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Education - Civil Rights Issues [2]

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001. memo	SSN (Partial) DOB (Partial) (2 pages)	03/25/1997	P6/b(6)

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FOLDER TITLE:
Education - Civil Rights Issues [2]

2009-1006-F
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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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b(1) National security classified information [(b)(1) of the FOIA]
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Educatic -civil rights issues

Smith 10/6/97

National Test Issues and proposals

A. High Stakes Testing

1. OCR: Develop a strategy and plan for technical assistance and for monitoring compliance with Title VI. Widely disseminate existing guidelines and the new guidelines that are in final stages of preparation. Underscore that the guidelines follow the APA/AERA/NCME standards that, among other things, hold that single tests should not be used alone for making high stakes decisions for students such as promotion, tracking, or graduation. OCR should also put out a clear, readable statement that sets out their guidelines in a few pages.

2. NAGB: Specify in <u>conference report language</u> that NAGB should put out clear guidelines for use of the national tests in high stakes situations for students. The guidelines should follow (take into account) the APA/AERA/NCME guidelines.

3. The Secretary might issue a statement of support for the APA guidelines and the OCR guidelines.

4. OBEMLA and OESE would publish a clear brochure for parents about the uses of the test and how they can be used by parents. There also are MOUs for the development of materials on the use of the tests with NSF. In addition, the test contractor will be putting out materials on the use of the tests.

B. LEP: Alternative Tests: Estimate nationally between 40,000 and 100,000 students who would be eligible for a Spanish reading test. If all 4th graders were taking the test, this would be a cost of roughly 500,000 to 1.2 million dollars.

1. Propose the use of private sector developed alternative reading tests in Spanish. Federal government to pay for administration of these tests in 1999. There are a few tests available but only two or three that would be really useful. The test would be given simultaneously with the national reading test to Spanish speaking students that have not been in US schools for three years. Government would provide supportive information through some vehicle or other. Test would not be reconstructed each year.

2. Technical assistance: Federal government would plan and implement a strategy for providing technical assistance in the area of testing LEP students and preparing them for testing.

3. Secretary could announce the alternative testing approach on Oct. 9.

Nc

C. Reporting Requirements:

1. NAGB in conference report language would be required to develop reporting requirements for the use of the test. The reporting requirements should meet the conditions set out in Title I so that districts could use the national tests for Title I purposes.

2. NAGB would be required in conference report language to work with states to report state data.

3. Testing report materials would be developed to be as readable as possible by parents and teachers and others unfamiliar with testing. Focus groups, document design people, etc. would be used to insure that the materials are understandable and useful. R&D would be carried out on this to determine that the materials are in fact useful.

D. Accommodations:

1. Conference Report language should make clear that NAGB will insure that all feasible and useful accommodations are made available for students that need them (LEP and disabled and others?).

2. The Department will develop a clear list of accommodations that have a core of must include accomodations, a set of desirable ones, and a set of possible accommodations that require research. The core of accommodations set must be equal to or exceed the highest standard set for a nationally available test.

Ent.

Educatic – civil rights issues

Invalid + inappropriate

9/30 DoEd Mtg on testing letter

MS- Appreciate all your wk on stds – know we believe in some things. Taken position – NAGB as policy mkg body. (new NAGB – more politicians / fewer experts) Secy press statmt – underscored this position – w/holding test specs to pin to NAGB before sending to developer. guidance on calculators – only that – guidance – essentially left to NAGB.

Wade – Dept intending to be involved in policy concerns stated in our letter?

BillTaylor – Fed role – retaining = op.

MS – Q affects what OCR does; does not. Dir. direct responsib. for certain policy positions. Doesn't stop us from this position – supporting things. Example –

Nagarki – LEP students. Admin now prevented from thg a position even on Title I test?

Wade – NAGB place further complicates issues on the table. Makes us not know how to react to this. We don't know how NAGB will decide these issues – so how do we know whether concerns will be addressed?

CW – EIC re: Things Dept can do if not actual administration of test.

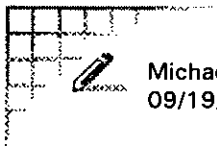
MS – We haven't figured out what.

MJ – 1) OCR –

Taylor – Huge resources to evaluate whether state can use test for high-stakes purpose. How do you possibly do this?

Wade – Need clear statements from Dept / NAGB on both use of tests for high stakes purposes – e.g. role determinant of promotion? NO

Educ-civil rights issues



Michael Cohen
09/19/97 05:35:12 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:
Subject: Feedback from Civil Rights groups and the National Test

Interesting report attached below from Norma Cantu on Wade Henderson's and Bill Taylor's apparantly divergent reactions to the Riley letter.
---------- Forwarded by Michael Cohen/OPD/EOP on 09/19/97 05:28 PM ----------

Leslie_Thornton @ ed.gov
09/19/97 02:23:00 PM

Record Type: Record

To: Michael Cohen, Mickey Ibarra, William R. Kincaid

cc:
Subject: Feedback from Civil Rights groups and the National Test

FYI from Norma.

_____ Forward Header _____
Subject: Civil Rights groups and the National Test
Author: Norma V. Cantu at WDCF01
Date: 9/19/97 10:30 AM

Hello, friends,

I spoke yesterday to Wade Henderson; Art Coleman spoke to Bill Taylor.

Both Wade and Bill understood that the Administration was committed to the national tests and would welcome continuing the conversations with the civil rights groups.

Wade: Point One. Yes, he had read the Secretary's letter and was surprised that we had circulated it widely. He was trying to keep the conversation below the radar. Wade had communicated to Maria Echaveste his disappointment that the letter signed by Secretary Riley did not recognize that the Leadership Conference was splitting off from other civil rights groups that detested testing in any form. Wade was particularly offending by the "patronizing" tone of the first few

paragraphs that preached the values of school reforms. The Conference had already embraced high standards in their original letter, and the Administration's letter completely ignored that significant statement by LCCR.

Point Two. Wade welcomed further discussions. He saw no value in advancing "positions" in the manner of the Caucuses "won" and the White House "lost" because disagreements between two supporters of high standards inevitably leads to the opponents of high standards "winning."

Point Three. Wade is interested in continuing the conversations about the concerns that the LCCR group expressed in the national tests. He described the Secretary's letter as lacking any substantial concessions to the concerns raised by the first LCCR letter. (This sounded to me like posturing before going into negotiations, though.)

Bill Taylor. On the other hand, Bill sounded much more enthusiastic about Secretary Riley's letter. He was still troubled about the Reading test measuring only English-reading skills, but he thought that the letter contained many significant commitments by the Administration. He said he would welcome conversations with the Administration about the national tests and the steps the Adm. would take to address further the civil rights concerns. On the whole, he saw the letter as a very positive sign that the Adm. had heard the civil rights groups' concerns.

Norma

Educatic - standards - civil rights

Leadership Conference on Civil Rights

1629 "K" St., NW, Suite 1010
Washington, D.C. 20006
Phone: 202/466-3311
Fax: 202/466-3435
TTY: 202/785-3859

September 4, 1997

The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

The undersigned members of the Leadership Conference on Civil Rights write to urge you to adopt several important changes in your plan for voluntary national tests in reading and mathematics. If these changes are made, it would enable many of our member organizations to support implementation of the national test proposal.

At the outset we wish to express our appreciation for the attention you have given to the improvement of public education and our support for the broad goals contained in the proposals you have made. Our organizations oppose discrimination in the schools based on race, national origin, sex or condition of disability. We represent many children of color, children with limited proficiency in English and children with disabilities and girls — all of whom have suffered discrimination and stereotyping in the public schools, have been denied critical teaching resources and have had their life chances impaired by the failure of the schools to offer them a chance to succeed.

Thus, we feel we have much at stake in the battle to make the public schools responsive to the children with the greatest needs. And we agree with what we understand to be the central tenets of the Administration's proposal: 1) that *all* children can learn and that high standards should be established for all children; 2) that schools, school districts and states should be held accountable for children achieving these standards; and 3) that active, well-informed parents are key actors in achieving accountability.

Our concern then is not with the Administration's goals but with whether your testing proposal will help achieve these goals. For the major reasons we will now set forth, we are convinced that in its present form, the national test proposal

will not serve the children most in need of educational opportunity:

1) The Administration's Proposal Allows School Authorities to Exclude or Refuse to Accommodate Students Who Have Limited English Proficiency or Have Disabilities. With respect to children with limited proficiency in English, the most serious failure is the Administration's refusal thus far to require that the fourth grade reading assessment be given in languages other than English. Much research informs us that children who are able to read in a foreign language will soon be able to read in English. Similarly the math test should be given in languages other than English and Spanish.

Similarly, large numbers of children with disabilities are likely to be excluded based on inappropriately low expectations in their education plans. Nor for that matter does anything appear to prevent school authorities from inducing minority or children from low-income families to stay home on the day of the assessment. If the purpose of the Administration's proposal is to assure accountability, it must come to grips with the fact that children who are not permitted to participate will become non-persons with no accountability by school authorities for their progress. These accommodations will in no way compromise the high standards that should be expected of all students.

2) The Administration's Proposal Fails to Provide Safeguards Against the Invalid and Inappropriate Use of Test Results. Absent firm action by the Administration, there is every reason to believe that the results of the national test will be used by many school officials for high-stakes purposes such as ability grouping, tracking, retention in grade and graduation. Any such use would be harmful to the children we represent and would be totally inappropriate since the tests have not been and will not be validated for any of these purposes. One among many inappropriate uses would be the use of tests for high stakes purposes where children have not had an opportunity to learn the skills and knowledge being tested. The Administration must take steps to prohibit these harmful and inappropriate uses.

