<sup>334</sup>

The achievement gap can be measured by comparing the academic performance of White students to that of minority students, through test scores.<sup>335</sup> It can also be measured by looking at the graduation rate for the various student groups. According to the website subnet “Hispanic and African-American high school students are more likely to drop out of high school in every state. Of these high school graduates, college matriculation rates for African-American and Hispanic high-school students remain below those of white high-school graduates – although they have risen in recent years. Furthermore, of those students enrolling in college, Hispanic and black young adults are only half as likely to earn a college degree as white students.”<sup>336</sup> According to these figures the need to narrow the achievement gap is imperative.

By creating large ethnic and racial categories, the present statistics are misleading where the achievement of minority students are concerned, due to the fact that certain subgroups within a racial or ethnic group score differently. As an example, Joseph Murphy uses the Asian group that scores on the whole at the same level as whites or better. In spite of this, the performances of Laotian, Cambodian and Hmong students range much below average. This fact shows that

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<sup>332</sup>Crawford, James, *No Child Left Behind: Misguided Approach to School Accountability for English Language Learners*, National Association for Bilingual Education, 2004

<sup>333</sup> Miller in Murphy, Joseph, *Understanding and Closing Achievement Gaps*, (Corwin:Thousand Oaks, 2010)

<sup>334</sup> Murphy:13

<sup>335</sup> <http://www.subnet.nga.org/educlear/achievement/>, read 2011-04-07

<sup>336</sup> <http://www.subnet.nga.org/educlear/achievement/>, read 2011-04-07

deconstruction is needed when analyzing student results since large categories sometimes are artificially constructed and thus misleading.<sup>337</sup>

An important approach to narrowing the achievement gap is to acknowledge that minority students have to progress at a higher rate than white students in the future. Raising student proficiency in general is not sufficient in narrowing the achievement gap, additional strategies are needed. Two strategies are suggested by Murphy: that programs start targeting the disadvantaged students directly, and that learning devices that have been proven to work on minority students be used on them.<sup>338</sup>

Although the narrowing of the achievement gap in the 1970's and 1980's was a well-documented fact, the 1990's and the first decade in the new millennium has little to brag about in this respect. Research shows that the achievement gap had been closed had the progress continued at the same pace as in the 70's. The present racial and economic gap is persistent through "grades, test scores, retention and dropout rates, graduation rates, identification for special education and gifted programs, extracurricular and cocurricular involvement and discipline rates."<sup>339</sup>

According to NAEP data, Hispanic and African American students are four years behind their white peers in academic knowledge when they reach the 12<sup>th</sup> grade, if they in fact do so. By raising the bar for teacher quality, by introducing education at an earlier age, as well as by giving the students the opportunity to get tutoring after school hours the achievement gap can be narrowed.<sup>340</sup>

## **Graduation Rates**

*"Earning a high school degree is an important outcome in its own right and a strong predictor of future social and economic success."*<sup>341</sup>

According to a report by the National Center for Education Statistics- *Dropout and Completion Rates in the USA* –the average income of persons between 18 and 65 is \$10,000 lower than for a person in the same age range that has a high school diploma.<sup>342</sup> Dropout adults of 25 years or older face gloomier prospects of getting a job than adults who have a high school degree. Health

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<sup>337</sup> Murphy:25

<sup>338</sup> Murphy:25

<sup>339</sup> Quoted in Murphy:24

<sup>340</sup> <http://www.subnet.nga.org/educlear/achievement/>, read 2011-04-07

<sup>341</sup> Murphy:30

<sup>342</sup> <http://nces.ed.gov/pubs2011/2011012.pdf>, Dec. 2010, read 2011-04-20



is also an issue more often for dropouts than for high school graduates. Last, but not least, dropouts are overrepresented in American prisons.<sup>343</sup>

The Urban Institute published a study that measures graduation rates by comparing data from the Common Core of Data, the U.S. Department of Education and the census of local agencies and schools.<sup>344</sup> To be able to pinpoint the graduation rates in relation to the NCLB, the study views the results disaggregated by major racial and ethnic categories. Their findings show that although the public opinion operates with a graduation rate of 85-90%, in truth only 75% of the high schools students graduate with a regular diploma. While some states have graduation rates of 80%, others can boast with no more than 55%.<sup>345</sup> The graduation rate for White and Asian students is 75%, while for Native Americans, Hispanic and African American it is of only 50%. This is in fact worrying information, since even in high performing states, students from disadvantaged minorities perform 20-30% lower than white and Asian Americans.<sup>346</sup>

Murphy presents the situation very well in this excerpt: *“Japanese Americans had high school and college completion rates of 82 percent and 26 percent, respectively, while the comparable rates were 31 percent and 6 percent for Laotians, 71 percent and 37 percent for Chinese, 22 percent and 3 percent for Hmong, 80 percent and 52 percent for Asian Indians, and 62 percent and 13 percent for Vietnamese. Among the Pacific Islanders, Native Hawaiians had high school and college completion of 67 and 10 percent, while the comparable rates were 47 percent and 11 percent for Melanesians and 61 percent and 7 percent for Samoans.”*<sup>347</sup>

*ScienceDaily* writes in the article “Negative Implications of No Child Left Behind: As Graduation Rates Go Down, School Ratings Go Up”<sup>348</sup> that a research study by the Rice University and the University of Texas-Austin pinpoints that the NCLB’s accountability system is a direct contributor to lower graduation rates. According to the research study, 135, 000 students quit school before graduation in Texas public schools. Many of them are African-American, Hispanic and ESLs.<sup>349</sup> The study collected data from 271, 000 students and concluded

