



FOUNDATION *for*  
CHILD DEVELOPMENT

## **Promise or Peril: Immigrants, LEP Students and the No Child Left Behind Act**

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This presentation includes some preliminary findings and observations from a multi-year study of the No Child Left Behind Act and its implications for elementary and secondary students in immigrant families and those with limited English skills. The study began in Fall 2004 and has been funded thus far by grants from the Foundation for Child Development and the Kellogg Foundation.





## **Promise or Peril? Urban Institute Study Components**

- **Census-based demographic profile of LEP students, children of immigrants**
- **Road map of NCLB issues affecting children of immigrants, English**
- **Analysis of characteristics of high-LEP schools (30%+ LEP students)**
- **Case studies of high-LEP elementary schools in 3 districts**
- **Creation of immigrant education network to disseminate findings**

Our study is titled “Promise or Peril” to highlight both the potential positive and negative implications of No Child Left Behind (NCLB) for children

of immigrants, limited English proficient (LEP) children, and the schools that serve them (Please note we use the term “LEP” here, although “English Language Learner” (ELL) is a common synonym). The study focuses primarily on the early grades (pre-kindergarten through 5th grade), but also considers some issues affecting older children in secondary schools. It includes four main components:

(1) A demographic profile of children in the nation’s schools, enrolled in pre-kindergarten through 12th grade. This profile is mostly based on 2000 Census data, and includes information about children and parents’ countries of birth, citizenship, legal status, the languages they speak, their English language ability, income, poverty and other characteristics.

(2) A road map describing the ways in which NCLB has changed requirements for states, districts and schools, including: assessment, instruction, teacher qualifications, parental involvement, and the impact of NCLB sanctions on underperforming schools with large LEP and immigrant student populations.

(3) An analysis of the Schools and Staffing Survey (SASS) data on high-LEP schools. This analysis uses the SASS to compare high-LEP schools to other schools in terms of student demographics, instructional programs, funding and other factors.

(4) Case studies of two high-LEP elementary schools each in three major urban school districts. We will visit two elementary schools in three sites during two school years—2004-05 and 2005-06—to see how NCLB implementation is affecting these schools and their large LEP and immigrant student populations over time.



## **NCLB: Promise or Peril**

### **NCLB has potential to improve education of LEP, immigrant students:**

- LEP students must improve achievement on tests.
- Schools are accountable for LEP performance.
- Schools not making adequate progress must offer school choice, supplemental services, and/or undergo corrective action or restructuring.
- Bilingual education, ESL more integrated with regular curriculum, standards?
- Every bilingual, ESL classroom must have a highly qualified teacher.
- Greater emphasis on pre-K, early grades?
- Expanded parental involvement?

**T**he No Child Left Behind Act has the potential to improve the education of children of immigrants and LEP students in several important ways. Under NCLB, LEP students are one of the key groups that must be tested. The law mandates that LEPs' passing rates on the tests improve over time and that schools be held accountable for their performance. Schools that do not make progress in improving LEP students' performance over an extended period of time must offer students the option to transfer to another school; provide supplement services such as after-school programs or tutoring; and eventually undergo restructuring.

Bilingual and English as a Second Language (ESL) curricula are likely to change in order to ensure that LEP students perform better on standardized tests in the future. Since LEP students will be required to learn the same content and take similar tests as other students, NCLB has the potential to better integrate and align their classroom instruction with instruction provided to other students.

Additionally, every bilingual and ESL classroom, just like the other classrooms, must have a highly qualified teacher, i.e., a credentialed teacher with a degree or significant expertise in the subject areas he or she teaches.

NCLB may result in more emphasis on enrolling LEP children in kindergarten and pre-kindergarten in order to better prepare them for classroom instruction and tests in later grades.

Finally, parents of LEP students and immigrant parents have the same rights as other parents under NCLB: to be informed of their child's progress on tests, their school's progress on meeting standards, and their right to transfer their child to another school if the local school fails to make sufficient progress. Parents of LEP children must also be informed about the type of language instruction their children are receiving, and that they have the right to refuse bilingual or ESL instruction for their children.



## **NCLB: Promise or Peril**

### **But NCLB includes many challenges for LEP students and schools that serve them:**

- Can schools and districts rapidly develop capacity to teach and to test LEPs?
- How will schools deal with new arrivals?
- Will LEP and immigrant students drop out or be pushed out?
- Will LEP and immigrant students be tracked or further segregated?
- How well will high-LEP schools fare?
- Will new requirements lead to teacher shortages?
- Will LEP and immigrant parents understand NCLB, take advantage of choice, supplemental services?

**N**CLB also poses many risks and challenges for children of immigrants, LEP students and the schools that serve them. Following are some questions that motivate our study:

Can schools develop the capacity to teach LEP students so that they perform as well as other students on standardized tests? What types of instruction will they choose (bilingual, English immersion, dual language immersion, e.g.), and which will work best?

How should LEP students be tested? Tests in standard English may unfairly penalize students from other language backgrounds; yet, tests in the native language or simpler English may be difficult to create.

Schools must test all students coming in the door (although they do not have to test immigrants during their first year). Schools may find it difficult to integrate new arrivals, especially LEPs, into their curriculum adequately so that they perform well on tests.

Will the emphasis on test scores discourage some LEP and immigrant students, who already drop out at higher rates than other students? Will difficulties meeting performance standards lead schools to push these students out, for instance to GED programs?

Alternatively, will LEP students—who are already highly segregated—become more segregated into schools that provide bilingual or ESL programs? Will these be better or worse schools? Will these students be tracked into magnet or remedial programs?

How will schools with large concentrations of LEP and immigrant students fare?

Will the new requirements lead to shortages of ESL and bilingual teachers?

NCLB requires schools to provide information to parents in language they can understand. But will LEP and immigrant parents really understand the implications of NCLB and testing for their children and the options NCLB gives them?



## Overview of Presentation

### Demographic profile:

- Growth of U.S. immigrant population
- School-age children of immigrants
- Countries of birth for foreign-born children
- Limited English Proficient (LEP) children
- Languages spoken by children
- Incomes and parental education
- Linguistic segregation in schools
- Citizenship, legal status of parents, children

### Focus on grades pre-K to 5

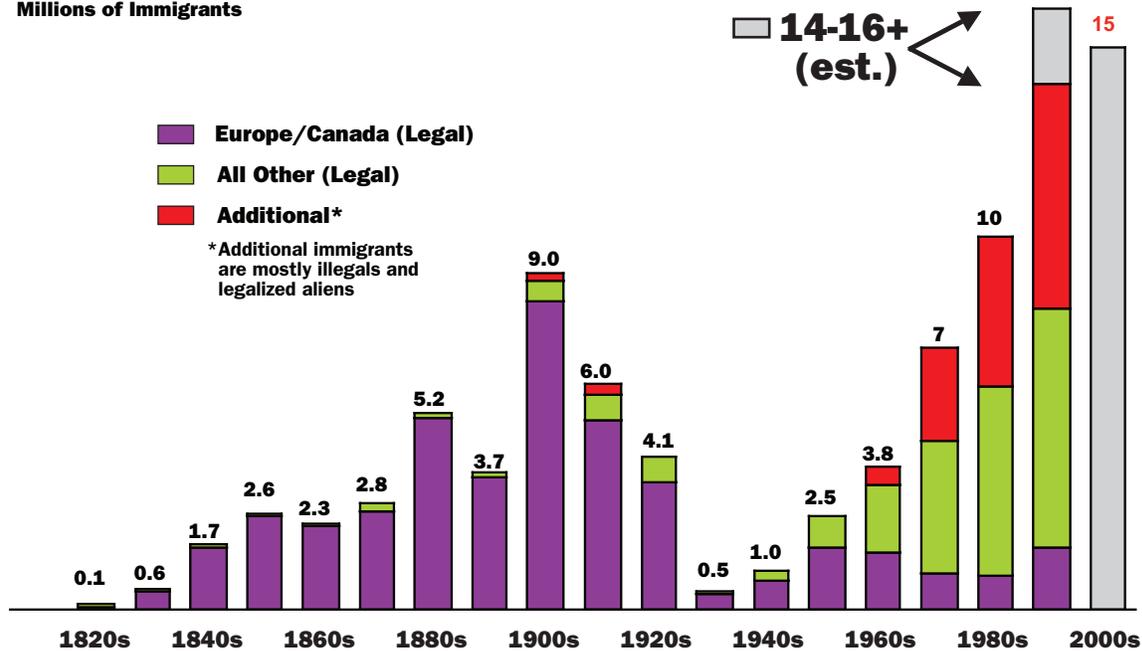
The first part of this presentation—based on our forthcoming demographic profile document—sets the context of the implementation of NCLB. The presentation seeks to provide an overview of major trends in immigration that are having profound impacts on the nation's schools and to draw a statistical portrait of the nation's immigrant and limited English proficient (LEP) student population that builds on The Urban Institute's *Overlooked and Underserved: Immigrant Students in U.S. Secondary Schools* (Ruiz de Velasco, Fix, and Clewell 2000).

Our discussion in this presentation focuses on the early grades: pre-kindergarten through 5th grade. (Fifth grade is the cutoff in the Census data that corresponds most closely to the end of the primary grades.) On most data points, comparisons are offered to the higher grades (6-12) as well.



## Current In-Flows are Very High

Millions of Immigrants



Although some uncertainty remains over the number of immigrants coming to the United States during the 1990s, there are indications that at least 14 million, and perhaps as many as 16 million immigrants, entered the country during the decade (according to our estimates based on Census 2000). This figure far exceeds flows in any decade in the nation's history.

Given the overall levels of legal immigration (about 800,000 or so per year), it is likely that the net in-flow of undocumented immigrants averaged about 500,000 per year over the decade, but the level of undocumented entries was much higher, since many undocumented immigrants return to their home countries.

