

## The No Child Left Behind Act and the Black-White Achievement Gap

### Abstract:

The present article probes into the No Child Left Behind Act (NCLB) of 2002 and appraises its impact on closing the black-white achievement gap in American public education. Aiming at boosting academic achievement in schools across the United States, rising the performance of underprivileged students to the level of their more affluent counterparts and magnetizing qualified professionals to teach in every classroom, the NCLB is in effect the end product of a series of noteworthy embryonic and evolving key federal educational policies and reforms, recurring reauthorizations of previous laws, and suggested recommendations made out of a significant number of educational commissions and summits, from the foundation of the American Republic to the eve of its enactment in 2002. Despite considerable efforts to address racial disparities, millions of American students, particularly blacks, continue to attend schools that are not separate but grossly unequal in both resources and academic outcomes. Thus, appraisal of the changing rate of segregation against black students throughout the different levels of the K-12 Education, both before and after the enactment of the No Child Left Behind Act, helps answer the question of whether the NCLB lived up to the promise of closing the black-white achievement gap.

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### ملخص:

يعنى هذا المقال بالبحث في قانون "عدم ترك أي طفل إلى الوراء" (ع ت ط و) المؤرخ سنة ٢٠٠٢ و يقيم مدى تأثيره على سدّ فجوة التّحصيل الدراسي بين البيض و السود في التّعليم العام الأمريكي. إنّ قانون (ع ت ط و) يهدف إلى زيادة التّحصيل الدراسي في المدارس الأمريكية، رفع أداء الطلاب المحرومين إلى مستوى نظرائهم الأكثر ثراء، و جذب المهنيين المؤهلين للتّدريس في كلّ الفصول الدراسية. إنّ (ع ت ط و) هو في الواقع المنتج النهائي لسلسلة من أهم السياسات و الإصلاحات التّعليمية الفيدرالية المتطورة و تكرير تمرير القوانين السابقة و التّوصيات المقترحة الناتجة عن عدد معتبر من اللجان و القمم التّعليمية، منذ تأسيس الجمهورية الأمريكية إلى غاية عشية صدوره في ٢٠٠٢. على الرغم من الجهود المعتبرة المبذولة لمعالجة الفوارق العرقية، الملايين من الطلاب الأمريكيين، و لاسيما السود، لا يزالون يلتحقون بمدارس مفصولة و غير متكافئة إلى حد بعيد في كلّ من الموارد و النتائج الأكاديمية. إنّ تقييم معدل تغيير التمييز العنصري ضدّ الطلاب السود في مستويات مختلفة من التّعليم الأمريكي، قبل و بعد سنّ قانون (ع ت ط و) على حدّ سواء، يساعد الإجابة على السؤال عما إذا كان (ع ت ط و) ترقّ إلى مستوى وعد سدّ فجوة التّحصيل الدراسي بين البيض و السود أم لا.

### Introduction:

Supported by an overwhelming majority in Congress and signed into law by former President Bush in 2002, the NCLB is the largest expansion of federal role over America's education system and the fruitful outcome of a wide array of educational events which brought collectively the concepts that became its fundamental underpinnings, in spite of the

crisis that struck the American sphere of education by 1983. Despite its primary aim of redressing major flaws and eradicating existing racial inequities in U.S. public schools, notably between black and white students, academic disparities persist, and thus a remarkable achievement gap emerged. This article examines the chief goals of the No Child Left Behind Act and considers principally major educational events and federal policies that laid the foundations for its endorsement. It further scrutinizes, by means of statistics, the reality of academic disparities between blacks and whites and digs deeper into further questions: how does the existing achievement gap evolve as students move through the grades? How large is the gap? And is it shrinking or widening over time? Therefore, the performance of the black white students in both reading and math as they evolve through the Pipeline and postsecondary institutions is explored together with differential rates of participation in higher education. The percentages of black and white high school “college ready” graduates and college enrollment rates are equally reported.

### **I. Laying the Foundations for the No Child Left Behind Act**

In an attempt to grasp well the linkage between the No Child Left Behind Act and the black-white achievement gap and to find out the extent to which was this Act successful in closing the existing gap, a succinct review of key educational events and policies that gave birth to this major federal measure is essential.

#### **1 The Federal Role in Education**

Deemed as the most significant federal education law in the United States' history and the largest expansion of federal power over America's education system, the No Child Left Behind Act of 2002 is the latest progress in an evolving process in which the federal government has enormously augmented its role in K-12 education in the past half-century (Cross 1). The Act's stated intent is to foster greater educational accountability at all levels by improving school performance and, thereby, student performance. In fact, a substantial assortment of key education events laid the foundations for the enactment of this newly-adopted federal measure, from the very early foundation of the American Republic to the era preceding the No Child Left Behind Act.

Since its beginning in the 17<sup>th</sup> century, the role of public education in American society has changed considerably and the focus on education reform has chiefly shifted from boosting up access to upgrading quality of U.S. public education (Kress, Zechmann, and Mathew 187). America's greater expectations of the public education system have been enhanced perceptibly since the foundation of the first public school in 1635 (“Boston Latin School”). Compulsory and free public education, nonetheless, did not become mainstream in America until some two hundred years later. From 1890 to 1930, the portion of fourteen-to seventeen-year olds entering high

school increased markedly from less than 10 % to more than 70 % (Resnick, 3, 17-18).

Though public education is primarily a matter of state and local responsibility, the federal role in American schools has expanded swiftly in the period since the mid-twentieth century. State-federal interactions in the realm of education policy have turned out to be progressively more complex on account of a rising federal role in American schools. In spite of the absence of a coherent federal policy, federal aid to education dates back to the second half of the eighteenth century and broadened largely ever since following the Second World War. While the federal role in education has grown strikingly since WWII, the basic idea of federal aid to education is, in effect, as old as the republic itself. The two Northwest Ordinances of 1785 and 1787, the Morrill Land Grant Act of 1862, the Freedmen's Bureau of 1865, the Smith-Hughes Act of 1917, the federal grants and aids of the 1920s and 1930s, the Lanham Act of 1940, and the Serviceman's Readjustment Act of 1944, are merely a few instances of the evolving involvement of the federal government in the field of education.<sup>(1)</sup>

Evolving local fears of growing federal control of schools, however, substituted initial local acceptance of federal support. Following World War II, things begun to change progressively as local fears of federal control substituted considerably parochial acceptance of federal support. Endeavors to provide general aid to public schools were doomed to dismal failure after a raising vehement opposition to the specter of communistic federal intrusion in parochial schools and the prospect of federal support intended for local schools. Nevertheless, the federal policy in education became more prominent, following Eisenhower's election in 1952, due to the creation of the Department of Health, Education and Welfare (HEW) that watched over the work of the existing Federal Office of Education.

Yet, by the early 1960s education officials faced a wide range of pressing issues, which stemmed principally from the immense and widespread demographic changes of the baby boom, and thus impelled many local school districts to resort to federal aid. Nonetheless, federal support to education was hampered during that period by dint of a number of deterrents. When the baby boom hit in the early 1950s, numerous local school districts started to request federal aid (Munger and Fenno). In fact, three major issues prevented Eisenhower from increasing federal support to education. The first issue was the fear that federal aid to education might flow to religious or parochial schools, the second was a fear that federal grants to education might lead to federal control of schools (Duran 166-177). The third and ultimately most significant deterrent was racial desegregation. Federal aid was away from being able to support the construction of racially segregated schools after the unanimous ruling of the Supreme Court in the case of *Brown v. Board of*

Education of Topeka, Kansas, in 1954. Federal aid for school construction witnessed a further obstacle; that was the problem of how to distribute federal grants to the different states.

