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From No Child Left Behind to Flexibility: An Observation from East Asia

Summary: Due to the highly demanding requirements of the No Child Left Behind Act, it seems out of the question for the U.S. government to achieve the original goal: 100% of students proficient at the national level by 2014. In order to conquer this challenging benchmark, the Obama Administration initiated regulations to waive individual state requirements and changed the content of accountability. This study is to demonstrate the change and the shift of the latest policy related above from the perspective of East Asia. In 2011 the Obama Administration declared the No Child Left Behind Act should be revised and the federal government initiate legislation to allow each state and the District of Columbia to apply for waivers from the No Child Left Behind regulations. This study argues the Obama Administration's reform of No Child Left Behind will turn to a "fair accountability" system, which stresses a more positive discrimination of each state and school district. Compared to East Asian countries that receive recognition through international tests, the Obama Administration shows its policy philosophy as "regulated centrally, run independently."

Keywords: NCLB, Education Policy, Comparative Education

Резюме (Робин Й. Чен: От проекта "Ни один ребенок не отстает в развитии" до гибкости: наблюдение из Восточной Азии): На основании высоких требований проекта "Ни один ребенок не отстает в развитии" правительству Соединенных Штатов казалось естественным достичь первоначальной цели: 100% успевающих учеников на национальном уровне до 2014 года. Для достижения этой претенциозной цели администрация Президента Обамы инициировала предписания, чтобы отказаться от отдельных государственных требований, и изменила содержание обязанности подотчетности. Данное исследование представляет изменение и смещение новейшей в этом отношении политики с точки зрения Восточной Азии. В 2011 году правительство Обамы объявило, что проект "Ни один ребенок не отстает в развитии" требует доработки. Федеральное правительство должно разработать закон, согласно которому каждый штат и округ Колумбия может ходатайствовать об освобождении от положений проекта "Ни один ребенок не отстает в развитии". Данное исследование аргументирует, что реформа приведет данный закон к системе «справедливой подотчетности» и обеспечит лучшую способность к вынесению суждения в отдельных штатах и школьных округах. По сравнению с восточно-азиатскими странами, получившими признание в международных сравнительных исследованиях, правительство Обамы рассматривает свою политическую философию как философию с «централизованным регулированием, независимой организацией».

Ключевые слова: проект "Ни один ребенок не отстает в развитии", образовательная политика, сравнительная педагогика

Zusammenfassung (Robin J. Chen: Von der Aktion "Kein Kind bleibt zurück" zur Flexibilität: Eine Beobachtung aus Ostasien): Wegen der sehr hohen Anforderungen des No Child Left Behind Act schien es für die US-Regierung keine Frage, das ursprüngliche Ziel, 100% der Schüler auf nationaler Ebene bis 2014 einzubeziehen. Um diese anspruchsvolle Marge zu erreichen, initiierte die Obama-Administration Vorschriften, um auf einzelne staatliche Anforderungen zu verzichten und veränderte den Inhalt der Rechenschaftspflicht. Diese Studie soll den Wandel und die Verschiebung der diesbezüglichen jüngsten Politik aus der Perspektive Ost-Asiens demonstrieren. Im Jahr 2011 erklärte die Obama-Regierung den "No Child Left Behind Act" für überarbeitungsbedürftig. Die Bundesregierung sollte ein Gesetz auf den Weg bringen, wonach jeder Staat sowie der District of Columbia die Freistellung von Regelungen des "No Child Left Behind Act" beantragen kann. Diese Studie argumentiert, dass die Reform dieses Gesetzes zu einem System einer "fairen Rechenschaftspflicht" führt und ein besseres Urteilsvermögen der einzelnen Staaten und

Schulbezirke ermöglicht. Im Vergleich mit ost-asiatischen Ländern, die in internationalen Vergleichsstudien Anerkennung finden, betrachtet die Regierung Obama ihre politische Philosophie als "zentral geregelt, unabhängig organisiert."

