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NO CHILD LEFT BEHIND: REPEALING AND
UNPEELING FEDERAL LANGUAGE EDUCATION POLICY
IN THE UNITED STATES

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ABSTRACT. For more than three decades US language education policy was realized through the Bilingual Education Act, enacted in 1968 to meet the educational needs of language minority students. The Bilingual Education Act emphasized bilingual education and provided options for the development of students' native language as well as their English language proficiency and academic achievement. In 2002 the Bilingual Education Act expired and was replaced by the English Language Acquisition, Language Enhancement, and Academic Achievement Act. Drawing on Ricento and Hornberger's [(1996) *TESOL Quarterly*, 30(3), 401–428] 'onion metaphor' for the multi-layered nature of language planning and policy, this paper considers the potential impact changes in language education policy may have on programs and practices for language minority students. A summary of interview responses from a small sample of Southern Oregon educators provides an added perspective.

KEY WORDS: bilingual education, language minority education, language planning orientation, No Child Left Behind, onion metaphor in language policy and planning, scientifically based research, teachers' understandings

ABBREVIATIONS: LEP – Limited English Proficient; OBEMLA – Office of Bilingual Education and Minority Language Affairs; OELALEAALEPS – Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited-English-Proficient Students

INTRODUCTION

On January 8, 2002, the No Child Left Behind Act was signed into law, replacing the Improving America's Schools Act of 1994 as US federal education policy. The No Child Left Behind Act is the most recent reauthorization¹ of the Elementary and Secondary Education Act which Congress enacted in 1965 to address the educational challenges of children living in poverty. In 1968, the Elementary and Secondary Education Act was amended to include Title VII, the Bilingual Education Act, designed to address the needs of students

¹ As with most US federal laws, the Elementary and Secondary Education Act requires reauthorization to be continued.

with limited English proficiency. It provided funds directly to local school districts and schools through competitive grants.

Though titled the Bilingual Education Act from its inception, support for use of an English language learner's² native language for instructional purposes in federally funded programs varied over the life of the act. Nevertheless, through several revisions and reauthorizations that varied in specific provisions Title VII consistently made space for bilingual education in one form or another. The last reauthorization of the Bilingual Education Act in 1994 removed a previous three year limit on the amount of time a student could remain in a Title VII program and gave preference to programs that sought to develop students' native-language skills while simultaneously fostering English language proficiency. This resulted in the growth of a number of additive programs for students with limited English proficiency, including late-exit 'developmental' bilingual programs that feature a more gradual transition to English, typically 4–5 years, and two-way bilingual programs, also known as dual language immersion programs, that include English-speaking children learning a second language alongside language minority children learning English (Crawford, 2002b).

All of this changed dramatically with the introduction of the No Child Left Behind Act in 2002. Current policy implicitly repeals the Bilingual Education Act and emphasizes the need for schools to quickly develop students' English language proficiency and move them to English-only classrooms. In what follows, we contemplate the implications of this policy change for language minority students in the United States. Drawing on Ricento and Hornberger's (1996) 'onion metaphor' for the multi-layered nature of language planning and policy, we allude to potential effects at the national, institutional, and interpersonal levels.

A Change in US Language Education Policy

With the 2002 reauthorization of the Elementary and Secondary Education Act, a number of revisions have resulted in significant policy and program changes for English language learners and bilingual education. The new act is Title III, Language Instruction for Limited English Proficient and Immigrant Students. As with Title VII

² The term *English language learner* has in recent years become the preferred term among educators rather than referring to students as 'limited English proficient' (LEP) because of the negative connotations of the latter term. We follow this usage, except when quoting or summarizing documents that use LEP.

of the Improving America's Schools Act of 1994, it sets as goals high academic achievement and attainment of English language proficiency by students with limited English proficiency. The 1994 and 2002 acts differ significantly, though, in their approaches to achieving these goals:

1. *Funding*: Through the No Child Left Behind Act formula grants to states, all schools with 'limited English proficient' (LEP) students will receive funds for services for those students. However, under the current formula, funds allotted to the states for educational service amount to less than \$150 per student (Crawford, 2002b: para 12). Under the Improving America's Schools Act, school districts and schools received funding directly through competitive grants. Amounts varied and fewer schools received federal funds, but the amount of money per student tended to be proportionately greater.