Furthermore, the focus of the federal agenda has soon shifted as a mounting emphasis on national security emerged; the Sputnik Crisis (1957) represented an immediate national threat to America's supremacy and international preeminence after WWII and thus spurred the enactment of the National Defense Education Act of 1958. Though a major part of the federal agenda focused principally on special education for the disabled in the 1950s, the launching of the Sputnik Satellite by the Soviet Union on October 4, 1957, at the height of the Cold War, marked the beginning of a massive effort in U.S. education and accordingly changed significantly the role of federal government. The immediate defiance of the scientific, technological and military preeminence of the United States was in effect the direct catalyst for the enactment of the National Defense Education Act (NDEA) in 1958; "a short-term emergency legislation" that aimed at balancing and boosting more selectively targeted federal educational programs (NDEA P.L. 85-864).

At the turn of the 1960s, keeping pace with Russian technology was conversely substituted for grappling with the problems of failing urban schools. The federal agenda has shifted to wrestling with Black and white children's inequities on assessments as they were widening noticeably; 60 percent of nonwhites dropped out before completing the 12<sup>th</sup> grade, and there were scanty job prospects for dropouts (Jeffrey 8-9). Former President John F. Kennedy gave a particular consideration to poor states and urban areas by means of providing funds for public school teachers' wages and classroom construction in spite of the dissimilar obstacles that hampered his effort (Vinovskis, *The Birth of Head Start* 19).

What is more, the federal government made an unmatched commitment to public school funding in 1965 via the enactment of the Elementary and Secondary Education Act (ESEA) that aimed primarily at boosting and enhancing the educational quality of underprivileged children. The federal government did not make a noteworthy commitment to public school funding until the passage of the Elementary and Secondary Education Act in 1965, this time with the aim of promoting a more equal society and upgrading every Americans' quality of life. Being the cornerstone of the No Child Left Behind Act, the Act supplied federal funds to improve and boost up the education of poor and minority children. In spite of thorny legislative debate over the enactment of the ESEA, a number of factors had facilitated its passage in 1965. Additionally, well before settling definitely the issue of ESEA's implementation, educators were soon confronted with the knotty issue of its evaluation the following year of its enactment.

In spite of its shortcomings, the ESEA paved the way for further, though not equally momentous, federal educational programs that featured remarkably the 1970s and the era preceding the Nation at Risk Report of 1983. Despite the harsh domestic divisions the Vietnam War generated, educators were not reluctant to experience the implementation of certain federal compensatory education programs in the 1970's. Besides, the civil rights' issue re-emerged potently in the 1970s to shape national education policy via the enactment of a number of far-reaching pieces of legislation, namely the Emergency School Aid Act (ESAA) of 1972 and the Individuals with Disabilities Education Improvement Act (IDEA) of 1975 (Jacoby).

Further education events featured the end of the twentieth century and constituted supplementary grounds for the endorsement of the No Child Left Behind Act in spite of the crisis that struck the American sphere of education by 1983. A wide range of educational commissions and summits, which characterized the early eighties and extended up to the threshold of the twenty first century, were behind the implementation of the No Child Left Behind Act as they brought together the concepts that became its basic underpinnings. The NCLB is therefore the end result of a wide array of early miscellaneous and evolving federal educational policies that planted the seed for its enactment at the turn of the 21<sup>st</sup> century.

## **2 Building up the Fundamental Underpinnings of the NCLB**

The No Child Left Behind Act is the fruitful outcome of a wide assortment of educational events, ranging principally between commissions and summits from the early 1980's up to the threshold of its enactment in 2002. A Nation at Risk 1983, The Charlottesville Education Summit 1999, National Commission on Time and Learning 1994, Goals 2000: Educate America Act, 1996 National Education Summit, National Commission on Teaching and America's Future 1996, 1999 National Education Summit, National Commission on Mathematics and Science Teaching for the 21<sup>st</sup> century 2000, and 2001 National Education Summit brought together the concepts that became the fundamental underpinnings of the No Child Left Behind Act which aims principally at redressing major flaws and eradicating existing racial inequities in U.S. public schools, notably between black students and their more affluent counterparts. Thus, closing the achievement gap became one of the major concerns of the NCLB. The NCLB emerged as a result of a series of suggested recommendations that followed the aforementioned educational commissions and summits in spite of the crisis that struck the system of education in the United States in 1983.

### **2.1 A Nation at Risk 1983**

On August 26, 1981, Secretary Bell created the National Commission on Excellence in Education (NCEE) to investigate the quality of education in the United States and to make a report within 18 months of the first meeting.

Research was commissioned and public hearings were held to gather information for the report (Center for the Study of Mathematics Curriculum 1). The landmark U.S. Department of Education report, *A Nation at Risk* of 1983, found that about 13 percent of 17-year-olds were functionally illiterate, SAT scores were dropping, and students needed an increased array of remedial courses in college. (U.S. Dept. of Education (*A Nation Accountable* 1).

Despite its alarmist message, *A Nation at Risk* contended that the declines in education could be reversed, and recommended that state and local high school graduation course requirements be strengthened, higher academic standards be established, more time be spent in school, the preparation of teachers be improved, and that elected officials across the United States be held accountable for making the necessary improvements. The report ended with an acknowledgement that reversing the declines in education would be difficult and time-consuming, but that this was essential if the American society was to prosper in the future.

*A Nation at Risk* helped launch the first wave of educational reforms that focused on expanding high school graduation requirements, establishing minimum competency tests, and issuing merit pay for teachers. While many states and local school districts responded positively to the various recommendations by increasing graduation requirements and bolstering the academic course offerings in schools, many policymakers were disappointed by the lack of improvement in student achievement scores. Thus, *A Nation at Risk* was a key factor in mobilizing public opinion on behalf of educational reforms. And while the reforms that it helped to stimulate were not enough by themselves to increase sufficiently student achievement in the 1980s, the report was followed by other initiatives focused more on the restructuring of schools (Vinovskis, the Road to Charlottesville 11-12).

Clearly, the aforementioned education events paved the way for the adoption of a new federal measure with the aim of redressing all the flaws and inequities in the American educational system. Thus, a heavy burden is placed on the shoulders on the No Child Left Behind Act to put into effect the suggested recommendations and bring about the required changes for the sake of boosting up education for ALL students and narrowing the achievement gap notably between black and white students.

## **II. The No Child Left Behind Act 2002**

### **1 Background**

Actually, one of the most important fights of the civil rights movement was to define education as a fundamental right in the United States for all students, including minorities, women, and those with disabilities. Today, education is understood as the cornerstone of opportunity and a means to economic self-sufficiency, an understanding that transcends party lines. Even so, public

education has frequently been the focus of reform, and the disagreement over methods for achieving educational equity has been divisive:

If any context invited an integration of civil, political, economic, and social rights, it would be education, where each student should not only be seen as a child like many other child, but also as a potential voter, juror, employer, taxpayer, and friend or neighbor (Minor, 449-50).

