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8-30-99

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THE WHITE HOUSE
WASHINGTON

August 16, 1999

Looks good!

MEMORANDUM FOR THE PRESIDENT
THE FIRST LADY

Looks good!
Proceed - need
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Proceed - need
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visible

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Reed
Liu

Podesta

FROM:

Bruce Reed
Eric Liu

SUBJECT:

National Campaign Against Youth Violence

We wanted to give you a progress report on the National Campaign. This memo, which distills the consultations we've had inside and outside the White House, outlines our recommendations for (1) the campaign's goals; (2) its organizational structure and potential partners; and (3) a timetable for action. A lengthier business plan for the Campaign is being drafted as well. Your thoughts on the range of issues articulated here – including potential board members – would be of great use as the Campaign moves forward.

I. Goals

The National Campaign, as a matter of core principle, will be *non-partisan, non-profit, and decentralized*. Premised on the idea that youth violence is a multifaceted problem, and that each of us has the capacity and responsibility to combat the problem, its primary goals will be:

1. *To raise awareness of the problem and serve as a clearinghouse for solutions.*

One of the most important functions of the Campaign will be educate the public about the nature, extent and costs of youth violence. This means working with media companies to reshape the messages the culture sends our children. The Campaign will also serve as the resource of first resort for any citizen or organization interested in combating the problem. A worthy grassroots project in Boston might be brought to scale or brought nationwide if people in Seattle or Atlanta can easily learn about it. The Campaign will be a hub – an open market of information and inspiration – that will identify, and help replicate, approaches that work.

2. *To secure pledges from every sector to change personal or institutional behavior.*

The Campaign must make concrete the answer to the question, "What can I do to help?" We considered setting an overarching numerical goal (cut incidents of youth violence by 50 percent in ten years, for instance), but were concerned that such big-picture benchmarks could distort or obscure the work that individuals and organizations themselves can do. We think it

would be preferable – indeed, necessary – to secure specific action commitments on a sector-by-sector basis, in the same way the Welfare-to-Work Partnership and America’s Promise work. What can America Online do to filter out violent games? What can pediatricians do to mold the way parents raise their kids in a culture of violence? What can charitable foundations do to leverage their gifts, and what can bar associations do to teach kids mediation? Accordingly, as we detail below, the Campaign will be structured along sectoral lines.

3. To spur the creation of forums where kids and parents can talk about these issues.

For the Campaign to be grassroots in fact as well as name, it must incorporate the views of those with most direct control over the problem: kids and their parents. One of the key goals of the campaign will therefore be to spur the creation of forums – in cyberspace and “real” space – where young people can talk to one another, as well as to adults, to make their concerns and frustrations heard. A youth-centered orientation will be key to the Campaign’s legitimacy, and a mental health focus key to its effectiveness.

4. To ensure that guns stay out of the hands of children.

Although the Campaign will not be a single-issue advocacy organization, it can hardly address the problem of youth violence without addressing the question of access to guns. The Campaign will thus work on both the supply side and the demand side of this question. On the supply side, for instance, it will develop initiatives to inform parents about the dangers of guns and to show them how to keep guns out of their children’s reach; on the demand side, it will work with media organizations and film studios to make guns less appealing.

5. To devise a new “Index of Youth Safety” that can be used as a standard benchmark.

Various foundations and government agencies periodically issue reports on the state of youth violence or juvenile crime. But what is missing is a comprehensive standard that people can use to measure both the objective incidence of violence among youth and the subjective attitudes of young people about their own sense of safety. It would be an important contribution of the Campaign to devise and put into common practice such an index – and then measure its own effectiveness by a decline in that index. We also expect that the Campaign’s function as a clearinghouse for best practices will make evident the most pressing and promising directions for new social science research and public opinion surveys. Though the Campaign itself may not have the staff and resources to conduct this research, it can certainly serve as a catalyst for work by its members and affiliates.

II. Proposed Structure

The Campaign will pull together a wide range of people and organize them in a decentralized system. It will not engage in legislative advocacy; nor will it attempt to force all its disparate participants to arrive at a lowest-common-denominator consensus. Rather, its central function will be to serve as a social spark plug – to catalyze new thinking and new action against youth violence; to encourage and enable bold, persistent experimentation.

The Campaign will consist of an Executive Director, a Board of Directors, and numerous Task Forces. The Task Forces will assign responsibility for the problem of youth violence in a sector-by-sector manner, and will offer solutions in the same way. The Board will shape policy, lend legitimacy and – crucially – raise money. The Executive Director will be the entrepreneur who makes all this happen.

Executive Director. This position encompasses not only management of the Campaign's affairs but development of its machinery. In the mold of Eli Segal at the Welfare-to-Work Partnership, the executive director will be equal parts coordinator, fundraiser, and public entrepreneur. With Eli's help, we have recruited the person he tried to hire to run the Welfare-to-Work Partnership two years ago: Jeff Bleich, managing partner of the San Francisco office of Munger, Tolles & Olson, who was recognized by the American Bar Association as one of the country's leading young attorneys. Jeff is a civic leader in state, national and international affairs, and received California's award for pro bono service. He has strong connections in Silicon Valley and Hollywood, and has written on the subjects of youth violence and criminal justice.

Board of Directors. We aim to select a Board that represents the many sectors of society and that can raise the funds to support the Campaign's activities. There would be approximately twenty members of the Board, with an Executive Committee of five or six. Several first-rate people have already expressed interest in joining, including Steve Case of America Online, Judith McHale of Discovery Networks, Andrew Shue of Do Something, Pam Eakes, and Eli Segal. In addition, we would like to approach a range of other candidates, including: Zoe Baird, Robert Johnson of Black Entertainment Television, Bob Rubin, Erskine Bowles, Magic Johnson, Geraldine Laybourne of Oxygen Media, Edgar Bronfman Jr., Jill Iskol, Melinda Gates, Gloria Estefan, and Bill Cosby. We welcome other suggestions, and any advice for Chair. We will also have room for prominent political leaders (on a bipartisan basis) on the Government Task Force.

Task Forces. Each Task Force would take it upon itself to determine how people in its walk of life can most tangibly and effectively make a difference. The activities of the several Task Forces would be coordinated by the Executive Director. Those activities would involve, for instance, devising industry and corporate pledges of action and sponsoring conferences to showcase great initiatives. Among the proposed Task Forces:

- Internet and computers
- Media/entertainment
- Parent/kids groups
- Government
- Service/philanthropy/religion
- Health/public health
- Academic experts/research

Timetable for Action

August 17: You will unveil a new PSA developed by the Ad Council in which you urge parents to communicate with their children before trouble strikes. At that event, you will also announce the selection of Jeff Bleich as Executive Director for the Campaign and release \$15 million in DOJ grants for partnerships between school districts and law enforcement.

Late August: The Campaign opens for business, with an office in San Francisco donated by Bleich's law firm, minimal staff, and assistance (though not direction) from the White House. Bleich's firm will handle the Campaign's 501c(3) incorporation on a pro bono basis. The Campaign will open a Washington office as soon as Bleich can get space donated here.

Late September: The Campaign has its formal kickoff. By then you will be able to announce a group of Charter Board Members – who will provide seed funding – and flagship affiliate organizations. One such organization, SHINE (Seeking Harmony in Neighborhoods Everyday), has already pulled together an impressive \$10 million teen-focused celebrity campaign with MTV, Nickelodeon, the Excite website and Tommy Hilfiger's fashion company. SHINE has agreed to run its operation under the rubric of the National Campaign.

November: The Campaign will be fully operational. It will have selected a complete Board of Directors, filled out its roster of Task Forces, begun raising money, and published a formal prospectus to guide the work and work product of the Task Forces.

March 2000: At your suggestion, students from Colorado and across the nation are now planning a March on Washington. The Campaign can use this opportunity to unveil its Index of Youth Safety and to hold numerous town halls and focus groups with young people.

Now through August 2000: Over the next twelve months we will work with the campaign on a series of events – including additional commitments from the entertainment industry and other sectors, as well as conferences on "Giving Parents the Tools They Need" and "What Works."

September 2000: The Campaign will publish – on the Web and in print form – a Best Practices Guide for parents and practitioners.

THE WHITE HOUSE
WASHINGTON

May 26, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed

SUBJECT: National Campaign on Youth Violence

This memo outlines our strategy for getting the national campaign up and running, and for taking additional steps to build on the success of the youth violence summit.

I. Organization

Over the last two weeks, we have had several discussions with Eli Segal and Sarah Brown to review their experiences with the Welfare-to-Work Partnership and the National Campaign to Prevent Teen Pregnancy, and work through the mechanics and structure of this new campaign.

As an interim step, Eli and Pam Eakes have agreed to head a small, informal steering committee of summit participants that will lead the search for an executive director and board of directors. This group will oversee the most immediate organizational steps:

1. **Executive Director:** This campaign will never really take off until we can hand it over to the right person outside the White House who can work full-time raising money and organizing. Several names have been mentioned – Michael Berman, Sam Brown, Ricki Seidman, Eli Segal. But apart from Eli, who doesn't want the job right now, no consensus candidate has emerged.
2. **Board of Directors:** Several people at the summit would be logical board members – Drew Altman of Kaiser, Pam Eakes, Steve Case, Gloria Estefan. But these decisions must be made carefully: The board needs to reflect the different sectors represented at the summit, have a common understanding of the campaign's mission, and be able to take the lead in raising money. (The teen pregnancy campaign relies on its board primarily for fundraising, and set up advisory task forces on the media, best practices, and grassroots efforts as a way to involve a broader range of experts and activists.)
3. **Prospectus:** Because a campaign like this could go in many different directions, we should make some choices at the outset. We are writing a draft prospectus that will give you and the First Lady a chance to mull over those issues, and that eventually

will serve as a mission statement for the organization and an entrée to foundations. The prospectus will spell out the guiding principles of the organization, the rationale for the campaign, an agenda for the first year, and measurable goals for the long term.

4. **Non-Profit Status:** One of the first steps the campaign needs to take is to formally organize under an existing non-profit (possibly the Kaiser Foundation or Mothers Against Violence), so that it can begin receiving contributions.

We have asked Eli and Pam to help us make recommendations to you in all these areas in the next 30-60 days, so that the organization can be up and running when school resumes in the fall. In the meantime, we are following up with every summit participant through phone calls, photos, and a letter from you thanking them for their involvement and seeking their continued support. We also are firming up commitments to the campaign that several major organizations (YWCA, AMA, Nat. Assn. of Elementary School Principals) made before the summit. Scores of other organizations have written the White House with offers to help the national campaign; we are sending them letters as well, and pursuing those that have the most promise.

II. Communications Strategy

To maintain the momentum of this effort, we will continue to look for new commitments from organizations that took part in the summit, additional actions you can take on your own, and new sectors you can challenge:

1. **Federal Trade Commission / Justice Department study:** Unless the Justice Department backs away from providing the funds, next Tuesday you can announce a joint FTC-DOJ study of whether the movie, recording, and videogame industries live up to their own systems of self-regulation, and to what extent those industries market violence to young people.
2. **Nationwide effort to train teachers to identify troubled youth:** We are working with the NEA and other education groups on a nationwide teacher training campaign. We're still working out the details, but we hope to be able to announce at the Mental Health Conference that Education, Justice, and these organizations would sponsor a series of teleconferences this summer with experts on identifying and helping troubled youth. The Education Department would then make videotapes of the sessions available to every school district before school resumes. In addition, we may be able to join in NEA's announcement of a school safety network that will provide satellite dishes, donated by a company in Littleton, to 1,000 school districts around the country.
3. **Other challenges:** We are working with the Vice President's office to see whether we can persuade a group of retailers to agree to strengthen enforcement of the videogame ratings system by refusing to sell adult-rated software to children. We would like to reach a similar agreement with Blockbuster and other videostores, but

have not gained a foothold yet. We will continue to press the National Alliance of Theater Owners to go along with your challenge to card under-age moviegoers. We have found a few people in the entertainment community who like your challenge not to market guns in ads or previews, but no big names yet. If any new commitments pan out in time, you and First Lady can announce them in your *Good Morning America* interview on June 4th.

THE PRESIDENT HAS SEEN

5-18-99

Reed
THE WHITE HOUSE

WASHINGTON

May 14, 1999

*Copied
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MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Neera Tanden

RE: Ratings Systems for Different Media

This memorandum provides you with information on the ratings system for media, ranging from movies to software.

Movies: All films are rated by a division of the Motion Picture Association of America (MPAA). In 1968, the MPAA adopted the Voluntary Movie Ratings System, which advises audiences about the age-appropriateness of films and limits minors' access to films with adult themes. The ratings board is currently composed of eleven members, all employed by MPAA. The Voluntary Ratings System currently provides for five ratings categories: G, PG, PG-13, R and NC-17 (see attached list). The rationale for a particular movie rating is provided in movie ads on the Internet and in newspapers, but not in ads on television. For example, on the Internet, a parents' rating guide is available that describes what aspect of the movie -- e.g., strong language, sexuality, or horror violence -- earned the film its rating.

Movie Advertising and Trailers: All movie advertising is approved or disapproved by the Motion Picture Association of America. The same set of standards that govern movies themselves also applies to advertising for movies that appears in magazines, newspapers, billboards, radio, and television. A different, stricter set of standards governs movie trailers. Trailers are approved for either general audience release ("G" / "PG") or for restricted audience release ("R"). "G" / "PG"-rated trailers are for movies that have been rated either "G," "PG," "PG-13," "R," or "NC-17" by the MPAA. Restricted trailers can play in a theatre only if it is playing an "R," or "NC-17"-rated feature. The approval or disapproval of trailers is based on their suitability for viewing by children. "G" / "PG"-rated trailers cannot show any nudity or drugs, and can only show mild depictions of violence. "R"-rated trailers are less restrictive and can display some depictions of nudity and drugs, as well as some violence (though the act of pointing a gun to a character's head is prohibited).

Television: In 1997, ABC, CBS and most cable networks agreed to display age-based ratings on all television programs except news, sports and unedited movies on premium movie channels. The original ratings system indicated only whether a program was age-appropriate; the system was later modified to include information on whether a program contains violence, sexual content, or explicit language (see attached list). In 1998, the Federal Communications

Commission (FCC) approved the current ratings standards for the V-Chip and ruled that manufacturers have until July 1, 1999 to have the V-Chip installed in 13-inch or larger televisions and until January 1, 2000 for remaining televisions. Parents will be able to program the V-Chip to block programming according to the ratings system (see attached ratings).

Premium Cable Television: In June 1994, four premium cable networks -- Cinemax, HBO, The Movie Channel, and Showtime -- initiated a jointly-developed content advisory system that provides descriptive advisories. This voluntary system was established to provide viewers with information about programming containing violence, sex, and offensive language. Executives in the networks' programming departments are responsible for evaluating the programs. This content advisory system includes descriptive codes, such as "MV" for Mild Violence, "RP" for Rape, "GL" for Graphic Language, and "N" for Nudity (see attached ratings).

Sound Recordings: Record companies voluntarily label some newly released sound recordings with a sticker stating "Parental Advisory: Explicit Lyrics." The label does not further describe the content of the recordings; it does not indicate for example whether the lyrics are explicitly violent, sexual, or profane. The recording industry labeling system is wholly voluntary on the part of record companies, with no oversight or enforcement capability by the RIAA. There are no penalties for not placing the advisory sticker on music products that are explicit, and there are no industry guidelines to determine which music products should be labeled.

Interactive Electronics Games: Two major classification systems for interactive electronic entertainment have been created -- the Interactive Digital Software Association (IDSA) for computer software and the Recreational Software Advisory Council (RSAC) for game devices, such as Nintendo and Sega. IDSA established the Entertainment Software Ratings Board (ESRB) as a ratings body for computer software titles. The ESRB classification system has five ratings categories: Early Childhood (EC), Everyone (E), Teen (T), Mature (M), and Adults Only (A). Accompanying these classification labels on title packaging are content descriptors relevant to each category. These descriptors provide consumers with additional content information and in many instances indicate the level of violence or sexual content of the title. Among the descriptors used are the following: Realistic Violence, Realistic Blood, Strong Sexual Content, Use of Tobacco and Alcohol, Mature Sexual Themes.

The Recreational Software Advisory Council Ratings System is the product of a coalition of software companies organized as the Computer Game Ratings Working Group in order to implement a ratings system for game devices. The ratings system developed by the RSAC is based on a five-part classification scale ranging from titles suitable for all audiences to those considered extreme in violent or sexual content and language. The ratings are Level 0, Level 1, Level 2, Level 3, and Level 4. For example, titles considered to have extreme content (Level 4) may contain wanton or gratuitous violence, torture or rape, provocative frontal nudity or explicit sexual activity and graphic language. The RSAC system is based on self-disclosure by the company producing the game.

Online: Unlike other media, a ratings system for the Internet need not be universally applied. In order to protect children from potentially objectionable areas of the Internet, parents can use a

blocking technology to block out all materials that are unrated. Several Internet access providers have already added such parental control technologies to their services. America Online, CompuServe, and Prodigy, for instance, all have systems enabling parents to prevent children from gaining access to any parts of the Internet that the server has not found to be suitable for children. In addition, both Microsoft and Netscape, which together control 97 percent of the web browser market, have implemented a technology in their browsers that allows parents to block material that they deem to be inappropriate. Finally, numerous other technologies are being developed and promoted to enable parents to monitor their children's online activities, set time limits for their children's access online, or let children exchange e-mails only with people on a preapproved list.

Movies Ratings System

G for "General Audiences. All ages admitted."

PG for "Parental Guidance Suggested. Some material may not be suitable for children."

PG-13 for "Parents Strongly Cautioned. Some material may be inappropriate for children under 13."

R for "Restricted. Under 17 requires accompanying parent or adult guardian."

NC-17 for "No children 17 and under admitted."

Movie Advertising and Trailers:

G/PG: for general audiences. May be displayed before any movie.

R: for restricted audiences. May only be displayed by audiences viewing R- or NC-17-rated movies.

Premium Cable Television

MV for Mild Violence

V for Violence

GV for Graphic Violence

RP for Rape

AL for Adult Language

GL for Graphic Language

BN for Brief Nudity

N for Nudity

AC for Adult Content

SC for Strong Sexual Content

TV Ratings System

The following categories apply to programs designed solely for children:

TVY All Children. This program is designed to be appropriate for all children, including children from ages 2 - 6. This program is not expected to frighten younger children.

TVY7 Directed to Older Children. This program is designed for children age 7 and above who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild fantasy violence or comedic violence, or may frighten children under the age of 7. Programs containing fantasy violence that is somewhat more intense or combative are designated **TV-Y7-FV**.

The following categories apply to programs designed for a broader audience.

Nudity Rating Descriptor: Frontal nudity, amounting to provocative display

Sex Rating Descriptor: Explicit sexual acts or sex crimes

Language Rating Descriptor: Crude, vulgar language or extreme hate speech.

LEVEL THREE

Violence Rating Descriptor: Aggressive violence or death to humans

Nudity Rating Descriptor: Frontal nudity

Sex Rating Descriptor: Non-explicit sex acts

Language Rating Descriptor: Strong language or hate speech

LEVEL TWO

Violence Rating Descriptor: Destruction of realistic objects

Nudity Rating Descriptor: Partial nudity

Sex Rating Descriptor: Clothed sexual touching

Language Rating Descriptor: Moderate expletives or profanity

LEVEL ONE

Violence Rating Descriptor: Injury to human being

Nudity Rating Descriptor: Revealing attire

Sex Rating Descriptor: Passionate kissing

Language Rating Descriptor: Mild expletives

LEVEL ZERO

Violence Rating Descriptor: None of the above, or sports related

Nudity Rating Descriptor: None of the above

Sex Rating Descriptor: None of the above, or innocent kissing, romance

Language Rating Descriptor: None of the above

TVG General Audience. Most parents would find this program suitable for all ages. It contains little or no violence, no strong language, and little or no sexual dialogue or situations.

TVPG Parental Guidance Suggested. This program contains material that parents may find unsuitable for younger children and the program may contain one or more of the following: moderate violence (V), some sexual situations (S), infrequent coarse language (L), or some suggestive dialogue (D).

TV14 Parents Strongly Cautioned. This program contains some material that many parents would find unsuitable for children under 14 years of age and may contain one or more of the following: intense violence (V), intense sexual situations (S), strong coarse language (L), or intensely suggestive dialogue (D).

