Leaving most Latino children behind: No Child Left Behind legislation, testing, and the misuse of data under George Bush administration

Rosita L. Rivera Rodriguez, Assistant Professor of English
University of Puerto Rico, Mayagüez. Email: rlrivera@uprm.edu

The main argument of this paper is that the No Child Left Behind (NCLB) legislation have misused data in order to prove that the legislation works and that all children benefit from this educational policy regardless of their socio-economical and cultural background. Based on an analysis of the discourse of statistics in education, I will first provide a contextual background of how statistics have been manipulated in education from a positivist philosophical perspective. This type of discourse and the emphasis on testing and accountability is the rhetoric that attempts to punish schools that are performing poorly paying no attention to their social and economical class. Usually, these populations of students are at a disadvantage when it comes to the “accountability” process. It is imperative that educators engage in academic debates on the analysis of the use of statistics in educational policy in order to unveil the historical and political issues that currently affect the right to equal access to education by Latino students in the United States.

Testing and the Claim of Objectivity in Educational Policy Discourse

Statistics have always been one of the tenets of educational policy in the United States since the 20th Century. More specifically, the ontological and epistemological belief that intelligence and testing can be determined by standardized and high-stake testing has been the cornerstone of such policies. The fallacy that test scores are reliable and valid, and, therefore objective, has been the rhetoric of the recent debate of the No Child Left Behind legislation, which affects students coming from racial, socioeconomic, and culturally disadvantaged groups. As such, this article is concerned with the misuse of data regarding the academic progress of Latino students.

The main argument of this paper is that the No Child Left Behind (NCLB) legislation have misused data in order to prove that the legislation works and that all children benefit from this educational policy regardless of their socio-economical and cultural background. Based on an analysis of the discourse of statistics in education, I will first provide a contextual background of how statistics have been manipulated in education from a positivist philosophical perspective. This claim has been challenged since the underpinnings of behaviorism and norm-referencing testing have proved to be culturally biased which further demystifies the claim of objective and value-free methods of assessment (Goodman, Rapoport, Shannon and Goodman, 2006; Giroux, 2004; Neill, 1996; Gardner, 1985; Resnick, 1987).

The inquiry on how the misuse of data based on such assessment methods becomes imperative due to the fact that educational policies are based on the ideological foundation of such assertions. Educational policies then become ideological, claiming that testing is scientific (Edmondson, 2004). Such “scientific” claims discount social, cultural, and economical factors that affect Latino children in the US especially when analyzing and desegregating data for assessment and funding purposes.

The Discourse of Statistics and Educational Policy

Educational policies that often structure children and educators’ lives start as expectations or hopes for the way education should be. These hopes are revealed through various practices and discourses that delineate and convey the meaning of these values (Edmondson, 2004). Thus, these discourses are often unmasked by traditional methods of research and inquiry of statistics. One approach which helps to uncover such ideologies is a critical view on the discourse and the rhetoric of statistics. By analyzing statistic through an interpretivist lens, the values and beliefs embedded in educational policies come to light. Since discourses reveal particular worldviews, discourse analysis should take into account...
the historical and social contexts affected by particular underlying worldviews.

The use of statistics in education is the results of decades of the positivist perspective claim that intelligence can be measured empirically. This assertion, which is philosophically grounded and justified by the use of statistics in the natural sciences, has been applied to the social sciences, specifically to the field of psychology and consequently to the educational field. As a result, IQ tests were developed, such as the Stanford-Binet Intelligence Scale, and the bell curve was established as the norm when measuring intelligence. The aim of these tests has been the use of data in order to define intelligence and to diagnose and treat those who do not form part of the norm.

Due to the aforementioned background on the use of statistics in educational policy, it is imperative that educators engage in these conversations in order to unveil the historical and political issues that currently affect the right to equal access to education by Latino students in the United States. In what follows I present an analysis based on this rhetoric of statistics.

The Discourse of Statistics and NCLB

*No Child Left Behind* (NCLB) is the George W. Bush administration’s reauthorization of the 1965 Elementary and Secondary Act (ESEA). The original intent of the legislation, initiated during the Johnson administration’s War on Poverty, was to provide equal access to educational opportunity through compensatory programs like Title I. Since that time, the legislation has undergone many revisions and the U.S. federal government has assumed increasing symbolic and material control for public schooling in spite of the fact that public education was constitutionally relegated to local and state entities.

NCLB uses a rhetoric that emphasizes the use of reliable and scientific measurable objectives, meaning that statistical data should be provided by standardized testing. This rhetoric is based on a series of myths regarding testing.

1. Testing students is nothing new. Good teachers have always tried to measure how well their students are learning and used tests to recognize student achievement and uncover learning problems.
2. Without measuring student achievement, the only criteria governing student grades and promotion would be behavior in class and attendance.
3. Testing has only recently emerged as an issue because taxpayers are asking more and tougher questions about the performance of their schools and their parents are seeking more and better information about school and student performance.
4. The results of teacher-designed exams and a wide assortment of “off the shelf” tests are helpful, but they shed little light on school performance and academic program impact.
5. A strong accountability system composed of annual testing keyed to rigorous academic standards and a challenging curriculum taught in the school provides the sort of information needed to determine what works, what doesn’t, how well students are achieving, and what to do to help those who need help.
6. As the use of standardized tests increases and parents are better able to understand the dimensions of school and student performance, there will be greater pressure on low-performing schools to improve. Those who might feel this pressure attempt to undermine the accountability movement by challenging the usefulness of testing.