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<sup>343</sup> [www.nces.ed.gov/pubs2011/2011012.pdf](http://www.nces.ed.gov/pubs2011/2011012.pdf), read 2011-04-20

<sup>344</sup> <http://nces.ed.gov/pubs2011/2011012.pdf>, read 2011-04-20

<sup>345</sup> <http://nces.ed.gov/pubs2011/2011012.pdf>, read 2011-04-20

<sup>346</sup> <http://nces.ed.gov/pubs2011/2011012.pdf>, read 2011-04-20

<sup>347</sup> Murphy:13

<sup>348</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>349</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

that 60% of African- American students, 75% of Hispanic students and 80% of ESLs did not graduate in the course of five years. In fact, the graduation rate was no higher than 33%. Test-based accountability does not reconcile with equity in school, is the conclusion. Researchers believe that schools are forced to comply with the requirements, in this case severe increase of the dropout rates.<sup>350</sup>

The study reveals a demoralizing correlation between the accountability system and its punitive measures and the dropout rates. By losing the weaker students on the way, schools give the impression of managing higher performance and narrowing the achievement gap, a fact that leads to better ratings.<sup>351</sup> Further, the study points out that the accountability system turns students in “liabilities”<sup>352</sup> or “assets”<sup>353</sup> in the teacher’s eyes, children being thereby perceived as a means to a better school rating and thus federal funding, as well as a career boost.

According to the study, not only do schools profit from student drop-outs, but by holding students back a grade, the principals are participating in this trend, since the students tend to drop out after being held back a grade. In addition to that, the test scores that identify weak students by race and ethnic background make them visible for teachers, who, instead of helping them perform better, see their dropping out as an easy solution.<sup>354</sup> Last, but not least, the accountability system’s zero tolerance policy for attendance and behaviour, pushes the students away and makes dropping out seem as an even easier way out. The official dropout rates are as low as 2-3%, while the real dropout rates are much higher. The reason for that is that the state does not count students who drop out on account of pregnancy, jail or the ones who assert that they want to finish their studies in the future, leaving many students out of statistics in this way.<sup>355</sup>

The *Time*’s article “No Dropouts Left Behind: New Rules on Grad Rates”<sup>356</sup> writes about the fact that “one in four American teenagers drops out of school before graduation,”<sup>357</sup> the number for black and Hispanic students being as high as one in three. With the incredible figure of 7000

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<sup>350</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>351</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>352</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>353</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>354</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>355</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>356</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

<sup>357</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

American students leaving school each day, one would assume that the federal authorities would place a safety net to catch some of them when falling.<sup>358</sup> By 2008 there was no federal tracking of the students, but “on Oct.28, Education Secretary Margaret Spellings issued new rules that will force states to adopt a common system to monitor dropouts.”<sup>359</sup> As discussed above, NCLB has directly affected graduation rates by putting so much pressure on students and teachers that dropping out has become a viable solution for both parts. Spelling was therefore trying to repair some of the damage done by introducing a new set of rules, according to which a school’s AYP will be assessed by both test scores and graduation rates within 4 years. Schools that fail to improve their graduation rates need to either pay for tutoring or find another principal.<sup>360</sup>

Kathleen Kingsbury, the article writer, argues that the only reason the federal authorities loosened their grip on the states concerning graduation rates, was to smooth over the terrain for the bill to be passed.<sup>361</sup> Democrats have addressed this issue pointing out that the lack of appropriate funding forces states to have a low graduation rate in order to be considered successful. A series of studies that show the gravity of the dropout crisis in the US have forced the Bush administration to take action in October of 2008.<sup>362</sup> According to a report by the Education Trust, a Washington based organization the U.S. is turning back the clock when it comes to its children, being the only industrialized nation in the world whose students have less of a chance of finishing high school than their parents had.<sup>363</sup> This happens at a time in history where a job seeker on the American work market needs a college degree for two in three jobs. The fact that many American teenagers are dropping out of school can influence the American economy, leading not only to industrial relocation to places with skilled workforce, but also more poverty and crime in America.<sup>364</sup>

Although a graduation target existed by 2008, states were free to set up their own figures, with the result that graduation rates have not been comparable from state to state. The Education Trust report revealed that 50% of the states have accepted the slightest improvement as an improvement. In some cases, as long as the rate remains unchanged, it is considered progress. This information makes the need for reliable statistics acute.

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<sup>358</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

<sup>359</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

<sup>360</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

<sup>361</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

<sup>362</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

<sup>363</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

<sup>364</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

By 2005, all the 50 states saw the need to agree to a standardized graduation rate, but only 16 did. Although the federal involvement had been scarce until 2008, the Bush administration demanded that states lay concrete plans of how they will put into practice the central features of the law, plans that have to be approved by the Department of Education.<sup>365</sup> The authorities hope that once states have the same target to stretch for and since results are published, states will do more to keep students in school. A graduation coach for each high school, after the Georgia model, is being considered, too. Having an employee monitor students and motivate them to graduate has proved to be of help in Georgia, where the graduation rate has slowly improved.<sup>366</sup>

