

## **Practices Shaping U.S. Schools**

Dr. Jolanta Jonak<sup>1</sup>, Dr. Anna Jankowska<sup>2</sup>, Dr. Ramzia Duszynski<sup>3</sup>

<sup>1</sup>(Department of Special Education, Northeastern Illinois University, USA)

<sup>2</sup>(Department of Departmental Psychology and Psychopathology, University of Gdansk, Poland)

<sup>3</sup>(Department of College of Arts and Sciences, National Lewis University, USA)

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**ABSTRACT :** *The United States is considered a nation built by immigrants. This has had multiple influences on its cultural and linguistic shaping. Various groups and communities have contributed their languages, cultures, and beliefs. Societal norms, legislations, educational systems and reforms have been enacted that ultimately shaped the current educational system. Historically, this process has not always been fair to minority groups, resulting in prejudicial views and legislation against certain groups. The historical view presented in this article examines cultural and linguistic diversity in the U.S., common perceptions of immigrants, history of assessments and policies affecting culturally and linguistically diverse (CLD) populations, legislation affecting CLD populations, and how they influenced the educational system.*

**KEYWORDS** - *culturally and linguistically diverse (CLD), education, history*

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### **I. TERMINOLOGY**

To maintain a uniform understanding of the phrase ‘culturally and linguistically diverse’, a definition is presented. Culturally diverse persons come from an ethnic and cultural background other than the mainstream and differ in their ethnicity, social class, and/or language.<sup>i</sup> This includes people who were born and/or raised in different cultures, or who were born and/or raised in the United States but live under the influence of another culture. Linguistically diverse persons can communicate in a language other than the mainstream language; however, such people may or may not be immigrants.<sup>ii</sup> Immigrants form only one subset of linguistically diverse populations. This author uses the term ‘culturally and/or linguistically diverse’ (CLD) persons to refer to persons that come from either linguistic or culturally (or both) diverse backgrounds, which also includes persons from historically underrepresented groups. The author uses other terminology only when specifically referring to such populations (e.g., English language learners [ELL]), or when it is a quoted from a work that uses such a term.

### **II. OVERVIEW OF CULTURAL DIVERSITY SHAPING U.S. SOCIETY**

The United States prides itself on its diversity. The nation was built by European immigrants from a White Anglo-Saxon Protestant background that were joined by other immigrant groups including Jews, Catholics, Eastern Europeans, Southern Europeans, and minority religious sects<sup>iii</sup> that throughout history were joined by diverse members from all over the world. Immigrant groups have been growing in number and diversity, and existing immigrant and indigenous groups have been blending to create a unique society. This unique infusion of varied races, religions, languages, and cultures has shaped U.S. society. Diversity in U.S. society is reflected in the school system, where the student body mirrors cultural, linguistic, racial, religious, socioeconomic, and other diversity. According to Census 2010 data, between 1989 and 2009, the percentage of public school students who were White decreased from 68 to 55%, and the percentage of those who were Hispanic doubled from 11 to 22%.<sup>iv</sup> In 2008–09, greater percentages of Black, Hispanic, and American Indian/Alaska Native students attended high-poverty elementary and secondary public schools than did White or Asian/Pacific Islander students.<sup>v</sup> In 2009, 19% of 5- to 17-year-olds lived in families stricken by poverty conditions, compared with 15% in 2000 and 17% in 1990.<sup>vi</sup>

The trend of diverse society is expected to continue and shape U.S. society and schools. From 2008 through 2020, public elementary and secondary enrollment is projected to increase to 53 million students.<sup>vii</sup> Enrollment in undergraduate programs is expected to increase from 17.6 million students in 2009 to 20.0 million in 2020; and in post-baccalaureate programs is projected to increase through 2020 to 3.4 million students.<sup>viii</sup> These increases in enrollment will be accompanied by a growing diversity of students,<sup>ix</sup> which will continue to shape the U.S. educational system.