TVMA Mature Audience Only. This program is specifically designed to be viewed by adults and therefore may be unsuitable for children under 17. This program contains one or more of the following: graphic violence (V), explicit sexual activity (S), or crude indecent language (L).

Interactive Electronics Games

Entertainment Software Ratings Board

Early Childhood - Titles rated "Early Childhood (EC)" have content suitable for children ages three and older and do not contain any material that parents would find inappropriate.

Everyone - Titles rated "Everyone (E)" have content suitable for persons ages six and older. These titles may contain minimal violence, some comic mischief (for example, slapstick comedy), or some crude language.

Teen - Titles rated "Teen (T)" have content suitable for persons ages 13 and older. Titles in this category may contain violent content, mild or strong language, and/or suggestive themes.

Mature - Titles rated "Mature (M)" have content suitable for persons ages 17 and older. These products may include more intense violence or language than products in the Teen category. In addition, these titles may include mature sexual themes.

Adults Only - Titles rated "Adults Only (AO)" have content suitable only for adults. These products may include graphic depictions of sex and/or violence.

Recreational Software Advisory Council

LEVEL FOUR

Violence Rating Descriptor: Rape, or wanton, gratuitous violence

THE WHITE HOUSE
WASHINGTON

April 20, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Jose Cerda III

SUBJECT: Policy Response to School Shootings

Here are some actions and legislative initiatives the Administration can undertake when the response to the Littleton shootings inevitably turns to questions of federal policy:

1. Announce Grants for 600 School Resource Officers. Anytime this week or next, you can announce Justice Department grants under the COPS program to help local school districts hire some 600 police officers to work in schools. These will be the first such officers awarded under the program you announced at the White House Conference on School Safety in October, where we pledged to provide funds for up to 2,000 police officers in schools in FY99. You could also announce that schools and communities have until June 1 to apply for nearly \$100 million in Safe Schools grants to 50 cities that put together comprehensive school safety strategies -- another initiative you unveiled at the School Safety Conference.

2. Announce Legislation to Reform and Reauthorize Safe and Drug-Free Schools. Anytime this week or next, you can unveil our Safe and Drug-Free Schools legislation that will be included as part of the ESEA reauthorization. This proposal formally authorizes \$12 million a year for our FEMA-like emergency response teams; requires participating schools to adopt comprehensive school safety plans; and renews the requirement that schools adopt "Zero Tolerance" policies for guns. It also reforms the overall program to require competitive funding at both the state and federal level. As details emerge from the Littleton shooting, we will review this proposal to see whether any additional provisions are appropriate -- such as increased funding for guidance counselors for troubled kids; gun violence education programs; and alternative schools for disruptive and expelled students.

3. Announce Tough New Gun Legislation. Sometime next week -- and just days before the NRA's national convention takes place in Denver (April 30 through May 2) -- you can unveil a Youth Gun Crime Enforcement Act that includes gun initiatives you have already announced (cracking down on gun shows and gun trafficking, extending the Brady waiting period, increasing prosecution of gun crimes, tougher gun penalties, and a new provision to ban the importation of large-capacity magazines), as well as several new or previously unnoticed provisions targeted at juvenile gun violence:

- Amending the juvenile handgun ban to include semiautomatic assault rifles manufactured before the assault weapons ban went into place. Currently, an 18-year-old can legally possess rifles, including assault rifles manufactured before Sept. 13, 1994. This provision, from Rep. McCarthy's bill, would generally ban the possession of such assault rifles until the age of 21.
- Increasing the penalty for youth handgun or assault weapon possession to a felony. Under current law, this offense is a misdemeanor, punishable by mandatory probation. As a result, federal prosecutors have brought few of these cases.
- Increasing the penalty for giving or selling a handgun or assault weapon to a juvenile for use in a violent crime. This provision from our juvenile crime bill would establish a mandatory minimum penalty of 3 years, but maintain the current maximum of 10 years.
- Holding adults criminally responsible for giving juveniles access to certain firearms. You called for this in the wake of the Jonesboro shootings, but we have never before submitted our own proposal. Justice has signed off on a version to create a federal felony that is narrowly tailored to target the most egregious cases of parental recklessness.
- Expanding our Youth Crime Gun Interdiction Initiative. Our program to trace juvenile gun crimes is currently in place in 27 cities. Our FY 2000 budget includes a total of \$45 million, which will enable us to increase that number to 37. We could add Rep. McCarthy's proposal to double the number of cities to 75 by 2003.
- Juvenile Brady: This proposal from our juvenile crime bill would ban the possession of handguns by violent juveniles when they turn 21.
- Child Safety Locks: This proposal, also from our original juvenile crime bill, would require federal gun dealers to issue triggerlocks with every gun sold.

THE WHITE HOUSE
WASHINGTON

May 3, 1995

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED

SUBJECT: Habeas Reform

I. Background

Attached is a Justice Department analysis of the habeas reform proposal that Senate Republicans have introduced as part of their anti-terrorism bill. It is largely similar to habeas provisions the House passed as part of its crime bill in March.

The Administration and the Justice Department have been strong and vocal supporters of habeas reform. The average delay from sentence to execution in capital cases now stands at nine years.

In August 1993, the Attorney General and Senator Biden won the district attorneys' support for a one-year, one-appeal reform proposal. Biden and Hatch eventually decided to drop habeas from the crime bill, because Hatch was afraid a Democratic crime bill would undermine recent Supreme Court decisions that have strengthened prosecutors' hands, and Biden was convinced that Republicans had enough support from Southern Democrats to adopt their tougher version of habeas on the floor.

Republicans clearly have the votes in the new Congress, and their bill will attract enthusiastic bipartisan support from state and local prosecutors. Biden would prefer to see habeas taken up as a stand-alone measure, rather than as part of the anti-terrorism bill. Although he is aware that the Administration may accept what the Republicans pass, he will not be happy about it.

For the moment, Republicans see habeas as an opportunity to turn the anti-terrorism debate to their advantage, although it is not clear whether they will insist that it be included. Biden and Daschle have let the Republicans know that if habeas remains part of the anti-terrorism bill, Democrats will start adding anti-gun amendments, such as a moratorium on repealing the assault ban and a stiffer ban on cop-killer bullets.

II. Major Issues

The Administration and congressional Republicans are in agreement on the one aspect of habeas reform that most people can understand, which is limiting death-penalty

For



*Jim Lick on Capitol Hill
as you describe it kept
it in some corner
Stanwau*

appeals to one year and one bite at the apple. Although there is deep disagreement among Democrats and within the Administration about other important details, there is no disagreement among prosecutors, who strongly supported the House Republican bill and will strongly support the Senate Republican version.

In broad terms, the major issues involve: 1) counsel standards; 2) how much deference to give state courts; and 3) habeas for federal prisoners.

1. Counsel Standards: The Biden bill would require states to impose higher counsel standards than the current federal ones in exchange for curbing habeas appeals; the Republican bills leave standards up to the states. The Justice Department believes we may be able to persuade the Republicans to accept some kind of standards that ensure the quality of lawyering, on the grounds that it is in everybody's interest to have sound counsel standards that help ensure finality. A related issue is federal funding for prosecutors and defense counsel to handle habeas litigation.

2. Deference to State Courts: The Republican bills would essentially codify *can SC be on* several recent Supreme Court decisions which require deference to state courts on questions of fact, law, and applications of law to fact. The Biden bill would allow for independent review of those questions. Many prosecutors argue that the Biden bill would weaken current law; the prosecutors' groups supported it last year because they were afraid a Democratic Congress might go even further, as it had done in 1992. In the current atmosphere, we will have a hard time getting any changes in this area. *Don't go*

3. Habeas for Federal Prisoners: The Republican bills limit collateral appeals by federal prisoners under 28 U.S.C. 2255. The Biden bill only addresses appeals by state prisoners. This means that the Biden bill would not affect the case of Timothy McVeigh. We should go along with some form of limits on appeals by federal prisoners. *ag*

III. How to Proceed

The Attorney General would be willing to accept a tougher bill than she and Biden put forward. The White House counsel's office would rather see the issue go away.

For now, we can continue to argue that we would be happy to take up habeas as a stand-alone measure after the terrorism bill passes, but this is no time to bring up divisive issues for partisan advantage. Dole and Hatch may put off habeas to avoid confrontations over guns. If not, we can try to extract some improvements in return for going along with it in the bill. In the meantime, we will keep meeting with them on a bipartisan basis to reach agreement on other elements of the anti-terrorism legislation.

Analysis of the Specter-Hatch Habeas Proposal (S. 623)

S. 623 contains the current Specter-Hatch habeas proposal. The major features of this proposal are largely parallel to those of the habeas proposal in S. 3, but it corrects many of the formulation problems and idiosyncratic features in the earlier version. It is also closer in several respects to the House-passed habeas bill (H.R. 729).

The current proposal is sufficiently improved in comparison with S. 3, and sufficiently similar to the House bill, that it will almost certainly enjoy the general support of prosecutors. Hence, the Senate will probably pass this proposal or something very close to it. The Senate passed similar reforms in two earlier Congresses by large margins (in S. 1241 of the 102d Congress and in S. 1763 of the 98th Congress).

I. General Habeas Reforms

Sections 2 through 7 of the bill contain general habeas reforms that would apply to all types of cases (not just capital cases). The specific features are as follows:

Section 2 -- habeas filing time limit. Section 2 proposes a general one-year time limit for federal habeas filing. The time limit would generally run from the end of direct review, unless the petitioner could show cause for filing at a later time (i.e., previous unavailability of the legal or factual basis of a claim or unlawful state interference with filing). The limitation period would be tolled while the petitioner was pursuing state collateral remedies. This is essentially the same as the time limitation rule for filing in the House-passed habeas bill (H.R. 729).

Sections 3 and 4 -- appeal of denial of collateral relief. These sections strengthen in some respects the requirement that a petitioner must obtain a certificate of probable cause to appeal a district court's denial of a writ of habeas corpus. The requirement of obtaining such a certificate is extended to federal prisoners who are denied collateral relief by district courts (in § 2255 motion proceedings), and a requirement is added that a judge issuing such a certificate shall indicate which specific issue or issues it relates to. The sections refer to "certificates of appealability" rather than "certificates of probable cause," but this change is purely terminological. The standard for granting such a certificate -- substantial showing of the denial of a constitutional right -- would remain the same as in current law. Similar amendments appear in the House habeas bill.

Section 5 -- amendments to 28 U.S.C. 2254. This section contains several amendments to 28 U.S.C. 2254 relating to exhaustion of state remedies, the scope of habeas review, and counsel in habeas proceedings.

With respect to exhaustion of state remedies, section 5 provides that a habeas application may be denied on the merits notwithstanding the failure of the applicant to exhaust state remedies, and that a state shall not be deemed to have waived the exhaustion requirement (as a precondition for granting habeas relief) unless it does so expressly. The same reforms appear in the House habeas bill.

Like the House bill, section 5 in this bill contains provisions which are apparently intended to provide for deference on federal habeas review to reasonable state court determinations of a petitioner's claims. The proposed standard of review breaks down as follows:

With respect to questions of law, a judgment would not be overturned on the basis of a state court determination unless it was contrary to clearly established federal law as determined by the Supreme Court. Under the rule of Butler v. McKellar, 494 U.S. 407 (1990), federal habeas courts currently do not overturn judgments on the basis of a state court determination of a question of law that reflected a reasonable interpretation of Supreme Court precedent at the time the judgment became final. This is also expressed by saying that a judgment is not to be overturned (under the current standards) unless a rule of law contrary to the state court's determination was dictated by Supreme Court precedent at the time of finality. The proposal on this point in section 5 of the Specter-Hatch bill could readily be interpreted as meaning practically the same thing as the current standard under Butler v. McKellar.

With respect to questions of application of law to fact ("mixed questions"), a judgment would not be overturned on the basis of a reasonable state court determination of such a question. Under current standards, federal habeas courts have exercised independent judgment on mixed questions. However, in Wright v. West, 112 S.Ct. 2482 (1992), the state argued that reasonable applications of law to fact by state courts should be entitled to deference, considering that the standards for reviewing state court determinations of purely legal questions (under Butler v. McKellar) and purely factual questions (under 28 U.S.C. 2254(d)) are already deferential. The Supreme Court found it unnecessary to resolve this issue under the facts of the case. The provision in the Specter-Hatch bill would resolve this issue in the manner urged by the state in Wright v. West.

With respect to questions of fact, section 5 of the bill makes two changes. First, it provides as part of its general standard of review that a judgment is not to be overturned on the basis of a state court determination of a factual question, unless the determination was unreasonable in light of the evidence presented to the state court. Second, it provides that state court fact-finding is presumed to be correct, and that the

petitioner has the burden of rebutting this presumption by clear and convincing evidence -- strengthening current 28 U.S.C. 2254(d), which conditions the presumption of correctness for state court fact-finding on several specifications concerning the state proceedings. The practical effect of these changes is limited, since application of 28 U.S.C. 2254(d) normally leads to deference by the habeas court to reasonable state court resolutions of factual questions under the existing standards.

Section 5 also states that a habeas court may not hold an evidentiary hearing on a claim whose factual basis was not developed in state court proceedings, unless cause is shown and the underlying facts of the claim would establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty. This is apparently intended to enact a strengthened version of the rule of Keeney v. Tamayo-Reyes, 112 S.Ct. 1715 (1992), under which a petitioner is generally not allowed to present additional evidence in federal habeas proceedings relating to a claim rejected by the state courts unless he can show cause and prejudice. However, the formulation of the proposed standard on this point in section 5 is inadequate. As drafted, the language is unclear as to whether it is supposed to govern evidentiary hearings on claims that were never raised or were procedurally defaulted in state court, or to govern taking additional evidence on claims that were decided on the merits by state courts (or both).

Finally, section 5 provides that appointment of counsel for indigents in federal habeas proceedings is to be governed by Criminal Justice Act (18 U.S.C. 3006A) standards, except as otherwise provided by rules promulgated by the Supreme Court. This preserves mandatory appointment of counsel as required by rule -- e.g., as provided in Rule 8(c) of the § 2254 Rules for cases in which an evidentiary hearing is held -- but would otherwise condition appointment on the court's determination that the interests of justice require appointment. This is consistent with the current approach for non-capital cases, but inconsistent with the provisions of 21 U.S.C. 848(q) that require the routine appointment of counsel for indigents in federal habeas review of capital cases.

Section 6 -- section 2255 amendments. Section 6 proposes a one-year time limit for applications for collateral relief by federal prisoners (§ 2255 motions), which is parallel to the time limit proposed for federal habeas filing by state prisoners in section 2 of the bill. The House habeas bill includes the same time limitation rule for applications for collateral relief by federal prisoners, except that the basic limitation period in the House bill is two years for federal prisoners' motions rather than one. Both bills provide for deferral of the start of the limitation period on a showing of cause.

Section 6 also includes provisions which are evidently intended to tighten the standards for bringing second and successive § 2255 motions, parallel to the bill's proposal for limiting second and successive habeas petitions by state prisoners (see discussion of section 7 below). However, the language on this point in section 6 is inadequate, and tends to conflate the § 2255 motion remedy with the remedy for presenting claims of newly discovered evidence under Fed.R.Crim.P. 33.

Section 7 -- limits on second and successive petitions.
Section 7 tightens the standards for bringing second and successive federal habeas petitions by uniformly requiring that the petitioner raise a claim that was not previously presented and show cause for not having raised it earlier, and by requiring that the underlying facts of the claim must be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty. This is substantially the same as the standard proposed in the House bill for successive petitions in capital cases under the "Powell Committee" provisions.

Section 7 also provides that a successive petition must be initially presented to an appellate panel for a determination whether the petitioner has made a prima facie showing of satisfaction of the successive petition standard. The effectiveness of this approach as a screening mechanism is questionable, and it will take up additional time by running this threshold issue before appellate panels. However, the current version of this proposal in section 7 states that the appellate panel must make the required determination within 30 days of the filing of the motion. Hence, any delay resulting from this provision would be limited.

II. "Powell Committee" Procedures for Capital Cases

Section 8 contains the bill's version of the "Powell Committee" proposal, under which states have the benefit of stronger finality rules on federal habeas review if they extend appointment of counsel for indigents in capital cases to state collateral proceedings, and set standards of competency for such counsel.

Most of the features of this proposal are the same as or very similar to the corresponding features of the "Powell Committee" provisions in the House bill: Both bills propose a general 180 day time limit for federal habeas filing under these procedures, subject to tolling while state collateral review is taking place. Both bills provide for an essentially automatic stay of execution, continuing until the end of state collateral review. Both bills condition successive petitions on the satisfaction of the same restrictive standard (see discussion of section 7 above).

Like the House bill, section 8 of the current Specter-Hatch proposal sets time limits for concluding the litigation of capital habeas petitions that are subject to the "Powell Committee" procedures, but its specific standards on this point are different. Under section 8, a district court would have to decide a petition within 180 days of filing, subject to a possible 30 day extension, and 120 days would generally be allowed for a court of appeals' decision, following the conclusion of briefing. Like S. 3, section 8 lists criteria for the district court to consider in deciding whether to grant an extension of time which are in some respects unclear or of dubious relevance. However, since the application of these criteria could at most result in the extension of a basic 180 period by 30 days, their practical significance is limited.

Finally, section 8 provides that a habeas petition subject to the "Powell Committee" procedures cannot be amended after the state files its answer, except on grounds that would justify entertaining a successive petition.

III. Other Matters

Section 9 makes changes in 21 U.S.C. 848(q) which are evidently intended as conforming changes to certain amendments in section 5 (see the final paragraph in the discussion of section 5 above).

Section 9 also provides that ex parte requests to the court to authorize payment for expert and investigative services shall not be allowed unless a proper showing is made concerning the need for confidentiality. According to prosecutors, counsel representing state capital defendants in federal habeas proceedings currently use these ex parte proceedings to establish a relationship with the court and to pitch their cases before the state has had any contact with the court or an opportunity to respond. This part of section 9 evidently responds to that concern.

Finally, section 10 states a general severability rule for the bill.

DRUGS

THE PRESIDENT HAS SEEN
11-3-97

Reed / McCaffrey / CCVP -

THE WHITE HOUSE

WASHINGTON

October 22, 1997

MEMORANDUM FOR THE PRESIDENT

FROM

BRUCE REED *BR*
CHUCK RUPP *CR*

RE:

Attached ONDCP Memorandum on the Southwest Border Region

Attached is a memorandum that General McCaffrey sent to you outlining recommendations on how to improve the Administration's drug interdiction efforts along the Southwest border. Although we share the General's concerns, we do not support his recommendations at this time and do not believe this issue should be tasked to the Drug Policy Council for resolution.

First, the Treasury and Justice Departments have strong reservations about ONDCP's recommendations. In fact, less than a month ago, we met with Secretary Rubin, Attorney General Reno, and General McCaffrey to discuss coordination of border-related issues. At that time, General McCaffrey was preparing to send a report to Congress on the Southwest border that made the same recommendations as the attached memorandum. Secretary Rubin and the Attorney General expressed their opposition to sending this report to Congress, and General McCaffrey agreed to hold it. Rubin and Reno -- who oversee the enforcement agencies that carry out the drug, crime, trade and immigration laws along the border -- have concerns that assigning a single, federal official at each point of entry to coordinate drug interdiction will negatively affect or conflict with our immigration and trade policies.

Second, several other border-related issues are currently being discussed in the White House and among the agencies, and will need to be resolved over the next few months. Most notably, the Commission on Immigration Reform recently released its final report recommending that the Immigration and Naturalization Service (INS) be disbanded and its responsibilities -- including border enforcement -- parceled out to various agencies. In the wake of this report, Members of Congress have introduced INS reform plans and included appropriations language requiring the Administration to submit similar plans by early next year.