2. *Role of a learner's native language*: Under the Improving America's Schools Act, a learner's native language was acknowledged as playing an important role in facilitating English language development and allowing students to keep pace academically while developing adequate English language proficiency to do grade level work in English. In the No Child Left Behind Act, English language development is taken as the *sine qua non* of academic achievement and a child's native language is assigned less of a facilitative role in promoting English language development. Indeed, it may be viewed as a crutch in subject area study that prevents children from making adequate progress toward English language proficiency.

3. *Length of time necessary to develop English language proficiency*: By not prescribing the length of time a child may receive English language instructional services or participate in bilingual education, the Improving America's Schools Act allowed for the varying lengths of time children take to attain English language proficiency. It also acknowledged that children might take several years to develop a level of proficiency necessary to learn and achieve academically in English. The No Child Left Behind Act takes the view that in three or fewer years children can generally develop a sufficient level of English language proficiency to enable them to meet the same academic standards in English only classes as native English speaking students.

4. *Activities*: The Improving America's Schools Act set out several broad categories of authorized program types and activities for which Title VII funds could be used: comprehensive bilingual, ESL, and other instructional programs for students with limited English proficiency; providing in-service and other training for faculty, staff and other personnel; curriculum and materials development; and

family education programs. The No Child Left Behind Act lists a number of required activities as well as authorized activities. A qualifying requirement of the No Child Left Behind Act activities is that they be based on 'scientifically based research.' Required activities emphasize increasing LEP students' English proficiency and academic achievement in core academic subjects. Authorized program types and activities basically mirror those in Title VII except that bilingual education activities are not among them.

5. *Accountability and Sanctions*: Under the Improving America's Schools Act, only those districts and schools that received grants were required to meet federally mandated program requirements. Under the No Child Left Behind Act, all schools and school districts with LEP students will have to meet federally mandated requirements. Sanctions under the Improving America's Schools Act amounted to loss of funding. Under the No Child Left Behind Act, in addition to losing funding, schools not meeting federal accountability requirements may be required to reorganize, remove personnel, and provide funds for students to attend private programs.

ANALYZING LANGUAGE PLANNING AND POLICY: THE ONION AND NATIONAL LANGUAGE EDUCATION POLICY IN THE US

With a much revised Elementary and Secondary Education Act under No Child Left Behind, how much improvement can be expected in English language learners' academic achievement and their increased English language proficiency? Ricento and Hornberger (1996) have proposed an onion metaphor for conceptualizing the interactions between agents in language planning policy formation and implementation, which may shed some light on probable outcomes. In this schema, planning and policy decisions are made and realized at a number of levels which make up the layers of the onion. In their words:

At the outer layers of the onion are the broad language policy objectives articulated in legislation or high court rulings at the national level, which may then be operationalized in regulations and guidelines; these guidelines are then interpreted and implemented in institutional settings, which are composed of diverse, situated contexts (e.g. schools, businesses, government offices); in each of these contexts, individuals from diverse backgrounds, experiences, and communities interact. At each layer (national, institutional, interpersonal), characteristic patterns of discourse, reflecting goals, values, and institutional or personal identities, obtain. [These] discourses are never neutral. They are always structured by ideologies.

As it moves from one layer to the next, the legislation, judicial decree, or policy guideline is interpreted and modified. Legislation at one or another government level may not be funded; it may even be unenforceable. In other instances, guidelines proposed in one administration may not be enforced by those that follow. Politics affects language planning processes at all levels of analysis. (Ricento & Hornberger, 1996: 409–411)

The following sections seek to unpeel the potential effects of the No Child Left Behind Act on the education of language minority students, considered at national, institutional, and interpersonal levels. In particular, we speculate on policy discourses and their underlying ideologies at the national level, issues of school accountability and scientifically based research at the institutional level, and perceptions of both ESL and mainstream practitioners at the interpersonal level. Our considerations are based on our reading of the policies and the research literature and on interviews with a small sample of Southern Oregon educators for an on the ground perspective.

