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Achievement Gaps and No Child Left Behind Law Highlights Problems and Spurs Effective New Efforts

By Caroline Rothert

The No Child Left Behind Act of 2001 (NCLB)¹ has intensified efforts across the country to eliminate racial disparities in academic performance. NCLB requires schools and districts to break out test scores by racial and ethnic group; status as economically disadvantaged; disability; and limited English proficiency. It imposes stringent corrective actions if schools and districts do not meet statewide proficiency goals.² Schools can no longer afford to ignore the achievement of these students. (See sidebar for details on NCLB p.3.)

The achievement gap between students of color and white students has been recognized by educators for decades. However, only with the passage of NCLB did the federal government become actively involved in efforts to address this issue. In fact, one of the stated purposes of NCLB is “closing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and non-minority students, and between disadvantaged children and their more advantaged peers....”³

Achievement Gaps and Their Likely Causes

African American and Latino students collectively lag behind their white and Asian American peers on national standardized achievement tests.

Statistics show that 12th-grade African American and Latino students have reading and math skills roughly equivalent to those of eighth-grade white students.⁴ The most recent data from the National Assessment of Educational Progress (NAEP) show this gap is narrowing slowly, where it is narrowing at all. The gap between the reading scores of white students and African American and Latino students in fourth- and eighth-grades has not narrowed significantly from 1992 to 2003.⁵ In mathematics, the gap between white and Latino fourth-graders narrowed between 2000 and 2003 but not between 1990 and 2003, and did not narrow significantly for eighth-graders. The math gap between white and African American students in fourth-grade narrowed from 1990 to 2003, but only marginally, and eighth-graders showed no significant difference from 1990 to 2003.⁶

Although there is no agreement on the precise causes of such differential performance on academic assessments, researchers have identified several factors, both in school and out of school, that may contribute to the gap. Minority students often attend poorly resourced schools with less rigorous curricula; they are overrepresented in special education classes; and are underrepresented in gifted and advanced placement classes.⁷ For example, recent data indicate that while black students comprise 17 percent of the nation’s high school population,

they take only 4 percent of advanced placement examinations.⁸ In addition, minority students are more likely than white students to be taught by poorly qualified or inexperienced teachers.⁹ Schools with a high level of minority enrollment have twice the percentage of teachers with three or fewer years of experience than schools with a low level of minority enrollment.¹⁰ Minority students are also more likely to attend schools with larger class sizes and fewer technology resources.¹¹ Moreover, research suggests that students of color may be subject to institutional bias—held to lower teacher expectations and less stringent academic standards than their white counterparts.¹²

Factors outside of school, including parental influences and socioeconomic indicators, may also contribute to gaps in achievement.¹³

Advocacy groups and schools across the country have mobilized to combat the achievement gap, using a number of promising tactics and strategies. Research points to the need for clear standards and expectations for school administrators, teachers, students, and parents.¹⁴ In addition, academic achievement can be raised by ensuring that minority students are taught by highly qualified teachers, are in small classes, and are in schools where parental involvement is valued and encouraged.¹⁵

A number of national organizations have worked over the last several years to

¹ 20 U.S.C.A. § 6301 *et seq.*

² U.S. Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002.

³ 20 U.S.C.A. § 6301, quoted in Daniel J. Losen, *Challenging Racial Disparities: The Promise and Pitfalls of the No Child Left Behind Act's Race-Conscious Accountability*, 47 *How. L. J.* 243, 245 (2004).

⁴ *Bridging the Great Divide: Broadening Perspectives on Closing the Achievement Gaps*, Viewpoints Vol. 9, North Central Regional Educational Laboratory (2002).

⁵ NAEP data, available at <http://nces.ed.gov/nationsreportcard/reading/results2003/scale-ethnic-compare.asp>.

⁶ NAEP data, available at <http://nces.ed.gov/nationsreportcard/mathematics/results2003/scale-ethnic-compare.asp>.