Because of all the above, we proposed at our recent meeting with Secretary Rubin, the Attorney General, and General McCaffrey that a White House-led working group consider all border-related proposals and the issues of drug and crime enforcement, immigration, and trade that they raise. We have met internally and concluded that the White House group will be led by DPC; include Counsel's Office, OMB, NSC and NPR; and will closely coordinate with all the affected agencies to ensure that their issues are fully considered. Although we recognize ONDCP's specific mandate to oversee the High-Intensity Drug Trafficking Areas and coordinate certain counterdrug technologies and intelligence -- and support these issues being discussed by

57 OCT 27 1997

I am more sympathetic
of his res. than you are and I
fear too much delay in policy
process -- esp on technology point
if the one person is responsible
everyone can avoid accountability
which is our big problem!
Let's discuss soon

the Drug Policy Council -- border issues that go beyond the reach of drug policy would be more appropriately handled by the process we have outlined. At OMB's request, we expect to have some initial recommendations before the budget process is concluded. We recommend that you support this process for coordinating border-related issues.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

October 7, 1997

THE PRESIDENT HAS SEEN
11-3-97

97 OCT 9 10:48

MEMORANDUM FOR THE PRESIDENT

FROM: BARRY McCAFFREY

SUBJECT: ONDCP Field Visit to Drug Control Efforts in the Southwest Border Region

1. PURPOSE. The purposes of this memorandum are to: (a) summarize Office of National Drug Control Policy observations made during the recent ONDCP-led trip to the Southwest border; (b) report on the status of counter-drug efforts in this region; and (c) suggest interagency consideration of how federal drug control efforts along the border can be improved.

2. EXECUTIVE SUMMARY

- a. From August 24, 1997-August 29, 1997, ONDCP led a delegation of federal officials on a fact-finding trip along the U.S. Southwest border. Our purpose was to review federal drug control program agency efforts to stop drug trafficking and stem drug-related violence and corruption. We also met with state and local officials in each of the border states to hear their perspectives of the drug threat. Finally, we discussed cooperative drug control efforts with Mexican officials in four major Mexican border cities (Ciudad Juarez, Nuevo Laredo, Nogales, and Tijuana).
- b. Establishing adequate control of our Southwest border is an increasingly important U.S. national security interest. As U.S.-Mexico trade continues to grow -- it has increased 122 percent since 1990 (going from \$59B to almost \$130B in 1996) -- so do the opportunities for drug trafficking. This 2,000-mile border is one of the most open and busiest in the world. Last year, 254 million people, 75 million cars, and 3.5 million trucks and rail cars entered the United States from Mexico through 39 crossings and 24 ports of entries (POEs). We estimate that more than half of the cocaine on our streets, and large quantities of heroin, marijuana, and methamphetamines also enter the U.S. across this border. The enormous profits associated with this drug trade and the propensity of U.S. and Mexican criminal drug trafficking organizations to use violence and bribes to further their operations foster both corruption and lawlessness. A manifestation of this problem is the wave of murders in the Mexican border town of Ciudad Juarez following the recent death of Mexican trafficker Amado Carrillo Fuentes.
- c. Over the past four years, the administration has significantly increased the federal presence along the Southwest border. Some examples:
 - Customs' budget for Southwest border programs has increased 72 percent since FY93.

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✓ DOD's drug control budget for the Southwest border has increased 53 percent since FY91.

✓ The number of U.S. Attorneys handling cases in the Southwest border region has increased by 80 percent since FY90.

✗ This federal attention is making a difference. For example, violent crime is down in California, New Mexico, and Texas. Federal drug seizures have also increased; USBP FY96 marijuana seizures were up 50 percent over FY94's 50,000 pounds.

d. Despite these successes, much remains to be done. For example, added inspection resources have not increased our ability to adequately screen trucks. Last year about 900,000 (about a quarter of the total) U.S.-bound trucks were subjected to drug control inspections. Cocaine was found in just sixteen. Our current interdiction efforts almost completely fail to achieve our purpose of reducing the flow of cocaine, heroin, and methamphetamines across the border. We need to shift from a manpower/physical inspection approach to one that is intelligence-driven and that employs emerging technologies to conduct non-intrusive searches. Based on our observations during this trip, ONDCP suggests the following measures will help improve federal drug control capabilities along the Southwest border:

- Improve accountability.
- Expand cooperation with Mexico.
- Develop a comprehensive intelligence architecture.
- Develop a system that matches resources with threats.
- ✓ Integrate technology.
- ✓ Strengthen the High Intensity Drug Trafficking Area (HIDTA) program.
- ✓ Build infrastructure to support the rule of law.
- Encourage private sector support of our efforts.
- ✓ Implement a systems approach to drug control efforts.
- Continue DOD's support role.

3. DISCUSSION

- a. **Improve accountability.** At least ten federal agencies and scores of state and local governments are involved in drug control efforts along the Southwest border. However, no individual or agency has overall coordination responsibility for drug control operations along the length of the border or even within individual POEs. That being said, federal

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agencies at major POEs are forming quality improvement committees as an ad hoc measure to improve coordination. Functional and sectoral accountability must be established. Specific ONDCP suggestions include:

- Assign direct responsibility for coordinating all federal drug control efforts along the Southwest border to one federal official.
 - Designate an "in-charge" federal official at each POE.
- b. Expand cooperation with Mexico.** The United States alone cannot stop drug trafficking across the Southwest border. Expanded cooperation with Mexico is essential. Ongoing cooperative initiatives at the local, state, and national levels -- such as FBI training of Mexican law enforcement officials and Bilateral Liaison Mechanisms (BLMs) that link cross-border communities -- should be our building blocks. Specific suggestions include:
- Encourage BLMs to address drug trafficking and drug-related problems.
 - Establish Mexican law enforcement liaisons with U.S. Southwest border HIDTAs while maintaining appropriate strict security measures.
- c. Develop a comprehensive intelligence architecture.** Current U.S. intelligence capabilities along the Southwest border are clearly inadequate. Federal, state and local law enforcement officials conducting drug control operations do not normally receive timely or actionable intelligence or information. Intelligence is not adequately shared among Federal and state agencies. NDIC and EPIC roles are not supportive of operating elements. Our intelligence and information systems must:
- Bring together all federal, state and local intelligence collection, analysis and dissemination efforts.
 - Create a seamless intelligence operation covering the entire 2000-mile border and contiguous waters.
 - Encourage law enforcement officials at all levels to conduct intelligence-driven/information-based operations.
 - Encourage appropriate, strictly protected sharing of information with vetted counterpart Mexican organizations.
- d. Develop a system that matches resources with threats.** Available information about the drug threat is fragmented and incomplete. It is difficult to obtain a succinct, up-to-date assessment of the drug threat either along the entire border or in any specific state or sector. Similarly, there is no readily-available integrated overview of federal efforts to address the drug threat. The end result is that there is often no direct link between current operations and an intelligence analysis of the dynamic threats we face. Specific ONDCP suggestions include:

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001. memo	Barry McCaffrey to the President re: ONDCP Field Visit to Drug Control Efforts in the Southwest Border Region (1 page)	10/07/1997	b(7)(E)

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- 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]
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- 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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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]

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- Develop the capability to track the drug threat, drug control assets, and sectoral responsibilities into an automated, digital, grid-based schematic format covering both sides of the border.
 - Update this information on a real time basis and link it to a centralized Southwest border intelligence and coordination headquarters.
 - Create an intelligence system through the five SW Border HIDTAs that will allow law enforcement and policy-makers to monitor the changing nature of the trafficking threats and adapt efforts accordingly.
 - Use this carefully protected counter-drug information to prioritize and conduct counter-drug operations and assess new manpower and technology needs.
- e. **Integrate counter-drug technology.** The enormous growing volume and importance of legitimate commercial trade in goods and services between the United States and Mexico is good news for America. However, with this volume of trade, no number of new agents alone can manually prevent the influx of drugs into the United States. Technological advances hold the key to allowing the relatively unfettered flow of legitimate trade, while capturing from this flow illicit traffic in drugs, drug money, and precursor chemicals. The technology currently being deployed is, (b)(7)(e)

f.

(b)(7)(e)

[001]

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SUBJECT: ONDCP Field Visit to Drug Control Efforts in the Southwest Border Region

- Increasing coordination among the border HIDTAs (for example, facilitating the flow of intelligence information on a real time basis, creating exchanges about programs that work, and coordinating programs on a regional basis).
 - Establish strictly-protected coordination between HIDTAs and counterpart Mexican authorities.
 - Improve coordination between HIDTAs, U.S. drug control program agencies, and state and local prevention, treatment, and enforcement agencies.
- g. Build infrastructure to support the rule of law.** In 1907, President Theodore Roosevelt issued a proclamation establishing federal control of a strip of land sixty feet wide along the entire U.S.-Mexico border. His intent was to assure the federal ability to secure the border. There was no follow-through on his proclamation. We must address serious infrastructure shortfalls in order to prevent the flow of illegal goods and persons -- in particular drugs and drug traffickers -- into the United States. Barriers and surveillance devices work. Along the Imperial Beach, San Diego section of the border for example, there were sixty murders and 10,000 pounds of marijuana seized three years ago. Last year, after the installation of fences and lights backed up by more Border Patrol Agents, there were no murders, and just six pounds of marijuana were seized. Specific suggestions include:
- Develop a strategic five-year plan to build access roads to allow patrolling of the border and to erect fences and lights in high trafficking areas.
 - Assign one federal agency responsibility for planning, building, and maintaining roads and barriers.
- h. Encourage private sector support of our efforts.** The scope of this challenge will require private sector support, particularly from those who hold substantial stakes in the success of U.S.-Mexico relations. The private sector can help by:
- Assisting in the development and deployment of new technologies that can detect drugs without slowing the two-way movement of goods and services.
 - Implementing self-regulatory procedures to prevent drugs from being hidden in legal transactions.
- i. Implement a systems approach to drug control efforts.** Over or under emphasis on any component of the overall drug control effort detracts from overall effectiveness. Increasing, for example, the number of inspectors and agents without a corresponding increase in capabilities within the prosecutorial and detention systems can overwhelm the latter. As we continue to increase federal drug control resources in the Southwest border area, we must ensure the build-up is steady across the board. In particular, we must ensure that:
- Drug control programs are appropriate to the challenge.

October 7, 1997

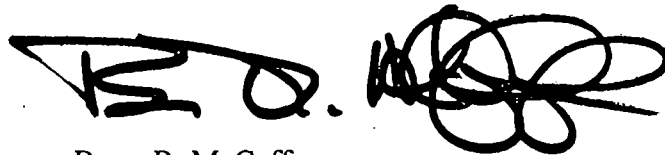
SUBJECT: ONDCP Field Visit to Drug Control Efforts in the Southwest Border Region

- Our programs continue to respond to the dynamic nature of the drug threat
- Department and agency build-ups are coordinated.

✓ j. **Continue DoD's support role.** The U.S. Armed Forces are providing invaluable support to federal, state, and local law enforcement agencies in the Southwest border region. This support should continue. However, all Title 10 (active components) and Title 32 (Guard and Reserves) support missions must be carefully scrutinized to ensure assigned missions are compatible with unit and individual capabilities. We should also consider making appropriate investments in those areas where our troops are being employed as a result of federal drug control program agency shortfalls.

4. **CONCLUSIONS.** The flow of drugs across the Southwest border has not been significantly curtailed despite tactical success that have caused changes in smuggling routes and techniques. Drug trafficking and violence remain persistent and growing threats to border region residents. While the obstacles our law enforcement officials face in stemming these threats are significant, they are not insurmountable. Our significant investments along the Southwest border are beginning to pay off. Future success is dependent on adjusting existing organizations to better support ongoing federal, state, and local law enforcement efforts. Harnessing emerging technology is a must. The ten initiatives outlined in this report might usefully orient the already extensive federal anti-drug effort in the region. ONDCP will table them with your Drug Policy Council over the coming months. Our intent is to provide you a fully-coordinated and supportable plan of action in the spring.

V/R



Barry R. McCaffrey
Director
Office of National Drug Control Policy

April 11, 2000

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Eric Liu
Andrew Rotherham

SUBJECT: Education Tour

As you know, we are planning an education tour May 3-4 to highlight your agenda of teacher quality, accountability, investment, and standards-based reform. You can announce this tour this Friday in your speech to the Education Writers Association in Atlanta. This memo describes four events that we recommend for the tour to frame the success of your “demand more, invest more” agenda. For each event, we also are developing policy announcements. That same week, the Education Department has planned a small event to commemorate its 20th anniversary. That will help underscore our progress since defeating the Republican effort to eliminate the Department just five years ago.

Wednesday, May 3 – Teacher Quality and Failing Schools

1. Teacher Quality – Columbus, Ohio. The first event would highlight teacher quality in Columbus, where the local teachers union and the school district have developed an exceptional teacher peer review program. The program provides mandatory mentoring for all newly hired teachers, even those with previous experience, and intervention to help struggling teachers and remove low-performing ones. The program has been in place 12 years and is considered a national model. In addition, Columbus is an excellent place to underscore a number of your top education priorities. The Columbus schools have reduced class size in the early grades, targeted low-performing schools, and recently decided to end social promotion.

As news for this event, we have asked the Education Department to prepare a study of state budget surpluses and teacher salaries to underscore your call for paying teachers more while demanding more from them.

2. Failing Schools – Kentucky. The second event on May 3 would be at a high-poverty, high-performing school in Kentucky. Under Governor Patton, Kentucky has implemented standards, invested in low-performing schools and now has high-poverty schools that rank among the best performing schools in the state. (In 1998, 5 of the 20 highest performing elementary schools in reading were high-poverty schools, as were 6 of the top 20 in math, and 13 of the top 20 in writing.) A number of turned-around schools in Kentucky also have made strong progress the past few years.

This part of the tour would underscore that poverty need not be destiny in academic achievement and that high-poverty schools can and should be high-performing schools. North Carolina and Texas get all the attention on standards and accountability; highlighting Kentucky would put another success story on the map.

We are working with Political Affairs on the right site for this visit in Lexington, Louisville, or a rural area. The possibilities include Leestown Middle School in Lexington, which last year dramatically improved its math scores to reach the average; Iroquois High in Louisville, which has doubled its reading and math scores in the past year, although it still remains below the state average; Summer Shade Elementary in Summer Shade, which doubled its reading scores in one year and is now 17 points above the state average; and Sparksville Elementary in Columbia, which increased reading scores 40 points in one year and is now almost 30 points above the average.

For this event, we are preparing an Executive Order directing the Department of Education to report on the number of low-performing schools in the country and what specifically states and school districts are doing with the resources from your Accountability Fund to assist them. This EO would also direct the Office of Educational Research and Improvement to increase its focus on researching and disseminating effective strategies to fix failing schools and authorize the Secretary to redirect resources to more effectively help states and localities fix failing schools.

Thursday, May 4 – Charter Schools and School Construction

1. St. Paul, Minnesota – Charter Schools. On May 4, we would first visit the City Academy charter school in St. Paul, Minnesota, the first-ever charter school in the country. By visiting it we will highlight both your leadership on charter schools and the phenomenal growth of charter schools during your term. (Coincidentally, May 1-5 is National Charter Schools week.) City Academy serves approximately 100 high school students in a community center and is credited with helping many at-risk students who were failing in their previous school achieve success. For this event, we are working with Channel One to arrange a website chat with several other charter schools around the country.

The other news for this event would be an Executive Memorandum directing the Department of Education to develop and release guidelines for faith-based institutions and leaders in faith communities who wish to open or operate charter schools. These guidelines would reaffirm that charter schools must be non-sectarian but underscore that in order to increase the supply of high quality educational options for disadvantaged students, all sectors of society must be engaged and that faith-based organizations can help strengthen public education in many communities.

2. Quad Cities, Iowa/Illinois – School Construction. We would conclude the tour in the Quad Cities area on the border to highlight school construction and after-school programs. This would further frame your "invest more, demand more" message. Like many communities, schools in the Quad Cities area are experiencing problems with deferred maintenance and growth, and support federal assistance such as your School Modernization initiative to help them address these issues. In addition, as you know, Senator Harkin has been a key supporter of school construction and so an event on the Iowa side of the river would serve to highlight his efforts. A visit late in the day to

such an after-school program would highlight another one of your signature initiatives. We have several reports and announcements that could serve as deliverables at this event.

As with other tours, we will invite a few key national leaders to join you. Our list of possible invitees includes Secretary Riley, Senator Kennedy, and possibly Senator Lieberman, Bob Chase, Sandy Feldman, Al From and/or Will Marshall, Hugh Price, Lou Gerstner, and Bob Schwartz of ACHIEVE. Let us know if you have other suggestions.

THE WHITE HOUSE

WASHINGTON

September 17, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Andrew Rotherham

SUBJECT: Analysis of Bush Education Speech and Its Impact on ESEA

Attached is a detailed side-by-side of Bush's education speech, comparing his proposals with current law and with your ESEA plan.

The speech itself is more a triumph of centrist packaging than of substance. Much of what Bush proposed, such as state testing of Title I students, became law in 1994. His call for consequences in failing schools is less ambitious than your proposal – or for that matter, his own efforts in Texas. He said nothing about ending social promotion (again in contrast to his record in Texas). His most newsworthy proposal, to punish failing schools by turning federal funds over to parents, won praise from a segment of the elite press, but leaves him vulnerable to the Democratic attack that his plan will drain funds from public schools and the conservative attack that he's soft on vouchers (he deliberately avoiding mentioning the word).

While he may offer specifics later, Bush has said little about what supports he would offer to turn failing schools around. By contrast, your plan includes a series of specific interventions that states and/or school districts must undertake in failing schools and sets aside resources for this purpose. Second, like any voucher scheme, his school choice plan holds failing schools accountable, but offers parents no way of measuring the performance of private schools, which won't subject themselves to the same tests. This is like giving Social Security recipients individual accounts without telling them the annual return on private investments. Third, the very education programs Bush proposed reforming – Title I and Head Start – would both face severe cuts in the out-years of the Republican tax and budget plan which Bush has said he supports.

In the next few weeks, as part of the House's piecemeal effort to reauthorize ESEA, Goodling will offer a Title I bill. We expect it to track Bush's approach, although conservatives' reaction to the Bush speech may keep Goodling from billing it that way. (Pat Buchanan says one of his main reasons for considering a third-party candidacy is that Bush even wants to "enlarge the Department of Education.") We will oppose the Goodling bill over vouchers, but try to pocket any progress we make on accountability.

George W. Bush Education Proposals

Issue	Bush Proposal	Current Law	Current Clinton Proposals (ESEA, FY 2000 Budget Request, or other proposal)
<u>Title I State Assessments</u>	- Title I schools required to test students on academic basics each year—provides no definition of “academic basics.” Choice of tests left to the states. - Assessments must be disaggregated by demographic group.	- Requires all states to have final assessment systems in place to measure performance of Title I schools/students against state standards in at least math and reading/language arts by 2001. Students must be assessed at a minimum at some point during grades 3-5, 6-9, and 10-12. - Requires assessment data to be disaggregated by demographic group by 2001.	No change.
<u>Rewarding Performance in Title I Schools</u>	States that make the greatest progress in closing the gap for economically disadvantaged students and schools within each state that make the greatest gains in moving Title I students toward the state standards will be rewarded “significantly” through an “Achievement in Education” bonus fund.	States designate schools as distinguished if the school has exceeded the state's definition of adequate yearly progress for three straight years. These schools can then act as models/mentors for other Title I schools and are eligible for additional funds from the state.	- States must set criteria for designating schools and school districts as “distinguished.” Criteria include measures such as gains in student performance, consistently high performance on state assessments, or improvements in participation. - Secretary will reward states that demonstrate significant achievement gains in core subjects for three straight years, close the gap between low and high performing students, have strategies in place for continuous improvement including reducing social promotion and retention. Rewards include priority in ESEA grant competitions, bonus funds to states, or increased flexibility.
<u>Turning Around Low Performing Title I Schools</u>	States will have three years to reform failing Title I schools by restructuring the management structure, changing personnel, reallocating money, taking over the school or school district, transferring education dollars to the	Establishes a process for school and school district improvement that requires that (1) districts identify schools not making adequate progress for two consecutive years; (2) identified schools revise Title I plans in the year after being identified; (3) school districts help the identified schools to improve	Requires a change in Title I plan within three months of a school being identified for improvement with school district intervention beginning immediately. A school district may take corrective action at any time after a school is designated for improvement.

	parents and/or implementing a school choice program. • If after three years students at the school still do not demonstrate progress toward the state standards the state will be required to (1) give Title I students in the school the option of (fully paid for) transferring to another school that is closing the achievement gap or (2) offer parents a portable fund of \$1,500 per child for use at the school or supplemental education service of their choice. • If a state adopts a private school choice program at any time, students in failing schools would have the option of taking a pro rata share of Title I funds with them to a private school. <i>Note: No information is provided about how the "fully paid for" transfer will be financed. The \$1,500 figure in option 2 is an average and will be financed by the student's pro rata share of Title I resources matched by an equal amount from the state (either state or federal dollars). The student will be entitled to these resources for the duration of the time they would have been enrolled at the failing school.</i>	and ultimately take corrective action against schools that consistently fail. Corrective actions include curtailing a school's decision-making authority, transferring staff and/or students to other schools, or reconstituting the school. States use a similar continuum with regard to failing school districts.	• Sets aside 2.5 percent allocation at the state level (about \$200 million total) for states and school districts to carry out corrective action and help low-performing schools. States reserve a share of this money but the majority is sent to the district level to facilitate rapid action. • Corrective action must include at least one of the following measures: implementing a new curriculum, redesigning or reconstituting the school, reopening the school as a charter school, or closing the school. • State and districts must also allow students to transfer out of schools identified for corrective action and must provide transportation or cover transportation costs for these students to attend other public schools.
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<u>Move Head Start To the Department of Education</u>	• “To ensure that Head Start makes education a priority and focuses on building skills for school readiness, especially pre-reading and numeracy, the Department of Education will oversee the administration and evaluation of local Head Start programs.”	• The 1998 reauthorization requires that Head Start programs develop performance standards to ensure that at a minimum children participating in the program develop phonemic, print and numeracy awareness, understand and use an increasingly complex vocabulary, develop and demonstrate an appreciation of books, and in the case of non-native English speakers, progress toward English acquisition. • HHS and the Head Start Bureau cooperate with the Department of Education to: *Revise Head Start performance standards to include effective transitions for children and families moving from Head Start to schools. *Ensure that all preschools funded with Title I meet the Head Start Program performance standards for education *Co-chair the America Reads Challenge workgroup on early childhood *Conduct joint training on literacy issues *Provide resources to ensure that grantees are working closely with their local elementary school.	
<u>Require Head Start Programs to Adopt a Proven Core Curriculum</u>	• The federal government will identify model curricula and effective methods of teaching pre-reading and school readiness. These research-based best practices will be made available to local Head Start programs so they can better prepare youngsters to enter school ready to learn.	• Head Start grantees must have a curriculum that supports the development of each child’s cognitive and language skills but there is no specified model.	