The National Center for Education Statistics presents an overview of the dropout rates since the 1980 and until 2008.<sup>367</sup> According to the Department of Education, the dropout rate has gone down from 14% in 1980s to 8% in 2008, whole 3% of the decline being registered between 2000 and 2008. Broken down in relation to race and ethnicity, into white, black and Hispanic students, all the categories are said to have made progress in the course of the last 28 years, the Hispanic students however, least of them all.<sup>368</sup> While the achievement gap between Black and white students, Hispanic and white students and Hispanic and black students has narrowed, it has narrowed at various times. The gap between black and white students was reduced in the 1980s, however, little change has been registered from 1990 to 2008. The Hispanic-white and Hispanic-black gaps however, did not start decreasing until 1990 to 2008.<sup>369</sup>

### **The School-to-Prison-Pipeline**

Civil rights advocates define the school-to-prison pipeline as “one of the most important civil rights challenges facing our nation today. The school-to-prison pipeline refers to the national trend of criminalizing, rather than educating, our nation’s children. The pipeline encompasses the growing use of zero-tolerance discipline, school-based arrests, disciplinary alternative schools, and secured detention to marginalize our most at-risk youth and deny them access to education.”<sup>370</sup>

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<sup>365</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

<sup>366</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

<sup>367</sup> <http://nces.ed.gov/fastfacts/display.asp?id=16>, read 2011-04-05

<sup>368</sup> <http://nces.ed.gov/fastfacts/display.asp?id=16>, read 2011-04-05

<sup>369</sup> <http://nces.ed.gov/fastfacts/display.asp?id=16>, read 2011-04-05

<sup>370</sup> <http://www.aclu.org/racial-justice/school-prison-pipeline-talking-points>, 2008-06-06, read 2011-04-06

According to Johanna Wald and Daniel Losen<sup>371</sup>, the U.S. is the one industrialized country with the most unfair resource distribution in the world. America's educational system is consequently defined by a disparity often drawn along racial lines. Urban schools with high numbers of minority students have fewer resources to provide well-trained teachers, high quality curriculum and extra-curricular activities. As a result of this, fewer minority students graduate and their academic achievement is lower than their white peers.<sup>372</sup>

Further, Wald and Losen stress that the segregation between black and Hispanic students from their white peers in schools has worsened since 1986.<sup>373</sup> Minority students are overrepresented among children retained in grade or denied graduation diploma. In fact, black students are 3 times more likely to be labelled as mentally challenged and twice as likely to be found emotionally disabled compared to their white peers. While 58% or more of ninth grade students in high minority schools in 100 of America's biggest cities do not graduate four years later, official dropout rates minimize the graduation gap by failing to count several types of dropouts, as mentioned before.<sup>374</sup>

Many critics of the NCLB, including Wald and Losen, assert that the law is acting as a pipeline between school and prison, pushing students to the juvenile justice system for minor offences. The "zero tolerance" policy to school discipline, introduced in the 1990s, criminalizes student behaviour, and facilitates the use of police and juvenile courts for student disciplinary matters.<sup>375</sup> This approach to school order is creating a needless criminalization and affects especially minority children. A consequence of the "zero tolerance" policy is "a near-doubling of the number of students suspended annually from school since 1974 (from 1.7 million to 3.1 million)."<sup>376</sup>

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<sup>371</sup>[http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

<sup>372</sup>[http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

<sup>373</sup>[http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

<sup>374</sup>[http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

<sup>375</sup>[http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

<sup>376</sup>[http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

According to Wald and Losen, minorities experience harsher punishment in schools than white students. The same idea is supported by several blogs and sites that support civil liberties and immigrant rights, including the National Center for Fair and Open Testing. Wald and Losen point out the fact that blacks represent 34% of the suspended students mass, although they only make out 17% of the student body. While they are 2.6 as likely to be suspended as white students on national base, black students have to beat the odds of being 9 times more likely to be suspended in a number of states.<sup>377</sup>

In the *Federal Policy, ESEA Reauthorization and School-to-Prison-Pipeline*<sup>378</sup>, a report put together by several different educational organizations and advocacy institutes for children's rights in the wake of the reauthorization of NCLB, the act is viewed as a major contributor to the school-to-prison-pipeline phenomenon. The report is categorical in its assessment of the NCLB: the law focuses almost exclusively on standardized test performances, sanctioning schools that do not make AYP without providing the funding necessary for improvement. The severity of the punishment versus the scarcity of the funding has been an issue consistently present in this debate. According to the report "NCLB had the effect of encouraging low-performing schools to meet benchmarks by narrowing curriculum and instruction and de-prioritizing the educational opportunities of many students. Indeed, No Child Left Behind's 'get-tough' approach to accountability has led to more students being left even further behind, thus feeding the dropout crisis and the School-to-Prison Pipeline."<sup>379</sup>

The report's suggestions for the reauthorization of the law are to facilitate the re-entry into school for the students that have been expelled or pushed towards juvenile institutions, to create a learning-friendly environment and minimize the corrective approach to learning and to recognize success in more forms than the present NCLB does. In the view of the parties involved, NCLB presents a narrow definition of success based on the standardized tests. At the same time, its

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<sup>377</sup>[http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

<sup>378</sup>[http://fairtest.org/files/Federal\\_Policy,\\_ESEA\\_Reauthorization,\\_and\\_the\\_School-to-Prison\\_Pipeline\\_-\\_03\\_09\\_11.pdf](http://fairtest.org/files/Federal_Policy,_ESEA_Reauthorization,_and_the_School-to-Prison_Pipeline_-_03_09_11.pdf), revised 2011-03, read 2011-04-06