Supported by an overwhelming majority in Congress and signed into law by President Bush in 2002, the No Child Left Behind Act (NCLBA) is remarkably ambitious and unusually intrusive. Indeed, it is probably the single largest expansion of federal power over America's education system. It is rather the largest federal intrusion into the educational affairs of the states in the history of the United States (Dillon, "Thousands of Schools," 33). The NCLBA revises the Elementary and Secondary Education Act, which was first enacted in 1965 and has been reauthorized periodically ever since.<sup>(2)</sup> The most important and well-known component of the Elementary and Secondary Education Act is Title I, which is the federal government's single largest educational aid program and ostensibly is designed to assist disadvantaged students. In exchange for federal funding, which all states receive, states and local school districts must comply with various federal directives (Ryan).

From its passage until fairly recently, Title I received more criticism than praise. Empirical studies generally concluded that Title I fell far short of its goal of closing the achievement gap between poorer and more affluent students (Natriello and McDill, 33-34). One problem was the way federal money was used. Title I funding mostly supported the hiring of teachers' aides and the creation of remedial classes for disadvantaged students, who typically were pulled out of regular classrooms and exposed to a watered-down curriculum (Liebman and Sabel, 1721). Not surprisingly, this strategy did little to bridge the achievement gap.

By the time Title I was scheduled for reauthorization in 1994, many in and outside of the federal government agreed that the program needed alteration. Congress and President Clinton turned to standards-based reform for inspiration and direction (Elmore, 36). Standards-based reform centers on the simple idea that states should set ambitious academic standards and periodically assess students to gauge their progress toward meeting those standards (Cohen, 99). The reform traces back to the 1983 publication of "A Nation At Risk," a highly critical and widely publicized report on public schools, which argued in dramatic terms that America's schools set their sights too low. Standards-based reform promised to raise the academic bar by requiring all schools within a state to meet uniform, challenging

standards. In addition to promoting excellence, standards-based reform also promised to promote equity by requiring all students, not just those in privileged suburban schools, to meet the same rigorous standards (Taylor, "Assessment to a Quality," 321-13).

In reauthorizing Title I in 1994 through the passage of the Improving America's Schools Act (IASA), Congress and President Clinton incorporated the core ideas of standards-based reform (Elmore, 36). In doing so, they fundamentally changed the nature of Title I. Instead of providing funds to support remedial instruction for disadvantaged students, Title I funds now had to be used to create standards for all students (Weckstein, 328-29). In order to receive Title I funds, states had to create "challenging" content and performance standards in at least reading and math, develop assessments that were aligned with those standards, and formulate plans to assist and ultimately sanction failing schools. Importantly, standards and assessments for Title I schools had to be the same as those established for all other schools within a state.<sup>(3)</sup> In this way, the federal government hoped to ensure that states would hold all students to the same high expectations and hold all schools, regardless of their student population, accountable for failure (Ryan).

## **2 The No Child Left Behind Act Chief Goals**

President Bush, upon taking office, initiated the most sweeping public education changes in decades. The stated intent of the No Child Left Behind Act of 2001 (NCLBA) is to foster greater educational accountability at all levels by improving school performance and, thereby, student performance. The plan gained widespread bipartisan support, and on January 8, 2002, President Bush signed NCLBA into law. Its stated purpose, briefly, is to: increase accountability for student achievement; allow school choice for students attending failing schools; allow more flexibility for how federal education dollars are spent; and place a stronger emphasis on skilled teaching. To promote accountability, NCLBA requires states to administer regular standardized testing and establish annual statewide progress goals. This is generally referred to as Adequate Yearly Progress (AYP). Furthermore, NCLBA expects that all students will achieve academic proficiency, or subject area competence, by 2014 (U.S. Department of Education, "NCLBA Non-Regulatory Draft," 2003). To accomplish this, states must test students in reading and math in grades 3–8 and at least once in high school. Every other year, states must administer the National Assessment of Education Progress exam to a sample of fourth- and eighth-grade students (U.S. Department of Education, NCLBA, Executive Summary, 2002). Beginning in the 2007–08 school years, states must administer science tests at least once in elementary, middle, and high school. The Act requires that assessment results and state progress objectives be broken down and reported by income, race, ethnicity, gender, disability, and limited English proficiency.



Generally, the chief goals of the Act are to boost academic achievement across the board and to eliminate the achievement gap among students from different backgrounds. To accomplish these goals, the Act requires states to establish “challenging” academic standards for all schools and to test all students regularly to ensure that they are meeting those standards. The Act also requires states and school districts to employ teachers who are “highly qualified,” meaning that they have demonstrated some competence in the subjects they teach (NCLBA, § 1119).

Schools are expected to have all of their students scoring at the proficient level on state tests within twelve years of the Act’s passage. In the meantime, states must establish intermediate goals that require an ever-increasing percentage of students to demonstrate proficiency. The same intermediate achievement targets must be met both by schools as a whole and by various subgroups of students within each school, including racial minorities.

Schools that receive federal funding and fail to meet their targets face increasingly harsh sanctions for every year that they fail (NCLBA, § 1116). Districts and schools failing to make Adequate Yearly Progress must improve or face corrective action and restructuring measures, including staff reassignment and curriculum replacement. NCLBA allows parents to transfer their children out of schools that fail for two consecutive years and into better schools within the district. Students who attend schools that fail to meet standards for three consecutive years become eligible for supplemental educational services, such as academic instruction, tutoring, and after-school programs. After five years of failure, a school can be taken under state control or closed and reopened as a charter school (Citizens’ Commission on Civil Rights, “Analysis of Bush Plans,” 5). These were briefly the chief goals that were adopted in the No Child Left Behind Act.

### **3 Criticizing the NCLBA**

The No Child Left Behind Act has been praised by some and condemned by others in the popular press and in education journals, although it has received surprisingly little attention in the legal literature.<sup>(4)</sup> Those who favor the Act emphasize its laudable goals and celebrate its tough accountability measures (Casserly, 48). Those who criticize the Act lament the heavy emphasis on testing and the inevitable “teaching to the test” that will follow (Elmore, 97). They also chastise the federal government for interfering with state and local control over education while failing to fund all of the costs associated with the Act (Hoff, 1).

In other words, some education and civil rights experts, while agreeing that NCLBA is an impressive pursuit, have expressed reservations about its implementation, specifically the school choice provisions and reliance on standardized tests, and the impact they will have on black students. Some fear that the sanctions outlined above, if not met with adequate resources, will

punish black students who disproportionately attend consistently low-performing schools and are under the most pressure to improve. Moreover, because NCLBA only permits transfers within school districts, those with many schools identified as needing improvement will be unable to offer alternative choices (Rudalevige, 23). Where limited choices are available, students left behind in failing schools will be worse off as resources are redistributed to cover transportation costs for transferring students (Neil, 226). Proponents of NCLBA's school choice provision, however, assert that it provides opportunity to continue school desegregation efforts and empowers parents, giving them a more definitive benchmark by which to ascertain school quality (Taylor, "What Impacts of Accountability Movement?", 1751).