<u>Award Head Start Contracts</u> a <u>Competitive Basis</u>	• New Head Start grants will be open to competition and awarded on a selective basis. • In the speech he said that unsuccessful Head Start contracts would be put out to bid and "someone else, including churches, synagogues and community groups" could bid on them. • Upon renewal of each existing Head Start contract the program will be evaluated based on its effectiveness. If a program is found ineffective in teaching pre-reading and school readiness, its contract will be opened up for competitive bid.	• Competitions are currently held for Head Start grants regularly when the program expands into a new area, when a failed program is shut down, and for Early Head Start grants. • Current law allows community groups, churches, and synagogues to bid on Head Start contracts. • Programs are reviewed at least once every three years. The Administration has been clear that all Head Start programs must provide high quality services. Programs found to be deficient must correct the problems within a specified time period not to exceed one year.	
<u>Head Start Funding and Expansion</u>	• Republican tax cut would have cut funding in half, resulting in 430,000 fewer children served.	• Since 1993 Head Start funding has increased by 68 percent, resulting in 200,000 more children served.	• FY 2000 budget request includes a \$607 million increase.
<u>Reform the Office of Education Research and Improvement</u>	• Overhaul OERI and make it independent and operate it in accord with scientific standards • Eliminate the regional education laboratories.		• The forthcoming OERI reauthorization proposal contains reforms to make the agency more independent and ensure that all research conducted is rigorous, sound, and publicly accountable. The agency will become the Institute for Education Research and will be governed by an independent board appointed by the President. • The OERI reauthorization proposal continues to support the regional laboratories.

<u>Require that the federal investment in education demonstrates results</u>	• Evaluate the 760 federal education programs and insist that every program boost student achievement or replace it with other programs that succeed in reducing the achievement gap.	• Most of the “760 federal education programs” cited deal with specific purposes such as boating safety, aviation safety, or health and are not administered by the Department of Education and are not intended to raise the achievement of elementary and secondary students.	• The President has eliminated or consolidated more than 60 redundant or ineffective education programs during the past six years. • Almost every Clinton budget has proposed eliminating or consolidating redundant or ineffective programs.
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THE WHITE HOUSE
WASHINGTON

August 19, 1999

MEMORANDUM TO THE PRESIDENT

FROM: Bruce Reed
Thurgood Marshall, Jr.

SUBJECT: Back to School Strategy

THE PRESIDENT HAS SEEN
8-30-99

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Over the next six weeks, we will continue the Administration-wide push to highlight our education agenda as students go back to school. In addition to your two events this week on school safety and the Baby Boom Echo report, we are planning: (1) Secretary Riley's three-day school bus tour through the South from August 30 to September 2; (2) a sustained, four-day Education Week from September 4 to 7 in which you announce \$300 million in school safety grants, lead a school construction event with organized labor on Labor Day, and sit in on an elementary school class with one of the new teachers hired under our class size reduction program; and (3) a major, forward-looking speech in late September to mark the 10th anniversary of the Charlottesville summit, perhaps at Achieve's meeting in the Palisades on Sept. 30.

I. Riley's Bus Tour and Administration-Wide Activities

As you know, Secretary Riley will tour the South in a school bus from August 30 to September 2. He will stop in Tennessee, Alabama, Georgia, South Carolina, and North Carolina. At some of his 15 stops, Education is expecting rallies of several thousand people. With four Democratic governors joining him along the way, Riley will send a consistent message that Democrats are leading the way on education.

Throughout the months of August-October, Cabinet Affairs has arranged for nearly all of your Cabinet; heads of non-Cabinet agencies such as the Peace Corps, NASA, the Smithsonian, and NEH; sub-Cabinet officials; and the Regional Administrators to fan out around the country to highlight the back to school messages. NPR has also scheduled *Federal Community Fairs* that will focus on how the federal government can support after school and youth programs.

In addition to your August 19th event on the Baby Boom Echo report, we hope to make at least one more Presidential announcement on education in late August. Ideally, you could use the August 28th radio address to announce \$95 million dollars in charter school grants for start-up funding as well as -- for the first time -- new funding the Administration secured last year to help successful charter schools share their successes with other public schools (and share their expertise with others who want to start charter schools).

8-30-99

II. Education Week, September 4-7

Because of time constraints, we could not pull off a full-fledged "education tour" on the scale of your New Markets tour. However, we are planning a concerted, four-day push in early September to put education at the center of the budget debate as Congress returns and students go back to school.

In your radio address on Saturday, September 4, you are scheduled to announce \$300 million in grants to 50 communities that will have won a nationwide competition to develop youth safety partnerships between schools and community, health, and law enforcement agencies. With so many winners and so much interest in the school safety, this announcement is a tremendous opportunity for regional press. Justice, Education, and HHS are planning extensive regional press briefings. You also can announce \$32 million in grants for anti-drug middle school coordinators. In addition, we are preparing an executive order to improve coordination of federal school safety efforts. We will look to highlight the back to school message by having AG Reno, Deputy AG Holder, Secretaries Riley and Shalala blanket the morning shows on September 5.

On Labor Day, September 6, in Norfolk, Virginia you will do an event combining labor and education to highlight your school construction proposal. (We will also try to give you an opportunity to "work" at the site, as you requested.) The National Education Association, the American Federation of Teachers and various labor unions are planning complementary events at schools throughout the country.

On Tuesday, September 7, you will highlight your class size reduction initiative by sitting in on an elementary school class with a new teacher who has been hired with the first installment of federal funds to reduce class size, and giving a speech to an assembly of parents. If we can find a site in the Washington area (Montgomery County may work), the First Lady may join you for the event. We are looking for alternative sites outside the Beltway, including in Rhode Island. This event will be a chance to frame the budget debate the day before Congress returns. You also can announce \$75 million in teacher quality grants.

The Vice President will also do some back-to-school events, but has not settled on any dates yet. Bill Bradley is tentatively scheduled to announce his candidacy on Wednesday, September 8.

III. Tenth Anniversary of Charlottesville

You have expressed some interest in using the 10th anniversary of the Charlottesville summit to reflect on what the country has and has not achieved over the past decade. No formal events are planned to commemorate that anniversary, which is September 26-27. But Governors Thompson and Hunt and Lou Gerstner have invited you to address Achieve's 1999 National Education Summit in Palisades, NY on September 30 and October 1. You are scheduled to leave for California on October 1, but we are looking into whether you could speak to the summit on September 30. If that doesn't work out, we will look for another opportunity for you to commemorate the Charlottesville summit anniversary.

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THE WHITE HOUSE
WASHINGTON

December 28, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Mike Cohen

SUBJECT: ESEA Reauthorization Proposal

We have been working with the First Lady's office, OMB, the Vice President's office and the Education Department to develop the strongest possible proposal to reauthorize the Elementary and Secondary Education Act, with the objective of transmitting it to Congress by March 1. While there is still much to be done to shape and finalize this proposal, we have made progress in addressing some of the most significant issues. (Although Secretary Riley has not reviewed our suggestions in detail, Deputy Secretary Smith has been very closely involved in the process.) This memo looks at how the 1994 reforms are working, where they are falling short, and what improvements we are considering. We are planning to meet with you in early January.

I. Progress Report on the 1994 Reauthorization and Goals 2000

Our reauthorization proposal will build on the framework for federal aid to elementary and secondary education established in Goals 2000 and the Improving America's Schools Act, the 1994 reauthorization of ESEA. In principle, both of these Acts overhauled federal elementary and secondary education programs by:

- *Insisting that every state set challenging academic standards that all students are expected to reach.* Goals 2000 required states to set academic standards for all students and develop assessments aligned to those standards. Title 1 of ESEA built on this requirement by mandating that states use these standards for disadvantaged students, thus ending the practice of setting lower expectations for low-income students.
- *Providing schools, school districts, and states with the flexibility to determine how best to educate students to meet high standards.* Goals 2000 provided states and districts with tremendous flexibility in how funds could be used, and for the first time allowed the Secretary of Education to waive federal requirements if they impeded state or local reform efforts. ESEA reduced regulations, paperwork, and reporting requirements; launched your initiative to establish 3,000 charter schools; and permitted high-poverty schools (with 50% or more students eligible for Title 1) to combine funds from separate streams and use them to improve the whole school.
- *Holding schools accountable for the results they achieve, rather than for compliance with*

rules and regulations. Title 1 now requires states to set annual goals for each school and district relating to the number of students who must reach academic standards; to report progress annually for each school (disaggregating data by demographic subgroups); and to intervene in schools that fail to make adequate progress.

These reforms have sparked considerable state and local education reform activity. There is, however, still much more to be done to achieve significant improvement in elementary and secondary education, especially in high-poverty schools. The key lessons from the implementation of Goals 2000, ESEA, and related state and local reforms include:

- *Standards-based education reform works.* A recent Rand study of education reform in North Carolina and Texas -- the two states with the best track record of improving achievement generally and closing achievement gaps between minority and white students -- shows that a sustained, statewide approach of raising academic standards, providing schools with the flexibility and tools they need, targeting resources for extra help to low-performing students and schools, and holding schools accountable for results produces results, particularly for disadvantaged students. Other studies also have shown that states and school districts -- including urban school districts like Philadelphia, Boston, San Francisco, and Chicago -- that have adopted similar approaches have shown significant gains in reading and math. This data indicate that our overall strategy is sound. If we maintain the recent direction of federal education policy while intensifying our efforts, we can improve elementary and secondary education across the nation.
- *States have adopted policies effecting standards-based education reform, but these policies do not go far enough.* Forty-eight states have set new, more challenging academic standards, and most states are working to develop or adopt new assessments aligned with these standards. Fewer states, however, have adopted accountability systems along with the standards. Only 25 states provide for intervention in low-performing schools, as required by Title 1. In addition, only 17 states provide extra help, such as summer school or tutoring, for students who do not meet the standards, and only five states require students to demonstrate they have met the standards as a condition for promotion.
- *Implementation of state policies providing for standards, assessments, and accountability leaves room for improvement.* Title 1 includes a series of deadlines for implementing state policies on standards, assessments, and accountability. Although not all of the implementation deadlines have been reached, it is already clear that many states are not on track to meet them. In addition, some states are failing to implement these policies as envisioned. For example, some states have evaded the full extent of their responsibility to set goals for "adequate yearly progress" for students and schools. And although half the states have policies that provide for some kind of intervention in low-performing schools, many have shown themselves unable or unwilling to take the actions necessary to turn around these schools so they provide an acceptable education.

- *Improvements in the quality of teachers and teaching are urgently needed.* Governor Hunt's National Commission on Teaching and America's Future has underscored the difficulty of recruiting and retaining talented and well-prepared teachers, especially in schools with the most disadvantaged students. About 50,000 teachers each year enter the profession with emergency or substandard licenses. Nearly one quarter of secondary school teachers lack even a minor in their main teaching field, and in schools with the highest minority enrollment, students have less than a 50% chance of having a math or science teacher with a license and degree in the field. On average, 22% of new teachers leave the field within three years, and in urban areas 30-50% leave within five years. Paraprofessionals are widely and increasingly used to provide instruction to low-achieving students in Title 1 schools, with as many as 20% of Title 1 instructional aides providing instruction without a teacher's supervision. By one estimate, instructional aides account for roughly half (67,000) of the entire Title 1 instructional workforce, and Title 1 aides are being hired at twice the rate of Title 1 certified teachers.

The Eisenhower professional development program, the main federal program to improve teacher quality (Goals 2000 and Title 1 also provide some funds for this purpose), has failed to improve the situation in any significant way. Recent evaluation data suggest that in many districts, the Eisenhower program funds activities of limited effectiveness. And even where the activities are effective, the program often fails to fund them at an adequate level. The Higher Education Act you signed last year includes a new program to provide scholarships to highly qualified individuals who commit to teaching in high-poverty schools, but the current appropriation is sufficient for only about 1,400 of these scholarships.

II. Major Changes to ESEA

Our budget contains a number of initiatives to expand educational opportunity in the elementary and secondary grades: school modernization, class size reduction, after-school funding connected to social promotions policy, and an increase in Title 1 funding for the specific purpose of intervening in low-performing schools. Our ESEA reauthorization can build on these initiatives by insisting on what the studies suggest we most need: accountability -- for students, teachers, and low-performing schools. With this Congress, we may not be able to enact every ESEA reform we want -- indeed, we may not be able to get ESEA done at all this year -- but we can frame the debate in the right way by putting forward a bold vision of the future of education reform.

Our proposal would include a new set of accountability requirements as a condition for any state or district to receive any ESEA funds (not just Title 1). States and school districts would be required to produce annual school report cards, end social promotions, intervene in the lowest performing schools, and end the use of unqualified teachers. Taken together, these new requirements represent a fundamental change in federal aid to elementary and secondary

education. For the first time, the federal government would link investment in state and local education systems with their commitment to take the steps necessary to enable all students, teachers, and schools to meet high standards. In effect, we are saying that the best way for the federal government to help students is to insist that states and local school districts live up to their responsibilities, rather than to try to compensate after-the-fact for their failure to do so.

Along with the investments in your budget, this approach is intended to help close the opportunity gap by lifting achievement in low-performing schools and making sure that disadvantaged students are not left behind. We think the approach would be compelling enough to unite most Congressional Democrats, the education community, and the public, as well as to counter an expected Republican push for vouchers and block grants.

A. Annual School Report Cards. Our proposal would require annual report cards, easily understood by and widely distributed to parents and the public, for each school, school district, and state. The report cards would include information on student achievement, teacher quality, school safety, and class size. Where appropriate, the data collected and published -- especially on student achievement -- would be broken down by demographic subgroups, to allow a greater focus on the gaps between minority and majority, low-income and more advantaged students.

B. Ending Social Promotions. Our proposal would require states and districts participating in ESEA to adopt policies that (1) require students to meet academic performance standards at key transition points in elementary and middle school and for high school graduation; (2) use objective measures -- *i.e.*, tests valid for these purposes -- to make an initial determination if a student has met the standards; and (3) permit other, non-objective factors, including teacher judgment, to enter into a final determination as to whether the student has met the standards. States and school districts would have to show how they will help students meet promotion standards by (1) strengthening learning opportunities in the classroom with steps such as clear grade-by-grade standards, small classes with well prepared teachers, high quality professional development, and the use of proven instructional practices; (2) identifying students who need help at the earliest possible moment; (3) providing extended learning time, including after-school and summer school, for students who need extra help; and (4) providing an effective remedial plan for students who do not meet the standards on time, so that they do not repeat the same unsuccessful experiences. The proposal would phase in this requirement over five years; design the requirement to fit state governance systems (allowing "local control" states to delegate responsibilities to the local school district); and base the requirement on state or local rather than national standards. The Secretary would review and approve each state's plan, with continued funding conditional on adequate annual progress in implementing the plan.

To reinforce this requirement and encourage local school systems to address it even before the enactment of ESEA, your FY2000 budget contains a \$400 million increase in funding for the 21st Century Learning Center program, half of which will be reserved for after-school and summer school programs in school districts implementing policies to end social promotions.

C. Accountability for Teachers. Our proposal would require states and local school districts participating in ESEA to phase out the use of unqualified teachers over five years. In particular, states and school districts would have to end the use of (1) teachers with emergency rather than full certification; (2) secondary school teachers teaching "out of field" -- *i.e.*, teaching subjects for which they lack an academic major or minor; and (3) instructional aides serving as lead instructors. Ending these practices is particularly important for high-poverty schools, where the practices are most prevalent. States also would have to adopt teacher competency tests for new teachers, including tests of subject-matter expertise for secondary school teachers. States and school districts would be able to use funds from a number of ESEA programs, including Title 1, bilingual education, and a new grant program focused in part on teacher quality, to help meet these requirements.

In addition, we are working with the Education Department to fashion a requirement for states and school districts to deal with low-performing teachers. We are exploring a number of approaches, including (1) requiring periodic recertification of teachers, and (2) requiring school districts to adopt procedures to identify low-performing teachers, provide them with needed help, and remove them fairly and quickly if they do not improve. We will work closely with the NEA and AFT over the coming weeks to try and fashion a provision that will meet our objectives while addressing their concerns.

D. Accountability Fund for Title 1 Schools. Our proposal would strengthen accountability requirements in Title 1 so as to require and adequately fund immediate and significant state and local intervention in the lowest performing schools. Because the schools of greatest concern are invariably Title 1 schools and because Title 1 already contains certain accountability provisions, we believe we should incorporate these provisions into Title 1, rather than imposing a broader ESEA requirement.

Our proposal would retain current provisions for states to adopt performance standards and assessments by 2001. In addition, it would strengthen the current provisions in Title 1 relating to low-performing schools by: (1) requiring the immediate public identification of and intervention in the lowest performing schools in each state -- *i.e.*, schools with very low levels of achievement that have made little or no improvement over the previous three years; (2) setting aside 2.5% of Title 1 funds to support aggressive intervention in these schools, including an external assessment of each school's needs and the implementation of needed improvements (such as addressing school safety and security needs, providing better teacher training, acquiring up-to-date textbooks, technology, and curriculum materials, and extending learning time to help students catch up academically); and (3) requiring states to provide recognition or rewards to Title 1 schools showing the greatest improvements.

To increase the appeal of this approach, your FY2000 budget contains a significant increase in Title 1 funding, of which \$200 million is specifically dedicated to this initiative.

III. Other Changes in ESEA

A. Charter Schools and Public School Choice. Earlier this fall you signed the Charter Schools Expansion Act of 1998, which strengthened incentives for states to (1) increase the number of high-quality charter schools, (2) strengthen accountability for charter schools, (3) maximize flexibility for charter schools, and (4) provide charter schools with their proper share of federal program funds. We believe, along with most in Congress, that no further changes relating to charter schools are needed in the ESEA reauthorization process.

Our proposed ESEA legislation, however, would include new authority to enable the Education Department to support other, new approaches to expanding public school choice. At present, the Department has authority only to support specific approaches to choice, such as intra-district magnet schools in the context of desegregation efforts, and (as of last year) high schools on community college campuses. We will propose a new competitive grants program that will give the Education Department the ability to support a much wider range of choice approaches, including district-wide public school choice systems, interdistrict magnet schools and other interdistrict approaches, work-site schools, schools-within-schools, and post-secondary enrollment options.