<sup>379</sup>[http://fairtest.org/files/Federal\\_Policy,\\_ESEA\\_Reauthorization,\\_and\\_the\\_School-to-Prison\\_Pipeline\\_-\\_03\\_09\\_11.pdf](http://fairtest.org/files/Federal_Policy,_ESEA_Reauthorization,_and_the_School-to-Prison_Pipeline_-_03_09_11.pdf), revised 2011-03, read 2011-04-06

exaggerated focus on standardized testing has led to a narrower and weaker curriculum. The way from school to the justice system has been made even shorter by implicating the police.<sup>380</sup>

## Conclusion

Test scores show little change in the immigrant children's math results. Furthermore, the improvement rate for weak students (in which a fair number of ELLs must be included) was higher before the NCLB, with 15 points compared to 5 points now. The introduction of literacy based tests, although a fine measure from a pedagogical point of view, affects the ELLs' math results in a negative way, due to the fact that the LBTs require more advanced language use.<sup>381</sup>

The NCLB's focus on math has affected the teaching of other subjects, as discussed in the first chapter. Science and sports are less prioritized, recess is shortened and the curriculum is narrowed. Educators are concerned that the emphasis on tests might endanger the critical sense and the creativity of a whole generation, with the outcome that the innovative spirit of America will be affected. Teachers and parents are complaining that gifted children are not included in the NCLB's vision, since they end up getting bored and lacking motivation.<sup>382</sup>

Although narrowing the achievement gap is one of the NCLB's highest priorities, reports show that the achievement gap was much smaller in the 1980's for African Americans and in the 1990s for Hispanics. In order for the achievement gap to narrow, minorities have to perform better than their white peers, so that they can catch up; it is not enough to just improve their results at the same level as their peers. This implies that more resources have to be directed to minority students and educational approaches favourable to them have to be employed.<sup>383</sup>

The school-to-prison pipeline is nevertheless the most momentous consequence of the NCLB. Although zero tolerance policies were introduced in schools in the 1990s, the NCLB has

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<sup>380</sup> [http://fairtest.org/files/Federal\\_Policy,\\_ESEA\\_Reauthorization,\\_and\\_the\\_School-to-Prison\\_Pipeline\\_-\\_03\\_09\\_11.pdf](http://fairtest.org/files/Federal_Policy,_ESEA_Reauthorization,_and_the_School-to-Prison_Pipeline_-_03_09_11.pdf), revised 2011-03, read 2011-04-06

<sup>381</sup> <http://www.inrp.fr/publications/edition-electronique/cerme6/wg8-01-civil.pdf>, read 2011-03-22

<sup>382</sup> <http://blog.american.com/?p=6061>, 2009-10-14, read 2011-03-07

<sup>383</sup> <http://nces.ed.gov/pubs2011/2011012.pdf>, read 2011-04-20

<sup>384</sup> [http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

facilitated the collaboration between schools and police to the extent where disciplinary matters are no longer the school's responsibility, but the judicial system's. This has thrown many minority children into the arms of the law, affecting both graduation rates and their future.<sup>384</sup>

In conclusion, teachers, parents and opinion leaders suggest that the proficiency date of 2014 is removed from NCLB, since it is unrealistic to expect that all children be proficient at grade level. Further, they advocate for more federal resources in the schools that need them most, instead of just rewarding the ones that manage AYP. The call for states to align their tests cannot be mentioned enough; literally all involved in the debate stress this need.<sup>385</sup>

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<sup>385</sup> <http://www.northwestern.edu/newscenter/stories/2010/01/nclb.html>, 2010-01-04, read 2011-03-08



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<http://nces.ed.gov/pubs2011/2011012.pdf>, Dec. 2010, read 2011-04-20

<http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01  
<http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

# Chapter IV

## Conclusion

This final chapter aims to give an overall view of the NCLB's impact on the immigrant children's education, correlating and discussing the findings from the previous chapters. An evaluation of the results in reading and math is included, as is a discussion of the NCLB in relation to the educational theories presented throughout the paper. In addition to that, the chapter introduces and discusses the larger social phenomena derived from the NCLB. As a federal law, the NCLB has affected all public education to a certain extent, which is why its implications need to be weighed against its results.

At the time of finishing this thesis, April 2011, the NCLB is under reauthorization. In 2010, the present Education Secretary Arne Duncan spoke of the need for a reauthorization of the Elementary and Secondary Education Act (ESEA), last reauthorized in 2002 as the NCLB. Duncan considered the nation's all time high dropout rates of 27% "unacceptable and economically unsustainable."<sup>386</sup> The proposed reauthorization aimed to provide the states with more freedom to run their schools at the same time as accountability and standards are sustained. The Obama administration's main challenge was to address the current educational challenges employing a comprehensive approach to teaching- by measuring achievement in terms of growth instead of "hard targets,"<sup>387</sup> by making use of other means of tracking progress besides testing and by loosening the grip on corrective action. By "increas[ing] local flexibility"<sup>388</sup> and providing the students with a well-composed curriculum, Duncan believed that some of the law's shortcomings could be redressed.<sup>389</sup> Funding was increased by 3 million dollars to back up the act.<sup>390</sup>

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<sup>386</sup> Duncan quoted in <http://news.firedoglake.com/2010/03/16/re-authorizing-nclb-a-looser-federal-hand-but-still-reliant-on-testing/>, 2010-03-16, read 2011-04-13