3) The Administration's Proposal Fails to Hold School Authorities Accountable by Requiring Public Reporting of Results so that Parents and Others can Take Informed Action. Administration officials have told us on numerous occasions that the most important rationale for testing all students in a participating district is to galvanize parents into action. But the current proposal will not achieve that result. A parent will know the scores of her own child, but will not know how her child's school is performing compared to other schools or how her school district is doing compared to other districts. Unless school authorities choose voluntarily to disclose this information, parents will be left in the dark and without the facts that would enable them to secure accountability. Many of our groups have worked for years to empower parents to compel responsiveness from public officials. We believe we speak from experience in advising you that in its current form, your proposal will not achieve its objective. And, as noted later, this is a problem that is correctable.

4) The Administration's Proposal Does Not Take Even Modest Steps to Identify Denials of Critical Educational Resources that Have a Significant Impact on Test Results. We recognize that the Administration's test proposal cannot realistically serve as the vehicle for redressing the vast inequities in the distribution of education resources that deny the opportunity to learn to millions of poor and minority children throughout the nation. At the same time the Administration must recognize that unless these resource barriers facing so many poor and minority children are recognized, identified and ultimately addressed, the national test will fail to improve educational opportunity for the children who are most in need of assistance. One modest step would be to include with the test some basic questions --concerning the teacher's certification and other qualifications in mathematics and reading, class size and the availability of books in the classroom— that licensees would be required to answer. Such information is now collected on a sample basis by the National Assessment of Educational Progress. While modest, gathering this data would be consistent with provisions of the Title 1 reform that the Administration sponsored calling on school districts to deliver such critical resources to poor children and calling upon states to assure that local districts have the capacity to meet the responsibility.

5) The Administration Must Take the Necessary Steps to Assure that the Laws and Policies According Rights to Equal Educational Opportunity Will Be Effectively Enforced. As presently proposed, the Administration's plan will be implemented by a complex and interlocking network of largely private test developers, management contractors and licensees. It does not appear that the Administration has thought through how it will assure that civil rights, often spottily enforced even when only government agencies are involved, will not be denied and that where violations occur there will be prompt redress. The Administration must develop a plan for enforcement. It will not suffice to leave this problem in the hands of private civil rights groups which do not have adequate resources to cope with the violations that are likely to occur.

If you agree that fundamental guarantees of fairness and equality of opportunity should be part of any plan for a national test, it will not be difficult to devise appropriate language to accomplish the task. Indeed , specific provisions of the Improving America's Schools Act of 1994 deal with many of the same issues of inclusion and accommodation of limited English proficient and disabled students and with the public reporting of the results of assessments. And, as noted, NAEP already has some experience in gathering basic information about the distribution of vital educational resources. Our organizations would be willing and eager to work with your Administration in developing suitable language to carry out these basic ground rules.

We recognize that there will be some elected officials and school authorities who will view the steps we have called for as the intrusive hand of the federal government interfering with state and local control. There may even be a few states or districts that will base their refusal to participate on the existence of

these requirements. But such opposition is not different in character from the resistance over the years by some to any step to implement the equal protection clause of the Fourteenth Amendment and the Supreme Court's decision in *Brown v. Board of Education*. Where Presidents have stood firm, such resistance has ultimately melted away.

We believe that if you are prepared to fight to assure that the least advantaged and most discriminated against children in the nation reap the benefits of your national test and other education proposals you will prevail and leave a legacy of which we can all be proud.

We of course stand ready to meet with you or your designees at your convenience to pursue these matters further.

Sincerely yours,

Antonia Hernández
President and General Counsel
Mexican American Legal Defense
& Education Fund

Elaine Jones
Director Counsel
NAACP- Legal Defense & Education Fund, Inc.

Raul Yzaguirre
President
National Council of LaRaza

Barbara Arnwine, Director
Thomas Henderson
Deputy Director, Director of Litigation
Lawyers Committee for Civil Rights

Marcia Greenberger
Co-President
National Womens Law Center

Mike Lux
Senior Vice President
People For the American Way

Nancy Zirkin
Director of Government Relations
American Association of University Women

Paul Weckstein
Co-director
Center for Law and Education

by: Wade Henderson Wade Henderson/lt
Executive Director
William L. Taylor Bill Taylor
Vice Chair
Leadership Conference on Civil Rights

cc: Secretary Riley

Final

Education - Standards - Civil Rights Issues

UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

September 11, 1997

Mr. Wade J. Henderson
Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, Suite 1010
Washington, DC 20006

Dear Mr. Henderson:

President Clinton has asked me to respond to your letter of September 4, 1997, regarding our proposal for national standards and national tests. Before turning to the specific issues you have raised, let me first share my view of the larger context in which the debate about national standards and tests is occurring.

President Clinton and I are firmly convinced that one of the biggest obstacles to improved educational opportunities and results for low-income and minority students has been the widespread and mistaken belief that students from these backgrounds cannot learn to the same high levels as other, more advantaged students can. This belief -- the foundation of what I have called a tyranny of low expectations -- has pervaded the schooling experience of our most disadvantaged youngsters, resulting all too often in watered down curricula, poorly prepared teachers and under investment by the public in their schooling.

Challenging national standards and tests are a fundamental tool for overcoming these obstacles. They will help raise expectations for all of our students in the basic skills. They will provide parents and communities with accurate, reliable information about student and school performance. They will make it impossible for schools to mask inadequate performance and to claim that students and schools are performing satisfactorily when in fact they are not. And they will help mobilize parents and community leaders in serious national, state and local efforts to raise student achievement in the basics, including through the commitment of additional, needed resources.

Student testing has often been a difficult and controversial issue. I know that tests have all too often been used to penalize rather than expand opportunities for minority students, and that there is great fear that these national tests may also do more harm than good. But they can, and I believe will, ultimately help lead to increased student achievement and greater opportunities for the students we all care about.

The President and I are aware that not everyone will do well on these tests the first time around and that some will need extra help to master the basic skills. But, difficult as this may be for students, teachers and schools, we believe that there is far greater risk for our most disadvantaged

students in accepting the status quo. These tests will empower parents and communities, and challenge students to realize their full potential. Denying these tests to parents and students will simply perpetuate lower expectations, limited accountability, and continued poor results for the most vulnerable young people in our society.

Raising standards and measuring student and school progress toward meeting them works. Last week I was in Philadelphia when Superintendent Hornbeck announced the results of such efforts. One year after instituting a program of higher standards and tough tests, Philadelphia students made significant gains in reading, math and science at the 4th, 8th, and 11th grades. They were able to achieve these impressive gains at the same time that student participation in the tests also increased substantially, with some 40% of the increased participation brought about by increasing the number of students with disabilities, limited-English-proficient students, and low-income students taking the tests. This is a tribute to the parents, students and teachers in Philadelphia who were willing to make real, constructive reforms that made progress possible.

We have similar evidence from Milwaukee, where only 21% of the school district's eleventh grade students initially passed a rigorous mathematics proficiency examination required for high school graduation. The next year, students, staff, and the community, including business groups, worked together to help students pass the tests, by providing special classes before and after school, instituting Saturday academies, utilizing business volunteers, upgrading teaching, and increasing parental involvement. As a result, 98% of the seniors in the class of 1996 passed the test. This shows that high standards and rigorous tests can indeed mobilize whole communities to support student achievement.

In this context, let me address a number of the issues you have raised:

Safeguards against invalid and inappropriate use of test results: The President and I have strongly encouraged states and local school districts to institute policies that require students to demonstrate they have met challenging academic standards before moving from elementary school to middle school and middle school to high school, and in order to graduate from high school, and that require schools to provide students who need it extra help in order to meet the standards. Such policies would help make standards real in every school and classroom, underscore the seriousness of increased expectations, better focus and increase the efforts of both students and teachers, and strengthen each school's accountability for the success of every child.

Decisions about promotion and graduation policies are and must remain primarily state and local matters. We believe it would be a mistake to institute policies with respect to the national tests that would limit the ability of state and local policymakers to incorporate student performance on the national tests into sound, non-discriminatory promotion policies.

However, we believe just as strongly that promotion policies must be sound and fair, and that test results should not be used for high-stakes purposes -- such as for school-to-school promotion or graduation -- unless they have in fact been validated for those purposes. Because test validity for

high-stakes purposes depends heavily on the extent to which local curriculum prepares students for the test, it can only be demonstrated in the specific local or state context in which the tests will be used. Therefore, it is the responsibility of state and local school systems wishing to use the national tests for high-stakes purposes to first demonstrate their validity for these purposes, prior to implementation.

To support state and local school systems in making sound and appropriate decisions about the use of national tests, and to avoid the misuse of tests, the Education Department is developing a strategy designed to eliminate potential problems before they occur. Our approach will include the following steps:

o Guidance from the Office for Civil Rights: Within the next three months, the Office for Civil Rights at the Department of Education will issue final guidance for its regional enforcement offices to assist in the evaluation of cases surrounding the discriminatory use of tests, including but not limited to the national tests. The guidance will set forth well-established federal legal standards relating to the use and misuse of tests, and will clearly articulate the existing principles of law that should guide any decision regarding the use of tests under Title VI of the Civil Rights Act of 1964 or Title IX of the Education Amendments of 1972.