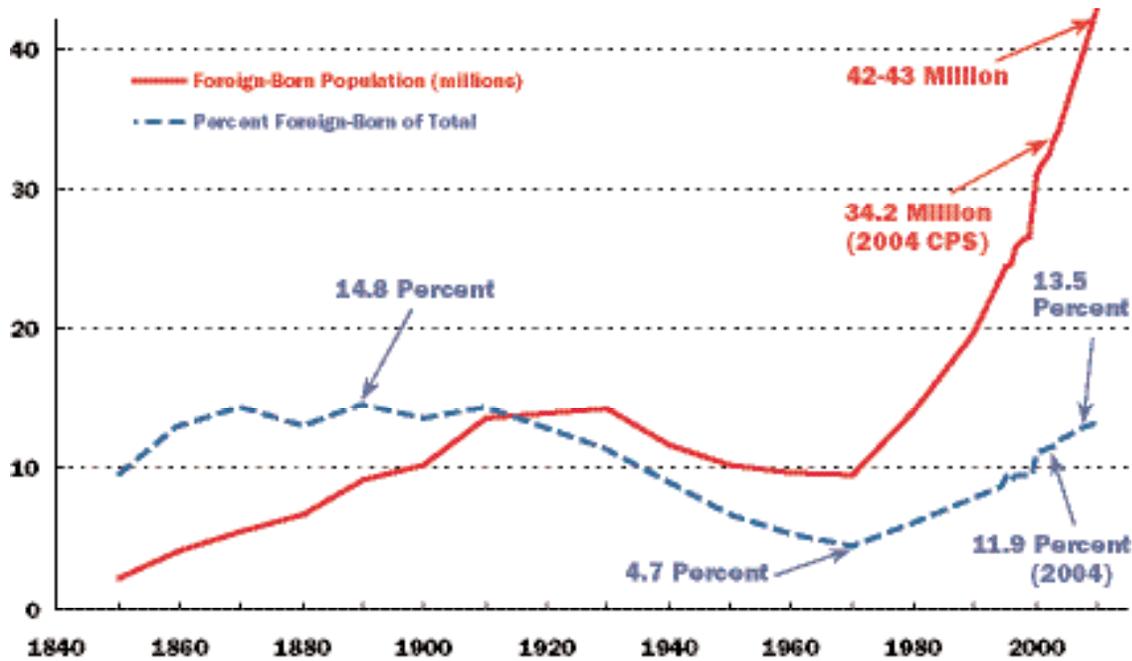
Barring a major change in the nation's immigration policy or a sustained deterioration in the economy, we project that at least 15 million immigrants will arrive between 2000 and 2010.

The pattern of immigration before the 1960s reflects economic upturns and downturns of the U.S. economy and those of major sending areas. Other fluctuations can be traced to wars and changes in U.S. immigration policy. For instance, immigration fell substantially following the National Origin Quotas Act of 1924, which reduced legal immigration from Europe and Asia. The two decades with the least immigration were the 1930s and 1940s, immediately following this legislation and corresponding with the Great Depression and World War II.

In 1965, the National Origin Quotas Act was repealed, legal immigration quotas increased substantially, and a new system emphasizing family reunification was enacted. Since then, increasing immigration flows have proved largely impervious to changes in economic conditions and foreign wars, although flows have decreased somewhat since September 11, 2001.



## Immigrant Numbers at Peak — Percentage is Not



This chart depicts the “stock” of immigrants in the United States—in other words, the foreign-born population—from 1850 through 2004 with a projection to 2010.

The foreign-born population reached 34 million—an all-time high—in 2004 (The chart suggests a very rapid increase in the late 1990s, but the true growth trajectory is probably smoother with the rapid change at the end of the decade representing significant improvements in measurement between the Current Population Surveys done in the 1990s and those done following the 2000 Census.)

The sustained rapid growth and high levels of immigration, shown in the previous chart, have led to the foreign-born population more than tripling in only 30 years, shown in this chart.

The percentage of the total population that is foreign-born was about 12 percent in 2004—more than double the 4.7 percent in 1970. That said, the 1970 levels are probably the lowest in the history of the country (certainly the lowest since we have data).

Looking ahead a decade, we project that the the foreign-born population will rise to more than 40 million, representing more than 13 percent of the total population—a level that remains below the historical peak of almost 15 percent in 1910, the end of the last great wave of immigration.



## Demographic Impacts

### Immigrants are ...

- 1 in 9 U.S. Residents
- 1 in 5 Low-Wage Workers

### Children of Immigrants are ...

- 1 in 5 Children
- 1 in 4 Low-Income Children

The flows over the past decade have had a profound effect on the nation's demographic make-up and hold far-reaching implications for all domains of education and social welfare policy. As of the year 2000, the foreign-born represented:

- 11 percent of the total U.S. population;
- 20 percent of low-wage workers (earning less than twice the minimum wage).

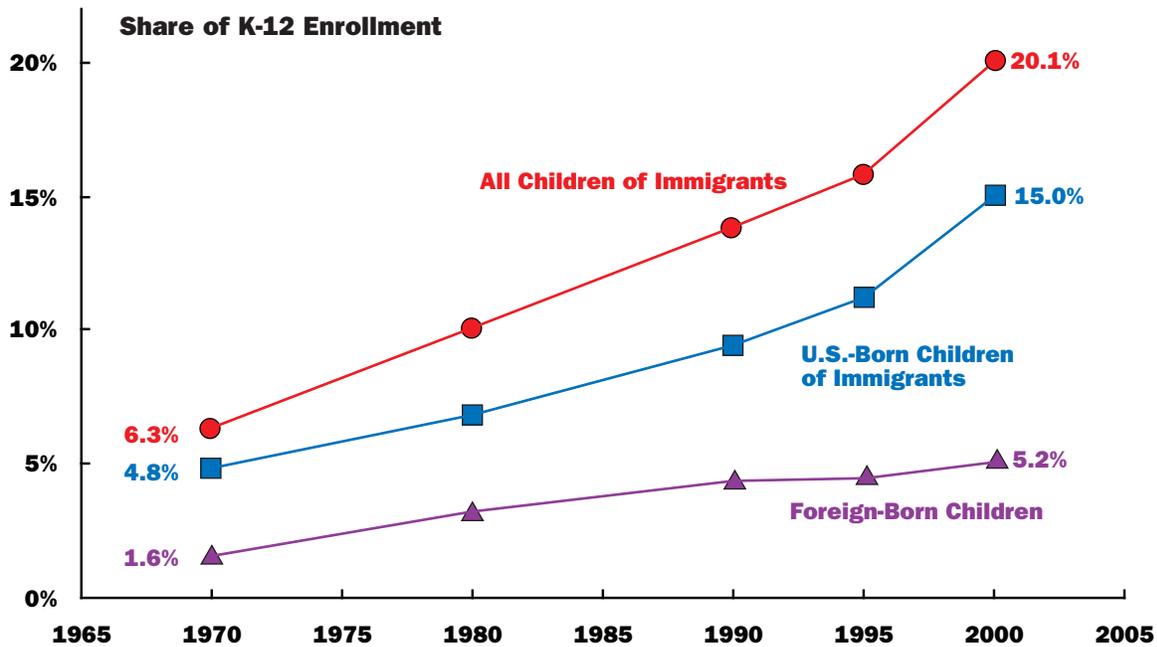
The foreign-born (i.e., the first generation) and U.S.-born children of immigrants (i.e., the second generation) together represented:

- 20 percent of all children (under 18) in the U.S.;
- 25 percent of all low-income children (family incomes under 200 percent of the federal poverty level).

The immigrant share of the total population has risen somewhat since 2000, as shown in the previous slide. However, we used the 2000 Census for most of the rest of the data shown in this presentation, due to the fact that the Census has a relatively large sample size and important information on English proficiency.



## Immigrant Children Are a Rising Share of Students



Source: Van Hook & Fix (2000); Urban Institute tabulations from C2SS PUMS. Excludes Puerto Ricans.

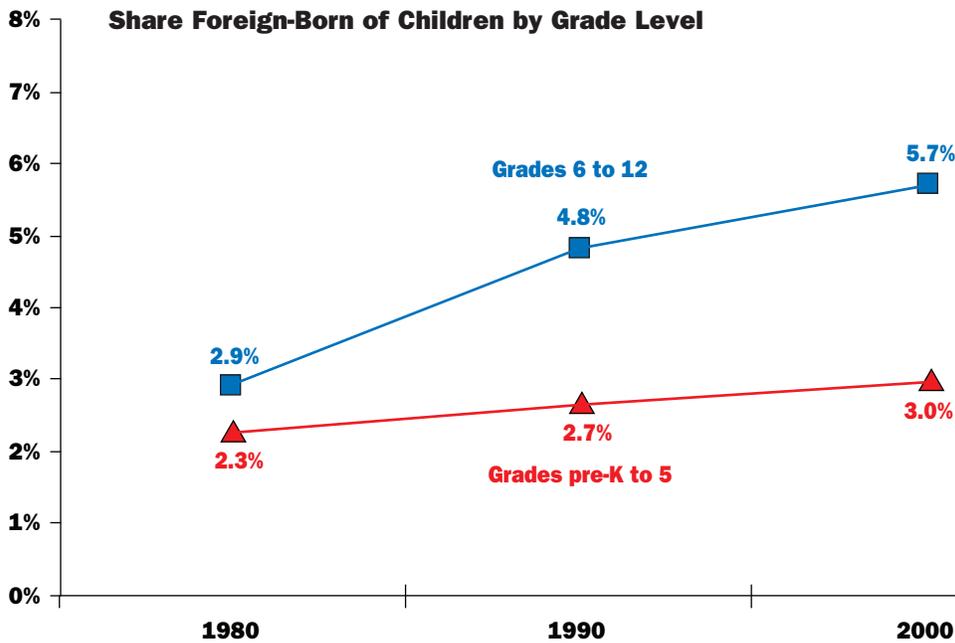
Just as immigrants are a rising share of the total population, the children of immigrants—both foreign and U.S.-born—are a rising share of the nation’s K-12 student population: the share of children who are children of immigrants tripled from 6 to 20 percent between 1970 and 2000.

