



SPOTLIGHT FOR FEBRUARY 2006:

Refugee Students and the No Child Left Behind Act

Like other children in the United States, refugee children attending school in the U.S. will be subject to the requirements of the No Child Left Behind Act (NCLB), which was signed into law in 2002 and reauthorized the Elementary and Secondary Education Act (ESEA). The legislation singled out several "protected groups"^[1] of students for whom testing data is to be assessed separately, to ensure "continuous and substantial improvement." These groups include:

- Economically disadvantaged students
- Students from major racial and ethnic groups
- Students with disabilities, and
- Students with limited English proficiency.^[2]

In addition to limited English proficient (LEP) students being a group warranting special assessment, NCLB includes one whole section (Title III) devoted to "Language Instruction for Limited English Proficient and Immigrant Students." Refugee students, at least in their initial years after arrival, are likely to fall under the LEP category, and many will also fall under one or more of the other protected categories. Thus, NCLB presents both opportunities and challenges for refugee families and educators.

It is still too early to assess the long-term impact of NCLB for refugees and other LEP students, but there are already champions, critics, and interested observers expressing opinions about both the "promise or peril"^[3] of NCLB for LEP students. In this Spotlight, we will present information from various perspectives and resources for those working with refugee students.

Increased Diversity

Schools in the U.S. have experienced significant increases in diversity over the last several decades. The Urban Institute states that, between 1970 and 2000, immigrant students (including refugees) increased from 6 to 19 percent of the student population.^[4] Not surprisingly, the number of LEP students in the U.S. school system has also increased. Nationally between 1991 and 2001, LEP student enrollment increased 95% while overall school enrollment increases were only 12%.^[5] However, the Urban Institute also points out that not all immigrant children are LEP students (only 6% of school age children) and that there are more LEP students in lower grades since many such children learn English and move out of English acquisition programs as they progress in school.^[6]

No Child Left Behind (NCLB)

NCLB created federal standards for regular assessment of reading, math and science skills, along with sanctions if schools do not meet required benchmarks. The first hurdle is to understand the legislation with respect to English language learners, and helpful resources have been created for both parents and educators, such as:

- For parents: *A Parent Guide to No Child Left Behind*, by the Academic Development Institute (2004), available in English and Spanish
- For educators: *Understanding the No Child Left Behind Act of 2001: English Proficiency*, by North Central Regional Educational Laboratory (2003)

The Secretary for the U.S. Department of Education describes NCLB as offering ten key benefits to the parents of English language learners, including:

- To have their child receive a quality education and be taught by a highly qualified teacher
- To have their child learn English and other subjects such as reading-language arts and math at the same academic level as all other students
- To know if their child has been identified and recommended for placement in an English language acquisition program, and to accept or refuse such placement
- To choose a different English language acquisition program for their child
- To transfer their child to another school if his or her school is identified as "in need of improvement"
- To apply for supplemental services for their child, such as tutoring, if the child's school is identified as "in need of improvement" for two years
- To have their child tested annually to assess his or her progress in English language acquisition
- To receive information regarding their child's performance on academic tests
- To have their child taught with programs that are scientifically proven to work
- To have the opportunity for their child to reach his or her greatest academic potential [7]

In addition, the U.S. Department of Education has made available the following NCLB-related resources on its website:

- [*Fact Sheet on the Major Provisions of the Conference Report to H.R. 1, the No Child Left Behind Act*](#)
- [*Recursos en Español*](#) (Education Resources for Spanish Speakers)
- [*New policies provide states with increased flexibility to help English language learners*](#)
- [*The facts about...English fluency*](#)
- [*Fact Sheet: NCLB Provisions Ensure Flexibility and Accountability for Limited English Proficient Students*](#)

The Civil Rights Project at Harvard University has released a "Policy Brief" which presents the potential benefits of the NCLB for LEP students, while also noting critical issues and questions still to be addressed. The "Questions and Answers about NCLB and LEP Students" section of the report offers clear and helpful analysis of the law's application to English language learners, including examples of native language and alternative assessments being offered to LEP students in some states so that the knowledge of LEP students is more accurately assessed.[8]

The Urban Institute has released several reports that recognize the potential progress envisioned by NCLB, while more skeptically assessing the probabilities.