This guidance has been made available to the public in its draft form, and the settled legal principles set forth in the guidance have established the basis of OCR's test-related work. When the guidance is issued in final form, it will reflect extensive Department of Education review, as well as that of the National Academy of Sciences Board on Testing and Assessment. In addition, we plan to make it widely available to school systems and the public, so that educators, policymakers, parents and community groups can all be well-informed about the requirements a test must meet in order to be used for high-stakes purposes. I believe that this approach will go a long way toward helping state and local school systems make appropriate judgments about the use of tests, and ensure that they take the steps necessary to validate the tests as needed. The Department welcomes your continued input regarding this guidance prior to its issuance in final form.

o Technical Assistance to State and Local School Systems: The Office for Civil Rights will offer technical assistance to state and local school systems based on the guidance discussed above. OCR regional office staff will work with school systems to ensure they understand the practical implications of the legal principles set forth in its guidance, and can incorporate them into their own efforts. Moreover, relevant offices within the Department, including the Office of Educational Research and Improvement and the Office of Elementary and Secondary Education, along with OCR, will also work to identify and disseminate best or promising practices with regard to the validation and use of tests, and will offer information about "what works" in specific cases where feasible. Along with the guidance, this technical assistance strategy can help prevent potential misuse before it occurs. We welcome your thoughts and strategies for ensuring that the best information regarding model practices is widely available.

o Enforcement: The Office for Civil Rights will continue to conduct compliance reviews and conduct investigations to ensure that the nondiscrimination requirements of the law are met. While we do not oppose use of the tests for high-stakes purposes, we will do everything within our power to ensure that such uses comply with all legal requirements.

As you know, we are working to ensure that the President's request for funding for OCR in FY 1998 -- a $ 6.6 million increase -- is supported by Congress. Without adequate funding, much of the core work of OCR -- enforcement of antidiscrimination laws at our schools and colleges nationwide based on complaints of discrimination -- will be in jeopardy. If all students are to achieve to high standards, they must be able to learn in environments free of discrimination.

o National Tests -- Guidelines for Test Use: The Department plans that guidelines for test use -- which would acknowledge the need to validate the national tests if they are to be used for high-stakes purposes -- will be developed by the test contractor and approved by the National Assessment Governing Board. These guidelines will be used by school districts and states as part of their participation in 1999.

o National Tests -- Independent Evaluation: Our proposal includes an overall evaluation of the national tests to be conducted by the National Academy of Sciences. The Academy will report on how states, districts and schools are using the tests, along with how they have handled test administration and reporting. This evaluation will provide objective and independent information that will help determine if the tests are being used appropriately.

Public Reporting and School Accountability: I believe we are in complete agreement that the tests will accomplish their intended purpose only if they are reported to the public on a school-by-school and school-district-by-school-district basis, and only if these reports show the performance of racial, ethnic and socioeconomic subgroups and of males and females, as well. Such public reporting is at the heart of increased public accountability for results. I will urge NAGB to require testing contractors to provide states and school districts with aggregate results for districts and schools, and to provide disaggregated data by race, ethnicity, gender, and other populations. This will go a long way toward facilitating the provision of this information to the public.

Further, states and school districts throughout the country are already well on the way to reporting all test score results in this fashion. For example, according to a recent study by the Council of Chief State School Officers, 42 states already require or use school profiles or school performance reports to make public the results of student assessments, and 38 also require district level reports.

At present, some 17 states require the disaggregation of results at the school- or district-level for at least one demographic subgroup. While this is a good start, it is not enough, and we must do better if schools are to be held accountable for the performance of all students.

An important tool to improve the current situation is through the implementation of the Title I assessment and reporting requirements, which have historically had a powerful impact on state and local practice. Title I requires states to fully implement their assessment systems by school year 2000-2001. By that time, state assessment and reporting systems must enable the disaggregation of test data at the State, local school district and school levels, by gender, major racial and ethnic group, English proficiency status, migrant status, students with disabilities compared to students without disabilities, and economically disadvantaged students as compared to students who are not economically disadvantaged. In addition, each local school district is required to publicize and disseminate the results of the annual review of all schools in individual school performance profiles to parents, teachers and other school staff, administrators, students, and the broader community.

Because Title I funds are received by every state, nearly every local school district (and every school district serving significant numbers of low-income and minority students) and two thirds of all public schools, the Title I requirements in this area will affect the reporting of test results in virtually every school and school district in the Nation. And, with respect to the public reporting of test results, they will accomplish exactly what we agree is needed.

In order to accommodate and support state and local efforts to raise academic standards and implement assessments aligned with the standards, Title I appropriately provides states with ample time to implement the testing and reporting requirements. Once the implementation deadline is reached, this Department will vigorously enforce compliance with it.

Based on experience and on conversations with state and local officials around the country, I am convinced that jurisdictions that participate in the national tests will report the results in a fashion consistent with how they will report the results of other test scores. The Council of Great City Schools has recently indicated that the cities participating in the national tests have pledged to do precisely that. Indeed, enhanced public accountability for schools compared with national standards and international benchmarks is clearly one of the main reasons for state and local interest in the national test initiative. State and local school officials in jurisdictions participating in the tests would be hard-pressed to justify a more restrictive and less informative reporting policy for national tests than for state and local tests.

Appropriately reporting individual test results to parents is as important as reporting aggregate results to the public. The Department of Education will undertake an aggressive campaign to help parents understand the reading and math standards on which the tests will be based, so they can have a very clear understanding of the kind of work expected of their children. Test publishers that provide the tests to states and local school districts will be required to provide the results to parents in easily understandable formats, including providing the test results and other appropriate information to parents in languages they understand. And the Department of Education's Office of Bilingual Education and Minority Languages Affairs will work with a group of urban school districts that enroll large numbers of LEP students to develop strategies and materials to help inform parents about the purposes of the tests, and to help prepare students to meet the standards.

Title I requirements will reinforce these efforts. Under Title I parent involvement provisions, each school and local school district is required to provide assistance to parents in understanding assessments and monitoring their children's progress, and to provide appropriate interpretations of individual student assessment results.

Accommodations for students with disabilities: I must respectfully disagree with your assessment that large numbers of students with disabilities are likely to be excluded from the assessment. We are working hard to make precisely the opposite the case, and I am committed to seeing these tests as a model for inclusion of students with disabilities.

Under our proposal, final decisions on inclusion guidelines as well as on the type and format of accommodations will be made by the National Assessment Governing Board (NAGB), after broad public participation and input. Our intention is that the national tests be a model for how to best accommodate students with disabilities and to be as inclusive as possible. I will urge NAGB to act in accord with this intent. And test publishers that provide the tests will be required to incorporate the approved accommodations and inclusion criteria into the tests.

The test development contractor, in consultation with test advisory committees and others will develop draft guidelines for the inclusion of students with disabilities, as part of the development and field test process. Studies of accommodations for students with disabilities will be conducted by the test development contractor, and will be included in the evaluation by the National Academy of Sciences (NAS). These studies will include examinations of the validity of the test results for students with disabilities tested with accommodations, using data from the 1998 field test. The NAS evaluation will examine the actual accommodations offered, and adherence to the inclusion guidelines during test administration.

The development and refinement of accommodations will also be informed by National Assessment of Educational Progress (NAEP) research on the most effective types of accommodations. Accommodations that will be considered during the test development and field test process include extended time and/or multiple testing sessions; one-on-one testing or small group sessions; the use of a scribe or computer; assistance with test directions (though not with test items); an audiocassette version of the mathematics test; a sign language interpreter; a microphone worn by the test administrator; the use of magnifying instruments; or other appropriate accommodations. Students with disabilities will receive accommodations as specified in the student's Individualized Education Plan developed under IDEA. Under the IDEA Amendments of 1997, students with disabilities must be included in assessments and each student's IEP must state the accommodations the student needs to participate in assessments.

Accommodations for limited-English-proficient (LEP) students: Similarly, we will strongly encourage NAGB to develop appropriate accommodations and inclusion criteria for LEP students.

Our proposal includes the development of a bilingual Spanish-English version of the mathematics test by 1999, and bilingual versions in languages other than Spanish in subsequent years. This will enable students to demonstrate their competency in mathematics regardless of their English language proficiency.

As you know, we have a difference of opinion regarding the language of testing for 4th grade reading. As I indicated in my September 3, 1997, letter to members of the Hispanic Caucus, in our proposal, the purpose of the 4th grade test is to test student proficiency in reading in English, not general reading comprehension. Therefore, we do not propose to develop the 4th grade national test in other languages.

As I also indicated in that same letter, we will work vigorously to assist states and local school districts in meeting the LEP-related assessment requirements of Title I, including assessing general reading comprehension in the language in which students can best demonstrate competency.

There are a number of high quality native language reading tests, and at least one that, according to its publisher, is by design based on the NAEP 4th grade reading framework and achievement levels and yields individual scores reported in terms of the NAEP achievement levels. Any district that, at its option, wishes to test LEP students in reading comprehension in terms that are consistent with NAEP, and would like to do so in coordination with its administration and reporting of the national reading test, already can do so.

In addition to these specific responses, let me also point out that President Clinton and I see these national standards and tests as an integral part of an overall strategy of improving education by raising standards and increasing our federal investments in education where they can do the most good. Since the beginning of this Administration, we have increased federal investments in elementary and secondary education by $4.1 billion, some 30%.

For example, since the beginning of the Clinton Administration, we have increased Head Start funding by 55% including the increase secured in the Bipartisan Budget Agreement. Title I and IDEA have both increased by more than $1 billion. We have initiated significant new funding for education reform in support of higher standards, with a total of $1.3 billion for Goals 2000 since its enactment in 1994, and we will continue to urge Congress to fully fund the Safe and Drug-Free Schools Program. We have provided substantial new resources to help schools use computers in the classroom, with $425 million secured this year toward a goal of $2 billion over five years. In addition, the FCC has approved a plan that will provide discounts worth $2.25 billion annually to help schools and libraries bring technology into the classroom and gain access to the Internet at a fraction of the full cost -- meaning a discount of up to 90% for our poorest schools. We are working to help ensure that these funds go to schools and classrooms most in need.

We have also made significant increases in higher education spending as well, including record increases in Pell Grant and work-study funding and $35 billion in tax cuts to help families pay for college.

