

Evolution of Federal Policy and Implications of No Child Left Behind For Language Minority Students

Executive Summary

by

**Wayne E. Wright
Assistant Professor
University of Texas at San Antonio**

Language Policy Research Unit (LPRU)
Education Policy Studies Laboratory
College of Education
Division of Educational Leadership and Policy Studies
Box 872411
Arizona State University
Tempe, AZ 85287-2411

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This brief details the history of the federal government's stance with language minority students, and analyzes the implications of changes to its guiding principles made by the No Child Left Behind (NCLB) Act of 2001. With every federal re-authorization of the Elementary and Secondary Education Act prior to 2001, the importance of bilingual education had progressively appreciated. It had evolved into a program that, while giving schools greater flexibility in terms of types of programs offered, provided greater recognition of the societal benefits of bilingualism for all students, and increased support for developmental bilingual and dual-language immersion programs. The act also increasingly recognized the need to impart knowledge of the history and culture associated with the languages of language minority students. The word "bilingual" was removed entirely from NCLB, marking a dramatic shift in the guiding principles of the federal government toward these students, which they labeled, "limited English proficient," or LEP.

Under NCLB, test scores are the indicator by which schools are held accountable. To avoid sanctions and potential state or corporate takeover, schools are expected to make adequate yearly progress in their test scores with regard to all subgroups, including students labeled LEP. NCLB allows for exceptions and accommodations, but the number of students whose scores can be excluded is minimal, and acceptable accommodations are neither defined nor spelled out. Schools that have neglected LEP students can no longer afford to do so, which is the sole positive outcome of these changes, but it is overshadowed by the fact that the majority of LEP students will be forced to take an exam in a language they are not yet proficient in.

Other troubling issues with NCLB this brief brings to light are:

- The goals for LEP programs are simply to mainstream the students as soon as possible and to teach them the content of the state standardized exams. Schools are under immense pressure to raise test scores, so instruction narrowly focuses on the test, and discourages instruction focusing on the true needs of LEP students.
- Funding for LEP students nearly doubled, however, these federal funds are now spread more thinly, resulting in less dollars per eligible LEP student.
- NCLB no longer makes a distinction between bilingual programs or special alternative instructional programs. The federal law now only requires that LEP students be placed in “language instruction education programs.” The use of teaching the student’s native language is “optional.”
- While LEP students must be tested, states are finding creative ways to exclude their scores, thus helping many schools avoid being held accountable for a

LEP subgroup. This may create an illusion of success while the real needs of LEP students are being ignored.

Bilingual education programs based on the original principles of the Elementary and Secondary Education Act are still allowed under NCLB, but only if state education leaders deem them as “scientifically based” and are willing to fund them. Anti-bilingual education measures in some states make it extremely difficult for schools in those states to offer quality bilingual education programs. This is a recipe for leaving LEP students behind.