- [*Who's Left Behind? Immigrant Children in High and Low LEP Schools*](#) (September 2005). Clemencia Cosentino de Cohen, Nicole Deterding and Beatriz Chu Clewell, The Urban Institute.
- [*The New Demography of America's Schools: Immigration and the No Child Left Behind Act*](#) (2005). Randy Capps, Michael Fix, Julie Murray, Jason Ost, Jeffrey S. Passell and Shinta Herwanto, The Urban Institute.
- [*Promise or Peril: Immigrants, LEP Students and the No Child Left Behind Act*](#) (December 2004). Randy Capps, Michael Fix, Julie Murray, Jason Ost, Shinta Herwanto, Wendy Zimmerman, and Jeffrey S. Passell.

Requirements of NCLB are intended to balance out and improve the educational opportunities for LEP and other students. While one educator expressed concern about the potential for a backlash against refugee and immigrant students, who may be perceived as lowering school testing scores, another educator noted that this may be an assumption that is ultimately not supported by the facts. The unintended possibility that NCLB could fuel antagonism towards refugee and immigrant students

obliges educators to develop creative welcome and integration programs for refugee students, along with innovative language and cultural acquisition programs.

The Illinois State Board of Education (ISBE) provides a positive example of creating a welcoming environment for refugee students and approaching a diverse student-body as a learning opportunity for children, families and educators. The ISBE, working with the Illinois Department of Human Services and the Chicago Public Schools, funded two award-winning videos, *Welcoming New Learners: A Professional Development Tool* and *In Our Country: Educating Newcomers in America*, to help increase sensitivity towards refugee students and to help refugee students feel more at home in their new schools. A copy of the *Illinois RCSIG Video Tool Kit* is available free upon request to the English Language Learning Division of the Illinois State Board of Education (send an e-mail to Sherry Johnson at: sjohnson@isbe.net).

The videos and a companion handbook – along with a number of other very useful resources that are highlighted in BRYCS' featured resource lists this month – are also available for free download from [the ISBE website](#):

- [*In Our Country: Educating Newcomers in America*](#)
- [*Welcoming New Learners: A Professional Development Tool*](#)
- [*Companion Handbook: A Guide to Using the Videos*](#)

Several other useful resources, geared towards educators, address strategies for teaching newcomer students. National Council of La Raza, the Annie E. Casey Foundation and The Education Alliance at Brown University have produced the following reports:

- [*Educating English Language Learners: Implementing Instructional Practices*](#) (2005)
- [*Educating English Language Learners: Understanding and Using Assessment*](#) (2005) (includes a section on NCLB)

The Regional Educational Laboratories (REL) is a network of ten regionally based centers focused on educational reform and improvement. Several of these centers have compiled resources related to serving diverse students.

- The Northeast and Islands REL (LAB) covers the “leadership area” in teaching diverse learners: <http://www.lab.brown.edu/tdl/>, and a publications list on “equity and diversity”: <http://www.alliance.brown.edu/projects/equity.php>
- The North Central REL (NCREL) has articles on [*Enhancing Academic Success through Technology for Limited-English-Proficient Students*](#) and [*Using Technology to Support LEP Students' Learning Experiences*](#)
- The Northwest REL (NWREL) has released, [*Meeting the Needs of Immigrant Students*](#), which includes a helpful checklist for teachers and administrators for measuring the immigrant-friendliness of a classroom.

The [Education Commission of the States](#) has also gathered numerous articles related to bilingual/ESL education, including.

- A compilation of documents on [*"What States Are Doing"*](#)
- [*"Selected Research and Readings"*](#)
- [*"Selected Programs and Practices"*](#)

In unfortunate situations where families feel that their child has been the victim of educational discrimination, the [Department of Education's Office of Civil Rights](#) has equal access information and/or complaint forms available in sixteen languages other than English, including: Amharic, Arabic, Chinese, Farsi, Haitian Creole, Hindi, Hmong, Korean, Punjabi, Serbo-Croatian, Somali, Spanish, Swahili, Tagalog, Urdu, and Vietnamese.