The fusion of cultures is unique and exceptional, and citizens can be just as proud of their original cultural heritage as they are to be American.<sup>x</sup> Yet, some historical, social, and political factors may limit the assimilation of some CLD groups into the mainstream of American life. Groups have not been equally welcomed into this country and have not been treated equally. Many newcomers to this country received a strong message: ‘forget the home language, make sure your children don't learn to speak it, and change your name to sound more American’.<sup>xi</sup> Howard indicates that most people are aware of prejudicial attitudes that are out of synch with the U.S. belief in equality and justice.<sup>xii</sup> He believes that this is the basis for the ‘cognitive dissonance we experience’<sup>xiii</sup> and when asked to participate in confronting these attitudes, we resist through denial, hostility, fear, and guilt. William Sloane Coffin, Jr. observed that ‘Diversity may be the hardest thing for a society to live with, and perhaps the most dangerous thing for a society to be without’.<sup>xiv</sup>

### **III. OVERVIEW OF LANGUAGE DIVERSITY SHAPING U.S. SOCIETY AND ITS SCHOOLS**

In the United States, more than 380 different languages are spoken,<sup>xv</sup> with more than 57 million people using these different languages, according to the 2009 Census.<sup>xvi</sup> From 1980–2007, there was a 140% increase in the population speaking a language other than English at home, while the nation's overall population growth was 34%.<sup>xvii</sup> According to Passel and Fix, more than half of the minority-language speakers and more than one-third of those reporting difficulties with English were born in the United States.<sup>xviii</sup> At the elementary school level, about 41% of CLD students were native-born,<sup>xix</sup> and between 69% and 90% of CLD students in middle and high schools were born in the United States.<sup>xx</sup> This population of CLD students is the second or third generation of immigrants who have been in this country since kindergarten.<sup>xxi</sup> About 80% of students learning English are U.S. citizens, often the children of immigrants who speak other languages at home.<sup>xxii</sup> According to the U.S. Department of Education, the number of ELL students rose 46% between 1990 and 2000.<sup>xxiii</sup> This fact illustrates that new immigrants are not the only major contributors to the pool of ELL students in the schools.

According to Census 2010 statistics, among school-age children who spoke a language other than English at home, the percentage who spoke English with difficulty generally decreased between 1980 and 2009.<sup>xxiv</sup> For instance, Census 2010 statistics indicated that 41% of these children spoke English with difficulty in 1980, compared with 36% in 2000, 25% in 2006, and 24% in 2009.<sup>xxv</sup> Although most of these students use the Spanish language (approaching 80%), Asian, Southeast Asian, and European languages are also used frequently used by CLD students.<sup>xxvi</sup> Other languages, such as Arabic, Armenian, Chuukese, French, Haitian Creole, Hindi, Japanese, Khmer, Lao, Mandarin, Marshallese, Navajo, Polish, Portuguese, Punjabi, Russian, Serbo-Croatian, Tagalog, and Urdu, are each represented by less than 1% of the ELL student population.<sup>xxvii</sup>

The linguistic diversity array illustrates the growing cultural and linguistic diversity of the current population of the U.S. Diverse populations continue to grow in the United States; however, most CLD populations are concentrated in several states. California leads all states, followed by Texas, Florida, New York, Illinois, and Arizona, but these six states combined are responsible for educating over 60% of CLD students with English language needs in the United States.<sup>xxviii</sup> The National Center for Educational Statistics (NCES) reports that 100 of the United States' largest school districts enroll over 20% of the total public school population, and 12% of ELL students.<sup>xxix</sup> The states of California, Florida, and Texas encompass over 40% of the 100 largest public school districts, serving almost 75% of the ELL students for the 2003-2004 school year.<sup>xxx</sup> Other states are also experiencing unusually high increases of CLD students. For instance, Alabama, Indiana, Kentucky, Nebraska, North Carolina, South Carolina, and Tennessee experienced a 300% or more increase of ELL students from 1995 to 2005.<sup>xxxi</sup> These statistics illustrate that, despite several heavily concentrated geographical areas of CLD populations, migration to other less CLD geographical areas of the United States is common and growing. Developing from this migration is the issue of appropriate education for CLD students. Each year, it becomes more relevant for the entire country. In addition, various population prediction sources continue to foresee that CLD populations will further increase, and at higher rates than the mainstream population.