⁷ Viewpoints, *supra* n. 4 at 4; Paul E. Barton, *Parsing the Achievement Gap: Baselines for Tracking Progress*, Educational Testing Service Policy Information Report (2003), 8.

⁸ Barton, n. 7 at 9.

⁹ Viewpoints, *supra* n. 4 at 4; Barton, n. 7 at 10-13.

¹⁰ Barton, n. 7 at 13.

¹¹ *Id.* at 14, 16.

¹² Viewpoints, *supra* n. 4 at 7.

¹³ *Id.* at 7-8.

¹⁴ *Id.* at 8.

¹⁵ *Id.* at 10-11.

put those research findings into practice. The NAACP, prior to NCLB's enactment in 2001, launched a Call for Action in Education initiative, which encouraged state education agencies to develop a Five-Year Plan to reduce racial disparities in achievement by 50 percent over five years.¹⁶ The NAACP recommended increasing resource equity, improving teacher quality, increasing access to early childhood programs and college-bound curricula, creating smaller class sizes, improving access to technology, increasing parental involvement, and reexamining the use of high-stakes tests to eliminate racial disparities. These are factors that researchers have identified as critical to narrowing the gap.¹⁷

Local Efforts Bring Results

The Minority Student Achievement Network (MSAN), a coalition of 24 multi-racial, urban-suburban school districts across the country, was formed in 1999 to improve the academic achievement of students of color.¹⁸ MSAN districts engage in collaborative research to study racial disparities, conduct training and professional development activities for teachers and administrators, and share research findings and practices aimed at reducing those disparities. MSAN's research focuses in particular on improving teaching and learning, strengthening teacher-student relationships, and increasing parental participation.¹⁹ Initiatives at one MSAN district, the Shaker Heights City School District in Ohio, include a peer-mentoring program, kindergarten intervention program, extended learning time, study groups, and programs designed to foster parental involvement. These efforts appear to be improving the achievement of the district's minority students.²⁰ Schools and districts across the country are putting these and other tactics into practice, with good results.

- In Montgomery County, Maryland, administrators reduced class sizes, provided professional development for educators, and added supple-

mentary reading time to the daily schedule in an effort to improve reading skills. As a result, the gap between the reading levels of African American and white students narrowed by 7 percent in months.²¹

- Nathan Hale High School in Seattle, Washington, implemented team teaching, mentoring groups, integrated studies, schools within schools, and teacher groups for professional development. It has raised the achievement of its minority students compared with other district minority students on statewide assessments. In 2001, among African American students at Nathan Hale, 10 percent more met math standards, 22 percent more met reading standards, and 7 percent more met writing standards as compared with African American students district-wide. Among Hispanic students, 36 percent more met math standards, 31 percent more met reading standards, and 27 percent more met writing standards.²²
- At the Pablo Elementary School on the Flathead Indian Reservation in Pablo, Montana, the percentage of fourth-graders who met state standards increased by 30 percent after the school, under strong leadership, implemented reforms that included cooperative learning strategies and increased attention to reading.²³
- At the Boston Community Leadership Academy, the number of African American students who were proficient in math last year increased to 35 percent, a jump of 20 percentage points.²⁴

Such local efforts are making progress in eliminating racial disparities in academic achievement on a statewide scale. Over the past five years, African American elementary school students in New York State have narrowed the mathematics achievement gap by 12 points, and Hispanic students have narrowed the gap by 13 points. Assessment scores of minority students in Delaware have increased by more than 20 points in the same period.²⁵

No Child Left Behind ensures that schools and school districts can no longer ignore racial disparities in academic achievement. As schools and districts pay closer attention to the achievement of all students, advocates are hopeful that the racial achievement gap will finally be closed. The law "present[s] a new and potentially powerful opportunity to address racial inequity throughout our nation's schools," wrote Daniel Losen of the Harvard Civil Rights Project.²⁶ Columnist Brent Staples even predicted that NCLB "could potentially surpass *Brown v. Board of Education* in terms of widening access to high-quality public education."²⁷ Though the extent of NCLB's effects on achievement gaps remains to be seen, the law has highlighted one of the most critical deficiencies in American education and has renewed efforts to improve education for all students.