<sup>387</sup> <http://news.firedoglake.com/2010/03/16/re-authorizing-nclb-a-looser-federal-hand-but-still-reliant-on-testing/2010-03-16>, read 2011-04-13

<sup>388</sup> Duncan quoted in <http://news.firedoglake.com/2010/03/16/re-authorizing-nclb-a-looser-federal-hand-but-still-reliant-on-testing/>, 2010-03-16, read 2011-04-13

<sup>389</sup> <http://news.firedoglake.com/2010/03/16/re-authorizing-nclb-a-looser-federal-hand-but-still-reliant-on-testing/2010-03-16>, read 2011-04-13

<sup>390</sup> <http://news.firedoglake.com/2010/03/16/re-authorizing-nclb-a-looser-federal-hand-but-still-reliant-on-testing/2010-03-16>, read 2011-04-13

As stated in the introduction, the main goal of this paper was to find out how the NCLB affected immigrant children in terms of reading and math results. This author's evaluation of the NCLB's results for disadvantaged immigrant students in reading support the need for a reauthorization. There are little or no improvements after the NCLB, despite the fact that teaching now centers on reading to the point where literacy approaches are encroached in most subjects. The NAEP results of 2009 show that reading scores for fourth graders are unchanged since 2007, while eighth grade students have improved their proficiency by only one point.<sup>391</sup> This is not the success story the NCLB had promised. When the measures are as drastic as the NCLB's have been, and the resulting improvement is so minimal, one has to wonder what they did wrong. By not taking the advice that educational literature offers, the NCLB removes itself from its stated provisions. Not providing the funds needed is the act's second error. And while the focus on testing is still on the agenda, the curriculum has narrowed, failing therefore talented students and impinging immigrant children with tedious school material. The weaker the school's performances, the more focus there is on improving the reading ability by concentrating on test areas. Teaching to the test is another sad consequence of the NCLB reality, a fact that teachers themselves admit to.<sup>392</sup>

When it comes to the underprivileged immigrant children's math performance, there is no indication that the NCLB has increased their proficiency level. According to the National Assessment of Educational Progress (NAEP),<sup>393</sup> the test results of fourth graders have not changed since 2007. What is more, 2009 was the first year with no improvement. Students in eighth grade increased their performance by only 2%, which indicates the same pace as before. Grade improvements were actually higher before the NCLB, especially for low performing students, they increased their performance with 15 points between 1996 and 2003, while in 2009 they had only improved by five points. When one inserts into the equation that many states are using the basic level of proficiency as a test standard, one might draw the conclusion that the NCLB has in fact worsened the performance of disadvantaged immigrant children.<sup>394</sup>

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<sup>391</sup> <http://nces.ed.gov/nationsreportcard/pubs/main2009/2010458.asp#section1>, 2010-March, read 2011-04-28

<sup>392</sup> [http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.html](http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.html), 2009-01-26, read 2011-02-21

<sup>393</sup> <http://blog.american.com/?p=6061>, 2009-10-14, read 2011-03-07

<sup>394</sup> <http://blog.american.com/?p=6061>, 2009-10-14, read 2011-03-07

Since narrowing the achievement gap was a significant goal for the NCLB, assessing the current situation in that area is also a subject of interest. That the NCLB was going to narrow the achievement gap was one of President Bush' most used arguments in favor of the law.<sup>395</sup> Despite the NCLB's focus on the diminishing of the performance difference between white students and minority students, the achievement gap has not narrowed during the last nine years. Based on sociological and educational research, the achievement gap is a complex and possibly treacherous socio-economic phenomenon that a democratic society should struggle to eradicate.<sup>396</sup> On the other hand, the intricate nature of the achievement gap demands an understanding of all the factors that influence it - poverty, precarious health care and unsanitary housing. It is the extent of the social mechanisms which trigger the achievement gap that the NCLB falls short of considering. By failing to attend to the problems causing the achievement gap and instead concentrating only on school results, NCLB manages not to change the present patterns of inequity. Furthermore, the dropout rate in high school has gone up as many students lose motivation and interest in their studies. Moreover, as seen in chapter III, the NCLB has facilitated the criminalization of student behavior, functioning as a "school-to prison pipeline."<sup>397</sup> This particular consequence is discussed at large later in this chapter.

NCLB's focus on two main subjects in school was bound to have an impact on the curriculum, the teaching form and the other teaching areas. It was therefore important to analyze the impact the NCLB has had on school in general, especially for immigrant children.

Both the increased attention given to reading and math, as well as the NCLB's emphasis on assessing student proficiency solely by testing children in reading and math have resulted in less art, sports and science in school.<sup>398</sup> The narrowing of the curriculum and the teaching to the test have been unavoidable outcomes, since testing was the only way to measure student progress. Many teachers and parents, as well as researchers and journalists, assert that by reducing school to "the basics," the NCLB is in fact reducing students to test-takers and nothing more.<sup>399</sup>

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<sup>395</sup> <http://www2.ed.gov/policy/elsec/leg/esea02/index.html>, read 2006-12-13

<sup>396</sup> Murphy, Joseph, *Understanding and Closing Achievement Gaps*, (Corwin:Thousand Oaks, 2010)

<sup>397</sup> [http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

<sup>398</sup> <http://forums.atozteacherstuff.com/showthread.php?t=87527&page=2>, read 2011-03-26

<sup>399</sup> <http://www.theteacherscorner.net/forums/showthread.php?5364-How-NCLB-Has-Affected-Education>, 2008-04-03, read 2011-02-15

## Theoretical Approaches

This thesis has evaluated the NCLB from the angle of three main theories that apply to learning in general: The Social Cognition Theory, the Control Theory of Motivation and the Theory of Observational Learning. In addition to these theories, the paper has discussed the NCLB in relation to theories of bilingual education that are valid both with reading and with math as well as the Constructivist Theory and Situated Learning, mostly used in math teaching. These theories have been found pertinent to the research question and the fact that they had different points of reference ensured a wide specter of educational views.