### **IV. POPULAR PERCEPTIONS ON IMMIGRATION**

When discussing this topic, it is essential to address immigration, along with various issues associated with it, as immigrant populations partially make up the CLD group. Immigration to the United States has been continuously growing despite its changing form. Over the past centuries, immigration has evolved from something that was encouraged to something that is discouraged. Recently, immigration has begun to play an important role in the sociopolitical context of the U.S., and, despite much controversy, it needs to be appropriately addressed. Despite the United States being ‘built by immigrants’, they are not equally valued as other members of society.<sup>xxxii</sup>

There are many myths and misconceptions about immigration in general and about specific immigrant groups in particular. These popular beliefs are often unfavorable toward certain or all immigrant groups; one danger is that such perceptions, which are not grounded in research or data, become the basis for creation of damaging generalizations and perceptions. The most popular misconceptions include that most immigrants are here illegally; former immigrants learned English but today's immigrants refuse; immigrants do not want to blend in and become 'Americanized'; immigrants take good jobs from Americans; immigrants do not pay taxes but still get benefits; and undocumented immigrants bring crime.<sup>xxxiii</sup> Widespread misconceptions about immigrant out-groups demonstrate U.S. society's deficiency of knowledge about other cultures, even those on neighbouring borders. That deficiency needs to be addressed to decrease bias and adequately prepare children to live in a diverse society by offering appropriate education; these issues should be developed and addressed within our society and the school systems. Linguistic diversity has not been favored in U.S. society. Nieto and Bode illustrated a common view on linguistic diversity with the quote 'forgetting their native language is seen as a regrettable but necessary price to pay for the benefits of citizenship'.<sup>xxxiv</sup> Linguistic diversity has been treated as a temporary barrier to learning.<sup>xxxv</sup> It is a cliché that the U.S. fosters foreign language acquisition, making it even a graduation requirement at both the high school and college levels, but at the same time society has developed and adopted a strong negative view towards bilingual populations.

#### **HISTORY OF ASSESSMENTS AND POLICIES AFFECTING CLD POPULATIONS :**

To understand current educational practice, it helps to examine history. Events, practices, and policies from the past are responsible to some degree for some educational practices and disproportionate representation of CLD populations in various education programs. Assessments have played a significant part in American education; therefore, it is necessary to understand the historical background of assessment, and its influence on educational practices. Standardized assessments have a long history in the United States and in Europe, dating back more than 100 years. In the early 1920s, Yerkes and a group of psychologists developed two intelligence tests, Scale Alpha designed for literate men, and Scale Beta designed for illiterate men, to assist the military in sorting their candidates according to their intelligence.<sup>xxxvi</sup> The Alpha and Beta Intelligence Tests were group tests, making them faster, simpler, and less expensive to use than existing individual intelligence test like Stanford Binet.<sup>xxxvii</sup> To provide a better description of the test and type of questions included in it, here is an example of a few testing items:

- (1) (1) Crisco is a: patent medicine, disinfectant, toothpaste, food product;
- (2) (2) The number of a Kaffir's legs is 2, 4, 6, 8; and
- (3) (3) Christy Mathewson is famous as a: writer, artist, baseball player, comedian.<sup>xxxviii</sup>

In addition to testing items that were biased against those not familiar with American culture and those from lower socioeconomic backgrounds that might not have adequate exposure to certain knowledge, the testing conditions and practices implemented to test the military recruits were less than adequate, unprofessional, and not guided by good practice. More than 1.75 million men were tested in large, overcrowded rooms with poor lighting and poor audibility.<sup>xxxix</sup> Immigrant men were administered the same test despite language difficulties, and some illiterate men were administered a reading test designed for literate test-takers. As can easily be predicted, the test results were inaccurate and invalid. However, from these results it was concluded that recent immigrants (especially those from Southern and Eastern Europe) scored considerably lower than older waves of immigration (from Northern Europe), confirming White Anglo-Saxon Protestant beliefs that immigrants were inferior. This information was used as a basis for the eugenic motivations for harsh immigration restrictions, laws, and practices.<sup>xl</sup>