Schlüsselwörter: NCLB, Bildungspolitik, Vergleichende Erziehungswissenschaft

Introduction

Following the trend of globalization, learning from western leading countries has become a dominant value rooted in educational governance in Asia, especially in East Asia. Taiwan, Japan and Korea, have been influenced by Confucian pedagogical thoughts. However, this ideology has been challenged by the wave of new discourse on managing schools, that is, accountability, accountability, and accountability. Tracing back to the philosophy of Confucianism, the idea of accountability, or the result of teaching, has never been a concern. Here "Confucianism" is defined as the traditional attitudes and behavior prevalent in East Asia and associated with Confucius and the Confucian thought system. Take Taiwan as an example; Taiwan's meteoric rise is because it adopted a series of political reforms and a progressive education system in the 1980s. Taiwan is qualitatively different from the rise of Japan in the 1960s, but it is similar with the rise of Korea and the other little tigers of East Asia in the 1990s. Taiwan's difference lies in its size and the impact this is likely to have on the rest of the globe. Educational achievement has been at the core of these successes: Confucian societies are characterized by the strong emphasis they place on education. A detailed European Union report from 2010 which uses Japan and South Korea as comparators confirms this point:

It was highlighted that in some non-EU OECD countries the share of total resources (both public and private) devoted to educational institutions by private households is exceptionally high. This is in particular the case in Japan and South Korea. In South Korea, more than one third of the total resources devoted to educational institutions came from private households whereas in Japan the share is slightly more than one quarter. In contrast in the EU, the share of total resources devoted to educational institutions from households varied from 13% in the UK to 1.6% in Portugal. (European Union, 2010: 212)

Value placed on education is particularly important in Taiwan, Japan and South Korea. The three countries place a high value on education and respect the educators. This stems from Confucianism roots. There are many reasons for high private educational spending, including negative factors such as poor state provision, but there is persuasive data on the overall effectiveness of the East Asian educational system. For example, the latest (2012) PISA data comparing the academic achievements of 15 year old in different countries, discussed in more detail below, puts 'Shanghai – China' at the top of its Reading, Mathematical and Scientific literacy scales by a significant margin. In Reading and Science, Confucian heritage cultures occupy four of the five top places, and in Mathematics they occupy all five (OECD, 2014).

We used to argue that Western, or perhaps more accurately Anglo-Saxon, education teaches students understanding in a way that is difficult to test, whereas East Asian systems teach the kind of factual knowledge that can easily be tested in comparative surveys. But from the experience of the US, now in the US, the No Child Left Behind Act and its successor ESCE Flexibility, have shown that either the Bush administration or Obama administration truly takes test and benchmark making as the main solution while encountering global competition. Obviously, this reverses the impression held by Confucian heritage cultures so we ask: Why does the US government pick up something that we are trying hard to drop?

East Asia: the culture of embracing exams

Taiwan, Japan and South Korea have dominant high-stakes exam-oriented socioeconomic cultures. Taiwan, as well as the other three East Asian societies that excel in PISA (South Korea, Hong Kong and Shanghai) has a long tradition of prizing academic success due in part to its Confucian legacy. In Taiwan, academic achievement is the perceived passport to social and economic mobility and success in life, hence the popular sayings in Taiwan that 'No poverty is worse than a poor education' and 'One exam will determine your entire life'. Moreover, a highly competitive society with limited work places and the limitation of natural source invariably place a huge burden on the students themselves who feel obligated to obtain good grades for the sake of their parents an promote the social mobility. The predominantly pencil-and-paper assessment mode is privileged by the government for both exams as it ensures that the assessment is 'objective', 'fair' and 'scientific' based on the exam scores. That is why the Expanded Subjects and Inquiry/Research Subjects are not included in the terminal exams; they cannot be assessed summatively in a written exam since they are not confined to a particular academic subject, textbook or test question.

Due to the competitive and harsh learning environment and prolonged daily study time, in Taiwan there is a growing number of parents sending their children to the US for a more reflective or organic educational system. Most of these Taiwanese parents think the US schools consist an adverse range of projects, programs and activities that vary from school to school and are assessed through alternative assessment modes such as students' self-reflections and the teachers' observations. Similar situations also happen in China. A China Report 2009 conducted by Peking University shows that Chinese students living in big cities have relatively long study hours, more than 13 hours per day. Beijing students have the longest study hours per day in China, at 14.4 hours, then Shanghai at 13.2 hours (Li & Li, 2010). The principals and teachers who are the policy implementers have to juggle between offering Expanded and Inquiry/Research Subjects to promote 'quality-oriented education' as well as ensuring that their students continue to perform well in the terminal exams. That school principals and teachers are still judged by the parents and even some senior education officials primarily on their exam scores rather than the quality of their Expanded and Inquiry/Research Subjects means that an exam-oriented education remains culturally entrenched. Many schools therefore circumvent and mediate the curriculum reform by channeling substantial amounts of time and effort to the examined Foundational Subjects, offering Expanded and Inquiry/Research Subjects only to the non-graduating cohort, and giving extra classes to students after school hours and on weekends.