As mentioned in the introduction, culture is the main factor that influences students' learning according to the Social Cognition Theory.<sup>400</sup> In this respect, teaching should include codes from the students' own culture, as well as take into consideration the student's background. Studies show that the syllabus has tightened after the enactment of the NCLB, in a general effort to improve the proficiency of weak students. There is little evidence that the NCLB has promoted positive role models the students can identify with, contributing in this way to improve their self-perception.<sup>401</sup> Adult guidance is also a much needed feature to ensure that children attain their potential, since a child can perform better when encouraged by a teacher than on his own. However, the NCLB has reduced the possibility for teachers to spend more time with the students that need it, given that their prime concern is now to ensure the proficiency rate is high enough. Moreover, although the law opened for tuition and bilingual education for the children that needed it, the lack of funding and of qualified staff has limited the extent of this practice.<sup>402</sup>

The Control Theory of Motivation emphasizes the idea that a person's behavior is steered by his or her strongest aspiration.<sup>403</sup> In line with this ideology, the school's focus should be on making the curriculum relevant to the students so that they are motivated to learn. Interactive teaching methods should be employed and teachers should give as much feedback as possible. Small groups should replace the usual classrooms, especially when disadvantaged students are concerned. When it comes to immigrant students, theirs is a double challenge since they are often underprivileged and ELL or LEP. NCLB has not made the syllabus more relevant to neither

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<sup>400</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, 2011-02-03

<sup>401</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, 2011-02-03

<sup>402</sup> Crawford, James, *No Child Left Behind: Misguided Approach to School Accountability for English Language Learners*, National Association for Bilingual Education, 2004

<sup>403</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm> , 2011-02-03

category of students; instead, many of them have to deal with literacy-based assessment in math, too. As mentioned before, the NCLB's focus on two subjects has narrowed the curriculum significantly. One might assume that an immigrant student might feel discouraged by this.

The Theory of Observational Learning highlights the fact that children learn from observing models around them.<sup>404</sup> They react not only to the model's behavior, but also to the way it is received by the society. Behavior that harvests praise is thus more likely to be replicated than behavior that is not well met by the community. In this way, teachers function as examples and have the power to model for their students the same behavior they exhibit, if that behavior is seen as efficient. In addition to behavior models, the theory also stresses the need for schools to provide students with favorable conditions for learning. According to the large array of sources employed in this thesis, the NCLB has created a tense atmosphere for teachers and students alike, where the main focus is moved from learning to accountability and improved proficiency. Teachers complain about not having enough time to prepare their lessons due to paper grading and course requirements.<sup>405</sup> Getting through the day rather than holding inspirational lessons is many educators' goal. Consequently, the NCLB reality is not in line with this theory's main conditions, either.

Bilingual education research shows that in order for the students to make most meaning out of their reading experience, they have to learn how to read in their native language first.<sup>406</sup> Further, for the teaching to be successful students have to understand what the teacher and their peers say. Subsequently it is crucial for children to receive bilingual education until they master English well enough to be transferred to an English classroom.<sup>407</sup> This view is unanimously supported by educational studies. Owing to a shortage of qualified bilingual teachers and a lack of funds, the NCLB was not able to meet the theory's requirements with regard to bilingual education, either. The emphasis on improved performance for ELLs and LEPs without taking into consideration the

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<sup>404</sup> <http://crescentok.com/staff/jaskew/isr/education/theories.htm>, 2011-02-03

<sup>405</sup> <http://www.theteacherscorner.net/forums/showthread.php?5364-How-NCLB-Has-Affected-Education>, 2008-04-03, read 2011-02-15

<sup>406</sup> Kulbrandstad, Lise Iversen, Leseoppl ring for elever fra spr klig  minoriteter, blandingskompendium for flerkulturell pedagogikk, v r 2005, ved UIO

<sup>407</sup> <http://www.hooverpress.org/productdetails.cfm?PC=1232>, 1998-09-28, read 2011-04-20

<sup>408</sup> <http://www.learning-theories.com/category/behaviorist-theories>, read 2011-03-29



challenges these students meet in their everyday life is yet another example of NCLB failing the disadvantaged immigrant children.

The Constructivist Theory is much used in math teaching. According to it, a student needs to construct an understanding of math before being able to solve mathematical problems.<sup>408</sup> The math instruction a child receives should also be based on the student's prior knowledge. Civic makes a point out of Roma children and their pragmatic relationship to money, stressing that by using the children's point of reference and their understanding of math, one will have better results.<sup>409</sup> Regarding math teaching, several researchers have uncovered that literacy based tests do not do ELLs a favor, due to the difficulty of the language employed.<sup>410</sup> Moreover, studies show that ELLs should be taught math in their mother tongue in the beginning, until the conceptual tools are understood and their English is good enough.<sup>411</sup> There is no evidence that the NCLB has taken the Constructivist approach into consideration when designing its measures of enforcement. The math teaching after NCLB is described as test-oriented and not understanding-oriented. Although a fine approach from an educational point of view, the introduction of literacy based tests reinforces the need to tailor measures to students that do not speak English at home, since the group does not respond in a similar way with the English Proficient students.