This type of discourse and the emphasis on testing and accountability is the rhetoric that attempts to punish schools that are performing poorly paying no attention to their social and economical class. Usually, these populations of students are at a disadvantage when it comes to the “accountability” process. Usually, these students are placed in schools and programs that lack the technology and the facilities to be able to compete with those students who are more privileged peers.

The emphasis on the use of taxpayers’ money in order to justify the use of testing to account for the money spent in education is another manner in which NCLB rhetoric connects learning and testing to issues of money. This is a way to excuse the fact that schools who are doing “poorly” on standardized testing are being punished by not receiving federal funds in order to better the education of their students. As such, schools continue to perform poorly on these tests due to the lack of resources that would enable them to compete with schools that can afford more resources.

Educational Testing and Desegregation of Data in Minority Populations

With its specific demands for testing and English language requirements, NCLB will certainly affect public education for ESL Latino students who are members of a broad category of peoples who are Spanish speaking and living in the U.S. One issue that needs to be addressed is
the fact that test data are used in inappropriate ways to stigmatize and label children and schools as failing without full and accurate consideration of mitigating factors that would cause some students to do poorly on standardized tests. One notable example of the detrimental effects of NCLB for Latino students occurred in December 2003 when the Reading School District in Pennsylvania sued the Pennsylvania Department of Education to protect its schools from unfair sanctions directly related to the NCLB law. Seven of the district’s schools were placed on a warning list because of low test scores, and the district faced takeover if the scores did not improve. The main points argued in the lawsuit (Chute, 2003) can be summarized as follows:

1. There was insufficient technical and financial assistance for the district to comply with the act.
2. The district questioned how states determined subgroups for the disaggregated testing categories, including what constituted low-income or English proficient groups.
3. The state did not offer the test in Spanish; therefore students were judged on their math and reading abilities in English, not solely on their math and reading abilities.

Since this was the first lawsuit of its kind, educators throughout the country were monitoring it quite closely. Educators in Reading’s School District were not interested in having lower standards for Latino students, or for any students. Instead, they are interested in helping children to learn in rigorous ways as they provide an equitable education that assures each student’s Fourteenth Amendment rights of equal protection under the law.

Yet, adequate resources, parental involvement, and quality educational experiences are necessary components to help students attain these educational goals.

One of the hallmarks of *No Child Left Behind* is that it forces schools to test all students. The problem with standardized testing and the cultural biases of the tests are well documented (Abedi and Gandara, 2006). In addition, there are significant problems when curriculum and tests are not well aligned, which has been the case in California in relation to the SAT-9 test (Abedi and Gandara, 2006). The California SAT-9 is a standardized test that assess students in the areas of reading and math in the state of California.

Further, according to National Public Radio (NPR 2002) students report that they were tested on content knowledge before they have had classes or instruction in particular areas such as mathematics. Yet, reports of increasing aggregate scores on tests often mask other issues such as high school dropout rates among minority students.

NCLB requires all districts to disaggregate test data by racial and ethnic groups, and by special needs students. While some lawmakers may argue that disaggregating data in this way will allow educators and others to see how particular groups are achieving (or not) in school so they can in turn be taught more effectively, this can be a very misleading practice requires no explanation of differences in scores (Abedi, 2004; Carlson, 2004; Paul, 2004).

Disaggregating test data according to ethnic and racial groups is problematic because it does not acknowledge the limitations of identifying a student as a member of a specific racial or ethnic group, particularly through broad and complex labels such as Hispanic or Latino that essentialize a variety of cultures, languages, and socio-economical groups (Carlson, 2004). Further, disaggregating test data is statistically problematic because the smallest numbers that are represented within a subgroup (such as Latinos and Blacks) are difficult to compare to subgroups with larger numbers such as whites (Abedi, 2004). Instead, disaggregating data tends to perpetuate misunderstandings about the perceived inferiority of particular groups when compared to white, middle-class students (Carlson, 2004).

At the same time, reports of increasing aggregate scores on tests often mask other issues, including high school dropout rates among minority students. In Texas, for example, the Mexican American Legal Defense and Education Fund attempted to demonstrate how the Texas Assessment of Academic Skills (TAAS) discriminated against African American and Hispanic children in Texas public schools. FairTest reported the following concerning this:

Professor Walt Haney (2000) of Boston College demonstrated that the gap in the pass rates between white students and minority students was large enough to be defined as a “racially discriminatory impact” under federal civil rights law. Haney also showed that the graduation rate for Latino and African Americans dropped significantly, from about 60 percent to about 50 percent, after the state implemented the TAAS graduation requirement. After eight years, it still has not returned to the previous level. While the white graduation rate also declined initially, it rebounded to the previous level of 70 percent within a year. Each ten percent gap represented about 100,000 black and Hispanic students who do not graduate. Haney reported that a review of State Board of Education minutes revealed that the Board chose the passing score arbitrarily, ignoring accepted professional measurement
procedures. The score that was set had the effect of maximizing the adverse impact of the TAAS on black and Hispanic students.