The share of the overall student population that the children of immigrants represent will continue to expand, driven primarily by increases in the second generation. By 2015, children of immigrants will constitute 30 percent of the nation’s school population.

Three out of four children of immigrants are born in the United States and are members of the second generation. Only one in four children with immigrant parent(s) is foreign-born and a member of the first generation.



## Foreign-Born Share Rises in Pre-K - 5, Doubles in Higher Grades



The next two slides show trends from 1980-2000 in the share of first generation (foreign-born) children and second generation children (U.S. born children of immigrants). These trends are disaggregated for the lower grades (pre-K through 5) and the upper grades (6-12).

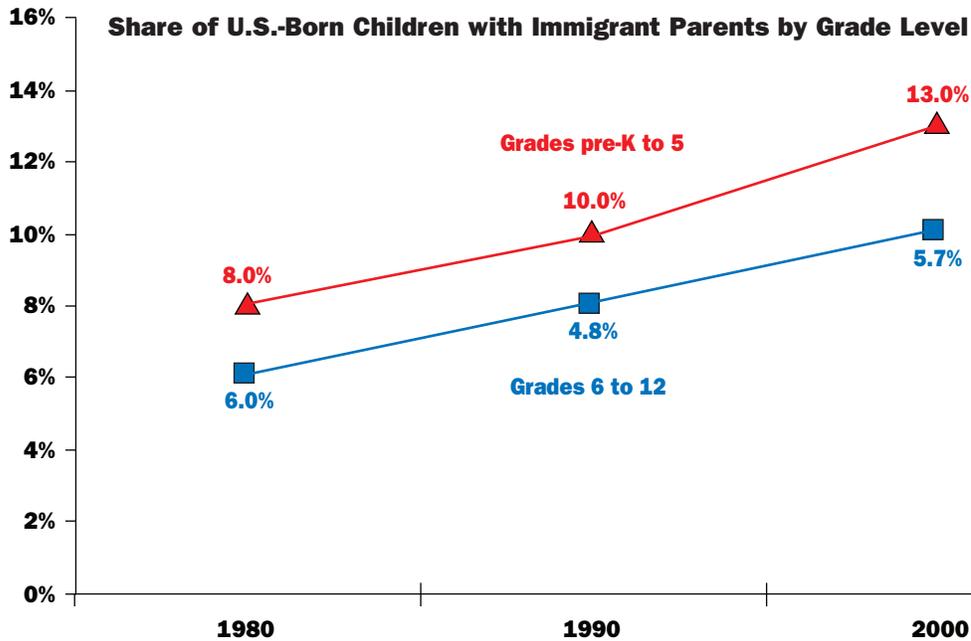
In 1980, only about 2 percent of children in pre-K - 5 and 3 percent of children in 6-12 were foreign-born. By 2000, the foreign-born share grew to 3 percent in pre-K - 5 and doubled to 6 percent in 6-12.

Thus secondary schools have been more strongly affected than elementary schools by increasing numbers of children who are themselves immigrants.

Some of these foreign-born children are new arrivals in the sense that they may have migrated to the United States after starting school in another country. Schools may find it challenging to integrate new arrivals into the curriculum, particularly when they do not speak English well. Secondary schools have a higher share of new arrivals and are therefore more likely to face these challenges than elementary schools.



## U.S.-Born Children of Immigrants' Share Grows Rapidly in Pre-K - 5



**E**lementary schools, however, have been more affected by the rising share of second generation children, i.e., those who are U.S.-born with foreign-born parents. In 1980, eight percent of all U.S. children pre-K - 5 were second generation; this share rose considerably to 13 percent by 2000. During 1980-2000, the share of second generation children in grades 6-12 rose from 6 to 10 percent.

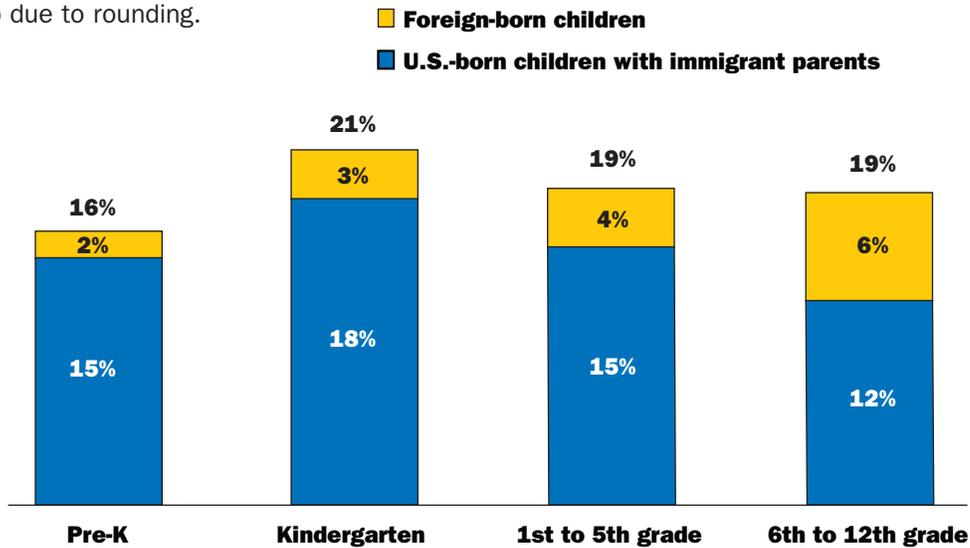
Thus, while elementary schools are less likely to face the issues presented by foreign-born children (their legal status and limited English proficiency, e.g.), they are more likely to confront issues related to the nativity and citizenship of parents than secondary schools. These issues include parental English proficiency, income, educational attainment, and legal status.



## One in Five School-Age Children Has an Immigrant Parent (2000)

### Share of Children by Grade Level

Note: Percentages may not add up due to rounding.



This slide further disaggregates shares of first and second-generation students in pre-kindergarten, kindergarten, the lower grades (1-5), and the upper grades (6-12). Note that this figure is based on Census data on grade enrollment, as opposed to the age of children. Pre-K here is reported by Census respondents, and may include Head Start, child care centers, and other forms of care outside the home in addition to elementary schools.

Overall, about one in five children in U.S. elementary and secondary schools is the child of an immigrant. Three quarters are second generation, U.S.-born children of immigrants. One quarter is foreign born, or first generation.

The share of children of immigrants is highest in kindergarten (21 percent), slightly lower (19 percent) in higher grades, and lower still in pre-kindergarten (16 percent). By contrast, were we to look at age instead of school enrollment by grade, we would see higher shares of children of immigrants at younger ages, with the highest share during the pre-K years. Thus, it seems likely that children of immigrants are under-enrolled in pre-K.

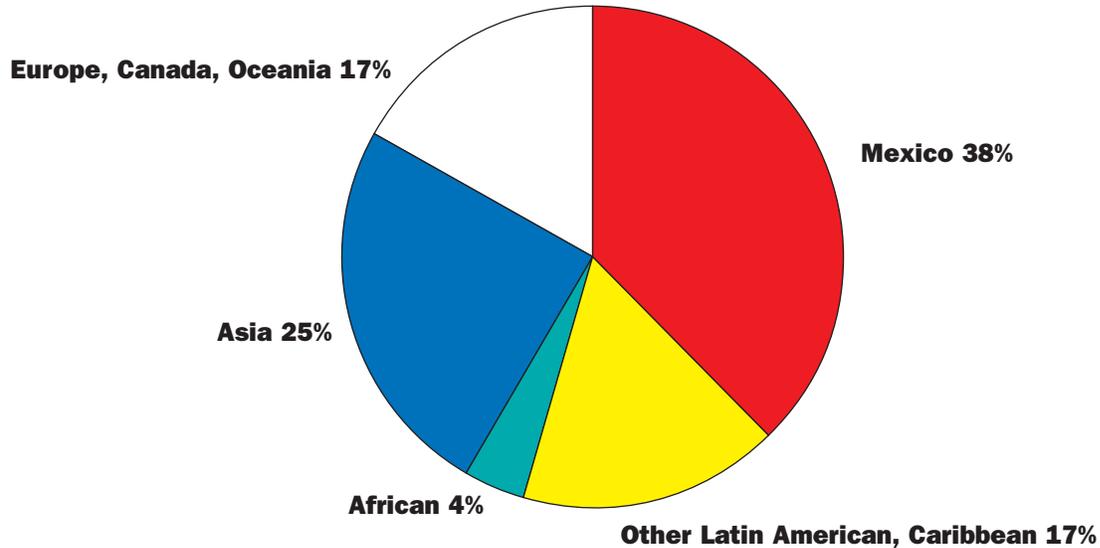
While the share of children of immigrants overall goes down slightly in the upper grades, the share of first generation, foreign-born children goes up across the grades. In pre-kindergarten, only 2 percent of all children, or about one in eight children of immigrants, is foreign-born. In kindergarten, the foreign-born represent 3 percent of all children and one in seven children of immigrants. But by grades 6-12, the foreign-born are 6 percent of all children and nearly one-third of children of immigrants.

Once again, these trends suggest that the upper grades are receiving much larger numbers of first generation recent arrivals.



## Over One-Third of Foreign-Born Children From Mexico, Pre-K - 5

**Place of Birth of Foreign-Born Children**



**N**ow we turn briefly to countries of origin for children of immigrants pre-K - 5. Over half of foreign-born children were born in Mexico, other Latin American countries or the Caribbean. In fact, over a third of all foreign-born children pre-K - 5 were born in Mexico. Another quarter were born in Asian countries. Only 17 percent were born in Canada, Europe, or “Oceania” (Australia or New Zealand). The smallest share (4 percent) was born in Africa.

The breakdown shown here reflects the overall pattern for immigrants in the United States. Whether we look at younger immigrant children, older children, immigrant adults, or immigrant parents with children, we see the same pattern: just over half were born in Latin America and the Caribbean, with over a third born in Mexico.