“Situated Learning”, another theory used in math education, states that knowledge has to be taught in a social frame in order to obtain the best results, since knowledge is linked to the context of its use.<sup>412</sup> By letting the students see the subject's applicability, the educator increases math's relevance for the student and with it the student's chances for learning, too. The same idea is supported by the Control Theory of Motivation.<sup>413</sup> The NCLB has not made a subject relevant simply by expecting higher scores. Since teaching has taken a test-inclined shape, little has been done to make the subject itself more appealing to students.

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<sup>409</sup><http://www.inrp.fr/publications/edition-electronique/cerme6/wg8-01-civil.pdf>, read 2011-03-22

<sup>410</sup>Schulz, Jon Håkon, Hauge, Ann-Magritt and Støre, Harald, Ingen ut av rekka går. Tilpasset opplæring for Shaza og Kristian, Blandingskompendium for flerkulturell pedagogikk, vår 2005, ved UIO

<sup>411</sup>Situated Cognition and the Culture of Learning, Brown, Collins and Duguid, Educational Researcher, Vol. 18, No. 1. (Jan. - Feb., 1989), pp. 32-42.

<sup>412</sup>Situated Cognition and the Culture of Learning, Brown, Collins and Duguid, Educational Researcher, Vol. 18, No. 1. (Jan. - Feb., 1989), pp. 32-42.

<sup>413</sup><http://crescentok.com/staff/jaskew/isr/education/theories.htm>

## **Social Implications of NCLB**

Sam Dillon, a reporter for the New York Times, writes in March of 2010 about the Obama administration's reauthorization of the NCLB.<sup>414</sup> Through reauthorization, the pass and fail school grading system is replaced by a complex assessment of the student's performance and improvement. Further, the schools are no longer evaluated solely based on test scores, but also pupil attendance, graduation rates and learning conditions, in accordance with the educational theories discussed earlier. The federal authorities have also committed to decreasing their intervention in the schools that have satisfactory results. The proficiency target of 2014 is replaced by the expectancy that the students who graduate from high school should be prepared for college and a career. Dillon remarks that the government's requirements are quite vague. In addition to that, the demand is quite difficult to measure, a fact that makes the reauthorization difficult to evaluate. As a response to the changes President Obama introduces, Randi Weingarten, the president of the American Federation of Teachers says: "From everything that we've seen, this blueprint places 100 percent of the responsibility on teachers and gives them zero percent of the authority."<sup>415</sup>

The reauthorization of the NCLB is only of concern to this thesis with respect to the deficiencies of the law discussed earlier. In this respect, it is reassuring to see that the teachers' voices have been heard to a certain degree. Arne Duncan restored some of the confidence in the federal authorities by stating that the school needs to go back to its initial role of educating students and concentrate on their learning and graduation, instead of taking short cuts to boost their AYP.<sup>416</sup>

The NCLB has had a dramatic effect on immigrant children. The dropout rate has reached an all time high- one in four American teenagers drop out of school before graduating.<sup>417</sup> For blacks and Hispanics, the number is as high as one in three.<sup>418</sup> According to the National Center for Education Statistics, the federal dropout rate was of 14% in 1980 and in 2008 it had decreased to 8%. The figures are however misleading, since the dropout rate fails to account for students that have left school due to pregnancy, incarceration, or simply stated that they intend to complete

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<sup>414</sup> <http://www.nytimes.com/2010/03/14/education/14child.html>, 2010-03-13, read 2011-04-28

<sup>415</sup> Quoted in NY Times, <http://www.nytimes.com/2010/03/14/education/14child.html>, 2010-03-13, read 2011-04-28

<sup>416</sup> <http://news.firedoglake.com/2010/03/16/re-authorizing-nclb-a-looser-federal-hand-but-still-reliant-on-testing/2010-03-16>, read 2011-04-13

<sup>417</sup> <http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

<sup>418</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

their studies at some point.<sup>419</sup> Although much higher than the statistics reveal, the dropout rate has narrowed in terms of all racial/ethnic categories, but the progress for Hispanics has been least of all.<sup>420</sup>

Considering the fact that many immigrant children fit into this category, this is not good news for the evaluation of NCLB. Part of the explanation for the discrepancy between black, Asian and Hispanics might lie in the fact that many undocumented immigrants belong to the last category. As quite a few of them are newly arrived, their English is precarious. Another hypothesis emphasized by Portes and Rumbaut is that Hispanic immigrants hold to themselves more than other groups and that they exhibit patterns of “reactive ethnicity”<sup>421</sup>, a phenomenon not uncommon when the group feels excluded, discriminated against or persecuted. By insisting on a different set of values and refusing to assimilate, Hispanics seem to have more trouble in American schools than the other minorities, especially when compared to Asian Americans.

