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### **The No Child Left Behind Act Leaves Behind ESL Children**

English as a second language (ESL) students make up over 5.5 million of the United States public school population (ASHA.org). ESL students may also be referred to as English learners (ELLs) or limited English proficiency (LEP's). The 5.5 million ESL students in the public school system speak over 400 different languages and 80% of them speak primarily Spanish (NCLB, 2002). Therefore, it should come as no surprise that throughout the United States, there are specific education policies in effect aimed at improving ESL students' education and thus their immersion into the English culture and language. Most recently, the No Child Left Behind Act (NCLB) of 2001 was enacted to ensure accountability for educational outcome and student achievement. In regards to ESL students and other disadvantaged groups, the NCLB contains specific provisions aimed at lowering and ultimately eliminating the achievement gap between ESL students and English proficient students (NCLB, 2002). However, while the goals of the NCLB are worthy, the NCLB has not produced the expected results. *The implementation of the NCLB has had a negative impact on ESL students education because it fails to address the specific needs of ESL students and in order for the NCLB to reach its goals, the NCLB must be reformed to address said needs.*

**Before the NCLB**

Prior to the enactment of the NCLB, the two main policies in effect relating to ESL students were The Elementary and Secondary Education Act (ESEA) and the Bilingual Education Act (Title VII of the ESEA) (Menken, 2010). ESEA was enacted in 1965 by President Johnson to ensure that those who could not afford school would be able to attend school. ESEA is the main law that funds k-12 public school education. In 1968, recognizing that for some student's language can be a barrier to education; the Bilingual Education Act was passed. The Bilingual Education Act made it a requirement that schools provide language support services to non-native English speakers. The goal of the Bilingual Education Act was that by providing specific services for ESL students, the education outcomes of non-native English speakers and English speakers would eventually be equal.

### **The NCLB**

The NCLB terminated the Bilingual Education Act and although it may seem to incorporate the Bilingual Education Act's goals, its provisions differ greatly from those of the Bilingual Education Act. The NCLB replaced the Bilingual Education Act with Title III, the English Language Acquisition, Language Enhancement, and Academic Achievement Act, which eliminates the word "bilingual" from the law. Title III emphasizes English learning and requires that ESL students take the same standardized test as native English speakers in the areas of math, science, social studies and English language arts in addition to a standardized English proficiency test. Title III also holds schools accountable for student's English proficiency and their annual improvement (Capps, 2005). ESL

students must be tested every year for progress in language proficiency in grades K-12 and yearly in grades 3-8 for “content knowledge in each subject area mentioned above (ASHA.org).

Through Title I- Improving Academic Achievement of the Disadvantaged, the NCLB designates ESL students as one of four subgroup categories of students for which each state must make adequate yearly progress (AYP) reports for their schools, school districts and the state (NCLB, 2002). The four-subgroup categories as outlined in Title I are (a) students with limited English proficiency (LEP), (b) students with disabilities, (c) economically disadvantaged, and (d) students from major ethnic and racial groups (NCLB, 2002). This article focuses solely on the LEP or ESL subgroup and the effects of NCLB on that subgroup’s education since NCLB’s enactment.

Title I allows each state the flexibility to implement their own standardized tests by state and to create their own definition of what constitutes AYP for their state and schools. The AYP is supposed to show what schools need improvement and in which areas so that resources maybe allocated accordingly (ASHA.org). Title I also allows each state to determine who shall be considered a part of the LEP or ESL subgroup, whether it only be students receiving ESL classes or also those students who have left the ESL services but were originally non-native English speakers.

The NCLB provisions discussed above implemented a system of high-stakes standardized testing and punitive sanctions for schools making each state accountable for the education outcome of it’s public school students (Crawford,

2004). Possible schools sanctions include the loss of federal money, possible restructuring of the school or even closure. The standardized tests implemented by each state pursuant to the NCLB are used to assess not just the schools and their performance in comparison to other schools but also teachers and each individual student.

### **NCLB Initial Expectations For ESL Students**

Promoters of bilingual education originally supported the NCLB with the expectation that this legislation would benefit ESL students by bringing into the forefront ESL students and their academic progress resulting in better ESL programming (Crawford, 2004). The expectations of promoters of ESL education were that because the NCLB required ESL students to take and pass the same standardized tests as other students, the ESL curriculum would have to change and be improved so that ESL students could be adequately prepared to meet the NCLB requirements (Capps, 2005). Furthermore, since the NCLB created systems of accountability, which would hold schools accountable for the English proficiency of their students, NCLB supporters expected a greater focus on English acquisition and immersion (Capps, 2005). Ultimately, supporters of the eyes of the NCLB expected that the implementation of the NCLB would result in a narrowing of the academic achievement gap between ESL students and other students. Both the NCLB and the supporters of the NCLB presented strong goals at the time of it's enactment.

## **Implementation of the NCLB and the NCLB's Effect on ESL**

### **Education**

As expected, implementation of the NCLB did bring about reform in ESL education, however, said reform does not address the specific needs of ESL students and thus has negatively impacted them (Crawford, 2004). ESL students continue to fall behind native English speakers on standardized tests (Abedi, 2004). As research has shown, one of the main reasons that ESL student education has been negatively affected by the implementation of NCLB is that the accountability provisions of the NCLB have resulted in a “teach to the test” environment in the majority of the schools with ESL students (Abedi, 2004). While ESL curriculum has traditionally focused on communicative competence, after the implementation of NCLB the focus has shifted to one of literary analysis in order to prepare ESL students to pass the standardized test required by NCLB. This change to ESL curriculum has resulted in putting in jeopardy ESL student’s development of academic proficiency and communicative competency in English (Meken, 2006). Changes to ESL curriculum have led to ESL classroom instruction becoming very similar to traditional English Language Arts classes taken by native English speakers that fail to address the communicative competency needs of ESL students.