The country of origin distribution shown here is relatively recent. Until about a generation ago, most immigrants and their children were born in European countries—a pattern that extends to the nation’s earliest days.



## Top 10 Countries of Birth for Foreign-Born Children Pre-K - 5

Country	Number	Percent of Foreign-Born
<b>Mexico</b>	<b>355,000</b>	<b>37.6</b>
<b>India</b>	<b>32,000</b>	<b>3.4</b>
<b>Canada</b>	<b>31,000</b>	<b>3.3</b>
<b>Philippines</b>	<b>29,000</b>	<b>3.1</b>
<b>China</b>	<b>29,000</b>	<b>3.1</b>
<b>Korea</b>	<b>26,000</b>	<b>2.8</b>
<b>Russia</b>	<b>25,000</b>	<b>2.7</b>
<b>Dominican Republic</b>	<b>24,000</b>	<b>2.5</b>
<b>Vietnam</b>	<b>19,000</b>	<b>2.0</b>
<b>Colombia</b>	<b>18,000</b>	<b>1.9</b>

This table shows the 10 most frequent countries of birth for foreign-born children pre-K - 5. About 355,000, or 38 percent were born in Mexico.

Each of the other countries sending immigrants to the United States accounts for less than 35,000 children, or fewer than 4 percent of all foreign-born children pre-K - 5. Countries on the top 10 list include Canada, Russia, the Dominican Republic and several Asian countries. This suggests that, beyond Mexico, the population of foreign-born children is very diverse. It also suggests that, with the exception of Canada, the countries that send the most immigrant children (and the most immigrant adults as well) are all much poorer than the United States.

It is important to keep in mind, however, that more than 80 percent of children of immigrants pre-K - 5 are born in the United States, and so the numbers displayed here are a small fraction of the total number of children of immigrants.

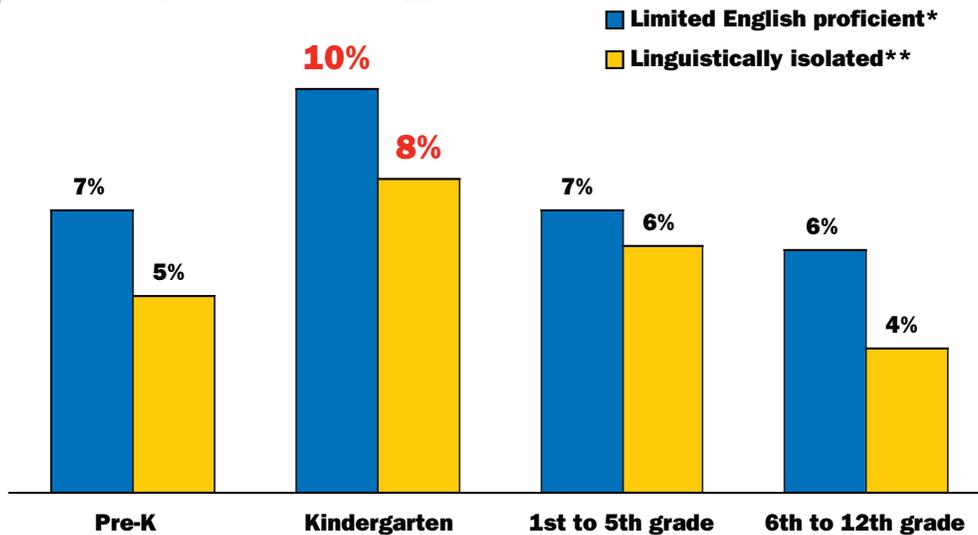


## One in 10 Kindergarteners is Limited English Proficient

### Share of Children by Grade Level

\* Only measured for ages 5 and over.

\*\* All persons over 14 in household are LEP.



There are fewer than half as many LEP children as children of immigrants, according to the 2000 Census. The definition of “limited English proficient” used here includes all those children who speak a language other than English at home and speak English less than “very well” (The other possible responses are “well”, “not well” and “not at all”). Please note that the Census measures only spoken English proficiency, while the definition of proficiency in school data includes English reading and writing, and that school data tend to show higher shares of LEP students than the Census.

The LEP share is highest in kindergarten (10 percent), falling to 6 percent in the lower grades and 4 percent in the upper grades. Thus, as children move through the school system, the share with limited English proficiency falls but does not disappear altogether.

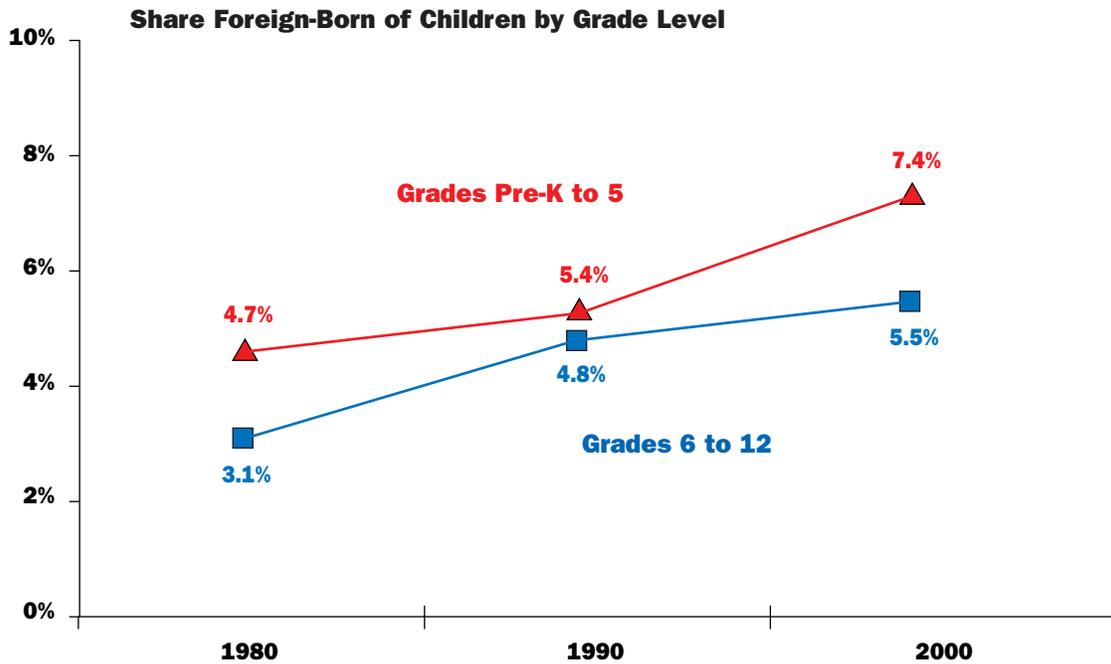
The LEP share is also lower in pre-K (7 percent) than in kindergarten; this may be due to under-enrollment of LEP children, or due to the fact that the Census only measures English proficiency starting at age 5 (Our definition of pre-K includes children ages 3 to 5).

The share of children living in linguistically isolated families—those where all members over 14 are LEP—is slightly lower but shows a similar pattern. About 8 percent of children in kindergarten live in linguistically isolated households, dropping to 4 percent for children in grades 6-12. Once again, the linguistically-isolated share is substantially lower in pre-K (5 percent), suggesting under-enrollment of children in linguistically isolated families.

Finally, it is worth noting that 8 out of 10 LEP children in kindergarten and 6 out of 7 in grades 1-5 are also linguistically isolated. In the upper grades, this ratio falls to about two-thirds. This means that LEP children in pre-K - 5 have fewer resources at home to help them learn English than do children in the upper grades.



## LEP Share Rises Quickly in Pre-K to 5

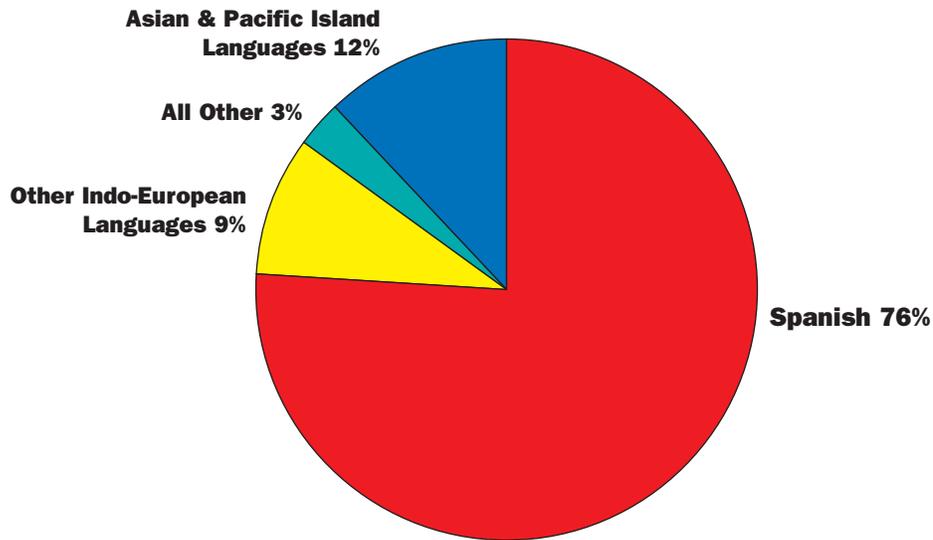


The share of LEP students is rising, following patterns similar to those shown earlier for children of immigrants. The LEP share of students in pre-K - 5 rose from under 5 to over 7 percent from 1980 to 2000, while the LEP share rose from 3 to over 5 percent for children in grades 6-12.



## Three-Quarters of LEP Children in Pre-K - 5 Speak Spanish

**Language Spoken by Limited English Proficient (LEP) Children**



**A**bout three quarters of all LEP children speak Spanish. Spanish predominance is explained by the large share of all children of immigrants and their parents born in Mexico, the Philippines, the Dominican Republic, Cuba, and several Central and South American countries. Moreover, many LEP children and their parents were born in Puerto Rico, a Spanish-speaking territory of the United States (We do not consider Puerto Rican-born children to be “immigrants”).