Although Asian Americans are often portrayed in the media as the Model Minority, there are big achievement gaps between Japanese, Korean, Chinese and Filipinos on the one side and Hmong, Laotian and poor Chinese on the other.<sup>422</sup> Samuel Peng and Deann Wright of the US. Department of Education<sup>423</sup> tried to find answers to why Asian Americans perform better than other minorities in the American school. Their conclusion is that Asian American students spent more time on homework, had extra-curricular activities more often than their peers and often lived in a two-parents family, a fact that often grants children with emotional stability. In addition to that, their parents had higher expectations of them in terms of educational achievement compared to the average American parent, although they did not help them with their lessons more than other parents. Their findings are backed by sociological research that pinpoints the importance of family structure and involvement in the children’s education.<sup>424</sup> The NCLB has not taken any of those variables into consideration in their attempt to narrow the achievement gap. The school

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<sup>419</sup> <http://www.sciencedaily.com/releases/2008/02/080214080530.htm>, 2008-02-16, read 2011-04-01

<sup>420</sup> <http://nces.ed.gov/fastfacts/display.asp?id=16>, read 2011-04-05

<sup>421</sup> Portes, Alejandro, Rumbaut, G. Rubén, Legacies, The Story of the Immigrant Second Generation, University of California Press:Berkeley, 2001)

<sup>422</sup> Murphy:25

<sup>423</sup> Peng, S. Samuel, Wright, Deann, Explanation of Academic Achievement of Asian American Students, The Journal of Education Research, Vol.87, Issue 6, 1994, pag.346-352

<sup>424</sup> [http://fairtest.org/files/Federal\\_Policy,\\_ESEA\\_Reauthorization,\\_and\\_the\\_School-to-Prison\\_Pipeline\\_03\\_09\\_11.pdf](http://fairtest.org/files/Federal_Policy,_ESEA_Reauthorization,_and_the_School-to-Prison_Pipeline_03_09_11.pdf), revised 2011-03, read 2011-04-06

choice has not been a viable option for disadvantaged students in practice, due to lack of resources or uninterested parents or simply the lack of feasible alternatives. The NCLB's aim to involve parents in their children's education by sending or giving information in their own language has also been hindered by a shortage of translators and interpreters in many of the languages needed.<sup>425</sup>

One of the most severe consequences of the NCLB is however the school-to-prison pipeline. The *Federal Policy, ESEA Reauthorization and School-to-Prison Pipeline*<sup>426</sup> acknowledges the law's effect on immigrant children. By taking the "zero tolerance" policy to a new level, the NCLB opens for police intervention in school affairs to the extent that the number of students suspended has doubled since the 1974.<sup>427</sup> The introduction of the new discipline standards affects minority students most since they experience harder sanctions than their white peers.<sup>428</sup> This is yet another example of the NCLB working against its provisions. The Federal Policy recommended that the act should make it easier for dropouts to get back in school and at the same time broaden the definition of success, today only measured by the standardized tests.<sup>429</sup>

The positive side about of NCLB is that it brought education back on the American political agenda. With it came the insight that reform was needed and now the NCLB is being reauthorized with the necessary improvements.<sup>430</sup> Although the NCLB did not attain its goals, it did make a difference for certain students.<sup>431</sup> First and foremost, the Act shed light on

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<sup>425</sup> [http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is\\_it\\_time\\_to\\_end\\_nclb\\_1.html](http://blogs.edweek.org/teachers/living-in-dialogue/2009/01/is_it_time_to_end_nclb_1.html), 2009-01-26, read 2011-02-21

<sup>426</sup> [http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

<sup>427</sup> [http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL\\_TO\\_%20PRISON\\_%20PIPELINE2003.pdf](http://justicepolicycenter.org/Articles%20and%20Research/Research/testprisons/SCHOOL_TO_%20PRISON_%20PIPELINE2003.pdf), read 2011-04-06

<sup>428</sup> [http://fairtest.org/files/Federal\\_Policy,\\_ESEA\\_Reauthorization,\\_and\\_the\\_School-to-Prison\\_Pipeline\\_03\\_09\\_11.pdf](http://fairtest.org/files/Federal_Policy,_ESEA_Reauthorization,_and_the_School-to-Prison_Pipeline_03_09_11.pdf), revised 2011-03, read 2011-04-06

<sup>429</sup> [http://fairtest.org/files/Federal\\_Policy,\\_ESEA\\_Reauthorization,\\_and\\_the\\_School-to-Prison\\_Pipeline\\_03\\_09\\_11.pdf](http://fairtest.org/files/Federal_Policy,_ESEA_Reauthorization,_and_the_School-to-Prison_Pipeline_03_09_11.pdf), revised 2011-03, read 2011-04-06

<sup>430</sup> <http://news.firedoglake.com/2010/03/16/re-authorizing-nclb-a-looser-federal-hand-but-still-reliant-on-testing/2010-03-16>, read 2011-04-13

<sup>431</sup> <http://www.lexingtoninstitute.org/no-child-left-behind-helps-english-learners?a=1&c=1136>, 2005-10-19, read 2011-02-18

<sup>432</sup> Fix, Michael, Passel, Jeffrey S., Immigration Studies Program, The Urban Institute, U.S. Immigration – Trends & Implications for Schools, National Association for Bilingual Education, NCLB Implementation Institute, New Orleans, LA, January 28-29, 2003

accountability for schools as a step towards social equity. Fix and Passel<sup>432</sup> believe that the long term effect of the act will be better teacher training and better teacher staff.

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<http://www.nytimes.com/2010/03/14/education/14child.html>, 2010-03-13, read 2011-04-28

<http://www.time.com/time/nation/article/0,8599,1854758,00.html>, 2008-10-30, read 2011-04-04

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