The second situated sociocultural element is the preference among students and teachers for examoriented approaches of teaching and learning. These approaches – transmission of textual knowledge, memorization, repeated practice and didactic teaching - are upheld as tried-and-tested methods for students to perform well in high stake exams. This makes many East Asian students directly accept what their teachers teach without questioning and are not forthcoming in articulating their views in class. Correspondingly, most teachers tend to rely on a didactic approach to transmit the 'correct' answers to students and spend time setting and marking their students' exercises to prepare them for the exams. Nestled within a high-stakes testing context where textual knowledge, memorization, repeated practice and transmission teaching style are given a premium, it is challenging for the curriculum reform to achieve its goals of nurturing young people who are lifelong learners equipped with the ability to add to, exchange and apply knowledge, conduct research, experiment, innovate and solve real-life problems and work well with others.

Asian Education is associated with a person's social class. In traditional Chinese society, success is defined by one's social class, not necessary by a person's wealth. Social class is associated with occupations as well as the moral character related to the occupation. According to Confucius, out of four social strata which includes scholars (Shi), farmers (nong), workers (gong), and businessmen (Shang) based on occupation (Park & Chesla, 2007), the scholars strata is considered the highest class. Scholars did "mental labor," and usually made decisions that influenced the whole society. Based on Confucianism, leaders needed to be intelligent, have high standards of ethics, and learn scholarly work. Therefore, scholarship was associated with high social class, leadership, and high moral character. Today, Asian society and families still retain the idea that scholars belong to a higher social class and education provides a route to reach the "scholarly" status (Huang & Gove, 2012). Highly educated people are to become leaders and contribute to society. This value of education and social class influences the everyday life of Asian families. Many Asian descendants believe that educational success leads to a better life, including higher social status, getting a good job, or a better marriage and relationships. Therefore, education is central to most Asian families' daily life. In fact, the various statistics indicated in the beginning of this paper is evidence of educational emphasis within the family. Asian parents, such as the author of "Battle hymn of tiger mother", Amy Chua, place a high priority on educational success and that success is often measured by the test scores.

The United States: from student center to standard center

The oath of No Child Left Behind (NCLB)

According to U.S. Department of Education (2002), NCLB gives the federal government its most extensive role in K-12 public education in the country's history. It demands that states test students in reading and mathematics annually in Grades 3-8 and in science once in elementary, middle, and high school. States must also produce annual report cards describing student test scores and multiple other indicators of the quality of each school district, with districts responsible for providing the same data for each school. States must ensure that all students reach proficiency on state tests by 2013-2014 and meet benchmarks for adequate yearly progress (AYP) the federal government sets to ensure that they reach this goal. Schools must meet AYP not just for their entire population but for each of their identified demographic subgroups, including traditionally underachieving populations. To give policymakers and the public a measure by which to judge the rigor of state tests and student progress, a sample of each state's students must take the National Assessment of Educational Progress every other year. If a school that receives federal funds fails to meet AYP for multiple years in a row, it is deemed a "needs improvement" school and must provide numerous services of escalating severity the longer it retains this designation, including giving students the ability to transfer to other schools in the district; providing supplemental educational services, such as private tutoring; and ultimately being forced to restructure by changing its school governance and governors. Finally, states are expected to ensure that every teacher is "highly qualified," which NCLB defines as having state certification and demonstrable proficiency in both pedagogy and his or her subject area.

NCLB is an important bill to consider because the coalitions that lined up against its passage spanned ideological and partisan lines. The far left opposed the bill because it was President Bush's proposal, but also because of its insistence on accountability provisions such as high stakes testing and the possibility of more charter schools emerging from public schools that failed to make AYP. The far right has traditionally been suspicious of any involvement of the federal government in educational

policy. They argue that education is a reserved power that should be controlled by state legislatures rather than federal bureaucracies. The far left and the far right ultimately failed in blocking passage of the bill largely because a consensus had emerged among national policymakers "in favor of standards, testing, and accountability" (DeBray-Pelot& McGuinn, 2009, p. 24).