National Level: Policy Discourses and Their Underlying Ideologies

The recent reauthorization of the Elementary and Secondary Education Act coincided with a change of administrations. With a new president came a change in philosophy toward public education, notably a focus on school accountability. More specifically, a comparison of the 1994 and 2002 federal language education policies (the Improving America's Schools Act, Title VII, and the No Child Left Behind Act, Title III) suggests two opposing implicit foundational ideologies or language planning orientations. Ruiz (1984) defines orientations as attitudes toward languages and their speakers, and toward language and the roles language plays in society, and proposes three orientations commonly found in language planning in the United States and elsewhere: language as problem, language as right, and language as resource. Over the course of its more than 30 year history, the discourse of Title VII has suggested, at various times, a *language as resource* orientation and possibly a *language as right* orientation. The title, the Bilingual Education Act, indicated a role for a child's native language in developing English language proficiency and achieving academic success. Statements in the act concerned the value of 'multilingual skills' to the nation and the use of a child's native language and culture in 'contributing to academic achievement and learning English.' (the Improving America's Schools Act of 1994, 7 U.S.C. § 7102).

The discourse of Title III, however, reflects a *language as problem* orientation and certainly provides little or no evidence of either a *language as resource* or a *language as right* orientation. After three decades as the Bilingual Education Act, the title of the section concerned with the education of children with limited English proficiency has been changed to the English Language Acquisition, Language Enhancement, and Academic Achievement Act. In addition, the term 'bilingual' has been removed from the law. The term only appears in reference to the renaming: the Office of Bilingual Education and Minority Language Affairs (OBEMLA) is renamed the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited-English-Proficient Students (OELALEAALEPS) and its director's title and the national clearinghouse of information relevant to language minority learners' education undergo similar name changes (the No Child Left Behind Act of 2001, 10 U.S.C. § 1072). Title III contains no statement concerning the value of multilingualism to the nation or to a child's English language development and academic achievement. The required and authorized activities under Title III emphasize the development of children's English language proficiency, but make no mention of a role for a child's native language in that process (the No Child Left Behind Act of 2001, 7 U.S.C. § 3115).

Ironically, this US policy shift away from a view of multilingualism as resource and toward the imposition of monolingual English-only instruction in US schools occurs in a global context in which both multilingualism and multilingual language policies are as much in evidence as they ever were. Scholars increasingly argue for ecological approaches to language policy, which recognize that no one language and its speakers exist in isolation from other languages and their speakers.³ In a world that is simultaneously coming together as a global society while it splinters apart into ever smaller ethnically defined pieces, where population and information flows inevitably bring global and local languages into contact in ever-evolving combinations, an ecological approach would suggest that any language education policy must take into account all the

³ Three themes of the ecology of language are that languages "(1) live and evolve in an eco-system along with other languages (language evolution), (2) interact with their sociopolitical, economic, and cultural environments (language environment), and (3) become endangered if there is inadequate environmental support for them *vis-à-vis* other languages in the eco-system (language endangerment)" (Hornberger, 2002: 35–36).

languages in the eco-system if in fact the goal is to offer education to all. No Child Left Behind ignores this imperative.

Institutional Level: School Accountability and Scientifically Based Research

Institutions, according to Ricento and Hornberger, are

relatively permanent socially constituted systems by which and through which individuals and communities gain identity, transmit cultural values and attend to primary social needs. Examples are schools, organized religion, the media, civic and other private and publicly subsidized organizations (libraries, musical organizations), and the business community. (Ricento & Hornberger, 1996: 415)

Attitudes toward languages and their speakers are deeply embedded in institutional structures and practices and these attitudes are transmitted to and influence agents and processes in other layers. For example, “Bilingual education has often been opposed in the U.S. because, among other reasons, Americans have been socialized to believe that the unity and cultural integrity of the U.S. cannot abide cultural, including linguistic, pluralism” (Ricento & Hornberger, 1996: 416). Schiffman (1996) terms these kinds of belief systems, attitudes, and ways of thinking about language ‘linguistic culture’ and argues that language policy is ultimately grounded in linguistic culture.