Others note that reliance on testing is both the greatest strength and greatest weakness of NCLBA (Nash, 240). Those who support testing as an accountability tool state that it will improve classroom instruction and eliminate problems that can otherwise go undetected. In addition, testing advocates claim that poor and black American students stand to benefit the most from testing because it will render it impossible to ignore achievement gaps (Kucerick, 481, 484). Conversely, however, many educators are concerned that states will use tests not only as an accountability measure, but as a means to determine grade promotion or graduation, creating high-stakes for students and exacerbating the achievement gap (Ryan). As a matter of fact, in the present article, we are not concerned with an absolute criticism of the No Child Left Behind Act, but rather with a critical review of some of its key provisions that affected black American students in particular.

### **III. Racial Disparities in U.S. Public Schools and the Reality of the Black-White Achievement Gap**

#### **1 Segregation in the American Educational System**

As accounted for previously in this article, the primary objective of the No Child Left Behind Act (NCLB) is to boost academic achievement of ALL students in U.S. public schools and to rise the performance of underprivileged black students to the level of their more affluent peers. These goals are obviously laudable. Nonetheless, in an attempt to enquire into the effective implementation of these objectives and probe into the question of whether the NCLB lived up to the promise of closing the achievement gap between blacks and whites, we need to appraise the changing rate of segregation against black students throughout the different levels of the American educational system, both before and after the adoption of the No Child Left Behind Act as a significant federal measure in 2002.

This assessment is to be done via the presentation of facts or rather statistics that would help trace a clear image about the reality of the black-white achievement gap in the United States' public schools, particularly after the

enactment of the No Child Left Behind Act. Therefore, the presentation of data, dates, numbers and percentages would doubtlessly be efficient to find out the reality of the black-white achievement gap in the U.S. and its relationship with regard to the implementation of the NCLB.

The American educational system has a long history of racial and socioeconomic segregation particularly against blacks, which has persisted despite the ratification of the 14th Amendment of the U.S. Constitution, *Brown v. Board of Education* and its progeny, the passage of civil rights legislation, and the civil and human rights movement. Today, black children in the United States continue to be segregated by race and socioeconomic status and attend schools that are not only separate but grossly unequal in both resources and academic outcomes. This is not new: the American educational system has never fully lived up to its egalitarian ideals and many black children continue to suffer from the legacies of slavery, Jim Crow, and institutional racism. Inequality is evident in both outcome data, such as student achievement and graduation rates, and input data, such as the distribution of qualified teachers—and also in the application of exclusionary school discipline policies (The Leadership Conference on Civil and Human Rights, *Still Segregated* 6).

## **2 Persistent Racial Disparities in American Schools**

The problems of both racial and socioeconomic segregation continue to haunt the United States. Despite efforts to address racial disparities, millions of American students, particularly blacks, continue to attend separate and unequal schools. In 1968, more than three decades prior to the enactment of the No Child Left Behind Act, 76.6 percent of Black students attended majority-minority schools.<sup>(5)</sup> For Black students, those numbers have remained virtually unchanged: as of 2010, about eight years following the adoption of the NCLB as a federal education measure that aims primarily at fostering greater educational accountability at all levels by improving school performance, and thereby, student performance, 74.1 percent of Black students attended majority-minority schools. Even more distressing, the number of Black and Latino students attending schools that are more than 90 percent segregated has increased: between 1980 and 2009, the number of Black students attending these schools rose from 33.2 percent to 38.1 percent (Orfield, Kucsera, and Siegel-Hawley, *E Pluribus...Separation*). Although the causes of this trend are numerous, the federal government bears some responsibility for its failure to provide the vigorous leadership, adequate enforcement, and sufficient resources necessary to combat segregation (The Leadership Conference on Civil and Human Rights, *Still Segregated* 7).

In reality, the No child Left Behind Act's chief goals of boosting and eliminating the achievement gap among ALL students among different

backgrounds imply inevitably fighting all kinds of segregation and discrimination, inside and outside the schools, that might lead to disparities in academic achievement among students. Black students who attend separate and unequal majority-minority schools would forcibly score much below their white counterparts who attend white- dominated schools as academic achievement is impacted by the type of schools students attend.

Simply put, students of color often attend segregated schools where they receive a substandard education and where police, rather than school administrators, enforce discipline. Further, even those who do not attend segregated schools are disproportionately disciplined by being removed from the classroom. The disparities of treatment in school discipline that students of color face also contribute to vast racial disparities in achievement and outcome (AAUW, *Crossing the Line: Sexual Harassment in School* 2, 12). These factors and unfavorable conditions place a high hurdle on the way of the No Child Left Behind Act and deter it from living up to the promise of closing the black white achievement gap.

The promise of *Brown v. Board of Education* was a country in which students, regardless of race, would have an equal opportunity to learn. However, that promise remains unfulfilled: American students remain deeply divided by class and race, with, as before, racial minorities and low-income students far more likely to receive a substandard education and to be treated poorly (The Leadership Conference on Civil and Human Rights, *Still Segregated* 8). Equally important, the promise of the No Child Left Behind Act was schools in which ALL students from ALL backgrounds perform at high levels. That promise, however, has seemingly faded away.

### **3 Black- White Academic Disparities: The Achievement Gap**

By almost any measure of outcome, low-income and minority students underperform in the American educational system. Black students, for example, are twice more likely to drop out than their White counterparts (AAUW, *Crossing the Line: Sexual Harassment in School* 23). In fact, for the vast majority of ethnic and racial minorities, high school graduation rates remain at about 60 percent, compared to 83 percent for white students. The graduation rate is even lower, at 50 percent, for Black students attending high-poverty schools.<sup>(6)</sup>

The evidence of how this system has failed low-income students and students of color is seen at every grade level. For example, in mathematics, less than 10 percent of fourth grade White children scored “below basic” proficiency levels, while between 29 percent and 36 percent of Black American children did so. Likewise, while only between 21 percent and 26 percent of White students from 4th to 12th grade were below proficient in reading, more than half of Black children (between 50 percent and 54 percent) did not meet this standard. These disparities increase with every additional year of public

education. For example, in terms of vocabulary, Black students begin elementary school only one year behind their White counterparts— but by 12th grade, Black students are four years behind White students (American Psychological Association, Presidential Task Force 14, 16).

By some measures the achievement gap has shrunk, but it has done so very slowly. Data from the most recent National Assessment of Education Progress (NAEP) reveal that in 1992, the average reading score for a White student was 266 out of 500 total points; by contrast, the average reading score for a Black student was 238—a difference of 28 points. In 2012—a decade later—that difference had narrowed by only five points, to 23 points (American Psychological Association, Presidential Task Force 14). At this rate, it will take many more decades before disparities of outcome and their negative impacts on the lives of millions of blacks would fade away.

These facts are remarkably alarmist as the disparities of outcome between blacks and whites in U.S. public schools remain visibly wide at every grade level about a decade after the enactment of the No Child left Behind Act. This reality rings alarm bells vis-à-vis the presumably laudable goals of the NCLB, namely of closing the achievement gap among ALL students.

These negative academic outcomes often impact students for the rest of their lives. For example, Black students have a significantly lower college-going rate than their White counterparts. According to 2010 data from the National Assessment of Education Progress (NAEP), just over half (55.7 percent) of Black students and just under two-thirds (63.9 percent) of Latino high school graduates enroll in postsecondary education, compared with 71.7 percent of White graduates (Farkas 105). Furthermore, because students of color are often underprepared by their schools, their college completion rates are lower as well: for full-time students attending a 4-year institution for the first time, only 20.4 percent of Black students graduated in 4 years, compared with 41.1 percent of White students (National Assessment of Education Progress, 2012). Finally, young Black men without a high school diploma have an unemployment rate of more than 50 percent—while Black men who graduate college have an unemployment rate of only 9 percent (American Psychological Association, Presidential Task Force 17).