As a first step in this direction, your FY2000 budget proposal will contain funds and necessary authorizing language for three specific choice initiatives: \$10 million in grants to school districts to establish work-site schools; \$10 million to support interdistrict magnet schools; and (as already authorized) \$10 million to establish high schools on community college campuses.

B. Bilingual Education. Our proposal would make changes to the Title VII Bilingual Education program and to Title 1 (which serves more than 1.1 million LEP students) consistent with statements you and Secretary Riley made in opposing California's Unz Initiative. These statements called for (1) expanding the flexibility given to local communities to select the programs they believe will best educate LEP students; (2) making sure teachers are well trained to teach LEP students; and (3) strengthening accountability for programs serving LEP students by including a goal that all LEP students reach English proficiency within three years.

To expand local flexibility and parental choice, we would remove the Title VII provision in current law that limits expenditures on English-language (rather than bilingual) programs to 25% of the funds available. We also would require parental approval for participation in any program funded under Title VII. To improve teacher quality, we would phase in a requirement that schools receiving Title 1 funds provide LEP students with appropriately trained teachers. We also would strengthen the teacher training provisions in Title VII by giving funding priority to school districts and institutions of higher education that have implemented proven programs to hire, train, and support new ESL and bilingual teachers.

In Title 1, we would require that LEP students be included in the assessment and

accountability requirements for each school. Assessments would be in their language of instruction and, after three years of schooling in the United States, in English. We would require schools to disaggregate data, so that they would report -- and be accountable for -- both the academic achievement and the English language proficiency of LEP students. We also would require schools receiving Title 1 funds to provide alternative instructional strategies for LEP students who do not make adequate progress in English proficiency after three years. Finally, we would cut off Title VII funding to a program after three years if it could not show that students made significant gains in both English and academic subjects.

C. Safe and Drug Free Schools Program. As you announced at the White House Conference on School Safety, we would significantly overhaul the Safe and Drug Free Schools Program to improve its effectiveness at promoting drug-free, safe, and disciplined learning environments. Our proposal would accomplish this by (1) requiring states to allocate funds to local school districts on a competitive basis, with funds going to the districts with the greatest need and highest quality proposals; (2) requiring local school districts receiving program funds to develop and implement a rigorous, comprehensive approach to drug and violence prevention based on proven practices; (3) requiring every school district receiving funds to have a full-time program coordinator; and (4) requiring all schools to issue report cards that include data on crime, disorder, and substance abuse.

D. Class Size Reduction. We would include authorization for our Class Size Reduction initiative in our ESEA package, since the provisions in last year's Omnibus Appropriations Act provide funding and authority for only one year. Although we do not expect Congress to enact the ESEA reauthorization this year, we believe that transmitting authorization legislation will strengthen our ability to fight for additional funds for class size reduction in the FY2000 appropriations bill. Unlike the provision enacted last year, our original proposal required local school districts to provide matching funds (an average of 20%, with a sliding scale based on poverty levels). We intend to include the matching requirement in our ESEA authorizing proposal, so that we can reach our goal of providing 100,000 teachers within 7 years. In all other respects, our proposal would reflect the agreement reached with Republicans last year, which itself was fully consistent with our original proposal.

E. School Modernization. We also intend to include our school modernization proposal, with only minor changes from the one introduced last year, in our ESEA package.

F. Ed-Flex. Our proposal to expand Ed-Flex (which gives states the authority to waive many statutory and regulatory requirements in ESEA) to all 50 states died last year, caught between Democrats who opposed granting greater flexibility and conservative Republicans who insisted on a more sweeping block grant proposal. Governors of both parties aggressively promoted Ed-Flex until the very end of the session, and Governor Carper has indicated that the NGA will take up the cause again next year. Although we believe we should continue to support some version of Ed-Flex, we will need to think carefully about the scope of the proposal. We think it would be a mistake to allow states to waive the full set of accountability provisions

described above or the requirement for using class size funds to reduce class size to 18 in the early grades.

G. Preschool Education. Our ESEA proposal would retain provisions in current law allowing the use of Title 1 funds for pre-school, and would expand the Even Start Family Literacy program to reach greater numbers of children and adults. We also would strengthen the quality of pre-school programs and enhance school readiness by providing funds to local school districts, on a competitive basis, to (1) work with Head Start and other pre-school programs to identify the basic language and literacy skills that children need when they enter school and to design a curriculum to help students acquire these skills; and (2) provide professional development for child care providers and other providers of early childhood services to help children build these basic language and literacy skills.

IV. The future of Goals 2000 and continuing support for standards-based reform.

Goals 2000 has been the flagship Administration initiative promoting standards-based reform, and recent studies show that it has been successful. We do not believe we should let the program expire simply because of the political opposition it faces in Congress. At the same time, we do not believe it is wise -- either for substantive or for political reasons -- to submit a proposal that simply extends the current program. We are instead looking for a way to advance standards-based reform in a somewhat different form -- a kind of second-generation proposal that will reflect the current state of the standards movement.

Most educators agree that while states have made significant gains in developing standards, they still face great challenges in actually putting those standards into place in the classroom. To meet these challenges, schools must have talented and well-prepared teachers, who themselves have the tools -- curriculum materials, instructional approaches, technology, and the like -- to engage all students in learning to higher standards.

Several currently existing formula grant programs -- Goals 2000, the Eisenhower Professional Development program, and the Title VI Block Grant -- could contribute to this objective. We are considering a number of approaches involving these programs, including proposals to consolidate some or all of them into a larger program, which would be designed to help move standards into the classroom and would have a strong focus on improving teacher quality. Such a proposal effectively would create a "responsible block grant," with clear purposes and accountability. Some Congressional Democrats -- including Senator Kennedy -- are also looking at this approach, in part because it would respond to the Republican push for block grants and in part because it would create a large funding stream to address issues of teacher quality. We still have much work to do on this issue, and we will outline more concrete options in a subsequent memo.

June 24, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed

SUBJECT: Bilingual Education

The House Education and the Workforce Committee recently passed the English Fluency Act, introduced by Rep. Frank Riggs, on a straight party-line vote. The purpose of this memo is to update you on both the status of the Riggs proposal and the development of an Administration alternative, and to present you with options for how to proceed.

I. Overview of Riggs Bill and Administration Alternative

The Riggs bill would eliminate the existing Bilingual Education and Emergency Immigrant Education programs and replace it with a block grant program that would require participating school districts to have a strategy for placing Limited English Proficient (LEP) students in regular English-language classes within two years and that would deny funding to districts for any children who remain in bilingual classes after three years. The bill would eliminate professional development programs designed to prepare qualified ESL and bilingual education teachers. It also would curtail the enforcement powers of the Education Department's Office of Civil Rights (OCR) by voiding existing voluntary compliance agreements between OCR and local school districts on educating LEP students and by requiring Congress to ratify any new guidelines and compliance standards on this subject.

We are finalizing an alternative bill based on the principles you and Secretary Riley articulated in opposing the Unz Initiative. (We are also working long-term on possible changes to Title 1 to help LEP students, but these changes will not be ready this year.) Our alternative bill would amend (rather than replace entirely) the existing bilingual education program. Specifically, it would require participating school districts to (1) establish a goal of preparing LEP students to enter regular English classrooms within three years; (2) conduct annual assessments of students' English proficiency; (3) provide additional help for students not on track to English proficiency; and (4) develop a corrective action plan, to be approved by the Secretary, if a significant percentage of students do not meet the three-year goal.

To ensure accountability for results, districts that fail to make adequate progress after implementing a corrective action plan would not receive continued funding. Districts that make outstanding progress toward the three-year goal would receive additional funding. In addition, the bill would guarantee local flexibility by removing the existing cap on funding for programs that do not use students' native languages and by removing the competitive priority currently given to

programs designed to maintain native language while helping students learn English.

We also have been working on other measures to help LEP students. Though we still have work to do on this package, and some parts of it will cost money, we expect it to include: (1) proposals to strengthen the recruitment, preparation, and continued training of bilingual and ESL teachers, including additional incentives to attract teachers to the field and mentoring programs for new teachers; (2) an initiative to promote community-based efforts to provide extra help for LEP students to learn English through, for example, after-school tutoring and Saturday programs; (3) a directive to the Secretary of Education to report on best practices, both in the U.S. and in other countries, to assist students to become proficient in the national language as quickly as possible; (4) a research program in how best to strengthen education for LEP students, including studies on the uses of technology; and (5) a proposal to help English-speaking students learn foreign languages, including new incentives and support for schools to offer foreign language classes in early grades. We can announce such a package this summer regardless of whether we also transmit bilingual reform legislation, though our ability to spend new money on these proposals will be limited outside the budget cycle.

II. Congressional Dynamic

The Riggs bill probably will proceed in the House on two parallel tracks: as a rider to the Labor-HHS-Education Appropriations bill and as a free-standing bill. There is no analogue to the bill in the Senate and no hint of activity on this issue.

The House Labor-HHS-Education Appropriations Subcommittee marked up a bill yesterday that includes Riggs. (This version of Riggs may differ slightly from that previously passed by the Education and the Workforce Committee; we are trying right now to get the appropriations language.) Subcommittee Democrats viewed this appropriations bill as so fundamentally flawed that they did offer any amendments. (The bill provides less than you requested for overall education spending; makes significant cuts in Administration priorities such as Goals 2000; and contains a number of unacceptable riders including a prohibition on national testing and the creation of block grants out of existing programs.) House Democrats have not yet finalized a strategy for dealing with this bill in the full committee and when it comes to the floor. It appears likely that any amendments offered will be designed to promote a unified Democratic message rather than to improve the bill in material ways. We do not expect the Hispanic Caucus to make an effort to strip Riggs from the bill.

In addition, the Riggs bill probably will come to the floor as a free-standing measure shortly after the recess. Few Members have focused on this prospect yet, and we do not know whether they will want the cover of an alternative bill to reform bilingual education. Committee Democrats (including moderate Reps. Roemer and Kind) felt no need for an alternative bill during markup. Rep. Roemer, however, believes that Democrats will need an alternative on the floor. So far, members of the Hispanic Caucus, including Reps. Becerra and Hinojosa, have opposed a floor alternative (as do bilingual advocates), although they acknowledge that the Democratic Caucus as

a whole might eventually want one.

III. Legislative Options

We must determine when and under what conditions to transmit legislation to reform bilingual education. There are two basic options: to defer to Congressional Democrats, or to send a bill to Congress this summer, even if we have not obtained the agreement of House Democrats.

Option 1. Defer to the Congressional Democrats

One approach is essentially to leave this decision to House Democrats. We would consult with members of the Hispanic Caucus and other Democrats on our bill, incorporating their suggestions to the extent we could, but insisting that our three-year goal and strengthened accountability measures remain part of the legislation. If the Democrats decide that they want an alternative bill as Riggs proceeds -- and if they can live with the Administration's version -- we would introduce the bill. Alternatively, if they do not want an alternative -- or do not want our alternative (i.e., a bill with a three-year goal and strong accountability provisions) -- we would continue to articulate our principles on bilingual education, and announce other initiatives to help LEP students, but postpone transmittal of actual legislation until the Bilingual Act comes up for reauthorization next year.

The principal advantage of this approach is that it stands the best chance of keeping Democrats united -- on bilingual education in particular, but also on our overall education strategy. The approach will enable us to take as strong and united a base as possible into our many fights with Republicans on education programs. It also will enable us to draw as clear a line as possible between Republican and Democratic approaches to education issues.

The downside of this approach is that it places control over your bilingual reform proposal in the hands of Members who may not share your views -- and thereby minimizes your ability to take a leadership role on this issue. The chances are good that the Democratic Caucus either will not want an alternative bill, or will not want the kind of bill that we support (although it is possible that enough Members will want a strong alternative to the Riggs bill to place real pressure on the Democratic Leadership and Hispanic Caucus to accept our approach). Accordingly, deferring to the Caucus may well mean deferring transmittal of a bill until next year. In this event, you would have to make the case against Riggs without a specific proposal of your own.

Option 2. Transmit An Administration Bill This Summer

The alternative approach is to send up a bill this summer, even if it cannot get the support of the entire Democratic Caucus. We of course would consult with the Hispanic Caucus and other Democrats in an effort to get their backing, but if these discussions proved fruitless, we would send up a bill regardless. We then would define our opposition to Riggs on this basis.

This approach would demonstrate your clear commitment to reforming bilingual education and would position you in the reasonable center of the emerging national debate between those who are defending the status quo and those who are proposing extreme and punitive approaches. The approach would strengthen your ability to oppose Riggs (because you too would have a reform proposal). It also would give you the best chance of framing the bilingual reform issue and ensuring that yours is a preeminent voice in the debate as it goes forward.

The approach, however, has significant legislative downsides. If you send up a bill against the wishes of the Hispanic Caucus, not only they but probably the Black Caucus and liberal Democrats as well would oppose the measure. In the worst case scenario, the proposal would not find a Democratic sponsor, leaving you appearing wholly isolated on this issue. Even if the bill were introduced, it probably would not command much support; the same coalition could form against it as formed against our national testing initiative. Opposition by the Hispanic and Black Caucuses also could spill over into other legislative battles (although the prospects of support from the two caucuses on the testing issue is in any event very slim).

In assessing these pros and cons, you also should note an outside chance that Riggs will respond to your bill by offering a compromise. Riggs has indicated privately that he does not see large differences between his approach and the principles you articulated when opposing Unz. He also has hinted that he is prepared to drop the civil rights enforcement provisions in his bill. If Riggs were to modify his bill in order to look more like ours, we might be able to pass good bilingual reform legislation, but we would infuriate many House Democrats in our effort to do so.

Recommendation: Your advisors are split on this issue. I favor Option 2 as the best way to make progress on this issue, but recognize that your final determination may depend more upon political than upon policy calculations. NPR, which you asked to look into bilingual issues, also supports Option 2. Maria Echaveste also would favor Option 2 if it comes to that, but would work very hard -- and thinks we have a real chance -- to convince the Hispanic Caucus and Democratic leadership to accept our approach. Secretary Riley favors Option 1 because he wants more time to develop a bill and because he does not want to introduce a bill in the face of resistance from the Hispanic Caucus. Larry Stein, Janet Murguia, Mickey Ibarra, and Karen Skelton also recommend Option 1, principally on the latter ground.

_____ Option 1 _____ Option 2 _____ Discuss

THE WHITE HOUSE
WASHINGTON

April 8, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: SECRETARY RILEY
BRUCE REED

SUBJECT: California Proposition 227 (Unz Initiative) to End Bilingual Education

On June 2, California voters will consider Proposition 227, otherwise known as the Unz Initiative, which proposes to eliminate virtually all bilingual education. This is California's third potentially divisive race-related initiative in four years, following on the heels of Proposition 187, which barred public benefits for illegal immigrants, and Proposition 209, which ended affirmative action.

Polls show that the initiative is popular and is likely to pass, although a strong opposition campaign could make the election close. Many Latino voters currently favor the initiative, but the polls show that Latino support has declined considerably as voters become more familiar with the details of the proposal. Latino activists are strongly opposed to Unz, and are looking to the White House to support their efforts to defeat it.

Over the past several months DPC and Education Department staff worked with Maria Echaveste, Mickey Ibarra, Karen Skelton, and Janet Murguia to study the Unz Initiative, consulting widely with both opponents and supporters in California, in Congress, and in the advocacy community. Although concerned about the effectiveness of some bilingual education programs, your advisors strongly believe that the Unz initiative is bad education policy and will harm students who need help the most.

We therefore recommend a strategy that Rahm has termed "reform, not revoke." Under this strategy, you would oppose the Unz Initiative because it deprives local educators of the ability to make educationally sound choices about how to meet the needs of Limited English Proficient (LEP) children. At the same time, you would articulate the principles you support for reforming and strengthening programs to help LEP students become proficient in English.

I. The Unz Initiative and Bilingual Education in California

A. Overview of the Unz Initiative

This initiative, authored and backed by Silicon Valley millionaire Ron Unz, is designed to end all bilingual education programs in California. More specifically, it would:

- Require that all public school instruction be conducted in English.
- Permit this requirement to be waived only if parents or guardians can show that the child already knows English, has special needs, or would learn English faster through an alternative instructional technique.
- Provide initial placement for LEP students in "sheltered English immersion" programs for a period normally not to exceed one year. Instruction in these programs would be conducted in English, with some accommodations in the curriculum to take into account the limited English language skills of the students.
- Appropriate \$50 million per year over 10 years to fund adult education programs designed to teach English to LEP adults who in turn pledge to provide English language tutoring to LEP students.
- Make teachers, administrators, and school board members subject to suits and personally liable for failure to implement the provisions of the initiative.

Unz and other backers of this initiative regard the existing system of bilingual education as a complete failure. They argue that because bilingual education relies so heavily on use of the students' native language and only slowly introduces English, the approach delays or prevents, rather than promotes, the acquisition of English. Further, they point out that although California's bilingual education law expired a decade ago, the legislature has been unable to enact legislation to reform a broken program. This initiative, they argue, will break the legislative impasse and dramatically improve educational opportunities for LEP students..

B. Bilingual Education in California

Demographics. There are approximately 1.3 million LEP students in California, approximately one quarter of California's K-12 students. This number has nearly doubled in less than a decade, and represents some 43% of the national total. Seventy nine percent of California's LEP students are native Spanish speakers. As you know, Hispanics have a 50% dropout rate, and by most indicators their academic performance lags behind most other population groups in the state.

Educational Services. LEP students receive a wide variety of services intended to help them learn English and academic subjects. In 1997, only about 30% received what is conventionally considered bilingual education -- programs that make significant use of the student's primary language to teach academics while phasing in ever greater amounts of English language instruction. More than half participate in specially designed instructional programs that

help students learn English, while teaching other subjects in a way designed to be accessible to LEP students. (The Unz Initiative would eliminate these programs as well as conventional bilingual programs.) Approximately 16% of all LEP students are not receiving any language instruction services at all.

California Legal Framework. The legal framework for providing services to LEP students in California is murky. California's Bilingual Education Act expired in 1987, but the State Board of Education regulations implementing the act have remained in effect. Under this framework, school districts are required to help students become fluent in English and competent in other academic subjects, and are given a significant amount of flexibility in determining how to achieve these goals. Neither bilingual education nor any other specific approach to teaching LEP students is required.

There have been a number of unsuccessful attempts in the past decade to enact new legislation, but bilingual education reformers and advocates have been unable to agree on an approach. A fresh attempt to craft legislation has arisen in the past month, partly to take the steam out of Unz and to give Unz opponents something to support. This effort, however, is likely to end in failure.

Early in March the State Board of Education decided to eliminate the state bilingual education regulations. This process should be completed shortly before the vote on Unz. The effect of this action will be to eliminate any state requirement for the provision of specific services to LEP students, and to give local school districts even greater flexibility.

II. Political Context

The Unz initiative is currently the most serious threat to bilingual education, but it is not likely to be the last. Earlier this year Speaker Gingrich proposed eliminating bilingual education, and some conservative education experts (e.g., Diane Ravitch) have also called for its end. Last week, Rep. DeLay introduced a bill that would eliminate the federal bilingual education program, and House Republicans have included a \$75 million rescission of FY98 funding for bilingual education in the emergency supplemental bill. Especially if Unz passes, we are likely to see energized opposition to the federal program, and increased opposition to bilingual education in other states and localities.

The Unz initiative presents a political dilemma in California. If we oppose it, we risk alienating a majority of California Anglo voters. If we fail to oppose it, we risk alienating a vocal and increasingly influential group of Latino leaders, and possibly Latino voters.

Current polls show that a large majority of California Anglo voters support Unz. For Anglos, bilingual education may become a hot button issue similar to immigrant services and affirmative action. In contrast, Latino voters are split on the issue. While many continue to support Unz largely out of frustration at the public schools' failure to help their children, polls

show that Latino support is eroding as voters become more aware of the particulars of the initiative. It is likely that current polls overestimate Latino support for Unz, just as polls overestimated Latino support for Propositions 187 and 209.

Latino activists and elected officials oppose Unz. To some of the Latino leaders, Unz is a litmus issue, like Propositions 187 and 209. Latino leaders are looking to the White House to become actively involved in the opposition to Unz, and are fearful that we will choose to sit on the sidelines.