No Child Left Behind has been supported, initially at least, by many agents at the institutional level. In the lead-up to the act being signed into law and since, it has been touted by proponents as savior for the much maligned public education system. Under the accountability requirements of the law, schools would have to ensure that all students meet high educational standards and that all LEP students develop high levels of English language proficiency. The accountability requirements appeal to many who are convinced that public education is a large bureaucratic system that wastes money and does little to educate the nation’s children. Business organizations, religious groups, and numerous think-tanks have praised the No Child Left Behind Act. The media, by and large, have uncritically reported its goals and proposed benefits. The philosophical and policy changes related to English language education have probably coincided with beliefs and attitudes about language acquisition held by many educational administrators at the state and local levels. School administrators, for example, have been skeptical about the number of years typically necessary (5–7) for English language learners to become proficient in academic English as reported in the professional

literature. Many policy makers as well insist there must be a faster way to develop learners' English (Thomas & Collier, 1997: 33).

Educators closely tied to the education of language minority students are likely to see one beneficial outcome of the accountability requirements. Students' achievement under the No Child Left Behind Act is now disaggregated according to subgroup, e.g. students with special needs and those with limited English proficiency. If the required percentage of students in one of the subgroups fails to attain the standards set for all students by the No Child Left Behind Act, the whole school becomes classified as 'in need of improvement.' If a school is classified as "in need of improvement" more than two consecutive years, it is sanctioned. With each subsequent year, the sanctions get more severe including paying for students to get outside help, sending students to other schools, removal of personnel and ultimately reorganization of the school. With the threat of the 'in need of improvement' classification hanging over their heads, teachers and administrators who have heretofore not been concerned with the needs of English language learners will now be concerned. Where in the past funds intended for LEP students may have been added to the general fund, now those funds are to be devoted to programs for those students.

By and large, though, educators closely tied to the education of language minority students and educational researchers are not likely to receive No Child Left Behind with open arms. Principally, there is a disconnect between the No Child Left Behind Act, and the assumptions upon which it is based, and findings from research and educational experience that serve as the theoretical and empirical foundations for university teacher preparation programs, state education plans and programs, and local school district and school instructional programs and practices.

In conjunction with a *language as problem* orientation, the No Child Left Behind Act Title III presents a monolingual view of English language learners' bilingual and biliterate development of language and literacy skills. Title III provisions appear to be based on the assumption that with only three years of special language services, students with limited English proficiency can reach a level at which they perform academically on par with native English speaking peers (the No Child Left Behind Act of 2001, 7 U.S.C. § 3113 & 3122). However, to carry out cognitively demanding, context disembedded mainstream academic work, students need to attain advanced levels of English language proficiency (Cummins, 1984, 1992; Krashen & McQuillan, 1999). Research on the amount of time it takes to acquire

a second language indicates that a child may develop basic interpersonal communication proficiency in a second language in two or three years, though some children will take longer (Cummins, 1981; Wong Fillmore, 1991). However, the level of language proficiency necessary to do the type of academic work required by the No Child Left Behind Act takes much longer to develop, typically more than 5 years (Cummins, 1979; Thomas & Collier, 1995), and as many as 10 years when children are schooled exclusively in the second language (Collier, 1995).

Furthermore, the No Child Left Behind Act acknowledges little or no role for a child's first language in the acquisition of English or in academic achievement. The few statements in the act concerning a child's native language are framed in terms of developing "English proficiency and, to the extent possible, proficiency in their native language" (the No Child Left Behind Act of 2001, 7 U.S.C. § 3211, 2, A). Research on the efficacy of bilingual education indicates that instruction in learners' native language has a number of benefits. Use of learners' native language in the classroom enables English language learners to participate more fully in learning and social activities. At a minimum, English language learners in bilingual classrooms acquire English language skills equivalent to those attained by similar children in English-only programs (Cummins, 1981; Ramirez, Yuen & Ramey, 1991), and in other cases attain higher levels of English language proficiency than students in all-English programs (Mortensen, 1984).