The United States lags far behind many other developed nations in education competitiveness. On the 2009 Program for International Student Assessment (PISA), the United States performed at or below average, ranking 14th in reading, 17th in science, and 25th in math of the 36 developed countries measured (U.S. Dept. of Educ., *Graduation rates of first-time postsecondary students*). However, if Black and Latino students performed at the level White students perform on such assessments, the position of the United States would rise dramatically.<sup>(7)</sup> What about the pledge of the NCLB of closing the black-white achievement gap, was not the measure deemed as the most

sweeping public education initiative in decades? In attempt to grasp better the depth of the academic disparities between black and white students, a detailed scrutiny of the black-white achievement gap is essential before and after the enactment of the No Child Left Behind Act in 2002.

#### **4 The Reality of the Achievement Gap: Tracking the Progress of Black and White Students in U.S. Public schools**

At the very beginning, it is crucial to identify and clarify the exact meaning of the “achievement gap” in this article as it can hold several different definitions that vary according to the changing contexts. In this study, the achievement gap refers specifically to the disparities between the performance of white students and black students on academic assessments such as Scholastic Aptitude Test (SAT) scores- a test taken in the U.S. to measure students’ abilities before entry into college- and American College Testing (ACT) scores- a [standardized test](#) for high school [achievement](#) and [college admissions](#) in the [United States](#), and graduation rates.

Though the issue of the achievement gap exists among other racial and ethnic minorities in the United States, namely Asian and Hispanic students, the focus of our research is to examine the difference in academic achievement specifically among black students, when compared with their white counterparts, as their underperformance is so pronounced and lags behind the performance of white students.

In order to probe into the research question of the issue under examination, that is: to what extent was the No Child Left Behind Act successful in closing the black-white achievement gap? A deep examination of the black-white achievement gap is necessary and further questions arise: how large is the gap? And is it shrinking or widening over time, notably after the enactment of the NCLB? Of course the main question would not be whether the gap exists, but rather whether it persists. It is almost taken for granted by many Americans that there is an achievement gap between black and white students. This fact does not emerge out of nowhere; the legacies of slavery and racism still have their vestiges in the American society and in the American people’s mind.

The problem, however, is that many people are ignorant about the magnitude of this knotty issue as they are vaguely aware that black and white students, on average, perform differently in schools. Moreover, in spite of the heated debate of the black-white achievement in the K-12 educational community and in a few corners of academia, surprisingly few people have given much thought to this issue (Paige and Witty 23).

Even those who are knowledgeable about the gap's reality and its magnitude often believe that the divide cannot be bridged until poverty is eradicated and all vestiges of racism in America are eliminated. In other words, these observers view the gap with a kind of determined resignation, and see efforts

to do away with it as fruitless. Dan Seligman, for example, in the December 12, 2005, issue of *Forbes* magazine called endeavors to close the achievement gap “a fool's errand,” (Seligman 120-122) while William J. Mathis, in a *Phi Delta Kappan* special section on the achievement gap entitled “A Bridge Too Far,” referred to such efforts as “an exercise in ritualistic magic” (Mathis).

There are even those who doubt that the black-white achievement gap exists. Those skeptics say it is an artifact of biased and subjective tests or is not as big as people say it is (Paige and Witty 23). For these very reasons and in order to remove all sorts of ambiguities that surround the black white achievement gap, we need first to “confront the brutal facts” by providing accurate data that help correct the problems. As Jim Collins observes in *Good to Great*, “One thing is certain: You absolutely cannot make a series of good decisions without first confronting the brutal facts” (70).

Thus, the sections that follow probe into the performance of the black white students in both reading and math as they move through the K- 12 educational system and postsecondary institutions. Differential rates of participation in higher education and college completion are evenly explored and reported.

#### **4.1 School Readiness**

It has been widely reported that the achievement gap between black and white students is generally more visible by the twelfth grade as black students, on average, score much below their white peers academically. But this problem, as prominent researchers Paige and Witty assert, does not appear out of nowhere (24). In fact, one needs to track the progress of students or rather children as they evolve through school starting from school entry or kindergarten.

The Early Childhood Longitudinal Study, Kindergarten Class of 1998–1999 (ECLS-K), a national assessment program administered by the U.S. Department of Education, has been tracking the progress of a national sample of children who entered kindergarten during the 1998–99 school years. The results reveal whether there is a performance gap between black and white children when they begin school, and what happens as they grow older (Princiotta, Flanagan and Hausken).

Researchers analyzing the ECLS-K data have found that the reading and mathematics skills of black and white children do, in fact, differ at the point of school entry, but the differences are small (Paige and Witty 24).

#### **4.2 Elementary School**

In addition to the examination of the percentages of students who possessed specific skills, researchers have made use of the ECLS-K data to compare the overall reading and math achievement of various groups of students. To do so, they use scale scores, which provide a norm-referenced measure of performance.<sup>(8)</sup> In short, the data here show that the achievement gap between black and white children in reading and mathematics exists as early as

kindergarten but the small gap in kindergarten keeps on widening over the school year as the students progress through the grades.<sup>(9)</sup>

So the disparities in the academic achievement of black and white children in reading and math are found as early as kindergarten. Recognizing these facts and the vital role of early childhood experiences in school readiness, many school districts, nonprofit organizations, and other groups have been centering on providing all students—mainly those from underprivileged backgrounds—with access to quality early childhood learning experiences. Head Start was the first of many initiatives with this aim. Researchers Paige and Witty note that there is an ongoing debate between researchers regarding whether Head Start produces lasting benefits, or whether its benefits erode by the time children reach third grade, a phenomenon commonly referred to as “fade-out” (28).

#### **4.3 K–12 Education**

As reported in the previous sections of this, the assessment of the achievement gap among black and white children in reading and math at kindergarten and throughout their early elementary school years drew important findings and data that assert the existence of a growing gap which evolves with students’ progress through the grades. Thus, the next step in this conducted research is to explore further these findings as students move through the K–12 educational pipeline. The National Assessment of Educational Progress (NAEP), funded by the U.S. Department of Education, provides data that probe into one of the main questions of this study: how does the existing black-white achievement gap in reading and math evolve as students move through the grades?

To answer this question the present research relies on the NAEP findings that are drawn after the assessment of national samples of students in reading, math and other subjects. Results are reported in terms of average proficiency scores (using a 500-point scale) as well as in terms of the percentages of students reaching successive levels of proficiency (i.e., basic, proficient, and advanced). The average reading and math scores of white and black fourth and eighth graders are tracked throughout a period of fifteen years from 1992 to 2007. Actually, assessment of the achievement gap in the five years that succeed the NCLB adoption in 2002 –from 2002 to 2007- is of a relevant significance to the present research.