In addition, for the coming fiscal year, we fought to ensure that the Budget Agreement included an effort specifically targeted to children who need extra help in learning to read, as well as a 27% increase in funding for bilingual education, to nearly $200 million, and a 50% increase, to $150 million, for immigrant education. We will continue to propose increases in the federal investment to strengthen education, including new initiatives such as President Clinton's five-year, $350 million initiative to attract and prepare nearly 35,000 talented people of all backgrounds for teaching at low-income urban and rural schools across the nation. The Administration will continue to push Congress to help address the serious need for renovating and building schools nationwide.

All of these investments are important, because they provide families and schools with resources to help all children achieve high standards. We need to challenge our students to reach high standards and challenge our schools to respond to their needs. At the same time that we press forward to raise standards for our nation's students, we will continue to fight for the necessary investments as well.

Yours sincerely,

Dick Riley

Richard W. Riley

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Education - civil rights issues

MEMORANDUM FOR ELENA KAGAN

THROUGH: Barry White

FROM: Wayne Upshaw/Leslie Mustain

SUBJECT: Materials on Proposed Riggs Amendment

Jack Lew asked that we provide you with the attached materials on the proposed Riggs amendment to the Labor/HHS/ED appropriations bill that would curtail civil rights enforcement in Education. Attached are the talking points that were developed with Ken Apfel, Bob Damus and the Department of Education, the relevant page of the House SAP, and some additional materials provided by the Department of Education on efforts to defeat the amendment.

If you have any questions about the materials or need additional information, please call Wayne Upshaw.

Attachment

cc. William P. Marshall

MARK / CHERYL

F. Riggs, m.c.
CA-01

4 pages

Amendment to H.R. 2264, as Reported
Offered by Mr. Riggs of California

Page 103, after line 24, insert the following new section:

SEC. 518. (a) LIMITATION ON USE OF FUNDS FOR ADMISSIONS PREFERENCES IN PUBLIC EDUCATION.—None of the funds made available in this Act may be used by the Department of Education to withhold any financial assistance, or to impose, administer, or enforce any other penalty, sanction, or remedy, for the refusal or failure of a Federal grant recipient to enforce a preference or affirmative action plan based on race, sex, color, ethnicity, or national origin for admissions to public educational institutions.

(b) APPLICABILITY.—The limitation established in subsection (a) shall apply only to Federal grant recipients located in a State in which the enforcement of such a preference or plan is prohibited by the laws of the State or by an order of a Federal court.

Talking Points on Riggs Amendment on Affirmative Action

The amendment would prohibit the Department of Education's Office for Civil Rights (OCR) from enforcing Title VI of the Civil Rights Act or Title IX of the Education Amendments of 1972 in admissions to public elementary and secondary schools, as well as colleges and universities, by withholding funds or imposing any other remedy based on the school or college's failure to implement "preferences" or an "affirmative action plan" in States where such are prohibited by State law or a federal court order.

The Administration strongly opposes this extreme amendment for the following reasons:

* It would generate extensive, costly, and prolonged litigation regarding its scope and impact on OCR's enforcement of the civil rights laws.

* It is based on a misunderstanding of OCR's authority and role. OCR does not require schools to undertake voluntary affirmative action. A school or college would be required to use affirmative action only to remedy discrimination.

* The effect of the amendment would be to bar the Department from remedying even the most blatant cases of discrimination in admissions.

* It is based on a misunderstanding of OCR's investigation of the University of California, which is not questioning the State's authority to eliminate voluntary affirmative action.

* It would authorize a crazy quilt of civil rights enforcement by OCR -- contrary to the longstanding national policy of uniform application of the civil rights laws -- by permitting States to go further than California in explicitly banning all use of preferences or affirmative action to remedy past discrimination by State schools.

* Beyond the area of civil rights enforcement, it would raise serious questions about the uniform application of statutory provisions in grant programs that involve affirmative action.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 4, 1997
(House Floor)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2264 – DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1998

(Sponsors: Livingston (R), Louisiana; Porter (R), Illinois)

This Statement of Administration Policy provides the Administration's views on H.R. 2264, the Department of Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill, FY 1998, as reported by the House Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The Committee has developed a bill that provides requested funding for many of the Administration's priorities. We are pleased that the Committee has fully funded Bilingual and Immigrant Education, School to Work, Head Start, Technology Literacy Challenge, 21st Century Community Learning Centers, the targeted portion of the Title I formula, and education statistics and assessment. The Administration is also pleased that the Committee has limited the number of appropriations riders, consistent with the terms of the Bipartisan Budget Agreement. The House is urged to continue this practice.

As discussed below, the Administration will seek restoration of certain of the Committee's reductions. The Administration is committed to working with the House to identify reductions in the bill in order to find offsets for the restoration of funds that the Administration seeks. For example, the Committee bill provides nearly $1 billion more than the President has requested for more than two dozen authorities in the Department of Education, while cutting the President's request by over $1 billion. We strongly urge the House to reduce funding for lower priority programs, or for programs that would be adequately funded at the requested level, and to redirect funding to programs of higher priority, particularly, as noted below, those contained in the Bipartisan Budget Agreement.

Unfortunately, the Administration understands that a number of controversial amendments may be offered, such as an amendment to halt the President's national testing initiative, an amendment to prohibit the use of funds in the Act for supervising the Teamster's election, and another amendment to prohibit the Education Department from enforcing federal laws against discrimination in public education admissions through affirmative action or preferences in any State where affirmative action or preferences are prohibited by State law. In addition, certain provisions of the Committee bill, such as the lack of funding for the President's America Reads Challenge, are contrary to the Bipartisan Budget Agreement. If such policies were adopted, particularly in light of other concerns raised in this Statement of Administration Policy, the President's senior advisers would be forced to recommend that the President veto the bill.

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

THOMAS E. MOONEY, SR.
CHIEF OF STAFF — GENERAL COUNSEL

JOSEPH V. WOLFE
STAFF DIRECTOR — COUNSEL

(202) 225-3951
http://www.house.gov/judiciary

JULIAN EPSTEIN
MINORITY STAFF DIRECTOR

September 8, 1997

Dear Colleague:

As members of the Committee on the Judiciary, we are writing to urge you to oppose the Riggs Amendment to the Labor-HHS-Education Appropriations Act for FY '98. The amendment would prohibit the Department of Education's Office for Civil Rights (OCR) from enforcing Title VI of the Civil Rights Act or Title IX of the Education Amendments of 1972 in admissions to public schools, colleges and universities. Specifically, the Department would be prohibited from withholding funds or imposing any other remedy based on the school or college's failure to implement affirmative action plans in States where such are prohibited by state law or federal court order.

The Riggs amendment is based on a misunderstanding of OCR's authority and role in the Department. OCR does not require schools to undertake voluntary affirmative action. In fact, a school or college would be required to engage in affirmative action only to *remedy* discrimination.

We are opposed to this extreme amendment because it would prohibit the Department from enforcing federal anti-discrimination provisions relating to federal grants for education programs and activities. The Department would be unable to remedy even the most egregious and blatant cases of discrimination in admissions. It would prohibit OCR from enforcing federal civil rights laws in all fifty states, raising serious questions about the uniform application of statutory provisions in grant programs that involve affirmative action. We have already seen the devastating impact of Proposition 209 on minority enrollment in California law schools. The Riggs amendment would allow states to go even further than California in explicitly banning all use of preferences or affirmative action to remedy past discrimination by State schools.

We hope you will join us in voting against the Riggs amendment.

Sincerely,

John Conyers, Jr.

Barney Frank

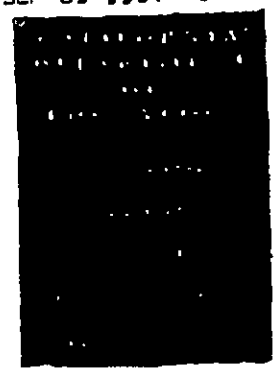
Melvin L. Watt

Zoe Lofgren

Martin T. Meehan

William D. Delahunt

Robert Wexler



DELAINE EASTIN

State Superintendent of Public Instruction

September 9, 1997

The Honorable George Miller
U. S. House of Representatives
2205 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Miller:

It has come to my attention that Congressman Frank Riggs has introduced an amendment to H.R. 2264 to prohibit the U.S. Department of Education from withholding funds or imposing sanctions against a federal grant recipient who either refuses or fails to implement affirmative action requirements and plans. The Riggs amendment specifies that it is only applicable in states where there is a state law or federal court order against affirmative action. The passage of Proposition 209 makes California the only state to be affected by the Riggs amendment.

As California's State Superintendent of Public Instruction, I write to you and your colleagues to oppose the Riggs amendment to H.R. 2264. If adopted, the Riggs amendment will diminish equal educational opportunities for racial minority and female students by tying the hands of the U.S. Department of Education to enforce anti-discrimination education laws.

The Riggs amendment does not alter federal affirmative action requirements. Proposition 209 provides that state and local entities can continue to implement affirmative action programs and plans in order to be eligible to receive federal funds. The Riggs amendment unnecessarily invites public educational institutions in California to cease affirmative action programs when there is no federal requirement to do so.

While at first blush it appears to be very appealing, the Riggs amendment will precipitate divisive litigation by certain groups of California citizens who will feel that they have been denied equal protection under federal law. Whereas citizens in other states can look to the U.S. Department of Education to enforce federal affirmative action laws and plans, California citizens will have no such recourse.

I urge you and your colleagues to reject the Riggs amendment. The Riggs amendment does not promote equal education opportunities for California students; it only confuses anti-discrimination enforcement in education. If you have any questions, please contact me or have your staff contact Henry Der, Deputy Superintendent, External Affairs Branch, at (916)657-5360. Thank you.