Asian and Pacific Island languages account for another 12 percent of LEP children pre-K - 5, and other Indo-European languages another 9 percent.

The language distribution for LEP children grades 6-12 is similar to that for pre-K - 5.



## Top 10 Languages Spoken at Home Among LEP Children, Pre-K - 5

Language	Number	Percent
<b>Spanish</b>	<b>1,359,000</b>	<b>76.1</b>
<b>Chinese</b>	<b>46,000</b>	<b>2.6</b>
<b>Vietnamese</b>	<b>44,000</b>	<b>2.5</b>
<b>Korean</b>	<b>25,000</b>	<b>1.4</b>
<b>Miao, Hmong</b>	<b>24,000</b>	<b>1.3</b>
<b>French</b>	<b>20,000</b>	<b>1.1</b>
<b>German</b>	<b>19,000</b>	<b>1.1</b>
<b>Russian</b>	<b>17,000</b>	<b>0.9</b>
<b>French Creole</b>	<b>16,000</b>	<b>0.9</b>
<b>Arabic</b>	<b>14,000</b>	<b>0.8</b>

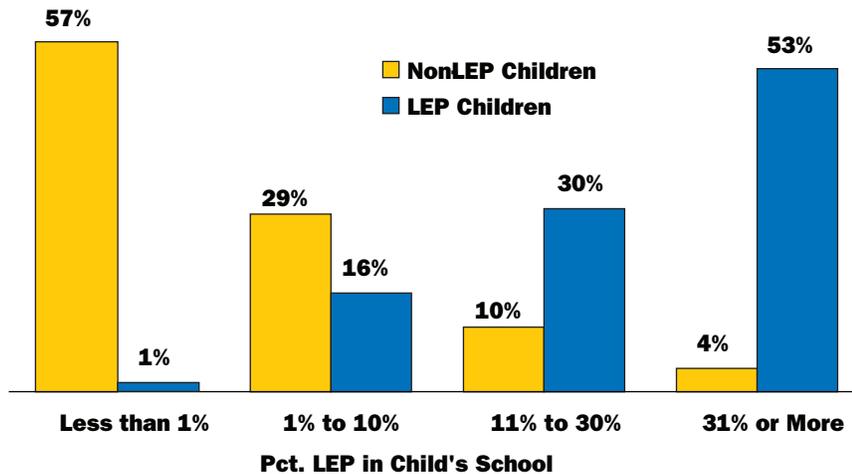
The predominance of Spanish among LEP students pre-K - 5 is shown clearly in this table. While Spanish accounts for 76 percent of all LEP students, no other language accounts for more than 50,000 students or 3 percent. Chinese and Vietnamese each account for between 40,000 and 50,000 students, and no other language for more than 25,000.

There are likely to be some economies of scale in providing bilingual education and other services to LEP students in Spanish, especially in major cities and other areas with large immigrant populations. By contrast, there are very few children who speak other languages, making provision of services in these languages much more difficult.



## LEP Students Attend Linguistically-Segregated Schools

Percentage of LEP or Non-LEP Children



Patterns of LEP student segregation may in some instances impede educators' and schools' capacity to meet NCLB's new standards.

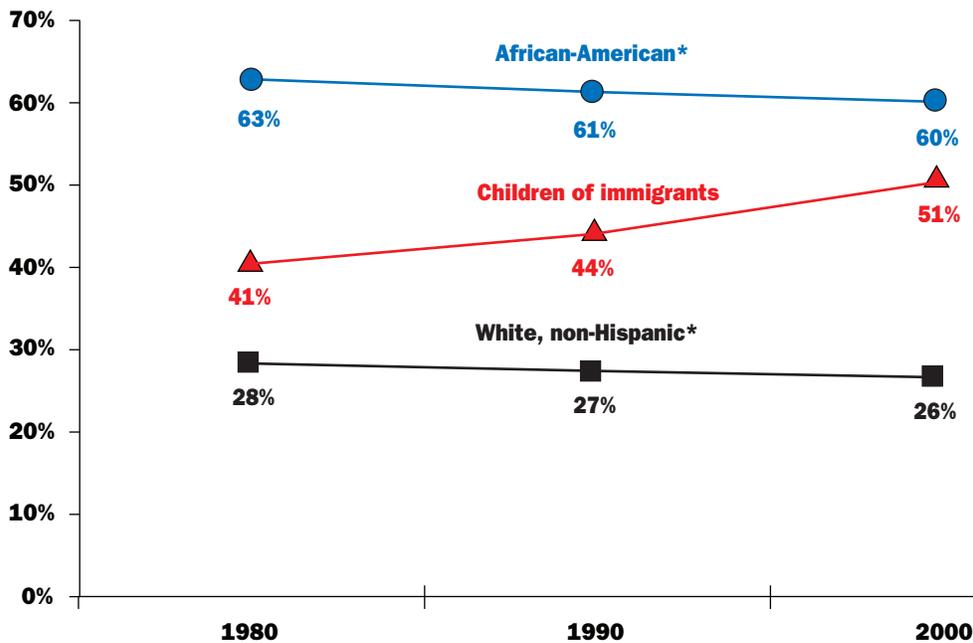
According to the 1999-2000 Schools and Staffing Survey (SASS), over half (53 percent) of LEP students attend schools where over 30 percent of their fellow students are also LEP. In contrast, only 4 percent of non-LEP students go to schools where over 30 percent of the student body is LEP. On the other hand, more than half of non-LEP student (57 percent) attend schools where less than 1 percent of all students are LEP.

These patterns of segregation are particularly striking given the small share that LEP students represent of the total student population (about 10 percent in kindergarten, where the LEP share is the highest). Even in the six states with the largest immigrant populations, only 13 percent of all students are LEP. Schools with high concentrations of LEP students may face a more difficult time than others in improving the performance of LEP students and thereby demonstrating progress towards NCLB's goals. Most of these high-LEP schools are located in major cities, but an increasing number are in smaller cities, the suburbs and even rural areas, as immigrant populations disperse across the country.



## Low-Income Share of Children of Immigrants Rises, Pre-K - 5

**Share of children in pre-K to 5th grade with family incomes below 185% of the federal poverty level.**



\* Includes children of both immigrants and natives.

The share of children of immigrants who are low income has been rising quickly in grades pre-K - 5. Here we define “low income” as 185 percent of the federal poverty level: the threshold for eligibility for the Free and Reduced Price Lunch program. The No Child Left Behind Act refers to children who are low income as “economically disadvantaged.”

The share of low-income children among white, non-Hispanic children in pre-K - 5 remained relatively low and declined slightly from 28 to 26 percent between 1980 and 2000. The low-income share among black, non-Hispanic children pre-K - 5 was over twice as high, but also fell slightly from 63 to 60 percent between 1980 and 2000 (Note that these two large ethnic groups include both children of immigrants and those of natives).

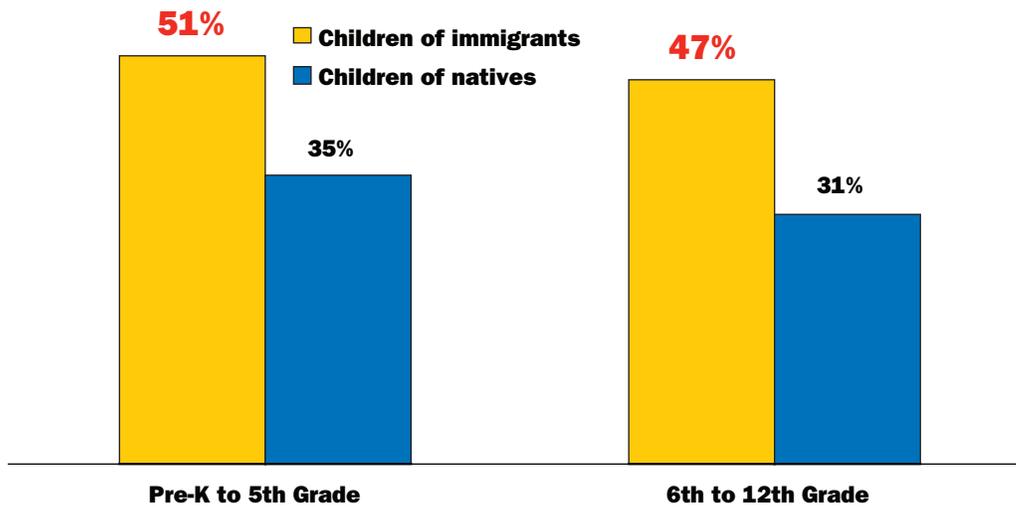
By contrast, the share of children of immigrants who are low income rose substantially between 1980 and 2000: from 41 to 51 percent. Part of the explanation for increasing poverty among children of immigrants is the large and increasing flow of undocumented, LEP and poorly educated immigrants, who generally earn lower wages when compared to native-born U.S. workers (Capps et. al. 2003a).

These trends imply that children of immigrants are becoming a larger share of low-income, economically disadvantaged children in U.S. elementary and secondary schools. The NCLBA requires that “economically disadvantaged” students make progress in terms of improving their passing rates on tests (just as the law mandates improvement for LEP students), and so large flows of children from immigrant families may increase the size of the economically disadvantaged group in many schools.



## Half of Children of Immigrants Are Low Income

Share of children with family incomes below 185 percent of the federal poverty level and eligible for the Free and Reduced Price Lunch program.



**F**ifty-one percent of children of immigrants pre-K - 5 are low income, as are 47 percent of children of immigrants 6-12.