In the 1920s, as a result of Yerkes's inappropriate military intelligence testing and other cultural attitude biases and quotas, White Anglo-Saxon beliefs of superiority were considered 'confirmed',<sup>xli</sup> and inaccurate beliefs about immigrant groups were shaped. Results from the military testing were used to 'prove that Jews, Hungarians, Italians, and Russians, were "feeble-minded" and therefore, justified the lower immigration quotas ...'.<sup>xlii</sup> The 2% allowance of people from Southern and Eastern Europe in the U.S. during the 1920s, as compared with high percentages of people allowed from the British Isles and Northwestern Europe,<sup>xliii</sup> was a direct outcome of inappropriate and inaccurate use of biased intelligence testing that added to prejudice against certain immigrant groups. Historically, most White Americans were prejudiced against out-groups; misconceptions added to misunderstanding of other groups, creation of myths, and impediment of social relationships between in-groups and out-groups. Despite the above-mentioned problems with the use of the military intelligence testing, the intelligence-testing domain continued to grow and gain popularity.

Again, Yerkes with some colleagues developed one of several pencil-and-paper tests that were marketed to school administrators throughout the country; by 1930, it had been administered to seven million schoolchildren.<sup>xliv</sup> The National Research Council itself, as the test's sponsor, described the new intelligence test as deriving from 'the application of the army testing methods to school needs'.<sup>xlv</sup> From these times, standardized testing began to assist with educational placements and entitlements.<sup>xlvi</sup>

Intelligence assessments were used extensively to sort students 'so they could be efficiently educated according to their future roles in society'.<sup>xlvii</sup> Furthermore, 'testing proved a convenient instrument of social control for superintendents in the late 19th Century who sought to use tests as a mean for creating the "one best system" of education'.<sup>xlviii</sup>

As the standardized testing field was developing, educational needs of students from CLD backgrounds were of no consequence to the mainstream. The consistently lower scores of minority students were used to support White Americans' opinions that minority populations were inferior. For instance, in 1922 in Arizona's copper mining city, due to high numbers of students unable to learn, students in second through eighth grade were tested with group-administered intelligence tests.<sup>xlix</sup> Because half of the students were from a Mexican background, conclusions stated that underachievement was due to genetics; to rectify the problem, a segregated program was created, with a vocation curriculum for these Mexican students.<sup>l</sup> In the 1940s, evaluators began to warn that their tests would not be fair to children from foreign language backgrounds.<sup>li</sup> It became apparent to test developers that American children had certain common experiences due to the shared American culture.<sup>lii</sup> Children who had not lived long enough in this culture may not have been familiar with many aspects of American everyday living like current movie stars, product names, and other symbols, not to mention the language barrier that contributed to frequent inability to understand testing questions. With this awareness, test developers recognized that common symbols for all socioeconomic and cultural groups would have to be used, but the method to achieve a culture-free test had not been developed.<sup>liii</sup>

Despite the growing recognition of intelligence tests' invalidity for CLD students in the 1940s and 1950s, they were still widely used through the 1970s, showing the extremely slow movement in assessment and educational practices for these students. The existing and revised intelligence tests continued to be widely used, placing more and more students incorrectly into inappropriate and segregated education programs. Interventions from the federal and state court systems had to be solicited to protect 'the rights of CLD students, requiring these students to receive culturally bias-free tests'.<sup>liv</sup> Today, aptitude and achievement tests are still widely used in school systems, especially for special education eligibility decisions. Despite item improvements and standardization sampling improvements with every new edition of aptitude test instruments, these instruments are still considered inappropriate for CLD populations. Some critics say that intelligence tests are incorrectly called IQ or intelligence tests because they were never intended to measure intelligence; instead, they should be called cultural background (CB) tests because they measure mental alertness as one's culture teaches.<sup>lv</sup>