Sincerely,

DELAINE EASTIN
State Superintendent of Public Instruction

cc: California Delegation to the House of Representatives

THE PRESIDENT HAS SEEN
6-4-97

Copied
Reed
COS

Race/Ethnicity: Education - civil rights issues

Study on Education of Blacks Finds Problems

By WILLIAM H. HONAN

A new reference book devoted to the preschool and secondary-school education of black students offers less that is encouraging than an earlier volume about higher education. Both are part of a planned three-part series.

"The news in this volume is not as good as it was in the first," said William H. Gray III, president of the United Negro College Fund, which raised $5 million to support the publications.

"The first volume showed things like the remarkable growth in the college graduation rates of black women," he said. "This study has more negatives. Our next task is to find out why."

The 370-page book, being released today in Washington by the college fund's Frederick D. Patterson Research Institute, compiles, but does not analyze, decades of information from 40 archives. The first volume was released in March and the third, to be published this summer, will focus on the transition of black students from high school to work or to college.

Michael T. Nettles, a professor of education on leave from the University of Michigan who has devoted nearly a year to the project, said there were a number of unexpected revelations in the latest volume, which used data gathered through 1994, including:

¶Contrary to the widespread belief that black students are a dominant presence in urban public schools, Mr. Gray said, less than one-third of black public school students attend schools in large cities.

¶Young black children participate in preschool programs at a higher rate, or 53 percent, than white students, who represent 44 percent.

¶Black preschoolers display abilities comparable with those of white students in verbal memory, social behavior, and physical development, but fall behind in vocabulary skills.

¶Black students are more fearful of physical harm at school than whites, and must cope with more security guards, gangs, weapons and metal detectors. And more black students in suburban schools worry about being harmed while traveling and from school.

¶Although blacks are 12.5 percent of the population of the United States, they represent more than 16 percent of all public school students. The graduation rate of African-American students, however, is lower — 12.5 percent, in proportion with their percentage of the population.

¶Black students represent a disproportionate 28.7 percent of students in special education schools.

The compilations were conceived by Mr. Gray, a former Congressman from Philadelphia who became the first black House member to serve as the Democratic whip.

"Congressmen, policy-makers and others can't do their jobs unless they have this raw material available to them," he said.

Sources in the book include the Department of Education, the Census Bureau and the National Science Foundation.

Corrections

An article and an entry in the News Summary yesterday about Malcolm Shabazz, the 12-year-old grandson of Malcolm X who is accused of having set the fire that critically injured the boy's grandmother, referred incorrectly to a court hearing in the case on Monday. It was a detention hearing, to determine whether the boy would remain in custody; technically, there are no arraignments in Family Court. The summary also misstated the status of the hearing. It was adjourned until yesterday; it was not completed on Monday.

In addition, articles yesterday and on Monday misstated the date of Malcolm X's assassination. It was Feb. 21, 1965, not May 21.

■

An article yesterday about the survivors of the Oklahoma City bombing misstated the number of days a 5-year-old boy, Brandon Denny, spent in intensive care for his injuries. It was 71 days, not 17.

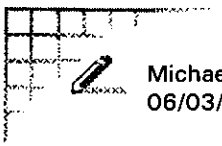
An art review on Friday about an exhibition of works by Joaquín Torres-García at the Jan Krugier Gallery in Manhattan through July 30 misstated the gallery's address. It is at 41 East 57th Street, not East 57th.

■

The credits with a television review yesterday about "Bill Clinton: Rock 'n' Roll President" on VH1 misstated the given name of the program's Washington producer. She is Joy Roller, not Jay.

The New York Times
WEDNESDAY, JUNE 4, 1997

Educatin - civil rights issues



Michael Cohen
06/03/97 06:42:56 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Laura Emmett/WHO/EOP
Subject: Wade Henderson

I got your message about going to the Wade Henderson meeting at ED this evening; I also got a voice mail message from him inviting me to come as well. I didn't get back to my office and get either of your messages until 5:45. Here is what I did:

1. Called Wade's office to find out where the meeting was being held; he was gone and they didn't know. I made sure they got the message that we were trying to be responsive.

2. After several calls, found out that they were meeting with Mike Smith (I got to Mike at 5:59). They are meeting about a teacher licensure basic skills test in California. (C-BEST) You need to be aware of the issue, because it may come our way.

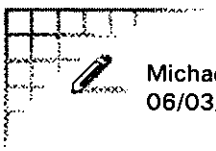
Several years ago a number of civil rights groups went to court (or to the EEOC, I'm not sure which) seeking to stop the test because minorities have a higher failure rate than whites. The Justice Department civil rights office was considering taking the side of the plantifs in the case. A number of us at the Education Deparment met with the Justice staff and argued strongly against this step, on the grounds that we ought to be supporting higher standards for teachers, not opposing it. Whatever the reason for the higher failure rate for minorities, the test if anything was too easy and there was no good reason to let teachers who fail it teach kids. We prevailed, and Justice stayed out of the case.

The civil rights groups lost the case. They have asked EEOC to file an appeal. ED is taking the same position now with EEOC as it previously took with Justice. I think Wade was coming into to try to get the Department to change its position.

I agree with ED's position (since I helped formulate it), and I didn't see much merit in rushing over to ED in order to oppose Wade's position. Unless the facts have changed over the years, I think ED is on the right side and he is on the wrong side of the issue; if in fact EEOC decides to file an appeal, and I would argue that we try to stop their effort.

Given that it was a minute before the meeting was scheduled to begin, I thought the best course of action was for both of us from the White House to be unavailable, but seen as trying to be responsive to Wade's request to show up on short notice. I asked Mike to let Wade know that neither of us was able to make it on short notice. I'm sure Wade will come directly to us if he wants to, and we can deal with him then.

Educ - Civil Rights Issues



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Education - Civil Rts issues

8-25 Wade Henderson

Suit in CA - MALDEF rep'ing Latino + black teachers
CA test for teacher certificati-
Pending in 9C Dist Ct - favor of test
Arg: discriminatory test
Fed govt - in 9th Cir - amicus brief?
EEOC - wants to say: file in favor of π
not properly validated
ED - doesn't want to file
on merits;
but also implicates Admin's testing pos.
Civ Rts Div - tried to avoid - time has run (which it has)
~~but~~ But 9C would accept.
These matters - where divided - go to SG's office for review.
2 Issues: bc of policy implics, it would be a waste of time to go see him alone.
Needs to be broader conv.
Come back to White House
Mtg w/ all other ags -
General policy

Please make inquiry YES.
Mtg involving agencies - w/ me. ?
Present facts //

Will touch base w/ me on Friday

Ed - Civil Rts issues

EC/Mike

-BR

REVIEW & OUTLOOK

Hurry Up Already

Other cities have Mardi Gras, carnivals or swallow-watching festivals. New York City has school board elections. Every three years, all 32 districts vote in board members who appoint district superintendents and principals. The vote counting requires the attendance of large police forces for a week and the spending of millions of dollars.

Not many people actually show up for the farce. The latest turnout was at best a measly 5%. But many who do can expect to be well rewarded by a patronage mill grinding out favors, appointments and bribes.

One character was videotaped making a down payment of $2,000 for a principalship. Another superintendent spent $1,200 for a professional photographer to take portraits of himself and other board members and $54,000 on leadership training seminars in a district populated by poor children whose abysmal scores in reading and math saw no improvement.

Can anything be done to change a system that seems to shortchange so many of the system's 1.1 million students?

Astonishingly, the answer is yes. Since his arrival as schools chancellor in 1995, Rudy Crew has been struggling to wrest control of the appointment process, trying to reverse the 30-year history of decontrol that ceded power to elected community school boards. Last December he was given that power when the New York State Legislature signed a reform bill letting the chancellor take charge of a system clearly failing its youngsters. A broad political coalition voted for the change, spearheaded by the Democratic Assembly with its strong minority caucus.

Normal people may think it is perfectly sensible to finally give the chancellor the means to do his job, which is to ensure that schools meet local and state standards. And this is possible only if the chancellor is able to appoint the superintendents who run the districts. But right now the chancellor—along with all caring parents—is holding his breath as the new law is being picked over in the vast bureaucracy of the Justice Department in Washington.

The Department is obsessing over the Voting Rights Act. At issue for the lawyers at the civil rights division (the D.C. schools outside their own windows, incidentally, are a shambles) is whether the powers and duties of the school boards will be redistributed to the point that the authority of "minority interests" is eviscerated, and so in violation of the Voting Rights Act.

The city is arguing that in fact the districts retain substantial authority. Not only will the chancellor have to select superintendents from a list provided by the boards (though he has the right to request more names), but the school boards can also block contract renewals.

What this hardly far-reaching law will finally prevent are the kind of abuses documented for years in surrealistic detail by a team of investigators working for independent special commissioner Edward F. Stancik. In the latest report released in December 1996, the commissioner detailed the conflicts of interest and fraud in community school district 12. The grotesque cast of characters include a board member who used false addresses and borrowed a relative's child to maintain a position on a board to which she hoped to help appoint as superintendent a hack who had been a failure as principal in another district.

That's the way the New York City system can work right now: someone who ran a failing school qualifies for even greater responsibilities.

Bill Clinton, as is well known, widely promised to be a New Democrat, a Democrat willing to break with the failed policies of the past in the interest of genuine opportunities for such traditional constituencies as poor, minority school children in places like New York City. This modest school reform devised by the political system of New York could justifiably be called a "New Democratic" idea. For the civil rights division to now start chewing on this reform suggests, at best, that Mr. Clinton doesn't know or much care what goes on in his own Administration.

For its part, the Justice Department has promised to expedite the review process. But the law is meant to go into effect on April 1, and Chancellor Crew must start hiring school superintendents now if the system is not meant to devolve into chaos. April 1 is Tuesday. We hope fools will not prevail.