More organizations and elected officials are taking positions on Unz. The California education community -- including the California Teachers Association and the California School Boards Association -- is strongly opposed to Unz. Key Democratic officeholders (including Sen. Boxer, Rep. Becerra and most Democrats in the California delegation, State Superintendent Delaine Eastin, and Speaker Villaraigosa) have also announced their opposition to the Unz initiative. All three Democratic gubernatorial candidates have come out against Unz. Sen. Feinstein has not taken a public stance yet, though she appears likely to support Unz. A list of organizations, elected officials, and other leaders that have taken positions on Unz is attached.

The Republican state party has supported Unz, though many Republican officials, including Gov. Wilson, have not yet taken a position. Dan Lungren has not taken a position yet, but has recently said that the recent action by the State Board of Education has eliminated the need for Unz. There is always a chance that White House opposition to Unz could polarize the situation and push Gov. Wilson and other Republicans to support Unz, but at least some Republican leaders are afraid to support another initiative viewed as anti-Hispanic.

The political dilemma can be resolved with a "Reform, not Revoke" response.

We believe the best approach to this issue is to strike a middle ground by admitting that bilingual education needs reforming, but asserting that Unz is not the way to do it. More specifically, we can:

- Start by reiterating the overriding importance of helping every child become proficient in English;
- Oppose Unz on the merits because it is too extreme;
- Remind voters what we are for, including both our overall approach to strengthening public education and our Hispanic initiative;
- Articulate the fundamental principles that you believe should be used by local communities to reform and strengthen their efforts to educate LEP students. These principles include setting a goal for school districts to help LEP students learn English within three years, holding schools accountable for results, providing local flexibility, and emphasizing quality in any approach used.

III. Specific Recommendations

I. Oppose Unz Initiative on educational and legal grounds.

Educational. There is little doubt that current programs for LEP students leave much room for improvement. While some promising efforts have emerged, the services now provided are not effective on a large-scale basis. Even when programs themselves are good, shortages of qualified teachers and poor implementation often limit the ineffectiveness

We believe, however, that the Unz Initiative would only make matters worse. A one-size-fits-all State prescription for how to educate LEP children -- and a demand that all special services cease in one year will retard progress toward the goal of helping LEP students learn English, reach high standards, and participate effectively in classrooms. Experience and research indicate that no one approach is the answer for all limited English proficient children. By limiting the discretion of schools and teachers to determine what works best for their LEP students, the Unz Initiative prevents teachers and parents from exercising common sense and professional judgment regarding how to serve individual children.

And even assuming we should pick a single method of educating LEP students, there is little to recommend the Unz "sink or swim" model. While a structured English immersion approach may be effective for some limited English proficient children, it is likely to be ineffective for many others. One year of special instruction -- whether in Bilingual Education or an English immersion approach -- rarely is sufficient to enable a child who starts the program with almost no proficiency in English to become proficient enough to participate in regular English-language classes.

Legal. Based on the educational problems described above, the Unz Initiative will raise serious issues under federal civil rights laws. In the seminal 1974 case of Lau v. Nichols, the Supreme Court interpreted Title VI of the Civil Rights Act to require school districts to take steps to ensure that national origin minority students with limited English proficiency can effectively participate in the regular educational program. Similarly, the Equal Educational Opportunity Act, enacted in 1974, requires public educational agencies to take appropriate action to overcome language barriers that impede student participation in instructional programs. Neither Lau nor subsequent cases addressing Title VI or the Equal Educational Opportunity Act mandate a particular approach to meeting these needs, but they require that sound educational approaches be implemented and evaluated.

Assuming (as we probably should) that some educational experts will vouch for the soundness of the sheltered English immersion approach mandated by the Unz Initiative, Department of Education lawyers believe that a legal challenge asserting that the Unz Initiative on its face violates Title VI or the Equal Educational Opportunity Act probably would not succeed. But they believe that the Unz Initiative will cause widespread violations of Title VI and the Equal Educational Opportunity Act once it is applied to cut off services to students

who need them. The only way that such violations will be avoided is if the State or local educational agencies use loopholes in the Proposition to extend services to LEP students beyond the year specified in the initiative. The Unz Initiative thus will create legal confrontations between California agencies and the Departments of Education and Justice over violations of civil rights laws, and will divert resources and attention that should be focused on educating children to conducting investigations and litigation.

Recommendation: For these reasons, we recommend that the Administration publicly oppose the Unz Initiative. Taking a position soon will allow us to help frame the debate and set a constructive tone, rather than get drawn into an already inflammatory debate. A prompt announcement will also allay concerns in the advocacy community that we may sit this battle out until it is too late to have an impact on the outcome. We think that Secretary Riley should make the initial announcement of the Administration's position within the next week to ten days.

We also believe that you should express opposition to the Unz Initiative during your visit to California in early May. We will also work with the Vice President's office to create an appropriate opportunity for him to state his opposition to Unz.

_____ Agree _____ Disagree _____ Discuss Further

2. Couple opposition to Unz with a clear statement of how local school districts can strengthen education for LEP students.

We believe that you should couple your opposition to Unz with a strong statement about the importance of helping LEP students learn English and the need for reforming and strengthening bilingual education. This statement would articulate principles to guide local educators in providing services to LEP students.

We seriously considered but rejected the idea of underscoring your commitment to improve bilingual education by also proposing statutory changes to the federal Bilingual Education Program. After consultation with members of the California Congressional delegation, the Hispanic Caucus and others, we concluded that this step would be premature since Congress is unlikely to pass or even consider your proposals until next year, when the bilingual education is scheduled for reauthorization. An Administration proposal now also would fuel other, potentially dangerous Congressional proposals to alter or eliminate bilingual education. Further, proposing changes to the federal program now would place members of the California Congressional delegation in a difficult position, because they would be forced to take a position on both the Unz Initiative and your legislative proposal.

We recommend a statement articulating the following principles:

Set a goal for school districts to help LEP students learn English within 3 years. All participants in this debate -- and especially parents of Hispanic and other LEP students -- want children to learn English as rapidly as possible. Bilingual education programs that prolong rather than speed the process of learning English, and are open-ended rather than transitional, do harm to students. But currently, few school districts establish clear time lines or goals for LEP students to learn English.

Challenging school districts to set and meet a clear goal of helping LEP students become proficient in English within 3 years will ensure that your opposition to Unz is not -- and is not taken as -- as an endorsement of the status quo. Setting a clear goal is the first step toward reducing the length of time it takes for students to master English. It will send a clear message to teachers and administrators to adopt educational strategies that will help students acquire English proficiency as rapidly as possible. In this context, you should also urge school districts to set the same academic standards and expectations for LEP students as for all others; notify parents of every LEP student of these goals when the student is first enrolled; assess student progress in English and other academic subjects annually and; identify early, and provide extra help, to students who are not making progress.

This proposal will be very unpopular with the Hispanic Caucus and the bilingual advocacy community. They will argue that there is no clear research base to establish a 3-year time frame, that individuals vary in how long they need to master English, and that pushing students to learn English early will slow down their ability to master other academic subjects. They will also argue that advocating a 3-year time frame -- or any other time limit -- plays into the hands of Unz and his supporters by weakening the ability of Unz opponents to make the case against the 1-year cut-off of services in his proposal. Further, they and many educators will argue that if it is necessary to set time lines for learning English, local educators and communities ought to take responsibility for determining the appropriate length of time.

We believe that you can mitigate these concerns by making clear that you are calling for a goal rather than a strict time limit, by emphasizing that accountability for meeting the goal rests primarily on local schools, and by not proposing to end language services to students who have not yet mastered English within 3 years. These responses may not fully satisfy the bilingual community, but the three-year goal is important enough, from both an educational and a political perspective, to take this risk of disagreement.

Local school districts must be accountable for performance and results. School districts must be held accountable for helping students become proficient in English as rapidly as possible. They should report publicly how well they are doing to meet the timelines they have established. They should test students periodically for English proficiency (as well as achievement in other subjects) to determine if they are making adequate progress, and they

should provide additional services or take other corrective actions as appropriate when students are not making adequate progress. School districts should evaluate their bilingual education programs regularly as well. If a program is not helping its students progress rapidly enough, the school district should strengthen it, or use another approach that research shows will work.

There must be local flexibility. As discussed above, no one-size-fits-all prescription for how to educate limited English proficient children will work. Local schools must have the flexibility to design programs that meet their particular needs, mix of students, and resources. So long as the goal is clear -- that students learn English as rapidly as possible -- and there is accountability for results, parents and educators should be free to work together to fashion programs that work for them.

The focus must be on strengthening quality, regardless of approach. The research on instruction for LEP students does not identify any particular approach (e.g. bilingual education, English immersion, English as a Second Language, or dual-language immersion) as more effective than others. Rather, it suggests that effective programs have well-prepared teachers who know how to teach reading and who are knowledgeable about second-language acquisition; provide students with a challenging curriculum and high academic standards; and regularly assess student progress and make adjustments in the instructional program accordingly. In short, if LEP students are to learn English and succeed in school, they must be in schools that work for all students--schools with high standards, good teachers, smaller classes, challenging curriculum and accountability for results. Because of this, any discussion of the steps required to strengthen local quality provides an opportunity to discuss your overall agenda for strengthening public schools

_____ Agree _____ Disagree _____ Discuss Further

Elected Officials, Associations, Activists are Taking positions on Unz:

Oppose Unz:

Senator Barbara Boxer
 Lt. Gov. Grey Davis
 Congressman Xavier Becerra
 Congressman Cal Dooley
 Congressman Bob Filner
 Congressman Lucile Roybal-Allard
 Congresswoman Zoe Lofgren
 Congresswoman Ellen Tauscher
 Congressman Vic Fazio
 Congressman Marty Martinez
 Delaine Eastin, Superintendent of Public Instruction
 Assemblyman Cruz Bustamante (former Speaker)
 Speaker Antonio Villaraigosa
 Senator President John Burton
 Supervisor Gloria Molina
 CTA
 MALDEF
 Republican Assemblyman Bill Leonard
 Republican Assemblyman Rod Pacheco (only R Latino Assemblyman)
 CABA

Support Unz:

Ron Unz
 Gloria Matta Tuchman
 Jaime Escalante
 Fernando Vega
 Mayor Richard Riordan
 Darrell Issa, Republican Senate Candidate opposing Barbara Boxer

THE WHITE HOUSE

WASHINGTON

March 15, 1998

3-16-98

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
GENE SPERLING
MIKE COHEN
BOB SHIREMAN

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Reed
Sperling
Cohen
Shireman
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SUBJECT: Education Strategy

You have proposed a popular, comprehensive education agenda to expand opportunity, strengthen quality, and help prepare students, especially the most disadvantaged, to reach tough academic standards and to enter college. These proposals build on your efforts since 1993 to raise standards, strengthen accountability and expand flexibility, expand public school choice, and improve the quality of schools by providing them with better prepared teachers and up-to-date technology.

~~Some of your proposals, such as America Reads and the expansion of the 21st Century Schools program, stand a good chance of enactment. But many, including class size reduction, school modernization, and national tests, face a steep challenge in Congress, where the~~
Republicans want to expand education IRAs, create school vouchers, fold existing programs into block grants, and do relatively little else. In addition, we will face a tough battle to fund your education priorities in the appropriations bill, because the Republicans will advance different spending priorities within education, and because likely Congressional increases in highway spending will squeeze the total funds available for education.

To overcome Republican opposition and enact significant portions of your education agenda, we propose a four-part strategy:

- ✓ (1) Build momentum by pressing for the proposals that are most likely to pass.
- ✓ (2) Make it costly for Republicans to oppose your new education initiatives -- school modernization, education opportunity zones, class size -- by getting Democrats to bring them up every time Republicans try to move a key piece of their education agenda (vouchers, Coverdell, etc.)
- ✓ (3) Pursue a multi-pronged approach to national standards and tests.

(4) Conduct a national education campaign to keep your entire education agenda visible and use the bully pulpit to promote education reform.

I. Building momentum by pressing for the proposals that are most likely to pass with bipartisan support.

Several pieces of education legislation reflecting your priorities stand good to excellent chances of enactment with bipartisan support. Three of these (America Reads, G.I. Bill, and the Higher Education Act) have July 1 deadlines for enacting necessary authorizations or changes.

A. America Reads. The House has already passed its version, known as the Reading Excellence Act, which provides funds to States to improve reading efforts in needy local schools through teacher training, tutoring, and family literacy. Sen. Jeffords has pledged to move a similar piece of legislation in the Senate, though no action is yet scheduled. We are working to meet a July 1 deadline imposed by the FY 1998 Appropriations bill for triggering \$210 million advance-appropriated for these purposes (for FY 99), and believe the deadline can be met if we push. The House bill has some problems but ultimately would be acceptable, and we expect that the Senate bill will be an improvement.

B. Charter Schools. Last session the House passed H.R. 2616 by a strong bipartisan vote (367-57). This bill, introduced by Reps. Riggs and Roemer and endorsed by you would modify the existing federal Charter Schools Program by (1) steering more federal charter school funding to states that provide charter schools with the maximum flexibility and strongest accountability for results, and to states that have not reached a cap on the number of charter schools permitted by that state's charter schools law, and (2) encouraging states to direct an appropriate level of other federal education resources to charter schools. Sen. Lieberman and Sen. Coats have proposed similar legislation in the Senate, and the Senate Labor Committee has scheduled a hearing for March 31. The prospects are good for enacting a charter schools bill this year, though Sen. Kennedy is not eager to move a charter schools bill, and controversial issues (e.g., whether to steer federal funds to states that allow entities other than state or local school boards to authorize and oversee charter schools) still need to be resolved.

C. Reauthorization of the Higher Education Act (including your High Hopes proposal and teacher recruitment proposals and the student loan interest rate fix). Both the House and Senate Education Committees are scheduled to take up the Higher Education Act in the next few weeks, aiming for floor action by May and a conference in June. In addition to reauthorizing the main student aid programs, this bill would include your High Hopes proposal and teacher recruitment proposals. It also needs to include a change in the new student loan interest rate scheduled to go into effect on July 1. (There is a chance that the Congress will separate out this most pressing component of the bill. If that happens, the pressure to move the overall bill will subside considerably, and the chances of having a comprehensive higher education bill to sign before Congress adjourns will be significantly reduced.)

D. Job Training/Vocational Education. The House passed both a job training consolidation bill and a Vocational Education reauthorization bill last year. The Senate has combined the two, and may act as soon as next week on that package. While there are many issues that need to be addressed in conference, we are optimistic that a bill can be finalized by July 1, the deadline for authorizing the Opportunity Areas for Out-of-School Youth program and triggering advance appropriations of \$250 million. Currently, this provision is only in the Senate version, but we are relatively optimistic of inclusion of it in conference.

E. After-School Initiative. Your proposed expansion of the 21st Century Community Learning Center Program is quite popular and stands a decent chance of gaining the necessary support in the appropriations process, depending upon how much is available for education spending overall. While there is some additional work to ensure that Sen. Jeffords, who authored the program initially, remains supportive, our primary effort for this initiative should be to ensure your continued association with it as it proceeds through the appropriations process

F. Technology Initiatives. Your FY99 budget includes over \$750 million in investments in educational technology, with a new emphasis on technology training for teachers. Although we do not yet know what the Congressional response will be to the new initiatives, we expect that the Congress will continue to support the Technology Literacy Challenge Fund. We should also expect some continuing controversy over the "e-rate" -- the FCC's discounts to connect schools and libraries to the Internet. The educational technology issue gives us an opportunity to work closely with the private sector and to leverage federal funds. We can expect victories in this area, and should make sure that we get appropriate credit for them.

II. Picking Key Fights to Highlight Your Initiatives.

Three issues provide excellent opportunities to highlight your agenda and contrast it favorably with Republican proposals. These are also issues where you can unite Democrats and, if necessary, gain leverage with a veto threat and a filibuster.

A. School Modernization: A cloture vote on Coverdell's education IRAs is expected on Tuesday. In consultation with Secretary Riley, Sen. Daschle has agreed to bring your school construction proposal to the floor as a substitute, setting up a battle between school construction and IRAs. On the substitute, we expect to be able to hold almost all Democrats (with the exception of Lieberman and Torricelli). The education groups are working to mobilize grass roots support in favor of the construction initiative. While the odds are against winning this battle in the short run, defining the issue visibly at the outset will enable you to keep hammering away at school construction throughout the spring and summer.

B. Education Opportunity Zones: We are working with Rep. Clay to finish education opportunity zones legislation, and should schedule an event to announce it next month. Voucher advocates are on their strongest rhetorical ground when they point to failing urban schools and argue that vouchers are needed to help save kids from a broken public education system. Your

Education Opportunity Zones initiative squarely addresses the real problems of urban education, in a way that strengthens public schools and endeavors to help all students, not just a few. It is based on the premise that we can and must fix failing school systems and schools rather than abandoning them. It proposes to accomplish this by ending social promotions, intervening in failing schools, rewarding outstanding teachers, and removing incompetent ones. If Congressional Republicans attempt to move a voucher proposal this year, this proposal is our best defense. In the meantime, you can reiterate your call for sweeping, Chicago-style reforms. One opportunity will be to announce the first grant awards from the new Comprehensive School Reform program (included in last year's appropriations bill by Reps. Obey and Porter), which provides funds for implementing proven schoolwide reforms such as those developed by the New American Schools Development Corporation.

Yes!!! **C. Class Size Reduction:** The most popular element of your education agenda -- class size -- is worth a separate, concerted rollout. We believe that next month you should speak to the legislature in Delaware, where Governor Carper has proposed major class size reductions and an end to social promotions. The Education Department is developing a series of reports and other tools for you to announce (e.g., a summary of class size research, a white paper documenting how smaller classes can lead to better classroom practices, and state-by-state figures on how many new teachers can be hired under your proposal). The elementary and secondary education groups are eager to mobilize grass roots support. We may also have a chance to press this issue during the budget resolution debate, much of which will concern whether tobacco revenues can be used for child care and class size.

✓ The fate of these three initiatives is likely to be determined at the end of the session, as work on tobacco legislation and tax and appropriations bills are completed. It is very unlikely that Republicans will give you victories on class size, school construction or opportunity zones unless they get comparable victories on Coverdell or vouchers. You will have the greatest leverage to make deals at the end of the session, and may then decide whether to strike a deal that gives both you and the Republicans significant parts of your education agendas.

III. National standards and tests

We face a tough challenge again in Congress this year. We fully expect Goodling to use the reauthorization of the National Assessment of Education Progress later this year to prohibit national testing. Almost all Republicans are likely to support Goodling, and Black and Hispanic Caucus members will do so too unless their substantive concerns about the tests are addressed. Further, while we will have our greatest leverage once again in the appropriations process, we expect that it will be at least as difficult as it was last year to secure funding. To increase our odds of winning this battle, we are pursuing a number of steps to broaden our support. These include:

Use NAGB and Achieve to change the political dynamics around the tests. Last year's appropriations agreement placed NAGB in charge of the tests. Since then, we have appointed Diane Ravitch and Gov. Engler to the panel, in an effort to bolster Republican support. NAGB has now taken complete hold of test development, and has made a series of policy decisions that should make the testing program less vulnerable to criticism from the right. While Goodling remains almost as hostile to NAGB's efforts as he was to the Education Department's, early indications are that NAGB may be making positive inroads among other Republicans. We have encouraged NAGB to keep members of Congress of both parties informed of its work, and Ravitch in particular to make the case to opinion leaders that test development is on the right track.

Good Lou Gerstner and Achieve are prepared to play a more active role in supporting national standards and tests, in the context of Achieve's recently launched effort to help states compare individual student performance across states to each other and to national standards. Achieve's work parallels a provision in last year's appropriation's agreement, which called on the National Academy of Sciences to study how existing state tests could be used to compare students to national standards. We are working to set up an opportunity, such as a conference call with Achieve's Board of Directors or a one-on-one meeting with Gerstner, in which you can enlist Achieve's support. We expect that Achieve would be willing to call on Congress to support development of a national test and the technical work necessary to help states align state tests to the NAEP standards.

Encourage Democrats to propose specific authorization for national tests. As noted previously, we expect Goodling propose a prohibition on national tests in the context of NAEP reauthorization.

To counter this effort, we are working with George Miller in the House, and Kennedy and Bingaman in the Senate, on Democratic legislation to authorize national testing. We would work with them on the details of the bill, but make sure the legislation was seen as theirs rather than ours. This approach would leave them free to cut whatever deals were needed in each body to build support for the legislation, without requiring us to own what they came up with. It would also leave us free to argue, as we always have, that congressional authorization to proceed with test development is unnecessary.