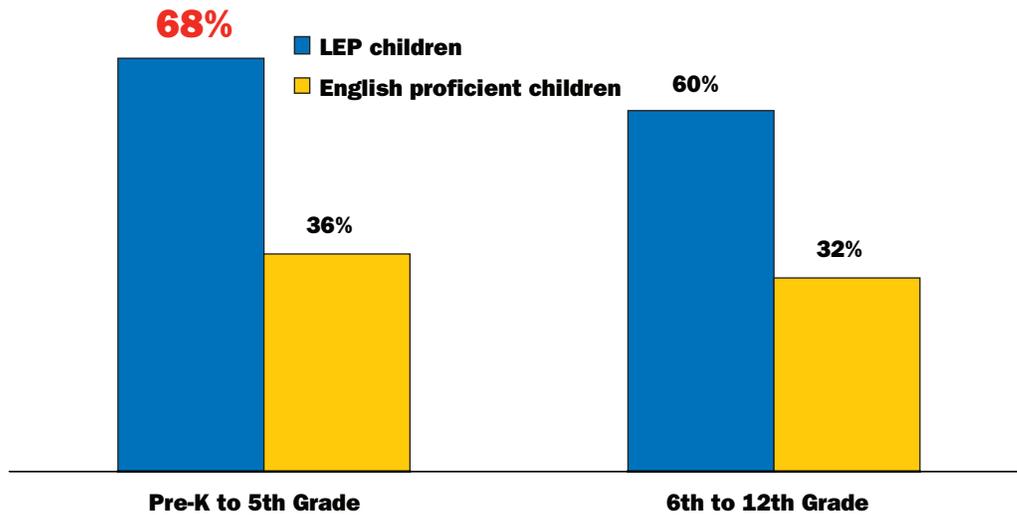
In fact, more children of immigrants are low income than are LEP, although in many cases these children are both low income and LEP.

By contrast, only about a third of children of natives are low income. For children of natives, the low-income share is also slightly higher among younger than older children (35 versus 31 percent). Nonetheless, there is little difference in the low-income share between older and younger children



## Two-Thirds of LEP Children Pre-K - 5 Are Low Income

**Share of children with family incomes below 185 percent of the federal poverty level and eligible for the Free and Reduced Price Lunch program.**



**T**here is a strong correlation between limited English proficiency and low incomes. Fully two-thirds of LEP children pre-K - 5 are low income; 60 percent of LEP children in grades 6-12 are low-income. These rates are about twice as high as the rates for English proficient children in comparable grades.

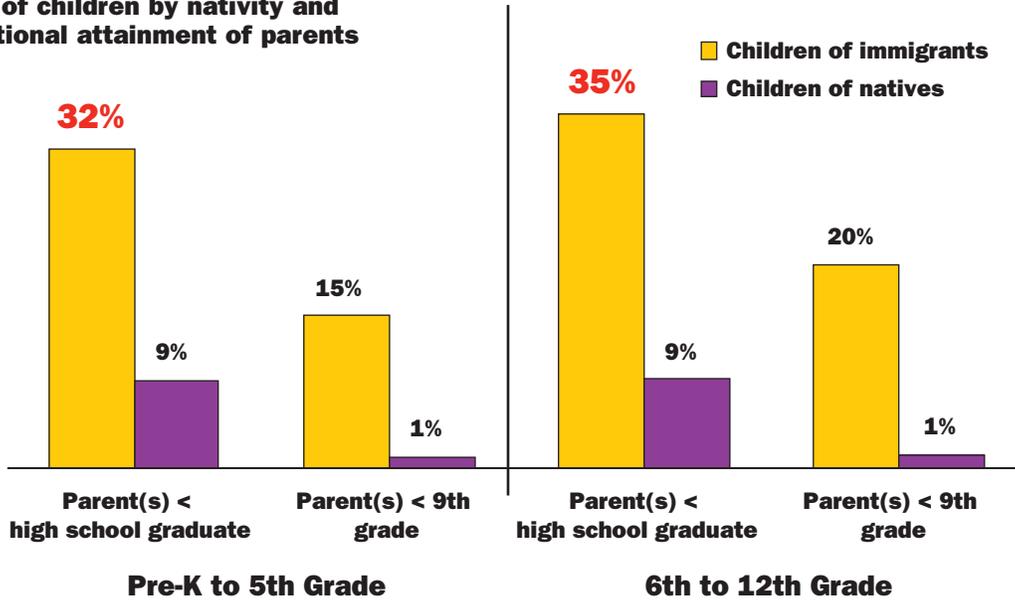
This finding is consistent with our previous research in Los Angeles and New York City, which showed that limited English proficiency is more highly correlated with poverty and hardship than citizenship, legal status, length of residency in the United States, and several other factors (Capps, Fix, and Ku 2002).

These figures also suggest there is considerable overlap between LEP and economically disadvantaged children, both groups that count toward schools' progress under NCLB. Many schools with large LEP student populations also have large low-income populations, making it more difficult for these schools to meet NCLB's requirements.



## 1/3 Children of Immigrants: Parents Less than a High School Education

Share of children by nativity and educational attainment of parents



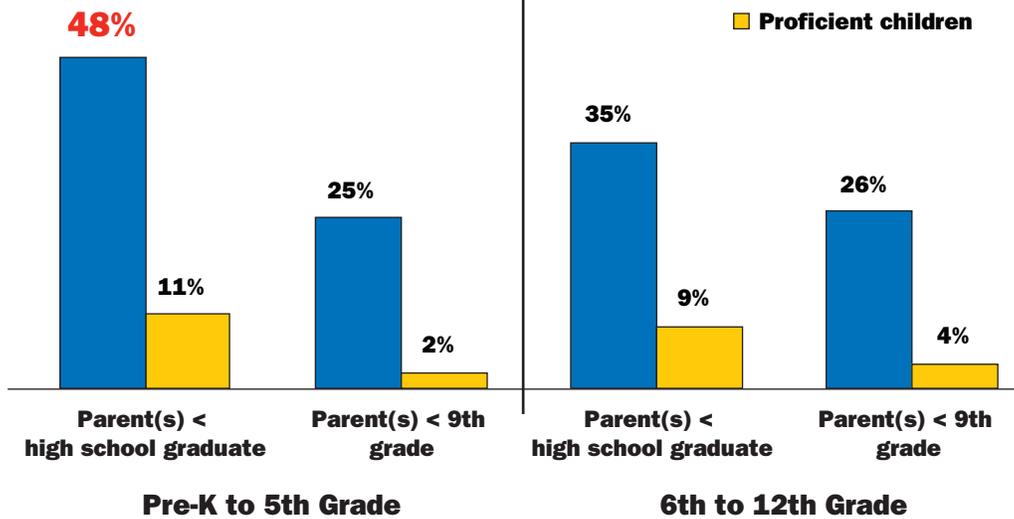
In addition to higher poverty rates, children of immigrants are also more likely to have parents with relatively little formal education. About one third of children of immigrants pre-K - 5 have parents with less than a high school education, compared with 9 percent of children of natives. Fifteen percent of children of immigrants pre-K - 5 have parents with less than a 9th-grade education, compared with only 1 percent those of natives is similar in grades 6-12.

These findings imply that immigrant parents are often less familiar with schools as institutions than their native-born counterparts, particularly if the experience these parents do have is with a school system in another country. This may mean that immigrant parents are reluctant to help in the classroom, participate in school governance, or exercise their school choice options under NCLB. Additionally, immigrants with low educational attainment may be less well-equipped than native parents to help their children complete homework and navigate U.S. public schools.



# 1/2 LEP Children Pre-K - 5: Parents Less than a High School Education

Share of children by English proficiency



The share of parents with less than a high school education is even higher for LEP children than children of immigrants. Levels are also higher for children pre-K - 5 than children in grades 6-12.

About one half of LEP children pre-K - 5 have parents with less than a high school education, and one quarter have parents with less than a 9th-grade education. This compares to only 11 percent of English proficient children with parents with less than a high school education, and just 2 percent with parents with less than a 9th-grade education.

Among older LEP children in grades 6-12, the share with parents with less than a high school education is lower (35 percent), but the share with parents with less than a 9th-grade education is just as high (26 percent).

These findings suggest another challenge facing elementary and secondary schools with high LEP student populations. Not only must the schools overcome the limited English skills of children and their parents, but in many cases they must also educate and involve parents with limited formal education.



## Citizenship and Legal Status Definitions

**Legal permanent residents** = noncitizens admitted for permanent residency (“green card” holders)

**Naturalized citizens** = immigrants who have become U.S. citizens

**Undocumented immigrants** = entered illegally or overstayed visas

**Refugees** = admitted for “well-founded fear of persecution”

**N**ext we turn to the legal status of children and their parents. About one fifth of all children pre-K-12 have at least one immigrant parent. Three quarters of these children are born in the United States, and only one quarter are themselves immigrants. This means that a much higher share of parents than children are noncitizens—both legal and illegal. It also means that many children of immigrants live in mixed status families, where the parents are noncitizens but the children are U.S.-born citizens.

We disaggregate immigrant children and parents into four main legal groups according to their legal status: legal permanent residents, naturalized citizens, undocumented immigrants, and refugees. There are also small numbers of immigrants who are in the United States legally on a temporary basis (e.g., students and temporary workers).

Legal permanent residents (LPRs, also known as “green card” holders) are admitted through family reunification provisions (for instance, parents, spouses or children of U.S. citizens), employment provisions and several other smaller categories. They may also have their status adjusted, for instance from refugee, after living in the United States for some time. After five years (three years in the case of those married to U.S. citizens), LPRs are eligible to become U.S. citizens, but in most cases they must first pass background checks as well as the naturalization test.