These concerns about the consequences of standardized testing do not stop at the Texas state border. Standardized testing has many flaws and shortcomings, and it is imperative that educators directly address the limitations of standardized testing and the legislation that endorses it in high-stakes decisions (Kohn, 2000), as well as the consequences it has for excluding children from public education in America (Abedi & Gandara, 2006; Paul, 2004).

Beyond concerns about the procedures and forms of testing, it is important to remember that child poverty rates for Latino children remain at an average of 28% (Paul, 2004). Test data, disaggregated or otherwise, do not give insight into the influences of poverty on children’s learning or well-being, nor do such data report changes in education that will better care for children who come from homes with less than adequate money, food, or health care. While millions of dollars are spent on the testing requirements of NCLB, we can only wonder how this money could be spent differently to better care for American children. At the same time, the education for those students who are economically poor and also English language learners continues to suffer: “English Language learners receive a substantially inferior education when compared to English-speaking students who are as poor as they are [and they] experience more extreme segregation in schools, classrooms, and programs than their peers” (Gutierrez, 2002, p. 18).

These concerns raise further questions regarding the Fourteenth Amendment rights of these children, many of whom are misidentified as learning disabled (Paul, 2004). These children are to be guaranteed equal protection under the law, a provision that should implicitly included equal access to quality public education. Therefore, policy debates about testing and the misuse of data should continue in order to better understand how NCLB and issues related to educational policy affect ESL students. These policy debates required in order to take significant steps toward guaranteeing that all ESL children are being served well through American public education.

**Testing and Educational Policy**

Educational policy leads to curricular changes that start with issues of ideologies and the fact that these ideologies are often hidden behind beliefs grounded on the myth of a positivistic view of education. As Edmondson (2004) reminds us, policies start with a concept of an ideal society, and they are intended to be procedural statements to normatively make possible that ideal. Therefore, ideals are based on values that have social, political, and historical contexts. Consequently, any discussion on educational policy must include a critical perspective on how to analyze and interpret the regulative and normative procedures that govern educational policies. A critical analysis of the data and the discourse and rhetoric that is utilized to inform the public about these policies must be carefully studied. Educators as well as parents and the communities and specific contexts affected by these policies need to make informed decisions based on these analyses and thus break from hegemonic patterns of imposition of such policies.

Educators and researchers must engage in the interpretation of the data generated through the assessment of these policies. These interpretations in some cases may not reveal the reality of those who are often affected by it as is the case with Latino students. Once we engage on data analysis from a critical perspective, we can then analyze how we can better serve these populations that fall through the cracks of and education system which subjectively manipulates these data under the misleading concept of objectivity. This is not to say that statistics cannot be use effectively. Rather my point here is to say that a combination of data coming from a statistics perspective complemented with a critical analysis of data may provide a better picture of how Latinos and other minorities continue to perform in US classrooms. Thus, the validity and reliability of test scores may reveal more in terms of the shortcomings of NCLB.

The use of discourse and rhetorical analysis is also a valuable tool for educators and educational policy makers when designing curricula that will affect not only Latinos and other minorities, but also those who are in mainstream classrooms as well. Discourse analysis provides a venue to uncover values and beliefs that affect the creation of such curricula.

Possible lines of inquiry for critical statistics on testing and education should include discourse and rhetorical analysis of: (1) how the media report the results of high-stakes exams and other statistical data, (2) how the Department of Education reports data by school districts, (3) how gender differences are reported, and (4) how international comparisons of students performance are reported. It is hoped that this study shed some light on this rather complex issue.
Conclusions

The misuse of educational data based on assessment that discounts Latinos and other ethnic groups in the name of objective and scientific testing has detrimental consequences for these groups often marginalized and then punished for not being able to perform well on these tests. Data then is used to manipulate public opinion, to implement educational policies, and to jeopardize schools ability to obtain adequate funding to improve teaching conditions (Goodman, et. al., 2006). The use of data for such purposes sets for failure Latino children who are often tracked permanently as ESL students and often labeled as disable by the education system. Therefore, it is necessary to consider the use of both testing and critical analysis of tests results when dealing with different communities that are being affected and punished and often left behind.

References


Rosita L. Rodriguez-River is an assistant professor in the English Department at the University of Puerto Rico, Mayaguez Campus, where she teaches English as a Second language (ESL) courses and coordinates the Basic English program and the Language Laboratory for Basic English. She also teaches graduate courses in the areas of ESL curriculum design and assessment. She has also taught in public and private schools in California, Pennsylvania, and Puerto Rico. She conducts research in the areas of ESL materials and testing development and ESL teacher training.