In the House, our first priority must be to hold Democrats together. This will be difficult, because the Black and Hispanic caucuses are very suspicious of natinal testing. To have a chance of holding the caucuses, Miller probably would have to craft a proposal that includes a Spanish-language version of the reading test, a prohibition on use of the tests for high stakes purposes, protections against test bias, and detailed requirements for reporting test results. The provisions that will unite Democrats are likely to spur Republican opposition, so the result is partisan polarization. Nonetheless, that may leave us better positioned than before to conduct a high profile fight with Republican opponents of the testing.

How to handle
conflict over this
our opposition to
social promotion

The situation in the Senate remains more favorable. There the task for Kennedy and Bingaman will be to craft a proposal that can hold as much Republican support as possible. While it is too early to determine the shape of such a proposal, last year's experience suggests that steps to strengthen NAGB and further guarantee its independence will be necessary. The Achieve recommendations are likely to play a role in shaping a Senate bill as well.

The chances that this approach will lead to authorization bills that pass both houses is remote at best. But these steps are necessary to hold and expand our support in both houses, to defend against efforts by Goodling and Ashcroft to ban further work on the test, and to deprive Goodling of the procedural argument that testing should not proceed without Congressional involvement.

Pursue an appropriations strategy to enable work to continue on test development.

The most important Congressional action regarding national tests will come in the appropriations bill, where we will have to fight to ward off proposals to prohibit further work. The steps outlined above will better position us for a replay of last year's battle, by enabling us to hold Democrats in the House and by taking away Goodling's charge that the authorizing committees have been cut out of the process. Nonetheless, it is likely that you will also have to threaten to veto any appropriations bill that ends funding for the test.

IV. Conducting a National Education Campaign.

A. Campaign for Education Initiatives. Because this could prove to be a worse-than-do-nothing Congress on education, it is worth a separate discussion on how to transform America's schools without help from Washington. The TIMSS roundtable on Monday is an opportunity to begin that discussion. We believe the bully pulpit can be effective, and a high-profile effort targeted at urban school districts might make a real difference, but the last two decades suggest it will be very difficult. Nevertheless, our legislative agenda and the standards movement generally can only benefit from a vigorous national campaign for education reform. The campaign should consist of events and actions in support of your legislative agenda, as well as of state, local and business efforts to promote standards-based education reform.

Specific events we are planning include:

- The upcoming meeting with leaders from business, education, and state and local government to focus public attention on the TIMSS results.



An address to a state legislature to promote your overall education package with an emphasis on class size reduction. The Education Department is working on a White Paper on the benefits of class size reduction that could be released at this speech.

Also to District
Urban Colleges
Ramp up
Rep. Pulley
Beth Russell

• A visit to an urban school district that illustrates key aspects of your Education Opportunity Zones proposal, such as ending social promotions, intervening in failing schools, removing incompetent teachers and rewarding teachers who achieve certification from the National Board of Professional Teaching Standards. This event could be timed to accompany the transmittal or introduction of legislation, or the release of an Education Department report on turning around failing schools.

• An event with CEO's and governors on the ACHIEVE Board of Directors in support of national standards and tests.

• An event with teachers and CEOs that would demonstrate your commitment to technology training for teachers, in the same way that NetDay dramatized the importance of connecting schools to the Internet. The event could highlight (a) companies that are forming partnerships with teachers colleges to train all new teachers; and (b) states that have made a commitment to include "technological literacy" as part of the teacher certification process.

• An event that showcases the benefits of educational technology in key areas such as (a) increasing communication between parent and teachers; (b) improving performance in key subjects such as math, science, and reading; and (c) providing parents with an easy to understand "report card" of how their local school is doing relative to other schools.

• An event that is timed to the availability of funding for the Technology Literacy Challenge Fund, the "e-rate," or significant donations from the private sector.

• A meeting with mayors during a U.S. Conference of Mayors Conference on Public Schools, to be held in May.

• Following up on your Hispanic investments, a speech at a conference on School Dropouts, sponsored by Brookings or another think-tank or foundation.

• A roundtable discussion with business and education leaders about "making performance count" for students, by supporting a growing nationwide effort by employers to examine high school transcripts and other indicators of academic performance in the hiring process.

• A commencement address at a public high school, or charter school, to underscore your efforts to strengthen public education.

• A White House Conference on Strengthening Public Schools, to kick off back-to-school events in the Fall.

• The release of reports on school violence from the Education and Justice Departments

- Vice Presidential involvement in a series of forums and a Fall symposium on modernizing schools.
- ✓ The release of a report on Saving for College (to highlight our Higher Education Act proposal to stop punishing savings through the student aid formula).
- ✓ An announcement that 1,000 colleges are participating in the America Reads Work-Study challenge. We will reach that number in a month or so. This announcement could be combined with a visit to a college that has made a dramatic commitment to the America Reads effort (such as NYU, with more than 600 tutors).
- Possible signing ceremonies before July 1 on: G.I. Bill for American Workers, reducing student loan interest rate, America Reads, and Charter Schools legislation.
- A statement highlighting bipartisan support for High Hopes, perhaps as soon as next week when the proposal may get Committee support.
- A visit to a model High Hopes-type early intervention program, or an announcement of new partnerships created in response to your challenge.

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Over the longer term, we could begin planning an event to mark the 10-year anniversary of the Charlottesville National Education Summit (September 1999) or the establishment of the National Education Goals (February 2000). Governors, business leaders and many in the education community are beginning to think about how best to use these anniversaries to provide additional impetus for education reform. In light of your personal leadership at the Charlottesville Summit and in establishing the Goals, it would be natural for you to look back on what has been accomplished since then and to define the work ahead.

B. Campaign on Higher Education. In addition to campaigning for our education initiatives, we will be ready to kick-off our "Campaign on Higher Education" sometime in the next 4-6 weeks. This year-long campaign -- which will include events, roundtables, and dissemination of easy-to-read information packets -- will inform every American that college is now affordable.

The focus will be on three key groups: (1) high school/college students who benefit *today* from the historic expansion in college aid; (2) middle and junior high school students and their parents who should be thinking now about college; and (3) those working adults who need additional skills, but do not know about the availability of aid to go back to school.

For our kick-off of the campaign, the Department of Education is finalizing a pamphlet promoting the affordability of college. This pamphlet will be sent to every high-school and middle-school in the country, and we will ask every school to photocopy it so that every student



receives the information directly. We also are working with the Department of Education on a series of PSAs on college affordability, an interactive Web site, and other ways of disseminating what we have done to make college more affordable.

COPY
THE WHITE HOUSE
WASHINGTON

January 21, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN

SUBJECT: Class Size Design Issues

Over the past several weeks, we have worked with the Vice President's Office, OMB, and the Education Department to develop recommendations on the design of your class size initiative. This memorandum explains our consensus recommendations and asks for a decision on the single issue on which we have not reached agreement -- whether to require basic skills testing for new teachers.

I. Background

The purpose of this initiative is to reduce class size and provide qualified teachers in the early grades, so that all 8 year olds learn to read. More specifically, this initiative will help bring down class size across the nation from an average of 22 to an average of 18 in grades 1-3. In designing the initiative, we have been guided by several considerations.

First, as you know, the best research suggests that the benefits of smaller classes accrue especially to the most disadvantaged students, and occur most powerfully when classes are no larger than 15-18 students. To be both credible and effective, the initiative must get the majority of classes into that range, especially in high-poverty schools. Second, California's recent experience demonstrates that programs to reduce class size lead to the hiring of unqualified teachers, particularly in urban areas, if safeguards are not built in. Third, efforts to reduce class size can exacerbate and be frustrated by shortages of space. Fourth, because this is a new area of federal involvement in education, the requirements placed on state and local grant recipients in order to ensure effective use of the funds must be especially well justified.

There are a number of other proposals to provide federal support to recruit or hire teachers, primarily to respond to the need to hire an estimated 2 million teachers over the next decade. Senator Kennedy proposes to help recruit 100,000 teachers per year over the next decade by forgiving up to \$8,000 in loans for each person who becomes a teacher. Rep. George Miller has also advanced a proposal to provide loan forgiveness for an-as-yet unspecified number of individuals who enter teaching.

In contrast to the Kennedy and Miller proposals, your proposal provides funds to hire teachers rather than forgive loans, since the primary cost of reducing class size is salaries for additional teachers. There is little evidence that loan forgiveness is an effective tool for attracting additional people into the profession. Moreover, you have already proposed a scholarship program (not loan forgiveness) to steer people who have decided to enter the profession toward high poverty schools.

Rep. Bill Paxon has also announced a proposal to help school districts hire 100,000 teachers, by funding teacher salaries. His proposal would pay for these new teachers by eliminating Goals 2000, Americorps, the National Endowment for the Arts, and a number of other programs. While these additional teachers could be used to lower class size, Paxon does not require that funds be used for this purpose. In addition, Senate Republicans announced an education package yesterday which they claim would fund 50,000 new teachers by block granting other programs.

We believe the existence of Republican proposals for the federal government to pay teacher salaries -- a proposal that both attaches conditions (under Paxon's plan, teachers hired with these funds could not be tenured) and requires states and local school districts to share the total cost of the initiative -- provides some protection for your proposal against charges of federal intrusion. It may also form the basis of a bipartisan achievement.

II. Funding Issues

Your budget will include \$12 billion over 7 years to hire 100,000 teachers, enough to reduce class size in grades 1-3 to an average of 18 nationwide. The table below shows the annual budget, number of teachers communities would hire each year, and the impact on class size.

Fiscal Year	Budget (in billions)	Number of Teachers Hired	Average Class Size in Grades 1-3
1998			21.9
1999	\$1.1	35,714	20.3
2000	\$1.3	42,208	20.1
2001	\$1.5	48,701	19.8
2002	\$1.7	55,195	19.6
2003	\$1.74	56,331	19.5
5 Year Total	\$7.34		
2004	\$2.3	82,143	18.6
2005	\$2.8	100,000	18.1
7 Year Total	\$12.4		

A. Distribution of Funds to States

We would distribute funds to states on the basis of the Title 1 formula, which is based on the number of students in the state, weighted by poverty and the cost of education. We also considered distributing the funds based on the number of new teachers needed to reduce class size to the target of 18, also weighted by poverty and cost. Although this formula is somewhat more efficient in targeting funds for the program purposes, it would penalize California because of that state's own class size reduction initiative. Further, while a handful of states receive either "windfalls" or "shortfalls" under the Title 1 formula when measured against the number of teachers they need to reach the class size target, most states receive a comparable percentage of the total funds under either formula.

With this formula, we will be able to reduce average class size in grades 1-3 to 18 nationwide. Once a state has reached an average of 18 in grades 1-3, it could use these funds to reduce class size in those grades still further, or to reduce class size in other grades.

B. Targeting Funds Within States

Though this proposal is universal in scope, we want to drive the funds to school districts with the largest class sizes, and to give priority to high-poverty districts. To accomplish this objective, we would require states to guarantee high-poverty school districts at least the same share of the state's class size funds that they receive of the state's Title 1 funds. States would allocate the remaining funds on the basis of class size within the state.

This approach ensures that major urban school districts and other high-poverty areas will receive their fair share of the funds, while still leaving states with the ability to target funds to school districts with large classes, regardless of their income levels.

C. Cost-Sharing Requirements

We would require matching funds from participating school districts on a sliding scale that would average 80% federal and 20% local. High-poverty school districts would be required to provide a 10% match, while the wealthiest would be required to provide a 50% match. School districts could use other federal funds for the match, which would primarily benefit high-poverty school districts that receive substantial amounts of Title 1 funds. This approach would encourage districts to use Title 1 funds for class size reductions, rather than continuing to hire classroom aides or resource teachers who pull Title 1 students out of the classroom.

D. Duration of Program

Because we will be presenting a five year budget, many will assume that we expect this initiative to end after five years. This expectation will heighten concerns that local school districts will be stuck with higher personnel costs once the program ends. (Rep. Paxon's proposal would end federal funding after 5 years.) We believe that the best way to deal with this concern is to make clear that we see this initiative as a continuing part of federal aid to education -- not a one-time effort.

This longer approach will also be necessary in order to fund 100,000 teachers; the funding levels in the first five years will pay for approximately 56,000 teachers. Because we are paying for this initiative through tobacco legislation, we will have a revenue source that can support a long-term program.

III. Teacher Quality

For reductions in class size to result in improved reading performance, we need to ensure that both newly hired and existing teachers are fully qualified, and have the knowledge and skills to teach reading effectively in small classes. Considerable research and recent experience in California demonstrate that many existing teachers need help to alter their teaching practices to capitalize on small classes. In addition, many school districts in California, particularly in high-poverty areas, have hired teachers on emergency certificates, who lack even basic preparation for teaching. We propose a number of steps to deal with these challenges.

A. 10% Set-Aside for Teacher Testing and Training: The overall budget for this initiative is based on the average cost of newly hired teachers (assuming that 75% are beginning teachers and 25% are experienced teachers returning to the classroom or moving between districts) plus a 10% increment in the first 5 years to address teacher quality issues. This increment will give every school district funds that can be used for a number of purposes, including (1) testing new teachers before they are hired and developing improved tests for teachers; (2) training existing teachers in effective reading instruction practices and/or in effective practices in small classes; (3) providing mentors or other support for newly hired teachers; (4) providing incentives to recruit teachers to high poverty schools; and (5) providing scholarships or other aid to paraprofessionals or undergraduates and to expand the pool of qualified teachers.

We will permit districts to carry over unspent funds, which will enable them to invest in the first couple of years in recruiting and training qualified teachers, before reducing class size on a large scale. In addition, we will require districts to develop an overall strategy for improving teacher quality including a plan to use other funds, such as those from Title I, the Eisenhower Professional Development Program, America Reads, and Goals 2000.

B. Require Teachers to Meet State Certification Standards: We would require states and school districts to ensure that individuals hired to fill these new positions must be either fully certified or making satisfactory progress toward full certification. School districts could use the teacher quality funds to provide teachers with the additional training needed to meet certification requirements.

C. Encourage States to Adopt Rigorous Professional Tests and Upgrade Teacher Certification Requirements: As part of this initiative, we would allow states to use some of the teacher quality funds to make their teacher certification requirements more rigorous and performance-based, reflecting what beginning teachers must know and be able to do. There is widespread agreement that current teacher certification requirements are not a good indicator of teacher quality and need to be upgraded. The National Commission on Teaching and America's Future, chaired by Gov. Hunt, has recommended that states toughen their licensure requirements. The Commission recommended that prospective teachers be required to pass rigorous tests of subject matter expertise and professional knowledge before they start teaching, and that beginning teachers not be fully certified until they have taught for several years and can demonstrate that they have met rigorous standards of classroom teaching, through classroom observations and other forms of performance assessment.

Twenty states have already adopted performance-based standards along these lines. Sixteen states are working together to develop common assessments for beginning teachers, and additional states are likely to join this effort over time. Permitting states to use a portion of their funds to improve their licensure systems is likely to accelerate these trends and to improve the quality and preparation of people entering the profession. In addition, performance-based certification will make it easier to promote "alternate route" programs that do not require prospective teachers to attend teacher education programs.

D. Teacher Testing:

All of your advisors agree on the three steps outlined above. There is disagreement about one additional component -- requiring new teachers to pass state basic skills tests. All of your advisors feel strongly that the above measures are not sufficient to persuade the public that new teachers would be able to measure up in the classroom. Existing teacher certification requirements are generally not viewed as an effective means of ensuring quality, and the tougher standards and testing requirements we are encouraging states to adopt will not be implemented for some time. Many of your advisors believe that this initiative also should require states to use basic skills testing for new teachers, with the particular test selected by each state.

The argument for a teacher testing report is that it will give parents the confidence that new teachers in the elementary grades have basic reading and math skills. It also

builds on your landmark efforts on teacher testing in Arkansas. A tough, clear message on teacher competency would make it difficult for Republican opponents to paint this initiative as simply a way for the Administration to help teachers' unions expand their memberships. The Paxon proposal takes a "tough on teachers" approach by prohibiting the teachers hired from gaining tenure. The Senate Republican education package announced this week encourages states to test elementary and secondary teachers, and allows them to use federal funds for teacher testing (activities already permitted under Goals 2000). The proposal, however, does not make this testing mandatory.

Under this proposal states would give prospective teachers basic skills tests at some point before they enter the classroom. Approximately 40 states already have such a requirement in place.¹ States would retain the ability to let teachers who fail the test teach with an emergency certificate. We considered and rejected a stronger proposal, which would require all prospective teachers to pass a test before they could do any teaching. We decided, however, that such a requirement, might well have too great an impact on poor districts, which already have a hard time finding qualified teachers. It could also drive states to lower the passing score on the tests.

The Education Department opposes this proposal, and recommends that we limit ourselves to encouraging states to adopt tough new state tests of subject matter and professional knowledge for beginning teachers, as part of our effort to upgrade teacher certification requirements. Education would be willing to require states to implement these new tests by 2003.

You are quite familiar with the arguments against a teacher testing requirement. The Education Department argues that a basic skills test is no assurance of teacher quality, and sets the bar too low for teachers, undermining your long-standing push for higher standards for both students and teachers. The Education Department believes such a test will send the wrong message to the public about teachers, reinforcing the notion that academically weak people go into teaching. Education also points out that states will be able to get around a testing requirement by granting emergency licenses.

Finally, you should know that many in the civil rights community are likely to raise concerns that any new testing requirements, especially without proper validation, are likely to have disparate impacts on minorities.

_____ Require Teacher Testing in Basic Skills _____ No requirement _____ Discuss Further

¹ According to the most recent state-by-state data, the following states would have to institute basic skills testing for teachers under this proposal: Alaska, Georgia, Idaho, Iowa, Maryland, Missouri, New Jersey, New York, Utah, and Vermont.

IV. Facilities

The need to find additional classrooms to reduce class sizes will increase existing facilities needs. This impact will not be evenly distributed. Some areas, particularly cities with increasing immigrant populations (e.g., Los Angeles, South Florida) have schools that are already extremely over-crowded, while other cities, particularly in the Northeast (e.g., Baltimore, Washington, D.C.) have more capacity than the student population demands.

We propose several steps to address facilities issues, including (1) Use our \$10 billion school construction initiative to provide incentives for communities to invest in local school facilities; (2) Make facilities changes needed to reducing class size an allowable use of school construction funds; (3) Phase in implementation of the class size reduction proposal to allow for enhanced state/local facilities planning; and, (4) Allow districts that have no space available for additional classes to use some of their class size reduction funds to implement proven reading instruction practices.

V. Accountability

School districts receiving these funds will be held accountable both for using them to reduce class size, and for improving student performance in reading. We propose three forms of accountability.

First, a school district receiving these funds must show it is actually reducing class size, by reporting class size in grades 1-3 to parents and to the state each year. Second, as is the case with other federal education programs, we will incorporate a "maintenance of effort" provision, requiring states to keep up their overall investments in K-12 education. Third, we will use existing Title 1 accountability and reporting requirements to ensure that every school district and individual school makes measurable progress in improving reading achievement within three years. If a school fails to make adequate progress, it must develop and implement a corrective action plan. If the school fails to show improved reading achievement after implementing the corrective action plan, the state could withhold the equivalent of the school's share of the district's funds.

VI. Rollout

Over the next few days, we will begin more extensive discussions with possible allies on this initiative. So far, Congressional Democrats have been enthusiastic.

THE PRESIDENT HAS SEEN
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THE WHITE HOUSE
WASHINGTON

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November 3, 1997

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MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN

SUBJECT: Negotiating Options for National Testing

We will be working to negotiate a final compromise on national tests over the next several days. Our objective is to include in the Labor/HHS Appropriations bill a provision that would:

- enable test development and field testing to proceed under NAGB's control;
- authorize studies that would determine the feasibility of linking state and commercial tests to each other, to NAEP and to the national tests;
- if possible, permit test implementation to proceed without additional, specific authorization.