According to NAEP findings, the average reading proficiency of black *fourth graders* rose from 199 in 2002, the year of the enactment of the No Child Left Behind Act, to 203 in 2007, five years after its adoption as a federal measure. This represents a gain of 4 points. As for whites the gains were by 2 points, from 229 in 2002 to 231 in 2007. Thus, the black white achievement gap in this period narrowed slightly by 2 points, from 30 in 2002 to 28 in 2007, the difference is not statistically significant.



As for the black and white *eighth graders* the average reading proficiency remained unchanged during this period (2002-2007) - 245 points for blacks and 272 for whites. Similarly, the black white achievement gap remained unchanged as well all through the five years that succeeded the endorsement of the NCLB; from 2002 to 2007 (U.S. Department of Education, National Center for Education Statistics, “The Nation's Report Card (Reading)”).

According to the most recent assessment data from NAEP, after the enactment of the No Child Left Behind Act the average math proficiency of black fourth graders climbed by 6 points, from 216 in 2003 to 222 in 2007. This pattern is almost similar for whites as they made a gain of 5 points, from 243 in 2003 to 248 in 2007. Therefore, the achievement gap between black and white students, however, remained approximately unchanged during the five years that followed the adoption of the No Child Left Behind Act- from 27 in 2003 to 26 in 2007, a statistically insignificant point.

The average math proficiency of black eighth graders during this period, however, increased slightly by 8 points, from 252 in 2003 to 260 in 2007. Similarly, white students’ math proficiency did not increase significantly as it scored 3 points only, from 288 in 2003 to 291 in 2007. As for the black white achievement gap, in this period that succeeded the endorsement of the NCLB, it narrowed slightly but not significantly from 36 in 2003, one year after the NCLB to 31 in 2007, five years after the NCLB. This difference of 5 points is statistically insignificant (U.S. Department of Education, National Center for Education Statistics, “The Nation's Report Card (Mathematics)”).

To sum up, black students in grades four and eight have made strides in reading and math over the years since NAEP began its assessment program. The black-white achievement gaps have been shrunk in a number of areas. In spite of the progress, however, brutal performance discrepancies persist. Black students are far less likely than their white peers to be proficient in reading and math—the backbone of success in school and in life.<sup>(10)</sup>

Researchers Paige and Witty assert that nationally, and in many states and districts, the black-white achievement gap has become smaller over time due to the greater gains made by black students relative to their white peers, “but in no place is the achievement gap anywhere close to zero”. They affirm that, on average, the reading and math proficiency of eighth-grade black students in America is much closer to that of white fourth graders than it is to that of white eighth graders (36).

#### 4.4 High School Graduation Rates

After the examination of the achievement gap among black and white students as they evolve through K 12 education, appraisal of the gap in high school graduation rates is complementary to the issue under examination.

In 2000, the Black Alliance for Educational Options (BAEO) commissioned researcher Jay Greene of the Manhattan Institute to conduct a pioneering

study of America's low graduation rates, particularly among students of color. As Greene remarked at the time, "Unless we have reliable information about graduation rates we cannot begin to consider the severity of problems or make comparisons about the effectiveness of schools in different areas or for different groups of students" (9).

Greene's analysis showed that nationally the high school graduation rate for white students in the class of 1998 was 78 percent. For black students, it was 56 percent. In other words, more than two out of every ten white students and more than four out of every ten black students left high school before graduating. Greene has since repeated the study for subsequent classes of students. For the class of 2002, national graduation rates were 56 percent for black students versus 78 percent for white students—virtually identical to those for the class of 1998.<sup>(11)</sup>

#### **4.5 College Readiness**

Probing into the percentages of black and white high school graduates who are both prepared and willing to continue with their education- deemed as college ready- is equally pertinent and essential to this study.

Greene's research makes it possible not only to compare high school dropout rates but also to compare college readiness rates among white and black students. To be counted as "college ready," students had to meet three criteria: they must graduate from high school, they must have taken certain courses in high school that colleges require for the acquisition of necessary skills, and they must demonstrate basic literacy skills.

Data show that for the class of 2002 nationally, 40 percent of white students but only 23 percent of black students were deemed "college ready." As with high school graduation rates, college readiness rates for both racial groups varied significantly from state to state (Greene).

#### **4.6 College Completion Rates**

College enrollment rates have risen for white and black students over time, but a gap remains. In 2006, about 69 percent of white students enrolled in college right after high school graduation, marking a substantial increase from the approximately 50 percent who did so in the 1970s. Between 1984 and 1998, the rate of college enrollment rose faster for blacks than for whites, narrowing the gap between the two groups. In 2006, about four years after the adoption of the NCLB, 56 percent of black students enrolled in college immediately after high school; among white students, the corresponding figure was 69 percent (U.S. Dept. of Educ., *Digest of Education Statistics* 284-285).

The crucial question is how do students perform once they are enrolled in college? Historical data reveal that the percentage of black Americans earning a college degree has climbed substantially over the years, from just 1 percent

in 1940–14 years before the *Brown v. Board of Education* decision was made—to 19 percent in 2006, 4 years after the No Child Left Behind Act.

Data show that only 6.7 percent of young black adults in 1971 had earned a college degree, compared with 18.9 percent of their white peers. A little more than three decades later and a year after the NCLB, in 2003, 17.5 percent of young black adults had earned a college degree, compared to 34.2 percent of their white peers. Five years after the NCLB, by 2007, the figures were 19.5 percent vs. 35.5 percent, respectively. Thus, young white adults are approximately twice as likely as their black peers to earn a college degree (U.S. Dept of Educ., *The Condition of Education* 145).

Thus, as researchers Paige and Witty rightly declared: the story of the achievement gap between black and white students is one of good news tempered with bad. Though significant progress has been made in some areas over time, equity in educational achievement remains an elusive goal (41). The data presented in this research potently reveal that there is one consistent underlying truth: “On academic matters, African American students have continuously achieved significantly below their white counterparts, on average” (42). Discussion of the achievement gap in the education literature, newspaper stories, and education trade journals is beginning to heat up, and in some instances has become so sweeping that its existence is starting to be taken as predestined, even by some African Americans. As state and federal education policies increasingly embrace testing and accountability as a part of their school improvement initiatives, namely the No Child Left Behind Act, the black–white achievement gap is becoming more and more visible (42).

### **Conclusion**

The No Child Left Behind Act is not an overnight federal measure; it is in effect the fruitful upshot of a considerable number of noteworthy early and embryonic developments that featured the American realm of education from the foundation of the United States up to the threshold of the 21<sup>st</sup> century. Though public education is primarily a matter of state and local responsibility, and in spite of the absence of a coherent federal policy, the NCLB is probably the single largest expansion of federal power over America’s education system as the federal role in American schools has expanded swiftly in the period since the mid-twentieth century.

As federal education policies embraced testing and accountability as a part of their school improvement initiatives, notably through the enactment of the No Child Left Behind Act in 2002, the black–white achievement gap is becoming more and more visible. Statistics eerily portray that there are alarming academic disparities among black and white students; black students’ underperformance is so pronounced and lags behind their white peers on virtually every scholastic assessment measure, even after the adoption of the NCLB that aims primarily at boosting and eliminating the achievement gap

among ALL students. These facts are remarkably alarmist as the disparities of outcome between blacks and whites remain visibly wide at every grade level about a decade after the enactment of the NCLB. This reality rings alarm bells vis-à-vis the presumably laudable goals of the NCLB. Yet, by some measures the achievement gap has shrunk, but it has done so very slowly, over time and in a number of areas, due to the greater gains made by black students relative to white peers. In spite of the progress, however, brutal discrepancies persist after the NCLB and the black white achievement gap is nowhere close to zero.