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¹⁶ NAACP Call for Action in Education, available at http://www.naacp.org/inc/docs/education/education_call_to_actn_2.pdf.

¹⁷ *Id.*

¹⁸ See <http://www.msanetwork.org>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Viewpoints, *supra* n. 4 at 13, citing Johnston, R.C. & Viadero, C. *Unmet Promise: Raising Minority Achievement*. Education Week 19(27), 1, 18-19, March 15, 2000.

²² Viewpoints, *supra* n. 4 at 13, citing Boss, S. *Willing Their Hearts: Nathan Hale High School Creates a More Personal Place for Kids*. Northwest Education, 8(1), 10-15 (Fall 2002).

²³ Viewpoints, *supra* n. 4 at 13, citing Sherman, L. *From Division to Vision: Achievement Climbs at a Reservation School High in the Rocky Mountains*. Northwest Education, 8(1), Fall 2002.

²⁴ Sam Dillon, *Under School Law, Push to Close Minority Gap*, N.Y. Times, May 27, 2005, A-1.

²⁵ Avi Salzman, *No Child Left Behind? Hardly*. N.Y. Times, May 1, 2005, 14CN.

²⁶ Losen, *supra* n. 3 at 250.

²⁷ Brent Staples, *On the Sidelines of the Most Important Civil Rights Battle Since Brown*, N.Y. Times, April 18, 2005, A-18.

²⁸ *Bridging the Great Divide: Broadening Perspectives on Closing the Achievement Gaps*. Viewpoints Vol. 9. North Central Regional Educational Laboratory (2002).

The average NAEP (National Assessment of Educational Progress) reading and mathematics scores of White and Asian American/Pacific Islander students are higher than the average scores of other racial/ethnic groups.

Average NAEP Reading and Mathematics Scores for Grades 4 and 8, by Racial/Ethnic Group, 2003

READING		
Grade 4		
White		229
Asian American/Pacific Islander		226
American Indian/Alaska Native		202
Hispanic		200
Black		198
Grade 8		
White		272
Asian American/Pacific Islander		270
American Indian/Alaska Native		246
Hispanic		245
Black		244

MATHEMATICS		
Grade 4		
Asian American/Pacific Islander		246
White		243
American Indian/Alaska Native		223
Hispanic		222
Black		216
Grade 8		
Asian American/Pacific Islander		291
White		288
American Indian/Alaska Native		263
Hispanic		259
Black		252

Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP) 2003 Reading and Mathematical Assessments.

The No Child Left Behind Act Requirements and Corrective Actions

No Child Left Behind (NCLB) requires states to implement a single statewide accountability system and to establish adequate yearly progress (AYP) toward state proficiency standards. Students must be assessed annually in grades 3-8, and the results of those assessments must be made public in annual state and local report cards. Further, those results must be broken down by gender, major racial and ethnic groups, disability, limited English proficiency, migrant status, and status as economically disadvantaged.¹

NCLB requires all racial and ethnic groups to achieve 100 percent proficiency in reading and mathematics in 12 years, while making AYP each year.² Schools or school districts that fail to make AYP are subject to increasingly stringent corrective actions. Students in a school that fails to make AYP after one year are provided an opportunity to transfer to another public school in the same district. Students in a school that fails to make AYP for three years are entitled to receive supplemental educational services, such as tutoring, provided by the district. If a school fails to make AYP for four years, the state may implement corrective actions, including replacing school staff, implementing new curricula, and decreasing management authority. A school that fails to make AYP for five years is subject to restructuring, conversion into a charter school, or even closure.³

¹ U.S. Department of Education, *Supra* n. 2.

² 20 -U.S.C.A. 6311(b)(2)(F).

³ U.S. Department of Education, *supra* n. 2.