Since the passage of NCLB, administrators and teachers focus on language arts and mathematics, assessing students in these domains and providing intensive instruction for those students in low-performing schools (Darling-Hammond 2006; Doppen 2007). The poor-performing schools, specifically those schools that receive Title I funding from the federal government, are targeted for school improvement. The well-performing schools that meet appropriate and significant gain yearly on standardized tests are awarded additional funding by the federal government. Those schools that continue to underperform are labeled for school improvement and can eventually be closed if they do not make specific gains in scores from year to year. Schools plagued by underperformance and labeled for school improvement are often located in urban areas with minority subgroups (Davis, 2006). It is a punitive cycle. The poor-performing schools, their teachers, and their students receive fewer funds for learning support and, thus, have fewer resources to commit toward improving or attaining higher scores.

From NCLB to Waivers

When NCLB became law in 2002, it provided large sums of money to states for education. The program also had very strict performance requirements as above mentioned, including a 2014 deadline for all students to be proficient in mathematics and language arts. During the past 10 years, concerns about NCLB requirements have mounted among East Asian educators, while reauthorization of the legislation has been awaiting congressional action since 2007. To provide some relief from the provisions of NCLB, the Obama administration offered waivers to states that wish to apply in 2011. The program is called ESEA (Elementaryand Secondary Education Act) Flexibility, but most refer to it as NCLB waivers (U. S. Department of Education, 2013). To date, 44 states have either requested waivers or have been approved to implement next-generation education reforms that go far beyond No Child Left Behind's rigid, top-down prescriptions (U. S. Department of Education, 2015). The philosophy behind waivers is to give control back to states and encourage both rigor and innovation. To receive one, states must address certain requirements, including adopting college-and-career-ready standards, focusing significant attention on the most troubled schools, and creating guidelines for teacher evaluations based in part on student performance. Once granted, waivers will free states to set their own student achievement goals and design their own definitions of failing schools. Instead of declaring that all students must be proficient by 2014 and insisting on adequate yearly progress requirements, waivers allow states to establish their own accountability goals, processes, and measurements. Rather than sanctioning failing schools, states can develop their own intervention programs to help the lowest-performing 15 percent of schools.

While waivers do give states and districts more freedom, they can also create complications. Here's a rundown of the good news and the bad news for educators in states that have been granted waivers. Each state has its own plan. The good news is that these plans can meet local and regional needs. The bad news is that inconsistencies across states may make sharing resources a challenge. With waivers, some funds may be tied to unique requirements in a state. In a multistate program, such as the new alliance between Ohio and Massachusetts designed to create an instructional improvement system (U. S. Department of Education, 2015), there is potential for conflict over how money can be used by each of the states. Each state has its own accountability requirements. The good news is that the rigor

of NCLB is mitigated. The bad news is that multiple strategies for dealing with accountability may cause problems as students move from state to state. Also, assessment providers may have to invest in customizing their offerings to meet these local requirements.

States have more flexibility in allocating some of the federal funds. The good news is that your local programs may benefit from this flexibility. The bad news is that there may be more confusion about how the funds can be used, which may stall their allocation to districts. States can combine subgroups of students, such as English language learners, students with disabilities, and economically disadvantaged students into "super subgroups." The good news is that it's easier to track only one big group. The bad news is that data on such a diverse population will not help to inform instruction for the various subgroups. Also, who will manage what funding is still an open question.

States must change how they deal with low-performing schools. The good news is that districts with low-performing schools will get support from the state to throw out products that haven't been working and purchase new ones. The bad news is that, before purchasing new materials, districts must see evidence of effectiveness from the companies selling the products. And of course the pressure will be on to quickly turn around assessment results once a district has started using any new products.

Research design

This study examines what 4 scholars of education policy research, 2 school leaders, 1 teacher and 2 district administrators experienced when trying to incorporate NCLB into their daily work. Multiple pieces of data were collected from a background survey, journal questions, and focus group interviews to gain different perspectives about how and what content they thought. The following overarching research questions were posed:

About the influence of NCLB

- 1. Through different running time, what do you think is the most influential change coming from NCLB to schools?
- 2. As a scholar(think tank, principle, superintendent), what do you evaluate this policy when it was first launched in 2002? And from your observation, what are the attitudes of each state on this policy?