## **V. LEGISLATION AFFECTING CLD POPULATIONS**

Aptitude assessment has a significant role in U.S. schools for special education eligibility and other program placements. Testing results undoubtedly influenced ideologies about human intelligence, and they shaped popular public beliefs about CLD groups. Because popular notions towards CLD populations were rather unfavorable, the type of education CLD students received did not always see to the best interests of these students. How to educate students who do not speak English has been an issue all along. Until today, CLD students' experiences varied on the spectrum from no help at all in their native language ('sink or swim' programs) to all instruction in their native language (complete bilingual education). In 1967, during the era of the civil rights movement, the Bilingual Education Act (BEA) was drafted, and passed in 1968 as the first federal legislation to protect linguistically diverse speakers in order to diminish mistreatment and inadequate education of CLD students.<sup>lvi</sup> The BEA, also known as Title VII of the Elementary and Secondary Education Act (ESEA), originally was created as a supplemental grant program to aid local school districts in teaching students learning English as a second language.<sup>lvii</sup> The BEA allowed school districts the opportunity to provide bilingual education programs, affording better education and reducing dropout rates.<sup>lviii</sup>

The BEA was seen as a victory by many, and definitely improved education for CLD students. However, this law was controversial from its inception and had its opponents as well as its supporters. With the support of liberals from the Democratic Party as well as ethnic politicians, this act continued to be reauthorized six times.<sup>lix</sup> The reauthorization in 1974, 1978, 1984, 1988, and 1994 increasingly offered more guidelines and financial assistance to support projects benefiting ELL students (for example, the 2001 budget of \$296 million supported nearly 1000 projects)<sup>lx</sup>.

The first five versions of this act had a main purpose to foster English language acquisition and academic achievement. Not until the 1994 final reauthorization was the legislation allowed to aim to develop and extend student native language skills (Crawford, 2006). The 1994 reauthorization also removed the 1988 provision of maximum allowed enrollment in BEA program for three years, with two 1-year extensions possible if needed.<sup>lxi</sup> Title VI of the Civil Rights Act of 1964 requires all services, programs, and agencies that receive state funding (as well as programs and agencies that receive federal funding) to provide interpreters for limited English proficiency (LEP) clients at no cost to them.<sup>lxii</sup> In addition, they must provide translations of vital forms and documents ordinarily given to the public into any language spoken by 3% or more of the population within that geographic jurisdiction, and use any additional methods required to ascertain equal access to services.<sup>lxiii</sup>

This statement was fundamental in interpreting rights of CLD populations. Equally important, Title IV of the Civil Rights Act mandated a language assessment of any child who may have LEP. This assessment was to be conducted in English and in the child's native language. Because school districts had great freedom as to how to educate students who were learning English as their second language, many students did not receive an adequate education, and many were educated in segregated programs or moved into special education programs. While a majority of the population showed a negative stance towards CLD populations, activists for social justice tried to address inequality issues, among which was overrepresentation of minority students in segregated special education programs. There is evidence in the professional literature from 1968 that the matter of disproportionate representation of minority children in special education was already an issue.<sup>lxiv</sup> Because school districts did not adhere to guidelines, further court assistance was considered necessary. Two landmark court cases in the early 1970s created improved educational practices for CLD students: *Diana v. California State Board of Education* and *Lau v. Nicholes*. The court decision from the first case required districts 'to test children in their primary language and to use non-verbal tests as well as extensive supportive data'.<sup>lxv</sup> This case decision was mainly based on Title VI of the Civil Rights Acts of 1964, which prohibits discrimination based on race, color, and national origin by recipients of federal financial assistance.<sup>lxvi</sup> Although this title does not specifically mention linguistically diverse students, this law has been extended in interpretations to include this population.