THE WALL STREET JOURNAL
FRIDAY, MARCH 28, 1997

ED-

Madeleine 'K' Clemens

The photographs on the front of yesterday's New York Times and Washington Post of Secretary of State Madeleine K. Albright throwing out the first pitch in Baltimore suggest that she may be the best politician-pitcher ever to perform this august honor (okay, April honor, though that sounds sort of sexist). Her pitching form appears eerily correct.

Madeleine Albright

In the Post photo, she's got the ball back behind her at full arm extension—unlike the average President who under-extends, draining any possibility of velocity or control. Secretary Albright's left arm, meanwhile, is properly forward for balance (though we suspect her trunk was slightly under-rotated). She appears to be throwing a palm ball, a nice choice, we think, for a diplomat.

Then in the Times photo, she has released the ball, her extended arm is falling out and forward comfortably, the appropriately relaxed fingers suggesting a "quiet" release. Her left foot nicely takes her body's forward moving weight, her left arm has been pulled in toward her body to break the momentum, and her right foot has risen onto the toes to maintain balance. Of critical importance, her head appears to have remained steady and her eyes focused on the target throughout, unlike the average Presidential hurler, whose head usually flops from far right to far left in the short span of a single pitch. The figure who Secretary Albright most resembles in our mind's eye is Early Wynn of the 1954 Cleveland Indians. Mr. Wynn is in the Hall of Fame at Cooperstown.

Bravo, Secretary Albright. With any luck, you'll be able to maintain this fine form as you move forward in life, albeit in a league that attracts a smaller, less committed audience than baseball. And who knows? If the scouting reports are really good, perhaps ESPN will let you do a commercial for SportsCenter.

ED - civil rights issues

New York's Progress

The Justice Department's civil rights division announced this week that it wouldn't block a new state law giving New York City's Schools Chancellor more authority over the selection of local superintendents, which effectively means more control over the critically important position of school principals. The possibility that Justice would thwart this bipartisan reform as a threat to "minority interests" was the subject of an editorial here last Friday. Justice's decision is good news. Reading scores for the city's 1.1 million school kids keep falling, while the city's powerful community school boards have seemed preoccupied with maintaining their often corrupt sinecures. Now Chancellor Rudy Crew will get the authority to try to change that. Justice's decision reflects a growing understanding that what the nation's schools need can't be found in any courtroom.

Remarkably, the school news was good twice for New York this week. A small measure of safety was returned to schoolrooms when the state's highest court threw out a lower court ruling in the notorious Juan C. case. As chronicled on this page February 4 by our Max Boot, Juan was a 15-year-old student who brought a gun to his Bronx high school. The weapon was confiscated, but a mid-level appeals court held that it was illegally seized and couldn't be used as evidence to discipline Juan. This opinion, written by Justice Joseph Sullivan (recently reappointed to the bench by Governor George Pataki), was the first to apply the exclusionary rule to school disciplinary proceedings in New York—triggering public outrage.

The state Court of Appeals ruled unanimously that Juan could be disciplined, but only because the New York City school board hadn't participated in the Family Court proceeding that concluded his gun had been unlawfully seized. As to whether the exclusionary rule applies to schools, the court was mum. Instead the justices pleaded with schools to respect "the rights of the many thousands of law-abiding students." Presumably this means schools can seize students' guns, and officials bearing responsibility for the schools are so interpreting the ruling. But this is New York, so ensuring that the guy sitting in the next desk isn't holding a trigger instead of a pencil must be done in a way that doesn't offend the sensibilities of liberal judges.

THE WALL STREET JOURNAL
FRIDAY, APRIL 4, 1997

The Uncertainty Principle

After the Federal Reserve Bank raised the Fed Funds rate 25 basis points last week and after the Dow Jones Industrial Average then plummeted hundreds of points, everyone from Mom and Pop to the trading titans has been asking: What next?

Here are the answers. Charles Clough, chief investment strategist for Merrill Lynch: "I haven't the slightest idea." Anthony Conroy, head of stock trading for Bankers Trust: "No one's trying to grab hold of a falling knife." Or, as one of our own columnists summed up the short-term market outlook: "I haven't the foggiest idea."

Welcome to Fed World, a world where investors, like the crew on some modern Odyssey, must navigate in a state of almost perfect uncertainty—specifically uncertainty about what principles guided the Fed's decision last week to raise interest rates.

We all thought we knew the current rules. Chairman Greenspan had said previously that his own navigational tools consisted essentially of several guideposts: foreign exchange, the yield curve and the price of gold. Each measure has been relatively steady, and the yield curve relatively flat. In all, this looked to us like a Fed prudently using forward-looking market price activity as its lodestar. If the Fed tightened, one at least knew what to think about.

Then suddenly, in Mr. Greenspan's famous phrase, the Fed branded the stock market "irrationally exuberant." And as suddenly on Capitol Hill, Mr. Greenspan was talking about "tight labor markets," inflationary pressures and such.

Instead of discernible guideposts, we were again in the exotic world of the Phillips Curve, where a hard-rowing, wind-at-its-back economy always produces inflationary "pressures," which the Fed must vent by putting a too-eager economy to sleep for awhile. And indeed by yesterday's close, the Dow Jones average was off more than 600 points since the break, or nearly 9%.

The market itself seems hardly impressed with the central bank potions it was just administered. Nipping inflationary pressures is not evident from long-bond yields this week. Indeed the nascent market in the Treasury's new inflation-index bonds also reacted adversely: On March 24, the day before the Fed tightened, the spread between 10-year indexed bonds and regular 10-year bonds was 322 basis points. Yesterday the spread was 330.

In short, the Fed's recent performance in toto—the public commentaries, then the tightening—has injected significant uncertainty into the market. Not surprisingly, premiums are being demanded for that uncertainty. Can this be what Mr. Greenspan wanted?

One result of the past few weeks' experience is that a broad swath of the investor world—including the little guy—is yelling at Chairman Greenspan for his remarks. But don't yell at Alan Greenspan, yell at the Republican Congress.

The Humphrey-Hawkins Act of 1978 requires the Fed to consider—and the Chairman to publicly talk about—not only prices but also "developments in employment, unemployment, production, investment, real income, productivity, international trade and payment. . . ." This everything-under-the-sun mandate is the real source of the uncertainty.

For several years now, Senator Connie Mack has offered a bill that would get the Fed out of the business of targeting the whole wide world and back to targeting price stability. The Mack-Saxton bill will be re-introduced next month. We're told its chances of passage are about zero.

The reason is that many in the new Republican majority are afraid that someone like Senator Sarbanes or Congressman Gephardt will go on TV Sunday morning and say those terrible Republicans are "against full employment." That's pretty much it—politicians afraid to fix a bad law because someone somewhere might go on TV and say something mean about them.

But just now the political chance is at hand to rationalize the Fed's mandate; events of the past few weeks clearly rankled many people. Yes, it may have been that the stock market was so high that a big, sudden sell-off was likely. Or that the Fed might choose to tighten. But amid these otherwise normal expectations, one question hangs over the 600-point fall: What was the Fed's rationale for its action?

So long as the Fed is asked to target an entire market-driven economy whose size, speed and complexity is clearly beyond the ken of any one mind, expect more uncertainty, more volatility and more investors of capital, when asked, replying, "I have no idea."

THE WALL STREET JOURNAL
FRIDAY, APRIL 4, 1997

Statement by the President regarding Justice Department intervention in New York City school reform

I strongly supports vigorous efforts to ensure voting rights for all Americans. The right to vote is fundamental to the exercise of all rights and responsibilities of citizenship. However, I disagree with the decision of the Justice Department to prevent the implementation of legislation to overhaul New York City's school system. I believe that decisions about the authority of local school boards are fundamentally education policy issues, not voting rights issues.

Strong leadership and clear accountability are essential components of the hard and important work of improving our urban schools. There are times when new governance or management arrangements are necessary steps to provide every child with access to a quality education. The appropriate authorities in New York State agreed, after much deliberation, that this is one of those times, for the benefit of students in New York City. In recent years, similar decisions have been made in Chicago and other cities throughout the country. In the future, similar decisions will not doubt be made in other states and cities.

We must keep our focus where it belongs -- on our students and their future. Every student has the right to [must have] a good education. We cannot let disputes among adults about who should govern and who should manage detract from the responsibility [we all have] to provide a good education for the students. They deserve better, and we must provide it.

Therefore, I have:

Option 1: directed the Attorney General to [rescind whatever Justice did] and permit the legislation overhauling New York City schools to take effect.

Option 2: directed the Attorney General to review the decision of the Office of Civil Rights and to overturn it or provide me with a clear and compelling rationale for its action.

Option 3: meet with me immediately and explain its decision, so I can determine whether to order it to be overturned.

Fw- ED - nyc Voting Rights Issue

F.6: ED - voting rights

Seeing Threat to His Plan, School Chief Lobbies U.S.

Civil Rights Inquiry Threatens New Powers

By JACQUES STEINBERG

Worried that the Justice Department will stand in the way of the most significant overhaul of New York City's school system in a generation, Chancellor Rudy Crew urged Federal officials yesterday to allow the hard-won law to take effect, as scheduled, on April 1.

Dr. Crew said he told Justice Department officials that the law, which gives him broad new powers over local school districts, was vital to his efforts to improve the academic performance of New York's vast and troubled school system. But Federal officials are examining whether the changes would violate the rights of minority-group voters by giving the Chancellor powers now held by elected local school boards.

State officials in New York, where legislators enacted the school-overhaul law after years of political battling, also urged the Justice Department not to block the effort. "This law is clearly going to help New York kids, and the minority kids who make up a large percentage of our schools, to have better schools with better leadership," Gov. George E. Pataki said in an interview. "They have got to conclude that this is in the best interests of the kids. To find otherwise would be an outrageous misreading of the civil rights law."