In additive bilingual education contexts, in which the continued development of English language learners' native language is a program goal, students' English language development exceeds those of peers in English-only classrooms and those who receive ESL support but whose native language is not supported. Students in these developmental bilingual programs eventually achieve on level academically in English with their native English speaking peers (de la Garza & Medina, 1985 [cited in Krashen, 1999]; Burnham-Massey & Pina, 1990; Collier, 1992; Thomas & Collier, 1996). Students in two-way bilingual programs typically advance to high levels of English language proficiency and literacy and exceed many native English speaking students academically. This holds true for English speaking students who are learning through two languages as well (Collier, 1992; Thomas & Collier, 1996). Knowledge and skills acquired and developed through the first language are available to the second language (Cummins, 1984, 1992); however, if students do not reach a certain threshold in their first language, they may experience

cognitive difficulties in the second language (Cummins, 1976; Toukomaa & Skutnabb-Kangas, 1977 [cited in Baker, 1996: 148]; Thomas & Collier, 1996). Indeed, the more their learning contexts, contents, and media allow language learners to draw from across the whole gamut of their languages and literacies, the greater are the chances for their full biliterate development and expression (Hornberger, 2003).

An additional problem area from an institutional perspective concerns the notion of ‘scientifically based research’ that appears throughout No Child Left Behind. Considering the No Child Left Behind Act’s lack of regard for research on bilingualism and biliteracy described above, it is rather ironic that the legislation stipulates that federally funded programs and practices – including instructional methodologies, classroom materials, academic assessments, teacher training, and remedial tutoring – must be grounded in scientifically based research (Crawford, 2002a). The crux of the matter is that what qualifies as scientific research is being redefined by the US Department of Education. In the preface to its discussion on scientific research in its Strategic Plan for 2002–2007, the Department of Education characterizes currently accepted educational research as not meeting the standards for science.

Unlike medicine, agriculture, and industrial production, the field of education operates largely on the basis of ideology and professional consensus. As such, it is subject to fads and is incapable of the cumulative progress that follows from the application of the scientific method and from the systematic collection and use of objective information in policy making. (US Department of Education, 2002: 59)

Recent educational practices have also been compared to ‘medieval medicine’ and current knowledge in education has been characterized as ‘superstition’ by officials of the US Office of Educational Research and Improvement (Erickson & Gutiérrez, 2002: 22).

Scientifically based research, as defined in the No Child Left Behind Act, is research that “‘applied rigorous, systematic, and objective procedures to obtain valid knowledge.’” It includes research that

employs systematic, empirical methods that draw on observation or experimentation; involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and has been accepted by peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review. (the No Child Left Behind Act of 2001, 7 U.S.C. § 1208)

Another essential feature of scientifically based research, as defined by the Department of Education, is random assignment of sample subjects (Anonymous, 2004: para 7).

This definition of scientific research is out of alignment with that of a number of educational researchers. The law fails to recognize the unique nature of educational research which must contend with complexities of context, the interactions among participants and a range of intervening factors, and the changing nature of the social environment that invalidates or renders irrelevant solid scientific findings from the previous decade (Berliner, 2002: 18). The emphasis on causal analysis by means of experiment in order to determine effective practices is another concern. The No Child Left Behind Act does not exclude funding of qualitative research and the Department of Education states that such research is allowed under the act, but many researchers would argue that

qualitative research is more than merely allowable; it is essential if causal analysis is to succeed. A logical and empirically prior question to “Did it work?” is “What was the ‘it?’” – “What was the ‘treatment’ as actually delivered?” Educational treatments are situated and dynamically interactive. They are locally constructed social ways of life involving continual monitoring and mutual adjustment among persons, not relatively replicable entities like chemical compounds or surgical procedures or hybrid seed corn or manufactured airplane wings. (Erickson & Gutiérrez, 2002: 21)

There is also concern over premature conclusions about ‘what works’ in the short term without careful considerations of unexpected outcomes and side effects.