About the benchmark making of this policy

- 1. What do you think the federal government will make the benchmark that high in 2002?
- 2. When Obama's administration made the process in 2011 for waiving NCLB/ESEA, do you think the core value of initiating NCLB has been changed?
- 3. Do you see any challenge or difficulty of doing NCLB/ESEA waiver?

About the practice of waiving NCLB/ESEA

- 1. Do you see any difference among states when applying the waiving?
- 2. How long do you think the federal government will last this waiving for the state government?
- 3. Do you see any particular phenomena, from the district or school side?

Evaluating the policy

- 1. Overall, how do you evaluate the policy of NCLB/ESEA?
- 2. Do you think this legislation destroying the spirit of Constitution, that is, reserved the right to the state government?
- 3. What will be the next move of federal government?

Participants

A group of interviewees—2 females and 7 males—participated in this study from think tank, universities, elementary schools and district administration. The participants vary in age, ethnicity, and in the number of years they have experience at education policy studies and school leadership levels. Their practical experiences and perceptions are included in the findings of this study. Participants were also asked to write journal responses about the relative ease or challenges associated with NCLB and waivers.

Finally, a focus group interview was conducted to gain further details about their experiences practicing NCLB in their professional work. Journal questions were utilized as the basis of the focus group interview questions; however, an additional probing question asked participants to explain what they perceived to be the consequences of practicing NCLB within the context of accountability. During focus group interviews, care was taken to encourage all participants to discuss their experiences. It became an opportunity for the participants to further clarify their thoughts and also participate in dialogic sharing. While the focus group interview was valuable for triangulating the information provided, it also became a catalyst for further clarification of their own ideas about their own roles within the framework of accountability in determining educational value. The multiple data pieces from the background survey and written as well as verbal responses were transcribed and placed in various matrices to initially identify recurring patterns and categories. Open-coding was used to identify recurring patterns and emerging themes that are revealed in the findings below.

Findings

Four themes emerged from the triangulated data based on the participants' experiences and perceptions about the practicing and influence of NCLB: (1) Policy discourse is relevant and forces individual states toward an East Asian path; (2) assessed subjects dominate instructional teaching periods; (3) focus on assessed subjects deprives students of time for social, civic, and critical discussions; and (4) there is a lack of professional support for policy making.

Policy discourse relevance

All the interviewees believed policy discourse to be relevant in forcing schools and district leaders accept how the accountability of schooling remodels their world and their role in it.

I know the PISA affects federal government a lot. It's all about competition. Maintaining our competency in the world is the best way to persuade school teachers and students obeying this initiative. Students need to have a good ability in math, science, and language in order to help improve the quality of schooling. (interviewee 2: 20-24)

The interviewees also agreed that NCLB and its discourse from federal government can be used as a

vehicle to raise up the standard of learning and reach the goal of accountability. Accountability topics (e.g., AYP, AMO, waivers, college-and-career-ready standards) provide the State Education Department with the concept that exams are the only way to fulfill education. The concept has been the core of East Asian educational practice for a certain of history.

Though the original intention of taking exams between East Asia countries and the U. S. are different, they both have been led the same direction.

When we talk about NCLB, teachers' feedback are very interesting, very weak looking back at me ... they hardly can grab any point from this policy, although the stories are funny, they can't really relate to it. (Interview 5: 56-57)

In addition, others observed that NCLB has changed the landscape of U.S. education that can be tapped for legitimate discourse, such as accountability.

My district (12 schools) has been suffered from low academic performance for many years, many immigrant families coming from poor social status. I used to ask schools help students according to individual need, but now I have to focus more on performance in math and science. (Interviewee 9: 23-30)

Most of the interviewees noted the relevance and potential for practicing NCLB strongly recognized students' academic achievement has been melted into the legitimized policy discourse. Stressing on the students' assessed subject scores makes the U.S. schools move toward East Asian pragmatic values in education. However, the former is made by policy promotion while the latter is formed by its traditional culture.