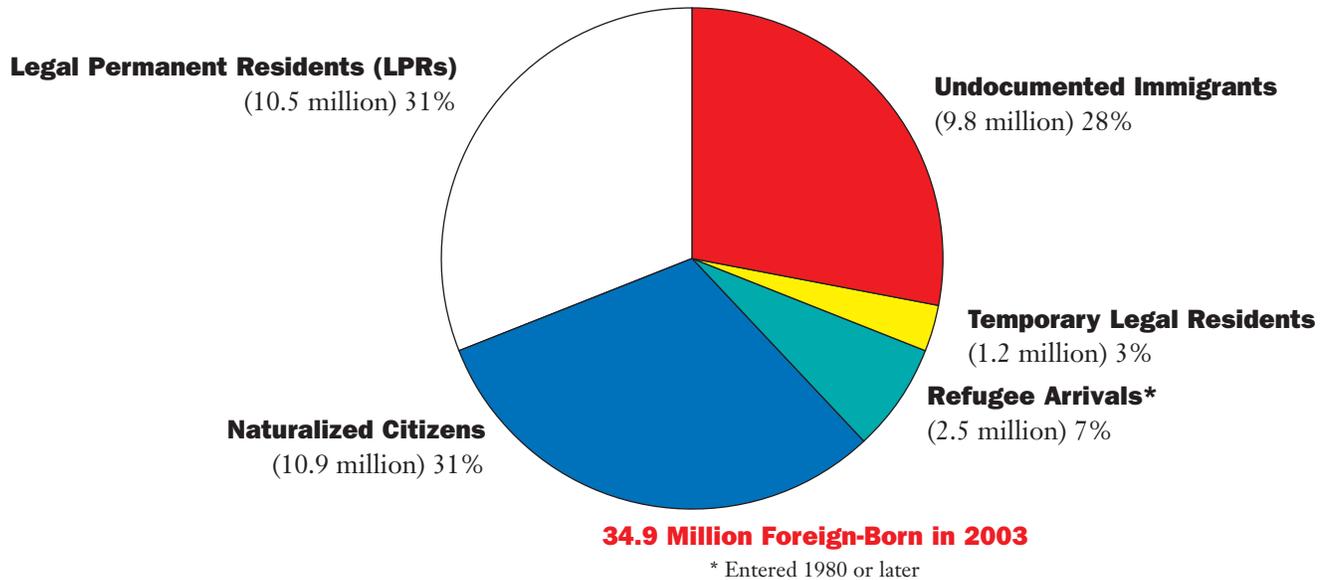
Most naturalized citizens are LPRs who have passed the test and become U.S. citizens.

Undocumented immigrants are those who overstayed valid temporary visas (for instance, student or tourist visas) or who entered the U.S. illegally, often across the border with Mexico.

Refugees are those who were admitted to the United States based on a well-founded fear of persecution, and they represent a relatively small share of the total foreign-born population.



## Over One Quarter of Immigrants Are Undocumented



In 2003, there were roughly equal numbers of legal permanent residents and naturalized citizens: almost 11 million of each. A substantial share of the foreign-born population (almost 10 million or 28 percent) was undocumented, and a smaller share (2.5 million or 7 percent) was made up of refugees (This includes refugees who have become LPRs or U.S. citizens). Another 3 percent of foreign-born residents were “legal temporary residents”—visitors such as students and temporary workers.

The undocumented population has been steadily increasing in size (and possibly by large increments since the late 1990s). Similarly, the naturalized citizen population has grown rapidly in recent years as increasing numbers of legal immigrants have become eligible and taken advantage of the opportunity to become U.S. citizens. The LPR population, on the other hand, has actually decreased slightly as the number who have naturalized (or left the United States or died) has exceeded the number being admitted in recent years.



## **Children in Undocumented Families (2003)**

- **4.6 Million Children**
- **27% Children of immigrants, 5% all kids**
- **Two-thirds (3 million) are U.S. citizens**
- **One third (1.6 million) are undocumented**
- **~65,000 undocumented children annually graduate from U.S. high schools**
- **But many undocumented drop out**

**A**ccording to our estimates, about 4.6 million children had at least one undocumented parent in 2003. This group represents over a quarter (27 percent) of all children of immigrants. Most of these children are in mixed status families: two thirds (3 million) are U.S.-born citizens, while one-third (1.6 million) are themselves undocumented.

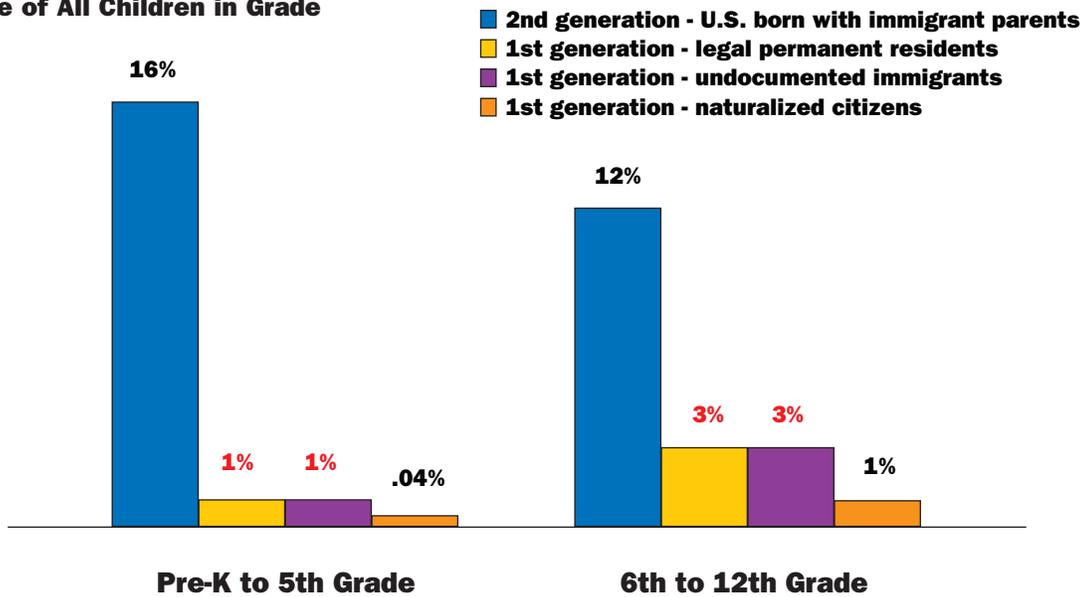
About 65,000 undocumented children graduate from high school each year in the United States.

The figures for undocumented children are estimates based on U.S. Current Population Survey data and are corrected for undercount; that is, they take into account undocumented immigrants not represented in the CPS. These figures are slightly higher than what would be obtained using the CPS alone.



## Small Shares of All Children Are Undocumented or Legal Noncitizens

Share of All Children in Grade



Foreign-born children, referred to in this chart as the “first generation,” compose a very small share of the total pre-K - 5 student population (3 percent). Second generation children make up 16 percent of all children pre-K - 5. Thus, over 80 percent of children of immigrants in the lower grades are U.S.-born.

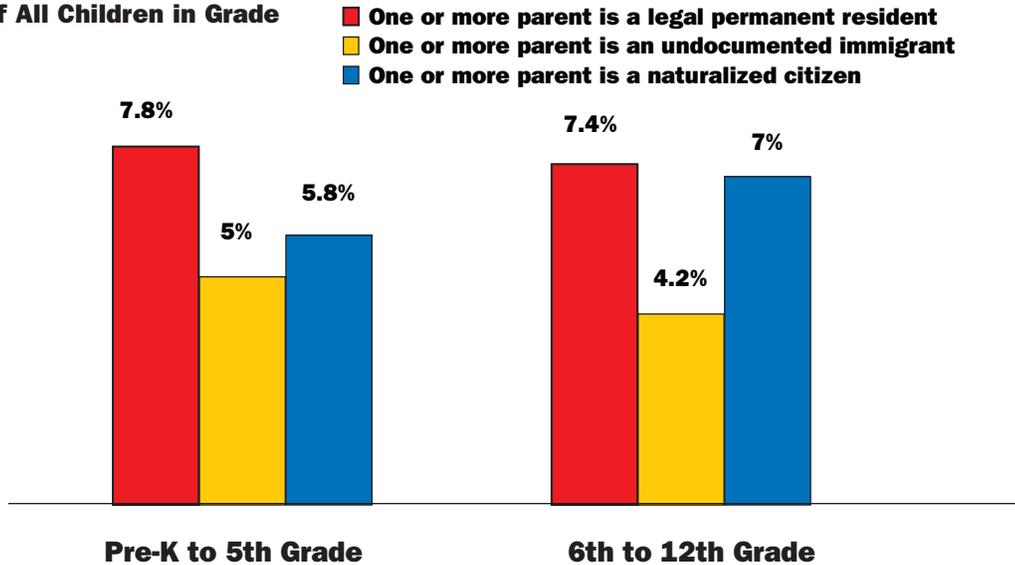
In grades 6-12, foreign-born children are a somewhat larger share of the total student population (7 percent), and second-generation children are a smaller share (12 percent). Just under two thirds of children of immigrants 6-12 are U.S.-born.

At both levels, foreign-born children are evenly divided between legal and undocumented immigrants, with a relatively small share who have naturalized and become U.S. citizens. Nonetheless, only 1 percent of all children pre-K - 5 and 3 percent of children 6-12 are undocumented.



## 5 % of All Children Pre-K - 5 Have at Least One Undocumented Parent

Share of All Children in Grade



The share of children with noncitizen parents (shown in this slide) is much higher than the share of children who are themselves noncitizens (as seen in the previous slide). This is true in both the older and younger grades.

Among children pre-K – 5, thirteen percent have at least one noncitizen parent. Eight percent have at least one LPR parent, and 5 percent have at least one undocumented parent (Children with one LPR and one undocumented parent are included in the “undocumented” category). An additional 6 percent have at least one naturalized citizen parent.

In grades 6-12 we see a similar pattern: 7 percent of children have at least one LPR parent, and 4 percent have at least one undocumented parent.

Children with undocumented parents are especially vulnerable because their parents are more likely than legal immigrants or citizen parents to be LEP, have less formal education, and hold low-paying jobs (Capps et. al. 2003b). Moreover, undocumented parents may be reluctant to interact with schools and other public institutions due to fears of deportation.