Will our current desperate attempts to discover ‘what works’ to raise standardized test scores in the short run have analogous affects [to the medical experience with thalidomide⁴] on our children and teachers in school, effects that are only apparent after much damage has been done? (Erickson & Gutiérrez, 2002: 23)

From a legal perspective, there are constraints on the use of random assignment of subjects for educational research. Federal guidelines, based on the *Lau v. Nichols* decision of the US Supreme Court (1974), require that all English language learners

⁴ A non-barbiturate hypnotic, thalidomide was originally prescribed after 1956 to prevent morning sickness in pregnant women and to help them sleep through the night. It prevented the morning sickness but caused deformities in the fetus. The latter effects were only discovered after the babies were born, and it took years to trace the cause of the deformities back to the mothers’ use of thalidomide. (Erickson & Gutiérrez, 2002: 23)

receive some form of special assistance. This legal constraint makes it difficult, if not unrealistic, for a school system to create a laboratory-like control group that would not receive the special assistance. “At best, one might find a comparison group that received an alternative form of special assistance, but even this alternative is not easily carried out in practice” (Thomas & Collier, 1997: 20).

There are also ethical constraints on true random assignments of children in educational studies.

If the researcher knows, or even suspects, that one treatment is less effective than another, he or she faces the ethical dilemma of being forced to randomly assign students to a program alternative that is likely to produce less achievement than an alternative known to be more effective. (Thomas & Collier, 1997: 20)

With an official attitude toward previous educational research as ‘subject to fads’ and likened to ‘superstition’ and the No Child Left Behind definition of scientific research, much of the foundational research related to language education and the programs and practices that are based on that research could be rejected. “While such a requirement sounds reasonable in theory, the term remains poorly defined by law and thus vulnerable to abuse. The key question is: who will determine what is ‘scientific?’” (Crawford, 2002b: para 8).

Analysis of No Child Left Behind suggests that the philosophy and content of the act are in many ways in conflict with proven and established theoretical and empirical foundations taken for granted by many language education professionals in institutions such as university teacher preparation programs, state education offices, local school districts, and schools. These conflicts concern issues of the amount of time it takes to acquire sufficient English language proficiency to enable English language learners to achieve at grade level, the role of a child’s native language in English language development and academic achievement, and the nature of scientific research as a vehicle for informing the design and implementation of language education programs and practices, and of the accountability measures applied to them.

Interpersonal Level: ESL and Mainstream Practitioners’ Roles and Perceptions

Within the hierarchy of language policy, the practitioner is often an afterthought. The practitioner’s role, as widely perceived, is to implement policy decided upon by experts in the government, board

of education, or central school administration. Ricento and Hornberger, in contrast, claim that “educational and social change and institutional transformation, especially in decentralized societies, often begin with the grass roots” (1996: 417). As teachers interpret and modify received policies, they are, in fact, primary language policymakers.

The discourses of schools, communities, and states reinforce unstated beliefs which teachers may come to hold and which may or may not reflect explicit policies (e.g. English-only in ESL classrooms). At the same time, there may be tension between what the practitioner believes to be in the best interest of students and society, community and school beliefs or policy. For example, as Ricento and Hornberger point out, bilingual education has not generally been supported in the United States. However, many English language teaching professionals, through training and experience, have come to believe that bilingual education is an effective, in many cases the most effective, approach for facilitating students’ English language development while guaranteeing their cognitive development and academic achievement.

At this level, perceptions of the No Child Left Behind Act need to be distinguished between those of ESL teachers and those of mainstream teachers.⁵ In US schools, a number of program types are in place for meeting the needs of language minority students. Schools with large numbers of English language learners may have bilingual education classes and/or sheltered-English classes. In sheltered-English classes, the students are all English language learners and academic content is taught in English using instructional methods designed for English language learners. In schools with an insufficient number of students with limited English proficiency to warrant entire classes for them, there is commonly an ESL teacher who works with English language learners. These students are in mainstream classrooms most of the day and are pulled out to meet with the ESL teacher or for an ESL class.