The Supreme Court in *Lau v. Nicholes's* case ruled that the San Francisco school system had violated Title VI by denying their bilingual children a meaningful opportunity to receive a public education by failing to provide supplemental English language instruction to its LEP students.<sup>lxvii</sup> The court decision for this case required schools to educate all students 'whether or not they spoke English'.<sup>lxviii</sup> The 'sink or swim' instruction method was outlawed by the U.S. Supreme Court in the *Lau v. Nicholes* decision of 1974, giving states freedom to determine how to help students achieve good educational outcomes.<sup>lxix</sup> CLD student needs have also been addressed through other legal channels: the Equal Educational Opportunities Act (EEOA), ESEA Title VII, Part C Emergency Immigrant Education Program; the ESEA Title VII, Part B Foreign Language Assistance Program; the ESEA Title I, Part C Migrant Education Program; vocational education (Carl D. Perkins Vocational and Applied Technology Education Act); and Special Education (Individuals with Disabilities Education Act).<sup>lxx</sup> The Clinton Administration was supportive of bilingual education, and helped promote approaches designed to cultivate bilingualism not only for bilingual but also monolingual students through two-way bilingual instruction.<sup>lxxi</sup> Clinton's administration and the U.S. Secretary of Education at the time said, 'It is high time we begin to treat language skills as the asset they are, particularly in this global economy'.<sup>lxxii</sup> Unfortunately, this support was not long lasting. Despite the perceived notion that bilingual education was beginning to be accepted by Anglo-American parents and policymakers,<sup>lxxiii</sup> the fate of bilingual education took an unexpected turn when the State of California became the leader in dismantling its bilingual education programs by passing Proposition 227 in 1998. Article 2, section 305 of this act states:

All children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification....<sup>lxxiv</sup>

The States of Arizona and Massachusetts followed with similar laws in the next couple of years, representing 43% of bilingual students nationally.<sup>lxxv</sup> Even though these propositions had large support, the tactics to achieve such support were questionable. Many Americans were not familiar with research supporting the benefits of bilingual education nor types and practices of bilingual programs. Even today, some, including CLD parents, may have the misconception that learning English through English-only instruction helps children achieve quicker proficiency in that language. Along the same lines, they may believe that support in native language instruction slows down the process. Even Rod Page, serving as U.S. Secretary of Education from 2001 to 2005, showed a lack of awareness of bilingual education research by saying ‘the idea of bilingual education is not necessarily a good thing. The goal must be towards English fluency’.<sup>lxxvi</sup> In this statement, he contributes to further misconceptions of many U.S. citizens that bilingualism is a roadblock in achieving English fluency, further inducing animosity towards such practice. The BEA, which promoted equal access to the curriculum, training a generation of educators, and fostering achievement among students, expired on January 8, 2002 after 34 years.<sup>lxxvii</sup> Crawford, who closely studied this act, upon expiration of the law wrote, ‘Its death was not unexpected, following years of attacks by enemies and recent desertions by allies in Congress’.<sup>lxxviii</sup> This act was eradicated as part of a larger ‘school reform’ measure known as ‘No Child Left Behind’. proposed by the Bush administration in 2001.<sup>lxxix</sup> The Bilingual Education Act with no opposition was transformed into the English Language Acquisition Act under No Child Left Behind.

The No Child Left Behind Act (NCLB) of 2001 requires statewide systems of accountability based upon challenging academic standards and assessment systems with content aligned to those standards. All schools have to assess their students' academic competence in core subject areas, with a level of achievement progressively increasing and the achievement gap between various groups progressively reducing, with academic mastery achieved by 2014 across the board. Another important provision of this law is requiring schools to separate test-score data by student subgroups that include major racial groups, low-income students, ELL students, and students with disabilities. This is intended to prevent schools, school districts, or states from letting high overall student achievement hide low achievement among certain groups of students.<sup>lxxx</sup> NCLB anticipated federal funds to support the education of ELL students, but via programs that are quite different from those funded under Title VII.<sup>lxxxi</sup> Even in the states that allow bilingual education, it is predictable that such instruction will be discouraged, emphasizing English instruction, as schools will be judged by the percentage of students reclassified as fluent in English each year.<sup>lxxxii</sup>