#### **Endnotes**

1-In 1785, two years following the end of the American War of Independence, the Confederation Congress passed the first of two Northwest Ordinances, which reserved 1/36th of the land granted to each western township « for the maintenance of public schools within the said township. » Two years later, in 1787, the recently convened Constitutional Convention passed the second Northwest Ordinance, which reasserted the aim of the first. Congress passed the Morrill Land Grant Act of 1862 that broadened the purposes of the Northwest Ordinances-land grants for school aid- to institutions of higher education. The Freedmen's Bureau set off three areas of federal aid to education that would last into the twentieth century: (1) putting forward federal aid to lift up the educational level of the most underprivileged members of society, (2) propping up economic progress through the expansion of access to learning, and (3) assimilating new citizens into American society with the aim of productive labor as well as social harmony. The passage of the Smith-Hughes Act in 1917 that upheld vocational-technical education and other forms of school-based job-training in wide a range of locales all through America was an abrupt answer to the growing demands of World War I. The Lanham Act that Congress passed in 1940 sustained the construction, operation, and maintenance of school buildings for children whose parents were employed by the federal government, primarily on military bases. Thanks to the Serviceman's Readjustment Act, commonly known as the G.I. Bill of Rights (P.L. 78-346), veterans who had served a period of ninety days and more in the armed forces were entitled to a year of secondary, special, adult, or college education in addition to an extra month of education for each month in the service, up to a total of 48 months.

2-Prior to the NCLBA, the most recent reauthorization of the Elementary and Secondary Education Act occurred in 1994. See Improving America's Schools Act (IASA) of 1994, Pub. L. No. 103-382, 108 Stat. 3518.

3-In the same year that it passed the IASA, the federal government enacted Goals 2000, which provided money to states to assist them in developing academic standards for all students. See Goals 2000: Educate America Act, Pub. L. No. 103-227, 108 Stat. 130.

4-Important exceptions include James S. Liebman & Charles F. Sabel, the Federal No Child Left Behind Act and the Post-Desegregation Civil rights Agenda, 81 N.C. L. REV. 1703 (2003), and John Charles Boger, Education's "Perfect Storm"? Racial Resegregation, High Stakes Testing, and School Resource Inequities: the Case of North Carolina, 81 N.C. L. REV. 1375, 1434-45 (2003).

5-For example, in Texas, in 1973, per-pupil spending ranged from \$2,112, in the poorest districts, to \$19,333, in the wealthiest. The Leadership Conference Education Fund, *Reversing the Rising Tide of Inequality: Achieving Educational Equity for Each and Every Child* 7 (April 2013).

6-Numerous scholars have found this to be the case. See Robert Balfanz, Vaughan Byrnes, and Joanna Fox, *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade* 15 (2012) and Paul J. Hirschfield, *Preparing for prison? The criminalization of school discipline in the USA*, 12 *Theoretical Criminology* 79, 82 (2008).

7-These conditions contribute to overall racial disparities in unemployment: Whites have an overall unemployment rate of 6.8 percent, while the unemployment rate for Blacks is more than double that – 15.2 percent. Mike Alberti, *Who is Most Unemployed*, Remapping Debate, (March 27, 2013), available at: <http://www.remappingdebate.org/map-data-tool/who-most-unemployed>.

8-Scale scores make it possible to compare the achievement of a particular group of students (for example, white students, black students, female students, etc.) to that of the student population as a whole. Thus, for example, a high scale score mean for a particular group indicates that this group's performance is high in comparison to other groups. It does not mean that all members of the group have mastered a particular set of skills, however. (See Paige and Witty 25).

9-This pattern is evident not only in overall reading and math proficiency scores but also in the data for specific skill areas. For example, 82 percent of white fifth graders demonstrate an understanding of the concept of place value in math, compared to just 52 percent of black fifth graders (Paige and Witty 29).

10-Interestingly, state- and district-level NAEP data show that black students do better in some states than others and in some districts than others. As a result, the size of the gap varies from place to place. For example, in 2007, the black-white achievement gap in fourth-grade reading (again on the 500-point NAEP scale) was 17 points in Arizona, but 33 points in Pennsylvania. Among eighth graders, the size of the gap ranged from 7 points in Hawaii to 38 points in Wisconsin. Similarly, data from the 2007 NAEP Trial Urban District Assessment (TUDA)—a special NAEP study conducted in large urban school

districts—show black–white achievement gaps in fourth-grade reading ranging from a low of 23 points in Cleveland and 25 points in Boston to 67 points in Washington, D.C. In fourth-grade math, gaps ranged from 22 points in New York City to 54 points in Washington, D.C. (U.S. Department of Education, National Center for Education Statistics, “The Nation’s Report Card (Mathematics) Trial Urban District Assessment Results at Grades 4 and 8,” 2007, [http://nationsreportcard.gov/tuda\\_math\\_2007](http://nationsreportcard.gov/tuda_math_2007) and [http://nationsreportcard.gov/tuda\\_reading\\_2007](http://nationsreportcard.gov/tuda_reading_2007) (accessed August 13, 2008).

### References

- « Boston Latin School. » *Encyclopedia Britannica*. Web. 26 Oct. 2010.
- AAUW, Crossing the Line: Sexual Harassment in School 2, 12 (2011), available at: <http://www.aauw.org/files/2013/02/Crossing-the-Line-Sexual-Harassment-at-School.pdf>
- American Psychological Association, Presidential Task Force on Educational Disparities Ethnic and racial disparities in education: Psychology’s contributions to understanding and reducing disparities 8 (2012), available at: <http://www.apa.org/ed/resources/racial-disparities.aspx>.
- Casserly, Michael. “Commentary: Can the Bush School Plan Work?” *Education Weekly* 4 Dec. 2002: 48. Print.
- Center for the Study of Mathematics Curriculum. *A Nation at Risk: the Imperative for Educational Reform. National Commission on Excellence in Education 1983*. 2005. Print.
- Citizens’ Commission on Civil Rights. *Analysis of President George w. Bush’s Education Plan*. Mar. 1, 2001: 5 <<http://www.cccr.org/BushPlan.pdf>>
- Collins, Jim. *Good to Great: Why Some Companies Make the Leap... and Others Don't* (New York: HarperCollins Publishers, 2001), 70. Print.
- Cross, Christopher. “The Evolving Role of the Federal Government in Education.” *Political Education: National Policy Comes of Age*. New York: Teachers College Press, 2003. Print.
- Dillon, Sam. “Thousands of Schools May Return Afoul of New Law.” *New York Times* 16 Feb. 2003: 33. Print.
- Duran, James. « The Beginnings of Ambivalence: Dwight D. Eisenhower and the Federal Aid to Education Issue, 1949-1953. » *Kansas History* 13.3 (1990) : 166-177. Print.
- Elmore, Richard F. “Testing Trap.” *Harvard Magazine* Sept.-Oct. 2002: 37.
- Elmore, Richard L. « Introduction : On Changing the Structure of Public Schools. » in *Restructuring Schools : The Next Generation of Educational Reform*, ed. Richard F. Elmore. San Francisco : Jossey-Bass, 1990. Print.