All teachers are now responsible for the education of students with limited English proficiency. In the past, if English language learners did not develop high levels of English proficiency or did not do well academically, mainstream teachers were not directly held responsible. Now if a sufficient number of English language learners in their school

⁵ Mainstream teachers typically have no training in teaching English language learners. At the elementary level, mainstream teachers are in multi-subjects classrooms. At the secondary level, they are subject-area teachers.

fail to reach the required standards, everyone in the school is held accountable. For many teachers, then, there is an added responsibility of improving English language learners' English proficiency and ensuring they do as well academically as native English speaking students. Given the additional responsibility not always accompanied by additional resources or professional development, mainstream teachers are not likely to have a favorable view of the No Child Left Behind Act as it pertains to English language learners.

ESL teachers are likely to have conflicting thoughts and attitudes about No Child Left Behind. On one hand the added attention paid to English language learners, the added support that ESL teachers may receive, and the additional funds, however small, dedicated to services for English language learners may be seen as beneficial. On the other hand, ESL teachers may take issue with the philosophy underlying the No Child Left Behind Act and the methodological requirements and constraints of the law. Given their university pre-service training, in-service training, and experience, their understanding of what constitutes effective education for English language learners could be in conflict with federal No Child Left Behind Act language education policy.

To inquire into on the ground perspectives on the No Child Left Behind Act's federal language education policy, the first author (Evans) interviewed several educators in one US geographical area, southern Oregon. While mostly rural, the region is in transition, having experienced significant growth over the past decade. Included in that growth are increasing numbers of people, with varying degrees of English language proficiency, who work in the orchards, restaurants, and various businesses that cater to the ever-growing tourist industry, spurred largely by the presence of Crater Lake National Park and of Interstate Highway 5 to Canada. Area schools have experienced a marked increase in language minority students, primarily Spanish speakers, with several schools having English language learner student populations of around 15% or more. While the appearance of English language learners is a new phenomenon for some schools and districts, in others English language learners have been a constant for several decades. With these characteristics, southern Oregon is fairly representative of many areas of the United States.

Seven elementary school teachers, two school district ESL coordinators, and two regional migrant education/ESL personnel were interviewed to get a cross-section of practitioner perspectives. Participants were selected for their working contexts, experience, and positions. All were known to Evans either through participation in an

educators' reading circle or through cooperation in practicum supervision. Five of the teachers teach in established two-way bilingual programs in two schools in the same school district, two in one school and three in another. The other two teachers are ESL teachers in schools that until recently have had few English language learners. Both of the ESL coordinators, whose responsibilities include teaching ESL part-time, are in school districts that until recently have had small numbers of English language learners, but which have experienced noticeable increases of students in need of special language services over the past 2–3 years. The other two educators interviewed are the department coordinator and the elementary education specialist in the Migrant Education/ESL Department of the Southern Oregon Education Service District⁶; they provide training and other types of support to schools and teachers. All of the participants have had 10 or more years of experience in teaching and working with English language learners. The participating educators were asked several questions in informal interviews (Appendix I). Except in the case of the two teachers from the same elementary school, they were interviewed individually. Teacher interviews were recorded as field notes while the interviews with the ESL coordinators and Migrant Education/ESL personnel were audio taped and transcribed. A summary of these educators' responses follows.

The ESL coordinators and the Migrant Education/ESL staff were happy about the increased attention paid to English language learners in the area's schools. Money that previously would have gone into the general fund is now dedicated to materials and services for students with limited English proficiency, and ESL teachers and associated personnel are receiving more support. District superintendents and school principals have become more concerned about students' increased English proficiency and academic achievement and are supporting professional development activities, unseen in the past, related to teaching English language learners.

The teachers provided mixed responses. Those from the two schools with long established two-way bilingual programs replied that they have not changed their practices much, if at all, and do not expect to. They have gotten good results and believe they are doing the right thing. They are using the funds they received for additional

⁶ Public school districts in Oregon are organized into 20 education service districts that provide a range of services to member districts. The Southern Oregon Education Service District is made up of thirteen school districts covering three southwest counties.

materials, including those in students' first language, and for after school programs. Students who come out of their programs attain high levels of English language proficiency and, on average, do as well academically as their native English speaking peers in middle school and high school.