The replacement law is completely different from the expired BEA. A minor, but notable, difference is in the disuse of the word ‘bilingual’, including changing the name of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) into the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited-English-Proficient Students (OELALEALEPS).<sup>lxxxiii</sup> Changes are evident in the ideology of these two acts. The 1994 version of the BEA among other things, promoted ‘developing the English skills ... and to the extent possible, the native-language skills’ of LEP students, where the English Language Acquisition Act stresses skills in English only.<sup>lxxxiv</sup>

NCLB was intended to improve student achievement and change the culture of America's schools. New federal laws proposed extensive changes in schools and districts for elementary and secondary education if they receive federal funding. The new laws were presented as being in the interest of all students, but certain policies were burdensome for CLD students. In January 2001, his first week in office, President Bush said, ‘these reforms express my deep belief in our public schools and their mission to build the mind and character of every child, from every background, in every part of America’.<sup>lxxxv</sup> When President Bush signed the act into law, on January 8, 2002, the U.S. Secretary of Education Rod Paige stated that ‘For too long, many of our schools did a good job educating some of our children ... With this new law, we'll make sure we're providing all of our children with access to a high-quality education’.<sup>lxxxvi</sup> NCLB, which was passed with overwhelming bipartisan support, represents four key principles in its ideology: stronger accountability; greater flexibility for states, school districts and schools in the use of federal funds; more choices for parents of children from disadvantaged backgrounds; and emphasis on teaching methods that have been demonstrated to be effective.<sup>lxxxvii</sup>

However, according to NCLB, CLD students classified as ELL students are required to take the same state assessments as all other students. Students are to be tested each year in grades 3 through 8, and once in high school in Reading/English language arts, Math, and Science (starting in school year 2007-08).<sup>lxxxviii</sup> ELL students are entitled to some accommodations, including small group administration, extra time or flexible scheduling, simplified instructions, dictionaries, recorded native language instructions, and recording responses in their native language.<sup>lxxxix</sup>

For the initial three to five years, ELL students are allowed to take the reading/English language arts state assessment in their native language; however, states are only required to develop and administer native language assessments 'to the extent practicable'.<sup>xc</sup> NCLB might have had noble intentions to reduce the achievement gap between high-achieving and historically underachieving groups, and to improve education for everyone; nevertheless, it seems that this act was not well thought out.

The objectives that are viewed as unattainable by some require all ('all' in NCLB means 95%) students to be proficient in reading and mathematics by 2014.<sup>xc<sup>i</sup></sup> This is concerning, as many schools do not meet NCLB criteria, and the number of schools failing to do so is consistently increasing. The Center on Education Policy found that 48% of the nation's public schools failed to meet NCLB goals in 2011. This is an increase from 39% in 2010 and 29% in 2006.<sup>xc<sup>ii</sup></sup> Another concern is that there is a great disparity

in the performance among states; where; for instance, in Wisconsin only 11% of schools fell short of advancement goals, in Florida 89% of schools were in that situation.<sup>xc<sup>iii</sup></sup>

NCLB is the current version of the Elementary and Secondary Education Act (ESEA), a landmark federal law established in 1965 to ensure educational equity for all students that has routinely been 'reauthorized' by Congress<sup>xc<sup>iv</sup></sup> to continually renew it and often improve it. This law has not been reauthorized since 2002, making it the longest-ever period between rewrites of this law.<sup>xc<sup>v</sup></sup> The law expired in September 2007, but was automatically extended until a new bill is passed.<sup>xc<sup>vi</sup></sup>

On March 13, 2010, the Obama administration made public its blueprint for revising the Elementary and Secondary Education Act (ESEA).<sup>xc<sup>vii</sup></sup> The current act contains many provisions that are questionable, in particular for CLD students and students with disabilities, such as dyslexia, developmental disabilities, dyscalculia, or attention deficit disorder (ADD). Many educational advocates lobby for changes under the upcoming reauthorization to make this act friendlier for these educational minority groups. President Obama said that 'In the 21st Century, it's not enough to leave no child behind. We need to help every child get ahead. We need to get every child on a path to academic excellence'.<sup>xc<sup>viii</sup></sup> It is the author's hope that the reauthorized act will continue to have high expectations for all students, but also will be fair and respectful to diverse students' needs.