## New NCLB Requirements

- **Math, reading, science assessments**
- **100% proficiency on assessments by 2014 for all children and subgroups**
  - Major racial/ethnic groups, economically disadvantaged, disabled, limited English proficient
- **Schools not making progress must provide new options for parents:**
  - School choice
  - Supplemental services
- **Teacher and paraprofessional qualifications**
- **Parental involvement requirements**

**N**CLB requires assessments in math and reading annually in grades 3 through 8 and once in grades 9-12 (During the 2004-2005 school year, when this presentation was written, math and reading assessments were mandatory once each in grades 3-5, 6-9, and 10-12.) By 2007-2008, states also must test all children in science three times while they are in school—once each during grades 3-5, 6-9, and 10-12.

In order to meet NCLB's "adequate yearly progress" (AYP) requirement, schools must gradually raise proficiency rates on reading and math tests to 100 percent by 2014. At their discretion, elementary and middle schools can choose to use science scores as another indicator to determine if they make AYP.

Scores must be disaggregated and AYP must be achieved for subgroups of students named in NCLB (LEP students; disabled students; "major racial and ethnic minorities," i.e., African Americans, Latinos and Asians; and low-income or "economically disadvantaged" students). Subgroups often overlap—for instance, a low-income Latino student who is LEP is counted in three different subgroups.

A Title I school not making AYP for 2 straight years is deemed "in need of improvement," and must provide "school choice," i.e., parents must have the option to transfer their children to another school that has made AYP within the same district. After not making AYP for 3 years in a row, the school must also provide supplemental services to low-income children. Further failure to make AYP could result in corrective action or restructuring.

All teachers and paraprofessionals must meet new credentialing requirements by the end of the 2005-2006 school year, and schools and districts must conduct outreach to parents on NCLB requirements.



## Assessment of LEP Students

### **Schools must include LEP students in subject area assessments and report LEP test scores separately.**

- Schools *MAY* test students in their native languages or use alternative tests in English.
- Other accommodations for LEPs include dictionaries and extra time.
- State variation in exclusions from accountability (minimum subgroup size, e.g.).
- Schools with diverse student bodies are less likely to make adequate yearly progress.
- Increased dropouts, push-outs?

**T**he NLCBA and subsequent federal guidance allow states to administer math and reading tests to students in their native language “to the extent practicable,” if doing so is more likely to yield accurate and reliable results. For example, New York offers tests in five languages other than English. States may also use alternative English language tests, which cover the same academic standards but may have wording that is easier for non-native English speakers to understand. Other accommodations for LEP test-takers, such as extra time on tests or use of English language dictionaries, are also allowed.

The minimum sizes of school and district subgroups whose scores count toward AYP vary by state (and may vary by subgroup within a state). For example, the District of Columbia sets the minimum subgroup size at 25 students, relatively low among states, while Illinois and New York both require 40 students in subgroups. Higher subgroup size helps ensure that changes from year to year are statistically significant, while lower subgroup size means that schools and districts report scores for more subgroups.

For a school to make AYP, all subgroups must also make AYP. This means that more diverse schools—those with more students in mandated subgroups—are statistically more likely to miss AYP than less diverse schools, which are not required to meet AYP for subgroups because of small sample sizes. Children of immigrants are likely to fall into several different groups (e.g., many are Latino, LEP and low income), and thus schools with large numbers of children of immigrants often have to meet AYP for several different subgroups.

Increased reliance on standardized testing may result in higher dropout rates among LEP and immigrant students who do not perform well on the tests. Additionally, some schools may “push out” students who are low performers into other settings, e.g., high school equivalency degree programs.



## Schools “in Need of Improvement”

### **Must offer school choice after 2 years of missing AYP, but:**

- Are there adequate slots in other schools?
- Is transportation available? How far will students have to travel?
- Who uses choice? Higher or lower performing students? Higher or lower-income students? Immigrant or native parents?
- Will schools that accept transfers be able to meet the needs of LEP students?

**A**fter two years in a row of missing AYP—for any subgroup on any test—schools are designated “in need of improvement” and must offer the option for students to transfer to another school in the same district that is not in need of improvement. Schools must then meet AYP for two years in a row to get off the “in need of improvement” list.

Districts must send letters to inform parents that the school missed AYP two years in a row, and that they have the choice to move their children to another school. The district must make space in high-performing schools for students from the schools in need of improvement. In reality, however, districts may have overcrowded schools, without adequate space for transfers, or may not even have any high-performing schools that are eligible to accept transfers. The supply of schools may be especially constrained at the high school level. Thus, in many districts few realistic school choices may be available for parents with eligible children.

Districts must also provide transportation at no cost to parents. However, parents may still find that the only option is to send their children to another school a long distance away from home, and so some may choose not to change schools.

Then there is the issue of which parents choose to transfer their children. Will immigrant parents with lower educational attainment and limited English proficiency use school choice less frequently than other parents? Will lower performing and lower-income LEP students and children of immigrants take advantage of these options? If not, will immigrant and LEP students become further concentrated in poor-performing schools? Will the schools that accept transfers be able to serve LEP students (e.g., through bilingual, ESL or dual immersion programs)?



## Schools “in Need of Improvement”

### Must offer supplemental services after 3 years of missing AYP, but:

- Services are targeted by income: Schools cannot focus just on low-performing children.
- Who provides services? School district or other providers? Immigrant-serving CBOs?
- Do mainstream providers have capacity to teach LEP students? Do immigrant-serving CBOs?
- Do LEP students have access to the same services as other students?
- Do programs provide bilingual or only ESL services?

**A**fter three years of missing AYP (or, alternatively, in their second year “in need of improvement”), schools must offer supplemental services to low-income students. Usually these services take the form of tutoring or after-school programs. The school district must pay for these services.

By limiting eligibility for services to low-income students regardless of their academic performance, NCLB complicates efforts by schools and districts to target services to the lowest-scoring students. Not all low-income children are poor performers, and some high-income children have difficulty in school. Moreover, not all LEPs and children of immigrants are low income.

According to NCLB, if an entire school district does not meet AYP, then the district is not eligible to offer supplemental services. This restriction may be challenging for the many large urban districts that have extensive after-school tutoring programs and many struggling schools that are in need of improvement.

Moreover, supplemental service providers may not be able to accommodate all LEP students due to limited supply of bilingual and ESL teachers or other constraints. “Mainstream” providers may be less adept at teaching LEP students than organizations that are more familiar with immigrants. Yet, immigrant CBOs may lack the capacity to serve large numbers of LEP students. Thus, LEP students may not have access to the same provider choices as other students, or the same quality of instruction in supplemental services.

Finally, there is the question of what is taught in supplemental service programs. Do supplemental services reinforce the bilingual, ESL and/or other programs LEP students attend during the regular school day? If not, do services help them make the transition to English and meet reading, math, science, and other standards?



## **“Highly Qualified” Staff Requirements**

### **Teachers and paraprofessionals must be “highly qualified” in specific academic areas**

- Must ESL/bilingual teachers be “qualified” in language instruction as well as content areas?
- ESL/bilingual teachers may need additional certification: may cost them time and/or money.
- ESL/bilingual teachers with temporary certification, degrees from other countries may not qualify.
- Paraprofessionals must have 2 years of college or equivalent; many may be disqualified.
- Schools may lose important classroom resources, especially bilingual aides.

**N**CLB requires that teachers be “highly qualified” in their subject areas. New teachers must hold at least a Bachelor’s degree and state certification, with an academic major or equivalent in the primary content areas taught (particularly at the secondary level). More experienced teachers may either meet the criteria for new teachers or provide proof of mastery in content area through a state test or evaluation.

One important question is whether teachers must be highly qualified in bilingual education or English language instruction, in addition to the primary subject areas they teach. Additional requirements may cost bilingual and ESL teachers a substantial amount of both time and money. Thus it is important that schools and districts help support bilingual and ESL teachers to obtain their credentials.

ESL and bilingual teachers hired with temporary certification must obtain full certification in order to comply with NCLB. Moreover, some of these teachers may have earned their degrees in other countries, and their degrees might not transfer to the U.S. educational system.

Paraprofessionals who provide instructional assistance in the classroom must have an Associate’s degree, two years of comparable higher education, or pass an exam that demonstrates their qualifications. School districts may find it difficult to find paraprofessionals—especially bilingual ones—with these qualifications who are willing to work at prevailing wages, which are often very low.

Schools may lose important resources as a result of the NCLB staff qualification requirements. For example, many bilingual programs rely heavily on paraprofessionals to provide additional assistance to instructors.



## Parental Involvement

### **Schools and districts must notify parents about school progress, language of instruction and goals**

- Extensive requirements expressly take into account language and literacy, but are they enforceable?
- Do schools communicate with parents in native language? Can they read and understand info?
- Are parents of LEP students participating in school activities? In school decisions?
- How do parents react to letters about schools “in need of improvement” and “unqualified teachers”?

**N**CLB has several strong parental involvement and notification requirements. Parents must be notified about the progress of their child and their child’s school and district under NCLB. They also have the right to information about the qualifications of their child’s teacher upon request. If children are eligible for school choice or supplemental services, parents must receive information about their options. Parents of LEP children must also be notified soon after their child is identified as LEP; this notification should include options for language instruction, estimated time that it will take for the child to exit LEP status, and information about a parent’s right to refuse LEP services at any time.

NCLB requires that schools communicate with parents in a language they can understand, to the extent practicable. Many states and districts translate materials into Spanish and other common languages. However, some immigrant parents have difficulty reading and writing in their native languages. Additionally, communication about NCLB may be difficult to understand due to poor translations or the technical nature of some school and district policies.

Districts and schools are also required to provide information to parents of LEP students about ways in which they can become involved in their children’s education. Many schools include parents in governance structures (e.g., Local School Councils in Chicago). Advisory committees that include parents are common, and schools frequently use parent volunteers as classroom aides or for other purposes.

One final question is whether parents understand communications from schools. For instance, if parents receive a letter stating that a teacher is “not highly qualified,” will they understand why?

NCLB’s parental involvement provisions represent some of the most important accountability mechanisms in the law. Expanded parental involvement may also present valuable opportunities to integrate immigrant parents into their communities.



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