Even if the Justice Department eventually approves the new law, state and school officials expressed fear that the Federal review could cause such delays that it would weaken the Chancellor's ability to exercise his new powers.

The intervention by Federal officials is but the latest bump in a rocky road to school reform that has spanned more than 30 years, from the 1960's — when minority groups demanded a leadership role in their neighborhood schools and got it, in the form of 32 elected school boards — to the recent calls by others to rein in those same boards because they have become largely ineffective.

Last week, officials of the Justice Department's Civil Rights Division said they were reviewing the new law to determine whether it violated the Voting Rights Act. The question they must answer is whether, in transferring much of the authority of the city's locally elected school boards to the Chancellor, the new law dilutes the power of minority-group voters, including their say in the hiring of local superintendents.

In curbing the powers of the local boards, the new law is intended to root out the patronage and corruption that have permeated many districts since the school system was decentralized in 1969.

Until last week, city and state officials hoped that the Justice Department would review only a few technical provisions of the law directly related to voter and candidate qualifications for school board elections. But the Justice Department informed the Chancellor in a letter last week that it planned to review the entire law, including provisions on the Chancellor's hiring powers.

Federal officials said that the city had only submitted part of the law for review when it was first passed had slowed the approval process.

New York officials insisted yesterday that the Justice Department did not have the authority to review the entire law, and said they would probably appeal an unfavorable decision to the Federal courts.

The Justice Department warned the Chancellor yesterday that its review could take two months or more. The three-year contracts of nearly all 32 local school superintendents expire at the end of June, and until the Justice Department issues its ruling, the old law remains in force, meaning local school boards would retain their hiring power.

"I think the matter is very grave," the State Education Commissioner, Richard P. Mills, said. "The most important early move in implementing the law is to deal with the contracts for the superintendents. The Chancellor has to have a free hand in making those changes."

The 32 district boards administer all of the city's elementary and junior high schools, with 750,000 children. Under the new law, which took years to negotiate, the boards would be stripped of all of their hiring duties, with the Chancellor assuming final authority for appointing district superintendents and evaluating their performance. The superintendents would then be responsible for selecting principals, aides and other school employees, and the boards would play only an advisory role.

A law giving the chancellor a stronger hand may violate the Voting Rights Act.

During a 90-minute meeting yesterday afternoon in Washington, Dr. Crew made his case to several high-ranking Justice Department officials, including the Deputy Assistant Attorney General for Civil Rights.

"He said this wasn't a power grab," said Stephen Allinger, the board's chief lobbyist, one of five aides who accompanied Dr. Crew. "It was about how you provide services to children who in many cases haven't received adequate education because there was no accountability for performance."

A Justice Department spokeswoman, Carole Florman, said Dr. Crew's request for a speedy review was taken under consideration, but that Justice Department officials had 60 days to make a decision.

Mr. Allinger said Dr. Crew had argued at the meeting that he did not believe that the new law violated the rights of any voters. Dr. Crew said that, under the new law, board members would still play important roles: not only would they set educational policy, he said, but they would also submit the names of up to four candidates for superintendent to him, for his selection.

But Justice Department officials said they shared the concerns of some local board members, who feel that the remaining powers were so diluted that the law represented the de facto replacement of elected members.

Civil Rights Division

ED - voting rights

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

IKF:CKD:PAH:tlb
DJ 166-012-3
97-0641

MAR 0 6 1997

Patricia L. Murray, Esq.
Deputy Counsel
New York State Board of Elections
Swan Street Building, Core 1
6 Empire State Plaza, Suite 201
Albany, New York 12223-1650

Dear Ms. Murray:

We understand that Chapter 720 (1996) contains provisions, including but not necessarily limited to Sections 4, 5, 7, 9, 14, and 15, that result in the de facto replacement of the elected community school district boards with appointed entities for the New York City Board of Education in Bronx, Kings and New York Counties, New York. Such replacements are voting changes. See Allen v. State Board of Elections, 393 U.S. 544 (1969), Presley v. Etowah County Commission, 502 U.S. 491 (1992), Texas v. United States, 866 F. Supp. 20 (D.D.C. 1994).

Our records fail to show that these changes affecting voting have been submitted to the United States District Court for the District of Columbia for judicial review or to the Attorney General for administrative review as required by Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, although a number of voting changes enacted by Chapter 720 (1996) were submitted for administrative review on February 10, 1997 (our File No. 97-0459). It is necessary that these unsubmitted changes either be brought before the District Court for the District of Columbia or submitted to the Attorney General for a determination that they do not have the purpose and will not have the effect of discriminating on account of race, color, or membership in a language minority group. Changes which affect voting are legally unenforceable without Section 5 preclearance. Clark v. Roemer, 500 U.S. 646 (1991); Procedures for the Administration of Section 5 (28 C.F.R. 51.10).

The corporation counsel's office has indicated that at least some of the provisions that affect voting that have not been submitted for Section 5 review took effect immediately after Chapter 720 became final; we understand, furthermore, that the city is preparing to implement these changes. In prior discussions and correspondence between our office and counsel for the city and city school district, we have indicated that

preclearance under Section 5 must be obtained prior to implementing changes affecting voting and that unless a declaratory judgment is received from the United States District Court for the District of Columbia or the Attorney General interposes no objection to the proposed changes, they are legally unenforceable.

If the proposed changes are now being implemented without Section 5 preclearance, their implementation is in violation of Section 5. Accordingly, to enable us to meet our responsibility to enforce the Voting Rights Act, please inform us within one week of this letter whether the proposed changes are being implemented and if so, whether they will be submitted to the Attorney General for administrative review or a declaratory judgment will be sought from the District Court for the District of Columbia. If you have any questions, you should call Colleen Kane-Dabu (213-894-2931) of our staff. Refer to File Nos. 97-0459 and 97-0661 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,

Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division

By: Elizabeth Johnson

Elizabeth Johnson
Chief, Voting Section

cc: Jeffrey D. Friedlander, Esq.
First Assistant Corporation Counsel

Stephen Lewis, Esq.
Senior Legislative Counselor

Fax to Mike Cohen P.2/2
Copy to Jennifer Davis
35

LOS ANGELES TIMES MAR 19 1997

U.S. Probes Takeover of District

■ Education: Justice Department reviews state supervision of Compton schools for reduction in voters' rights.

By JEFF LEEDS
TIMES STAFF WRITER

Lawyers from the U.S. Justice Department are reviewing California's 1993 takeover of the Compton school district to determine whether state officials jeopardized the voting rights of city residents when they reduced the powers of the local school board and later tried to block the appointment of a new board trustee.

Federal officials from the Justice Department's civil rights division have requested copies of reports on the district's academic and financial troubles as well as documents outlining the reasons the state reduced the local school board to an advisory panel and installed a state-appointed administrator to run day-to-day operations.

"We're gathering information to see what, if any, action we could take," said Justice Department spokesman Myron Marlin.

A provision of the federal Voting Rights Act, the landmark civil rights legislation born of the march on Selma, Ala., in 1965, bars states from taking actions that affect the voting powers of racial minorities. That law, according the Justice Department's interpretation, applies to state takeovers of school districts because of the resulting loss of power among locally elected trustees. Depending on the outcome of its review, the Justice Department could sue the state, negotiate a settlement to limit state authority over Compton schools, or do nothing.

State Education Department officials said they had not received notification of the Justice Department's involvement and declined to comment Tuesday.

School board President Saul E. Lankster praised the Justice Department, saying he hoped it would "stop (state Supt. of Public Instruction Delaine Eastin) from denying our community and its citizens their rights under the Constitution."

A Justice Department spokesman cautioned that the review is preliminary and acknowledged that attorneys are entering uncertain legal territory. The section of the Voting Rights Act that provided a legal basis for the Justice Department's other inquiries into school district takeovers only applies to specific states and counties and does not include Los Angeles County.

In addition, the department's authority to review school district takeovers is being challenged in court. Last June, Texas education officials filed a lawsuit arguing that they should be exempt from the federal review requirement in part because school district takeovers do not have a "direct relation" to voting rights. The lawsuit, still unresolved, came after the Texas Education Agency announced plans to install a management team to run the troubled Wilmer-Hutchins school district in south Dallas.

California education officials took over Compton Unified in 1989 when the 28,000-student district discovered it could not meet its payroll. The Legislature voted to loan the district $20 million, and as a condition of the initial loan, the state Department of Education appointed an administrator with broad powers to oversee everything from the curriculum to the personnel department. The seven-member school board has continued to meet, but no longer has power to make policy.

L'Tanya Butler, an attorney who recently represented three Compton school trustees who sued the state Department of Education in an unsuccessful attempt to regain control, said state officials "crossed the line" when they nullified the authority of the district's elected board. "Part of the problem with the state takeover is that there are no rules. We don't know when they're going to leave. It'd be wonderful if the Justice Department came in and found a way to overturn the takeover, but at the very least they may set out some rules. I think it's very encouraging."

Three new Compton school board members were elected in 1993. In November 1994, the board voted to fill a seat vacated by Lynn Dymally, who was removed from the panel after she failed to attend several board meetings. The board dismissed the candidate who received the top rating of a screening committee and instead selected Lankster, a Compton flower shop owner.

But Eastin rejected his appointment, saying he was unfit for the job. Lankster had served on the board from 1977 to 1981, but was convicted in 1985 of falsifying truancy and school diplomas. The seat remained vacant until the November 1996 election, when he was elected.

Lankster, now president of the board, contends Eastin reduced the power of Compton voters.

"The people who appointed me were elected," he said. "It's not up to Delaine Eastin to decide who is fit to serve in my community."