## **VI. EDUCATIONAL CHALLENGES**

The U.S. society and its educational system underwent significant metamorphosis over the course of history; where education was a privilege for few, now is a right for all. Over the course of history, U.S. education underwent transformations at the elementary, secondary, and post-secondary levels.<sup>xc<sup>ix</sup></sup> Some of the transformations are on-going, as the educational system has to be responsive to changes of current times. The U.S. school system does a good job educating some of its students, but a less good job of educating others. The students that are often not receiving high-quality education are students from CLD backgrounds. CLD students often exhibit lower academic achievement, higher dropout rates,<sup>c</sup> and higher-than-expected representation in special education programs.<sup>ci</sup> CLD students are at higher risk levels for not successfully completing mandatory schooling and continuing in postsecondary institutions. Waggoner found that the group of people reporting difficulty with the English language on the 1990 census were only half as likely to have graduated from high school, and 12 times more likely to have completed less than five years of schooling, as compared with native English speakers.<sup>c<sup>ii</sup></sup> According to the National Center for Educational Statistics, in 2011, 32% of 25- to 29-year-olds obtained a bachelor's degree or higher. From 1980 to 2011, the gap in the attainment of a bachelor's degree or higher between Whites and Hispanics increased from 17 to 26 percentage points, and the gap between Whites and Blacks widened from 13 to 19 percentage points.<sup>c<sup>iii</sup></sup>

Federal, state, and local governments, along with school districts, and echoed by parents, educational advocates, and many students themselves, present a clear mission that all students should have access to high-quality education that will lead to becoming productive citizens of society. Such a mission reflects the direct connection between education and life achievements; 'education directly enhances productivity, and thus the incomes of those who receive schooling, by providing individuals with useful skills. Schooling also spurs invention and innovation, and enables the more rapid diffusion of technological advances'.<sup>c<sup>iv</sup></sup> School systems and educators do not have control over all factors that affect successful education of all students. Examples of factors beyond school systems' control include that certain aforesaid attitudes and practices are integrated into society; some policies regarding educational practices are more or less CLD student-sensitive may be in place; and some environmental and familial blueprints guiding students' lives are problematic.

However, school systems have control over factors like curriculum used, pedagogical practices, teacher preparation, cultural awareness, and expertise in order to determine the environment's conduciveness for all, especially CLD students.

## VII. CONCLUSION

This historical perspective has been presented to provide a better understanding of practices and policies governing student education and to create awareness of some factors shaping U.S. society. U.S. society has undergone many transformations influenced by ethnic, racial, cultural, socioeconomic, ideological, and political aspects, shaping it into a distinctive, vibrant, and strong society. Individual and system-wide perceptions have impacted various national, state, district, school, or classroom level policies, procedures, and practices that in turn influenced the shaping of the current U.S. societal and educational systems. Some of the shaping has been very effective and CLD student-oriented, but some have been neutral or even detrimental to CLD populations. Due to the ever-growing diversity in U.S. society, schools need to be sensitive to this occurrence to build a pluralistic society embracing everyone and providing welcoming systems and structures which ultimately will benefit all. Schools should implement best practices in education, even when these may not be aligned with political views pressuring school policy. Policymakers and educators should never forget that in the United States, schools are responsible for educating and providing the best experience for all students, regardless of their social or immigrant status. These best practices should involve classroom practices, assessment practices, and system and policy practices.

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