The ESL coordinators and teachers in the schools that have recently experienced an increase in the numbers of English language learners expressed less certainty. They were generally confused about how much money they were to receive and what they could spend their funds on. As the numbers of English language learners have not reached a threshold number to warrant establishing bilingual education or sheltered-English courses, they do not anticipate program changes. The increased support they have received from the other faculty members and the school administration is a benefit. Where they anticipate changes is in providing training for non-ESL teachers and purchasing materials. However, until they receive more guidance, they are unsure of what will happen.

All educators interviewed expressed concern about the change in tone in the policy from what we have characterized as a *language as resource* or a *language as right* orientation to one that seems to be a *language as problem* view. In addition, as they all have had a decade or more of experience and have witnessed several administrations and policy changes, they are taking a wait-and-see approach. As one said, "In a couple of years we'll have another administration, and administration change, and then we will start all over again."

CONCLUSION

Given its title and proposed outcomes, No Child Left Behind has received popular support. Against the backdrop of terrorist acts, many US citizens feel threatened by the outside world and their anxieties about immigrants and immigration have heightened. Perceptions of language education are tied to this, including widely held misperceptions that immigrants, especially Spanish-speaking immigrants, do not want to learn English, and that children with limited English proficiency are not learning English in school. There is, however, considerably less support of the legislation and its underlying ideology among educators and institutions responsible for and associated with the education of language minority students.

The No Child Left Behind Act claims to provide states, schools, and teachers greater flexibility than the earlier Elementary and Secondary Education Act. However, mainstream teachers who are

now to be held accountable for English language learners' attaining high levels of English language proficiency and academic achievement may resist some of the top-down prescriptions that accompany the funding. Moreover, omissions and numerous requirements of the law conflict with language educators' understandings of conditions that promote second language acquisition, the development of high levels of English proficiency, and academic achievement on level with native English speaking students. If teachers feel they are already "doing the right thing" and getting good results, they are unlikely to make significant changes. In addition, current ESL and bilingual education teachers are likely to take issue with the *language as problem* orientation that underlies the No Child Left Behind Act, repealing earlier *language as right* and *language as resource* orientations in the Bilingual Education Act.

In the final analysis, the inclusion of language minority students in overall educational accountability requirements might have potential to yield dividends for their academic achievement, if adequate provision were made for facilitating and assessing their language acquisition and biliteracy learning.⁷ As things stand, however, No Child Left Behind is likely to have only a negative impact on the education of language minority students, given its failure to incorporate research-based understandings of the necessary and optimal conditions for English language learners' language and literacy development. Inhibiting factors to the No Child Left Behind Act's achieving favorable outcomes include the recent backlash against the law from many agents at the institutional level – state departments of education, state legislatures and news media in particular. Even more fundamentally, however, the No Child Left Behind Act is likely to founder on the differences between what the act prescribes and assumes and practitioners' and researchers' on the ground ('unpeeled') attitudes, beliefs, and understandings about what constitutes effective education for language minority students.

APPENDIX I

Questions asked of participating educators

- What is your evaluation of No Child Left Behind in general and Title III in particular?

⁷ See Abedi (2004) for a review of concerns around the validity and reliability of No Child Left Behind Act assessments as applied to LEP students; and Abedi et al. (2004) for a critique of the accommodations used to adapt assessments for LEP students.

- How does No Child Left Behind, in particular Title III, compare with the Bilingual Education Act?
- How has No Child Left Behind affected programs or instruction for English language learners in your school/district/region?
- What are some positive and/or negative features of No Child Left Behind as it pertains to the education English Language Learners?
- One scholar has suggested that there are three orientations toward language, languages and speakers of those languages: language as problem, language as right and language as resource. Which of the orientations do you think best describes the philosophies underlying the Bilingual Education Act and No Child Left Behind?
- What other observations or comments do you have about No Child Left Behind as it pertains to your position and educating English language learners?

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