Assessed subjects dominate instructional teaching periods

All interviewees indicated NCLB-dictated subject matter focus and dominance in schools is a top-down approach and that language arts and mathematics have more educational value. Based on testing, subjects as social studies or art that appears to be the least important. (interviewee 4: 2)

Time is another challenge because schools wanted to focus on English Language Arts and never checked on other curricular areas. (interviewee 5: 17)

Taking social studies for example, teachers in my study said they spent less than 20 percent of their time teaching social studies. Two hours per week was the norm for the upper grades, and one-half hour per week for the kindergarten teacher. (Interviewee 1: 77-90)

Thus, the amount of time devoted to other subjects rather than math, science and language is relatively less than even. To give some time to teaching other important knowledge, teachers have to integrate the subject with language arts or math and science. One interviewee who runs an elementary school integrated the curricula with language arts and math with 40 to 60 percent of the school learning hour. Part of the reason for this integration was because the assessed subjects need more emphasis.

Assessed subjects deprive students of social, civic, and critical discussions

During the focus group discussion, some participants began to question whether the unbalanced instruction time allocated among different subjects counted as whole person education. An interviewee stated that even though social studies can be integrated, the language arts programs used do not generally provide enough background information to explicate cultural and historical content.

Look at the standards and find stuff online or anything because we don't have specific curriculum for it. (Interview 8: 11-12)

As the discussion unfolded, other participants noted that those in low-performing schools English learners and other students become labeled, feel like failures, and can be turned off to education unless the subject matter is relevant to their lives.

Teachers wrote and talked about curricula content being superficially skimmed and given value only during specific historical holidays. A superintendent, from his observation, wrote about the pressure to squeeze the study of multicultural content according to holiday themes or trying to include it as homework or a writing assignment.

I always make sure that I make observation for social studies during February, which is Black History Month. Ironically, I have a serious issue with the idea of one month being dedicated to a particular race. However, I understand that when given an opportunity to teach young people the importance of history of all cultures, I have to take advantage of that moment. (Interviewee 3: 38-45)

Lack of professional support for policy making

Based on the above discussions, the survey, and journal responses, the interviewees believed that although NCLB is relevant and provides opportunities for raising up the learning standards and connecting international tests, they also stated they receive little direction, training, or encouragement from administrators or curriculum leaders about how to incorporate it into their daily professional practice. A principle at the elementary school level wrote about their limited access to policy decision NCLB at the state level, even beyond textbook publishers 'overviews. He wrote about the time he received subject instruction in the credential program; but once within the school district, he observed, "We have not had any training for getting to know NCLB" Other interviewees also noted they had not received training through their district with adopted approaches for waiver. Despite not having had professional support in this policy, the interviewees believe that NCLB is relevant to schooling, but it is difficult to practice it more effectively based on the limited assessed subjects.

Conclusion

The findings coincide with much literature demonstrating that what is assessed is what policy makers believe is most valued. On this perspective, East Asia and the U. S. share the same value in education. The interviewees agreed that NCLB promotes a value that places a priority on standard building and accountability via assessed subjects. Through their discussions, they also noted how district administrators and school leaders are the conduits of how the new school ethos would be designed, how curriculum would be defined, and how teachers would be responsible for its implementation. And although the interviewees agreed that NCLB and waivers have symbolic value, the result of the

reform from the past 10 years is not as successful as expected. A couple of scholars in this study did not believe accountability detracted from waivers and believed the focus of accountability was beneficial in delivering policy value. However, all agreed that the standards for all subjects are overwhelming to meet in a year, and because some subjects are not assessed, they understand how it would be easy for administrators to make decisions that would diminish time spent teaching it. Many of the interviewees acknowledged that accountability-based learning placed minority and immigrant children at a risk for gaining civic and democratic knowledge. But it seems marching toward assessed subjects and allocating resources according to the test results have built up a barricade on the way to social justice. What is mandated at the federal or state level is followed and filtered down to the district offices and schools.

Although NCLB was created with good intentions, the punitive nature of accountability denies students in low-performing schools access to curriculum that may motivate them to stay in school. Little has actually changed since the 1980s, underperforming schools use remedial tactics to teach at-risk students (Nieto 2005). Whereas there may be few options of changing the role that accountability plays in school management, changes can be made at local administrative levels to ensure the purposeful management of schools while still meeting standards by providing (1) reflective thinking that promotes wide discussion and (2) professional development to provide insight into school leaders incorporating changes of environment that promote policy awareness.

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