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- Greene, Jay P. "High School Graduation Rates in the United States" (report for Black Alliance for Educational Options, Washington, D.C., April 2002), 9.
- Hoff, David J. "Debate Grows on True Costs of School Law." Education Weekly 4 Feb. 2002: 1. Print.
- Jacoby, Tamar. *Someone Else's House: America's Unfinished Struggle for Integration*. New York: Free Press, 1998. Print.
- Jeffrey, Julie Roy. *Education for Children of the Poor: A Study of the Origins and Implementation of the Elementary and Secondary Education Act of 1965*. Columbus: Ohio State University Press, 1978. Print.
- Kress, Sandy, Stephanie Zechmann, and J. Matthew Schmitt. « When Performance Matters: The Past, Present, and Future of Consequential Accountability in Public Education. » *Harvard Journal on Legislation* 48 (2011): 187-188. Print.
- Kucerick, Erwin. "The No Child Left Behind Act of 2001: Will it Live up to Its Promise?" Georgetown Journal on Poverty Law and Policy 9 (Summer 2002): 481, 484. Print.
- Liebman, James S. and Charles F. Sabel. "The Federal No Child Left Behind Act and the Post-Desegregation Civil Rights Agenda." North Carolina Law Review 81 (2003): 1721. Print.
- Mathis, William J. "A Special Section on the Achievement Gap—Bridging the Achievement Gap: A Bridge Too Far?" *Phi Delta Kappan*, 86, 2005. Print.
- Minor, Martha. "Just Education: An Essay for Frank Michelman." Tulsa Law Review 39 (Spring 2004): 449-50. Print.
- Munger, Frank J. and Richard F. Fenno. *The National politics and Federal Aid to Education*. Syracuse: Syracuse University Press, 1962. Print.
- Nash, David. "Improving No Child Left Behind: Achieving Excellence and Equity in Partnership with the States." Rutgers Law Review 55 (Fall 2002): 240. Print.
- National Assessment of Education Progress (NAEP) (2012). Washington, DC: US Department of Education. Print.
- Natriello, Gary and Edward L. McDill. "Title I: From Funding Mechanism to Educational Program." Hard Work for Good Schools: Facts not Fads in Title I Reform. Harvard University, 1999: 33-34. Print.
- No Child Left Behind Act (NCLBA). Pub. L. No. 107-110. Sec. 9110 (2002).
- Orfield, Gary, John Kucsera, and Genevieve Siegel-Hawley, *E Pluribus...Separation: Deepening Double Segregation for More Students* 20 (The Civil Rights Project, UCLA 2012), available at: <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students/>

- Paige, Rod and Elaine Witty. The Black-White Achievement Gap: Why Closing It Is the Greatest Civil Rights Issue of Our Time. New York: American Management Association, 2010. Print.
- Princiotta, Dan, Kristin Denton Flanagan, and Elvira Geromino Hausken, *Fifth Grade: Findings from the Fifth Grade Follow-up of the Early Childhood Longitudinal Study, Kindergarten Class of 1998–99* (ECLS-K), report for the U.S. Department of Education, National Center of Education Statistics, NCES-2006–038, March 2006, <http://nces.ed.gov/pubs2006/2006038.pdf> (accessed September 4, 2008).
- Resnick, Daniel P. « Minimum Competency Testing Historically Considered. » *Review of Research in Education* 8. 3 (1980): 3, 17, 18. Print.
- Rudalevige, Andrew. “No Child Left Behind: Forging a Congressional Compromise.” No Child Left Behind? Eds. Paul E. Paterson and Martin R. West. Washington, D.C. : The Brookings Institute, 2003: 23. Print.
- Ryan, James E. “The Perverse Incentives of the No Child Left Behind Act.” Public Law and Research Theory Research Papers: University of Virginia School of Law, 2003. Print.
- Seligman, Dan. “Gapology 101,” *Forbes*, December 12, 2005, 120–122, [http://www.forbes.com/forbes/2005/1212/120\\_print.html](http://www.forbes.com/forbes/2005/1212/120_print.html) (accessed August 13, 2008).
- Taylor, William L. “Assessment as a Means to a Quality Education.” Georgetown Journal on Poverty Law and Policy (2001): 312-13. Print.
- Taylor, William L. “What Are the Likely Impacts of the Accountability Movement on Minority Children? Title I as an Instrument for Achieving Desegregation and Equal Educational Opportunity.” North Carolina Law Review 81 (May 2003): 1755-59. Print.
- The Leadership Conference on Civil and Human Rights. Still Segregated: How Race and Poverty Stymie the Right to Education. 3 September 2013. [www.civilrights.org](http://www.civilrights.org).
- The National Defense Education Act (NDEA) (P.L. 85-864) 1958.
- U.S. Department of Education, *Graduation rates of first-time postsecondary students who started as full-time 22 degree/certificate-seeking students, by sex, race/ethnicity, time to completion, and level and control of institution where student started: Selected cohort entry years, 1996 through 2007*, Digest of Education Statistics (2012), available at: [http://nces.ed.gov/programs/digest/d11/tables/dt11\\_345.asp](http://nces.ed.gov/programs/digest/d11/tables/dt11_345.asp)
- U.S. Department of Education, National Center for Education Statistics, “The Nation's Report Card (Reading) National Assessment of Educational Progress at Grades 4 and 8,” 2007, [http://nationsreportcard.gov/reading\\_2007](http://nationsreportcard.gov/reading_2007) (accessed August 13, 2008).



- U.S. Department of Education, National Center for Education Statistics, "The Nation's Report Card (Mathematics) National Assessment of Educational Progress at Grades 4 and 8," 2007, [http://nationsreportcard.gov/math\\_2007](http://nationsreportcard.gov/math_2007) (accessed August 13, 2008).
- U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics*, 2007, Table 192, 2007, 284–285.
- U.S. Department of Education, National Center for Education Statistics, *The Condition of Education*, 2008, Table 25–3, 2008, 145.
- U.S. Department of Education. "No Child Left Behind Standards and Assessments, Non-Regulatory Draft Guidance." Mar. 10, 2003. <http://www.law.umaryland.edu/marshall/usccr/documents/cr12r24.pdf>
- U.S. Department of Education. "The NCLBA of 2001." Executive Summary. July 11, 2002 <http://www.ed.gov/offices/OESE/esea/exec-sum.html>
- United States Department of Education. *A Nation Accountable : Twenty-Five Years after a Nation at Risk*. Washington ; D.C., 2008. Print.
- Vinovskis, Maris A. « Do Federal Compensatory Education Programs Really Work? A Brief Historical Analysis of Title I and Head Start. » *American Journal of Education* 107.3 (1999): 187-209. Print.
- Vinovskis, Maris A. *The Road to Charlottesville : The 1989 Education Summit*. U.S.A. : The National Education Goals Panel, 1999. Print.
- Vinovskis, Maris. *The Birth of Head Start: Preschool Education Policies in the Kennedy and Johnson Administrations*. Chicago: The University of Chicago Press, 2008. Print.
- Weckstein, Paul. "School Reform and Enforceable Rights to Quality Education." Law & School Reform: Six Strategies for Promoting Educational Equity. Ed. Jay P. Herbert. Chicago: Chicago University Press, 1999: 328-29. Print.