In a 2003-2004 study of 10 New York City High Schools, Kate Menken observed how teachers taught their ESL students to prepare them for the standardized tests that would be administered pursuant to the NCLB (Menken, 2006). During Menken’s interviews with various New York teachers, Menken

was told time and time again that the focus in their teaching has become ensuring that children will pass the standardized tests and they do so by implementing changes to the curriculum and classroom instruction that focus on test taking strategies, test content and skills. This has resulted in a less rounded education for the children in these classrooms.

In the majority of ESL classrooms throughout New York, Menken observed that English instruction increased in ESL classrooms although New York has a bilingual education policy aimed at preserving the native language. However, one school actually increased the amount of teaching in Spanish with the idea that increasing Spanish instruction would improve the student's performance on the English standardized tests. This method follows bilingual research, which has shown that "developing literacy in a student's first language helps them develop literacy in their second language, because core knowledge developed in the first language transfers" (Cummins, 1992). Through this method, this particular school was able to increase the students passing rate by 50% of standardized tests. Nonetheless, implementation of NCLB has led to a greater emphasis on monolingual education rather than bilingual education (Crawford, 2004).

Menken also observed that the standardized tests scores are being used not only to hold schools and teachers accountable for the education that they are providing but also the students themselves are being held accountable as often times the standardized test scores are being used to determine grade promotion and high school graduation (Menken, 2006). This puts ESL students at a

disadvantage since the standardized tests were created for English native speakers and do not take into account the lack of language proficiency of ESL students. Even the “content knowledge” tests in the areas of math, science and social studies assume language proficiency ensuring that ESL students will score lower than English native speakers.

In order for ESL students to be successful in the ESL curriculum post NCLB implementation, ESL students would have to be able to not only learn the academic skills and content being taught to them for the standardized tests but also perfect a second language at the same time (Crawford, 2004). Testing ESL student’s progress and proficiency through the standardized tests currently being administered by the states proves unreliable, as the results may not adequately measure the student’s knowledge due to language barriers and while some ESL’s student scores may be accurate, other’s scores may not be accurate (Abedi, 2004) Thus the NCLB’s standardized and accountability provisions have placed ESL student’s at a huge disadvantage since their educational achievements are being compared to English native speakers in order to make decisions in regards to their education and the resources being made available to them.

Furthermore, the ESL subgroup created to hold schools accountable for adequate yearly progress within the subgroup has also proven to present a problem for ESL students academic and English proficiency assessment accountability. Because the NCLB allows flexibility in classifying student as part of the ESL subgroup, often time a child who may be considered part of the

subgroup in one state may not be considered part of the subgroup in another state or even in the next school district within the same state (Abedi, 2004). This lack of classification consistency leads to inaccuracies in the annual yearly progress reporting and therefore in the accountability of the schools.

The flexibility of defining how to manage the ESL subgroup has also led to inaccuracies in determining whether a school's AYP has improved since once a student reaches a proficient level he is moved out of the subgroup and his test scores are no longer considered part of the subgroup leaving only the non-proficient ESL students within the group ensuring that the AYP will mostly stay stagnant or decrease if the school suddenly has a large enrollment of ESL students (Abedi, 2004). In order to accurately reflect a school's ESL subgroup AYP, the students ought to remain within their subgroup for a number of years after achieving fluency in order to ensure an accurate portrayal of the ESL subgroups progress as a whole. However, due to the lack of NCLB's regulation of the classification of students within subgroups there is no standard by which the states can achieve an accurate AYP measurement at this time. Overall, as it stands, the AYP standards are ultimately arbitrary in nature since there does not exist a specific time frame of when a child will acquire proficiency in a second language (Crawford, 2004).

### **Room for Reform**

In order for the NCLB accountability system to function and benefit ESL students, various reforms to the current implementation of the NCLB are required. Primarily, because of the unique needs of ESL students and the lack of



a standard time frame of language acquisition, the schools ought to be held accountable for each ESL student and his/her progress in comparison to his/her own ESL peers. If standardized tests are to be used then state tests shall be created specifically aimed at ESL students, which will not be administered to native English speakers. The NCLB shall also address the ESL curriculum being implemented in schools and require that it address the specific needs of ESL students and not be geared solely towards standardized tests that fail to take into account said needs. The schools individual ESL curriculum, programs, services and teachers should also be a part of the equation when accountability is at issue. If subgroups are to be kept, then a nationwide standard for classification of students and their mobility from the subgroup ought to be established to improve monitoring of progress.

### **Conclusion**

While the NCLB was enacted with the idea that it would ensure no disadvantaged group of children would be left behind the results were the opposite for ESL students. Although in theory, the NCLB's provisions and goals were supposed to improve education for all disadvantaged groups of children, the implementation proved that the NLCB provided too much flexibility to the states and led to "teaching for the test" curriculums. The standardized tests implemented by each state became the center of each child's education, causing negative changes in ESL Curriculum, which left ESL students at a disadvantage. This is not to say that the NCLB ought to be abolished, on the contrary, the goals of the NCLB are noble but in order for those goals to at least be plausible, the

NCLB needs to be reformed in a way that addresses the specific needs of ESL students. Otherwise, ESL students will continue to be at a disadvantage when compared to native English speakers. The NCLB should also address the ESL curriculum's being implemented in schools in order to ensure the accountability system actually functions in conjunction with the curriculum and not impacts reform to the curriculum negatively.

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