State officials now face another decision on how to fill a seat left vacant by the death of board member Sam Littleton in January. Lankster and other board members want to appoint a replacement.

But Randolph E. Ward, the state's administrator in Compton, said through a spokesperson that the seat will be kept open until the November election.

ED – voting rights

ED - Civil Rights Issues

Civ Rts Workshop Conference

1. Ed plan - inadeq addressing ? of color / poor people.
   a. Standardized testing - not opposed, but concerned.
      believe in hi expectations.
      i. have to give kids opp to pass - curric/resources q's not same. dumbed down.
      can't limit Fed govt's role - have to take role in whatever some opp is there.
      ii. Can't use test as gatekeeping function - to prevent studs from getting further opps.
      iii. validity of test
      iv. Some sch dists may try to exclude some kids so they can keep test scores high

wk/ yes MS - Do deeper mtg on test itself - come to Dept.
We will launch 2 civic campaigns - around reading + math - to get kids ready.
mobilizing p. to do this / test is a catalyst - will make p. think abt inequities -
we've tolerated tremendous inequities in ed syst.
Push for =ity.
MC - Investments - Title I funds
investment strat/ as well as pub campaign.
best practices - re use of T. I funds
teacher training programs
technology.
- Danger of reinforcing notion that these kids are un-teachable
Pat R - How to talk about what we're giving $ to do for p. who don't pass these tests - not just what are we

going to do to get kids to pass.

11. Funding issues related to testing
Constructive proposal tonight. Safe secure accessible
Dremit address - T.I funding /
qualify teachers to come into comm -
low performers programs.
Lack of total strategy in pub ed. -
overarching inequities
make sure it goes to schools that need it the most
(1) Ohio TCA - 4-3 decision shifting down style of pub
funding
Recom: Recent GAO study - on inequality
Look in ways of trying to address ineqs.
MS - greatest ineqs are ~~bet~~ among states
(CA - 5000 / NJ - 11,000)
huge cost to getting rid of ineqs.
Stds are best way to begin to flatten out -
biggest ineq is nature of curriculum /
chance to learn in hiring teachers.
Trying to change teacher ed/ to get
incentives for teachers into cities.
Low performers dremit who do well!
Salary ↑s could help.
WH - Failure to articulate this problem - no
discussion of ineqs. in resource allocation.
Market incentives to try to change equation

MS - We've been trying to target T. I $s. Can't do it.
Love your help.
Have to change T I -
talk far more abt good methods of teaching.

Any way to force states to reallocate $?

3. Vouchers -
Legislation - Amer. Comm. Renewal Act (bipartisan)
includes 1b. voucher prog.
S. 1 - 3 voucher programs
Need to hit head on.

MS - Public school charters is one way to deflect argument on this, which now focuses on failing schools.

WH - Need process to wk together w/ you on this.

4. Affirmative Action -
Good show on TX.
Menendez -
a) need task force - DOJ / DoEd / civ rts comm
b) " more focused assessment on what's going on in UC / UT systems -
e.g. - falloff in applications

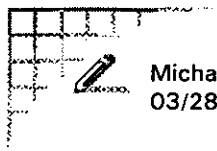
Another task force - DOJ / DoEd / OSCE(?)

5. Reauthorization of IDEA.
Rhetoric - need to talk abt ch. w/ disabil.
Stop mkg spec ed diff funded.
Also - should be training teachers to teach kids w/ disabils.

6. Title IX - 25th Anniv. June 23rd.
More than just athletics.

helpful [illegible] - [illegible]
[illegible] dialogue going
keep [illegible] -ed expert
[illegible] [illegible].

ED - [redacted]



Michael Cohen
03/28/97 07:38:46 AM

Record Type: Record

To: Laura Emmett/WHO/EOP

cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
Subject: Re: Mtg. w/ Wade Henderson

My understanding is that we are having this meeting at Wade Henderson's request. I don't know who he worked with to set up this meeting, but if I'm correct that this meeting is his idea, I don't think we ought to try and establish an agenda for it. That's his job.

For our own preparation, here is what Norma Cantu told me she thinks are the issues Wade and his group will raise:

1. **Testing abuse:** I presume they will raise concerns about the possible bias in and misuse of tests, such as the national tests we are developing, especially with respect to women and minorities. We should let the Department provide the lead response on how they are technically ensuring that our tests will be valid, reliable and fair, and those of us on the WH staff in particular should indicate clearly that the President is strongly commited to moving this forward, that he believes these tests will raise expectations and mobilize efforts to help kids, that we have a broad program to support these efforts, and, finally, that the President strongly believe that tests are important and there should be consequences to students for how well they do on the tests.

This is not an issue we will reach a lot of common ground on, though we won't wind up in a knock-down fight either.

2. **Reading initiative:** They will want some assurance that the America Reads initiative will not just send tutors into white suburbs, and will not just recruit white college kids to be tutors. We should give them these assurances.

3. **College Access:** They will raise several higher education concerns. I suspect they will tell us that they would prefer we put the HOPE money into Pell Grants, so that it better serves poor kids. We should tell them that we have dramatically expanded Pell funding, that there is no way in the world that the HOPE tax credits could be turned into Pell appropriations, and that the best way to ensure continuing public support for financial aid for disadvantaged students is to make sure that the aid is more broadly available.

They will raise questions about accountability in the student loan program. Historically Black Colleges (HBCU's) have high default rates. The current law requires that schools with high default rates be kicked out of the loan program, though it provides a temporary exemption for HBCU's. This exemption runs out soon. They will want to know how we will handle this, especially since these issues are up for consideration in the reauthorization of the Higher Ed Act. I don't know what the ED position on this issue is. I will try to find out today, or we can ask Mike Smith at the pre-meeting.

4. **technology:** They are concerned that poor schools lack access to technology, and that we are not doing enough about it. We should tell them about the e-rate proposal before the FCC, which

will target a big chunk of some $2.5 billion to low income schools for technology. They don't know about this proposal.

5. There may also be some issues raised about school safety, techer certification, and Title 1, though I don't know what they are, and Norma wasn't sure either.

I will ask Norma if she can provide any more detailed information for us.

EDUCATION POLICY MEETING WITH ADMINISTRATION
FRIDAY, MARCH 28, 1997

TENTATIVE AGENDA

I. **The President's Initiative**

Testing -- There is growing concern about the emphasis on standardized tests, and their impact in ongoing inequity in the nation's schools;

Absence of proactive measures to improve public schools -- We support components to increase access to Internet and provide $5b for school construction; however, we also need an overall strategy encompassing teacher training, more money for resources, attention paid to inequities in school funding across the board, etc. This is the type of overarching initiative that could have a real impact.

Related Issues -- We oppose vouchers, which signify abandonment of public schools; and parental rights legislation -- things that sound good, but have profound civil rights implications.

II. **Affirmative Action** – There is strong support for OCR's letter to TX AG; there are also questions regarding the Administration's response to decreasing applications of students of color; how to shore up schools' continuing affirmative action efforts; and coordinate strategies among OCR, OFCCP, and DOJ/CRD.

III. **Welfare Reform** – Individuals should not have to choose between continued benefits and a college education.

IV. **Funding for Civil Rights Enforcement** -- Administration should continue strong support for increased request for OCR, as well as funding for equity activities that address racial, ethnic, and gender bias under Title IV of the Civil Rights Act, and WEEA -- the latter which were eliminated in FY 1996.

V. **Title IX 25th Anniversary** – This means shoring up gender equity throughout education -- as in funding for OCR and activities mentioned above; also athletics [amicus brief by Hill lawmakers in support of petition for cert Brown signals trouble ahead for Title IX enforcement; ensuring that reauthorization of Perkins Act, Higher Education Act include mandatory provisions to address the needs of women and people of color; also infuse equity in the implementation of School-to-Work.]

VI. **Disability Issues** – Reauthorize IDEA.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	SSN (Partial) DOB (Partial) (2 pages)	03/25/1997	P6/b(6)

COLLECTION:
Clinton Presidential Records
Domestic Policy Council
Elena Kagan
OA/Box Number: 14360

FOLDER TITLE:
Education - Civil Rights Issues [2]

2009-1006-F
db1530

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Leadership Conference on Civil Rights

1629 "K" St., NW, Suite 1010
Washington, D.C. 20006
Phone: 202/466-3311
Fax: 202/466-3435
TTY: 202/785-3859

MEMORANDUM

TO: Elena Kagan
Deputy Director for Domestic Policy
The White House

FROM: Wade Henderson
Executive Director

DATE: March 25, 1997

RE: **LCCR Meeting on Education Policy Issues**

Thanks for agreeing to facilitate our upcoming meeting with White House and Department of Education personnel on President Clinton's education initiative and related matters. The meeting will be held on Friday, March 28, 1997 at 4:30 p.m. in Room 476 of the Old Executive Office Building. The following persons will attend on behalf of the LCCR:

Wade Henderson -- P6/(b)(6)
Leadership Conference on Civil Rights

Verna Williams -- P6/(b)(6)
National Women's Law Center

Penda Hair -- P6/(b)(6)
NAACP Legal Defense and Educational Fund

"Equality In a Free, Plural, Democratic Society"

Patrisha Wright – P6/(b)(6)
Disability Rights Education and Defense Fund

Georgina Verdugo – P6/(b)(6)
Mexican American Legal Defense and Educational Fund

Cindy Brown – P6/(b)(6)
American Association of University Women

Charles Kamasaki – P6/(b)(6)
National Council of La Raza

Rebecca Isaacs – P6/(b)(6)
People for the American Way

Isabelle Garcia – P6/(b)(6)
National Education Association

Jacinta Ma – P6/(b)(6)
National Asian Pacific Legal Consortium