The impact of NCLB on refugee and immigrant students should be, and doubtless will be, researched and studied in the years to come. While challenging for school educators and administrators, hopefully NCLB will ensure quality education for English language learners while also fostering recognition of what schools and communities can learn from the refugees and immigrants among us.

Other Technical Assistance Resources:

The Spring Institute for Intercultural Learning, founded in 1979, is a nonprofit training and consulting corporation dedicated to demonstrating that national, cultural, linguistic and ethnic differences are assets that foster understanding and cooperation. The Institute has been designated by the Office of Refugee Resettlement as their technical assistance provider in the area of English Language Training (ELT). For more information on their services, see their [ELT FACT SHEET](#).

Resources from the Spring Institute:

The Spring Institute has worked with Dr. Dina Birman of the University of Illinois, Chicago to produce materials that will be useful to classroom teachers who teach refugee children. Their latest publication is [Refugee Children with Low Literacy Skills or Interrupted Education: Identifying Challenges and Strategies](#). Other publications include [Mental Health of Refugee Children: A Guide for the ESL Teacher](#) and [Somali Youth Report, Excerpts from the Report Prepared for The Maryland Office for New Americans, Maryland Department of Human Resources](#). All three publications can also be ordered from The Spring Institute by phone: 303-863-0188, fax: 303-863-0178, or email: elt@springinstitute.org.

There are [featured searches](#) that list resources addressing topical areas related to refugee children and the schools.

FOOTNOTES:

- 1 - Randy Capps, Michael Fix, Julie Murray, Jason Ost, Jeffrey S. Passel, and Shinta Herwanto (n.d.). The New Demography of America's Schools, p. 36. The Urban Institute: Washington, D.C.
<http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=1606>.
- 2 - See: P.L. 107-110, Title 1, Part A, Subpart 1, Sec. 1111 (b)(2)(C)(v)(II)(aa) – Sec. 1111 (b)(2)(C)(v)(II)(dd).
<http://www.ed.gov/policy/elsec/leg/esea02/107-110.pdf>.
- 3 - Randy Capps, Michael Fix, Julie Murray, Jason Ost, Shinta Herwanto, Wendy Zimmerman, and Jeffrey S. Passel (December 2004). Promise or Peril: Immigrants, LEP Students and the No Child Left Behind Act. The Urban Institute: Washington, D.C. <http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=1479>.
- 4 - Randy Capps, Michael Fix, Julie Murray, Jason Ost, Jeffrey S. Passel, and Shinta Herwanto (n.d.). The New Demography of America's Schools, p. 15. The Urban Institute: Washington, D.C.
<http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=1606>.
- 5 - Laura Batt, Jimmy Kim and Gail Sunderman (February 2005). "Limited English Proficient Students: Increased Accountability under NCLB," p.1. The Civil Rights Project at Harvard University: Cambridge, MA.
<http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4476>.
- 6 - Randy Capps, Michael Fix, Julie Murray, Jason Ost, Jeffrey S. Passel, and Shinta Herwanto (n.d.). The New Demography of America's Schools, p. 15-16. The Urban Institute: Washington, D.C.
<http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=1606>.
- 7 - U.S. Department of Education (December 2, 2003). Press Releases: Paige Outlines No Child Left Behind Act's "Ten Key Benefits for Parents of English Language Learners" (in English or Spanish).
<http://www.ed.gov/news/pressreleases/2003/12/12022003.html>.
- 8 - Laura Batt, Jimmy Kim and Gail Sunderman (February 2005). "Limited English Proficient Students: Increased Accountability under NCLB," p. 9-10. The Civil Rights Project at Harvard University: Cambridge, MA.
<http://www.brycs.org/clearinghouse/clearinghouse-resource.cfm?docnum=4476>.