In order to accomplish this, we have identified a number of compromises we are prepared to propose. These are:

1. Cap participation in the 1999 tests at 50% of the nation's fourth and eighth grade students. Alternatively, postpone full implementation until 2000.
2. Give up to \$16 million from Goals 2000 to NAGB to develop an equivalency scale for any state that wants to compare its existing tests to other states' tests, NAEP, and the national tests; authorize states to use Chapter 2 block grant funds to administer their own tests and/or the national tests.
3. Announce conservative appointments to NAGB, including Gov. Engler, Diane Ravitch, John Saxton (a conservative math expert), and possibly Bill Bennett. Make John Engler the chair of NAGB.
4. Prohibit the development of national tests in grade levels and subject areas other than 4th grade reading and 8th grade math.

If additional proposals are necessary, we are prepared to offer the following:

1. Direct ACHIEVE (an independent, bipartisan group of CEO's and governors) to report to

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Congress on the desirability and feasibility of national tests, and give Congress 90 days to review the report prior to implementation.

2. Direct the National Academy of Sciences to study the feasibility of linking state and commercial tests to each other and NAEP, with NAGB to review the study. Prohibit implementation of national tests without specific authorization if and only if the NAS and NAGB find that tests given to a majority of the nation's school children can be linked to NAEP. (We doubt that many tests can be linked in this way, but if we are wrong, we will have made progress toward a system of national standards and assessments by a different route!)

Not good
3. Cap participation in the test at 50% of the nation's fourth and eighth grade students indefinitely unless and until Congress specifically authorizes the tests.

Not good
4. Cap participation in the 1999 test at 50% of the nation's fourth and eighth grade students, and agree that Congress must specifically authorize the tests beyond 1999.

Not good
5. Require that NAGB take a fresh start at test development, rather than use the test specifications that have already been prepared, and the test development contract already awarded by the Education Department.

THE WHITE HOUSE
WASHINGTON

June 17, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MICHAEL COHEN

SUBJECT: Long-Term Strategy for National Standards and Tests

Last week's TIMSS announcement of 4th grade progress in math and science was front-page news across the country. This memorandum provides an update on our efforts to sign up states and cities for the testing initiative, and outlines a long-term plan to secure broad support.

I. TEST DEVELOPMENT

The test development process is on track to be ready for administration as a pilot in Spring 1998 and nationwide in Spring 1999. A contract has been awarded to the Council of Chief State School Officers (CCSSO) to develop the detailed specifications for the reading and math tests. This involves, for example, determining the balance of multiple choice and open-ended items for each test. CCSSO performed this same role for the development of NAEP, and this step is one signal to the education community that the new tests will in fact parallel NAEP as promised. As it did with NAEP, CCSSO has also established several advisory committees of subject matter specialists, testing experts and the education community to help guide the development of test specifications.

The Request for Proposals for the test development contracts has been let, and the contracts will be awarded before September 30. The Education Department is on schedule to award additional contracts for related research, development and evaluation necessary for the development and validation of the tests.

II. STATE PARTICIPATION

The success of this initiative is largely dependent on the voluntary efforts of states to incorporate the 4th grade reading and 8th grade math tests into their state testing programs. We have focused most of our efforts toward building a critical mass of states, with governors of both parties, to commit to participate in the testing program. We continue to believe that if we can achieve this objective over the next several months, we will pave the way for most remaining states to sign up over the course of the next school year.

Over the last four months, we have waged an intensive retail campaign to solicit every state's participation. Secretary Riley has written to every governor and chief state school officer, and he and Mike Cohen have worked closely with scores of state officials on ways to incorporate our tests into their state's approach to standards, testing and reform. The Vice President and Secretary Riley met with more than 40 chief state school officers in April, and secured their organization's endorsement.

We have made steady but slow progress to date. Half a dozen states are on board; another dozen are within reach of the next few months, as outlined below. But even states with leaders strongly committed to participating in the test are reluctant to commit publicly without first building the necessary support within the state. A number of factors are making officials in many states cautious. These include financial and political investments that states have already made in their own state standards and tests; skepticism from the education community about "yet another test"; concern about stimulating opposition from the far right, especially in states which experienced serious battles over state reform efforts or over Goals 2000; short-term distractions during the legislative sessions; limited understanding among governors about NAEP and the relationship between the new national tests and NAEP; and diffuse governance arrangements and tensions between governors and other state education officials. In each state we have to overcome these hurdles and take advantage of strong public support for national tests in reading and math.

States Signed Up: As you know, 6 states -- Maryland, Michigan, North Carolina, West Virginia, Massachusetts, and Kentucky -- have pledged to participate in the test, with support in each case coming from the governor, the chief state school officer and the state board of education. In addition, the Department of Defense schools have also pledged to participate in the testing initiative.

In a seventh state, California, State Superintendent Delaine Eastin has pledged her support, though Gov. Wilson and the State Board of Education (Wilson appointees) have withheld theirs. They have not opposed participation in the test, but instead have chosen to oppose Delaine's independent action. These 7 states represent approximately 24% of the nation's 4th and 8th graders.

Next Target States: A number of additional states are within reach in the near future, based on our discussions with governors and chief state school officers. Over the next several weeks we will work to nail down as many of these states as possible. If possible, we would like to hold a multi-state sign-up event with a handful of states at the White House in mid-July.

Our most promising current targets are 14 states with another 20% of the 4th and 8th grade population:

Colorado Gov. Romer has indicated his intention for Colorado to participate. We are working with him to determine how soon he will be prepared to announce publicly.

Nevada Gov. Miller has indicated that he wants Nevada to participate. We are also working with him to determine the timing of the announcement.

Vermont Gov. Dean wants Vermont to participate; he is working to secure the support throughout the state for Vermont's participation. One critical step in this process is a mid-July meeting of a state task force on student achievement. No official decision will be made until after this meeting.

Missouri Gov. Carnahan and his chief state school officer are prepared for Missouri to participate in the 4th grade reading test. They have just completed the development of an 8th grade state math test (at a cost of \$6 million) and do not believe they can move forward with a separate national math test as well. We are working with Carnahan to determine the timing of an announcement.

Delaware Gov. Carper is heavily leaning toward participating in the national testing initiative; he is planning on working to secure the support of his state board of education and legislature. We will work with Carper to determine how soon he will be prepared to make a public commitment.

Utah Gov. Leavitt has expressed tentative interest in having Utah participate, pending consultation with his chief state school officer. We are following up directly and working with Romer to secure Leavitt's support.

Wyoming Gov. Berringer participated in a conference call with Secretary Riley, Mike Cohen, and a number of governors identified above. He expressed considerable interest, and we are now following up with him.

Oregon Gov. Kitzhaber and State Superintendent Norma Paulus are both interested in Oregon's participation, with the most active leadership coming from Norma. Norma has indicated they would be willing to make a public announcement after the legislature adjourns in late June.

New Jersey Preliminary discussions with the New Jersey Commissioner of Education (a gubernatorial appointee) indicated clear interest from him and Gov. Whitman. The New Jersey Supreme Court recently ruled that the state's approach to complying with a court order to provide more equitable funding is unconstitutional, so the attention of state education officials is now heavily focused on school finance issues. But we are trying to determine if an announcement from New Jersey will be feasible in the near future.

New York Commissioner Rick Mills is working to secure New York State's participation in your testing initiative. He has discussed this privately and publicly with the Board of Regents, has solicited input from education and business leaders in the state, and has discussed it with

Gov. Pataki. There is no specific timetable for the Regents to take this issue up, but Rick is pushing to have the Regents consider this as soon as possible.

Wisconsin Gov. Thompson has moved from initial opposition (he wrote an op-ed piece in the New York Times in February) to tentative interest, in part due to several conversations with Secretary Riley which resolved some misunderstandings he had. We believe Thompson is interested in having Wisconsin participate in the tests, although a running conflict with his chief state school officer may make it difficult for Thompson to provide the necessary in-state leadership. We are reaching out to the chief state school officer in an attempt to resolve this problem.

New Hampshire Gov. Shaheen is inclined to support participation in the test, as is Commissioner of Education Betty Twoomey. They are both currently preoccupied with enacting Shaheen's kindergarten initiative. Once the legislative session is over, we will approach Gov. Shaheen again.

Maine Both the Commissioner of Education and Gov. King have expressed preliminary interest in participating in the test. We are working with them to address concerns they have raised regarding how best to integrate the tests into their own standards and tests, and to explain participation in national standards and tests to the public after so much effort has gone into developing the state's own standards.

Tennessee The Commissioner of Education (a gubernatorial appointee) is very interested in participating in the testing initiative, and had secured Gov. Sundquist's agreement to participate. Unfortunately, within the past several days, as we were working toward an announcement with the Vice President prior to next week's Family Conference, Sundquist has begun to backpeddle, apparently under pressure from the far right. Sundquist has told the Commissioner that he still intends to participate, but at some later, unspecified time.

Next Steps: Secretary Riley and Mike Cohen have met with Govs. Bob Miller, Romer, Hunt, Thompson and Leavitt and discussed the possibility of a bipartisan effort between now and the NGA meeting, to reach out to and gain the support of as many governors as possible. The Democratic governors are prepared to help; we are trying to determine over the next several days which of the Republican governors will also help. We will then proceed to work with the governors to secure the commitment of as many states as possible to participate in the testing initiative.

- **Democratic States:** We are making a special effort to reach out to the seven Democratic governor not already listed above (Knowles, Chiles, Zell Miller, O'Bannon, Nelson, and Locke) We have made preliminary contact with these states, and encountered difficulties with a few. In Georgia, responsibility for deciding state testing policy lies with the chief state school officer, an elected Republican who is openly hostile to every form of federal

involvement in education. Gov. O'Bannon has indicated that the timing is not right in Indiana for him to pursue participation in national tests. And Gov. Locke's office has sent Secretary Riley a letter indicating that Washington will not participate in the testing initiative, because they believe it will disrupt their own efforts. We have asked Gov. Locke to reconsider that position, and to indicate so in writing.

- **Republican States:** We believe that a bipartisan approach led by Romer, Leavitt, and perhaps Engler will be the most effective way to reach a number of big-state Republican governors, including Govs. Ridge, Edgar, Carlson, and Rowland. It may be the only way we have of reaching out to Gov. Bush.
- **Unlikely States:** Finally, a number of states are not likely to sign up unless there is a change of leadership or political climate. These include Alabama, Arkansas, Idaho, Iowa, Mississippi, Oklahoma, South Carolina, and Virginia. These 8 states represent about 10% of the nation's school children.

We have also been exploring the possibility of securing an NGA endorsement for the testing initiative. However, this may prove impossible, due to the opposition of Gov. Voinovich, the incoming chair. Despite the close overlap between his agenda for education reform and yours, in recent years Voinovich has generally opposed federal involvement in education (it took nearly a year to persuade him to support Ohio's participation in Goals 2000). In addition, there are two civil rights issues pending between the Department of Education and Ohio. While Secretary Riley and the Education Department are trying to resolve these issues in a cooperative fashion, they complicate our ability to reach out directly to the governor. We have also asked for the assistance of the Ohio Business Roundtable and CEO's such as John Pepper and Joe Gorman. However, we do not anticipate that this will produce quick results.

III. LOCAL PARTICIPATION

We are also trying to sign up a number of urban school districts, where the need for reform is greatest. Cities that sign up will also be asked to share with us and with their communities the steps they will take to help prepare students for these tests (in most cases, this will create opportunities for cities to highlight, enlist new support for, and integrate efforts already underway). This will underscore that your testing initiative is about preparing students to meet higher standards, not simply testing.

We have identified a pool of approximately 20 large urban school districts in which we believe there will be strong interest in participating by the local superintendent, and by the mayors that are involved heavily in the local schools. The Council of Great City Schools has made preliminary contact with each of the superintendents; at least half a dozen expressed strong interest (Boston, Broward County FL, Cincinnati, Long Beach, Los Angeles, Philadelphia, and San Francisco), and we will follow up with all 20 superintendents over the next few weeks. We anticipate being ready to announce the cities that will participate by mid-July.

We are working to assemble a package of assistance we can provide to cities that commit to participate in the testing program. For example, the Education Department and the National Science Foundation are identifying technical assistance resources, models of effective practices, and discretionary funds that can be directed toward assisting the cities. Enterprise Zones may have funds that can be directed to assist participating schools. The Office of Bilingual Education is planning an outreach effort to involve the Hispanic community in support of reading and math, and this effort will be targeted to participating cities. America Reads can help mobilize reading tutors, and NSF will help identify local partners from the mathematics and scientific communities.

IV. CONGRESSIONAL INVOLVEMENT

As you know, Rep. Goodling has backed away from his earlier support for the testing initiative and has now signaled his opposition, including an attempt to add a rider to the supplemental appropriations bill that would have prohibited the Education Department from spending FY 1997 funds on test development. If Goodling continues his opposition, we are likely to face a battle over continued funding for test development as part of the FY 1998 appropriations bill. If we can regain Mr. Goodling's support, we think it will be possible to assemble a bipartisan coalition that will ensure continued funding and the legislative authority we will need in the future.

At your request, Secretary Riley and Mike Cohen met with Goodling last week, to explore his concerns. While no specific progress or commitments were made, Goodling's opposition softened over the course of the discussion. We will keep working on him.

Beyond Goodling and selected others on the Education and Economic Opportunities Committee, your national test initiative has received little attention from most members of Congress. Consequently, it is difficult to gauge the level of support we will receive if there is an appropriations battle.

We have launched a concerted effort to firm up Democratic support. First, the Education Department has begun to provide members with information on the testing initiative on a targeted basis, starting with members from participating states. Second, we are identifying members who will actively promote the test, especially in the House. Reps. George Miller, Dale Kildee and Tim Roemer are especially strong supporters, and virtually every Democrat on the House Education and Economic Opportunities Committee starting with Clay can be counted on to support the testing initiative. In addition, Rep. Etheridge is preparing to introduce a sense of the House resolution in support of this initiative, and will work to secure broad support for it. On the Republican side, Reps. Frank Riggs and Mike Castle have been quite supportive. However, we suspect neither will want to split from Goodling on this issue if he remains firmly opposed.

V. CONSTITUENCY GROUP SUPPORT

We are working with the business groups that have endorsed your testing initiative (Business Roundtable, National Alliance of Business, Chamber of Commerce, as well as high-tech CEO's) to encourage governors to participate in the testing initiative, especially in the states we have targeted as most promising.

We are working with the AFT, which also supports the testing initiative, to encourage local union affiliates to support local district participation in the testing initiative. And we are working with the Council of Chief State School Officers to identify states that may be prepared to announce participation in the testing initiative.

We are working with other education groups to secure endorsements for the testing initiative. The American Association of School Administrators and the National School Boards Association are likely sources of support. The national organizations representing elementary and secondary principals are also potential sources of support, though they historically have not supported the idea of national tests. We will be meeting shortly with Bob Chase to discuss how best to enlist NEA's support; as you know, NEA has also not traditionally been a strong supporter of national or state testing initiatives.

Several constituency groups have expressed serious concerns about the testing initiative, especially civil rights groups. In general, their concerns focus on issues of: (1) test bias and test fairness; (2) concern that the tests will be used for high stakes purposes; and (3) the difficulties Hispanic and other students with limited English proficiency will face on the 4th grade reading test if it is given only in English. Both White House and Education Department staff have met frequently with representatives of the civil rights groups, these discussions have not yet resulted in greater support for this initiative.

The national PTA organization has long been opposed to national tests. However, we believe strongly that parents ought to be among the strongest supporters of these tests. We have met with the incoming PTA president to discuss ways of building support for the testing initiative, and will be working with that organization and its leadership to generate parental enthusiasm for these tests.

VI. BUILDING SUPPORT AND SUSTAINING MOMENTUM

The idea of national standards and tests is quite popular -- with the public, parents, business leaders and, increasingly, with educators. But translating broad public support into specific state and local actions to participate in the tests is a challenge, since state and local officials have every incentive to continue existing testing programs rather than add a new one which will demonstrate low achievement levels in most education systems. Therefore, in addition to the strategies described above to "retail" the tests state-by-state, city-by-city, and group-by-group, we need ways to focus broad public attention on the push for tests, and spur parents to apply public pressure at the state and local level.

So far, the national press has shown little interest in the standards movement. It doesn't cost a lot of money, it doesn't involve a protracted legislative battle in Washington, it has bipartisan support, and it does not have an imminent deadline or an obvious villain.

To maintain a high public profile on this issue, we will have to generate a sense of urgency and drama on our own -- and we should look for every chance we can to bypass the national press and appeal directly to parents, as you have done in your state legislative speeches and the West Virginia town meeting. We are looking at a variety of ways to raise the profile of this issue:

Creating a fight over the tests: At present there is no defining conflict over the tests in a way that would capture the interest of the press and the public, and raise the issue above the narrow confines of the policy community. This could change whether we want it to or not, especially if Goodling aggressively pursues his effort to use the appropriations process as a vehicle for stopping the development of the test. If so, we would have a clear battle over the test, and one in which you could fight for basic skills, hard work and accountability.

We could also take the initiative to create a more visible fight over this initiative in the Congress in order to create a vehicle for mobilizing support for the tests. For example, we could transmit legislation requesting specific authority to develop and implement the tests, or to provide financial incentives for states to participate in the tests. Such a battle has some advantages -- it would attract press attention and could solidify Democratic support. But it has clear downsides as well. It may create uncertainty about whether we will be able to follow through on our commitment to develop the tests. In addition, a partisan, polarizing battle will make a number of Republican states harder to sign up.

Pushing the policy envelope on standards: We can also attract public attention and debate on standards and testing by promoting new initiatives tied directly or indirectly to the tests. We have been considering several possibilities:

- ▶ **Promoting “no social-promotion” policies** through steps such as developing guidelines for school districts. Chicago attracted enormous attention last week for requiring a quarter of its 8th graders to attend summer school before receiving their middle school diploma.
- ▶ **More vigorously promoting state and local intervention in failing schools**, through steps such as providing guidelines for state and local interventions or issuing new and tougher regulations for the interventions already required under Title I; and providing new incentives for state and local efforts to close down failing schools by enabling them to use charter schools and community schools funds together, in order to reopen failed schools as charter schools that also stay open longer so that students can get tutoring and other forms of extra help.

- ▶ **Providing new financial aid for college to 6th graders in high poverty schools tied to meeting performance requirements.** As an alternative or complement to the proposal under consideration to provide a Pell Grant guarantee for elementary school graduates in high poverty schools, we could propose “education trust funds” for the same students, and provide \$500 - \$1,000 deposits tied to specific accomplishments, including graduating from elementary school, graduating from middle school, doing well on the national 8th grade math test, and graduating from high school. We could design this approach to fit with proposals for KidSave accounts currently under consideration. This approach would send a very powerful message to students -- and to the country -- that academic achievement counts and will be rewarded. We could also provide bonuses to school and/or teachers with high pass rates for Title I students.
- ▶ **Proposing the development of a national high school level test,** once the 4th and 8th grade testing initiative is on more solid footing. This could be done by creating individual level versions of NAEP in key subject areas, by asking an independent group such as the College Board to develop new high-school level assessments, or by creating a mechanism to recognize existing national or state tests.

A steady pace of events on standards and tests: We are planning a number of events over the next few months to highlight your testing initiative for the public. We are also working with the Education Department on a major Back-to-Basics, Back-to-School initiative, which will provide several opportunities starting in August and continuing through the early Fall for you to highlight the testing initiative and your entire Call to Action.

Specific plans for June and July include:

- ▶ **The Vice President's Family Conference** The conference this year will focus on families and learning. During the conference, the Vice President will announce a fund being established by John Doerr (who organized the high tech CEO's who endorsed your testing initiative) to support reforms in schools participating in the testing initiative. This will also be an opportunity to announce Tennessee's participation in the tests.
- ▶ **America Reads Event in Boston Linked to Testing Initiative.** You will be in Boston on June 30. None of the nearby states are ready to sign up for tests. We are working to develop an event to highlight your America Reads initiative at an appropriate Read Boston site. Because Massachusetts has already signed up for the test, we can use this to emphasize that your reading initiative will prepare students to meet national reading standards. This event could also focus on Work Study tutors, since new work-study funds will be available July 1.
- ▶ **Launch of Education Excellence Partnership / Major League Baseball Public Service Announcements on Standards** The Education Excellence Partnership (the Business Roundtable, the National Alliance of Business, the American Federation of Teachers, the

National Governors' Association and the U.S. Department of Education) have joined with Major League Baseball to produce a series of PSA's that use baseball players to reinforce the value of raising academic standards. The fulfillment materials for the campaign encourage parents to find out if their school will be participating in the national testing program. The PSA's will be launched in early- to mid-July at an event at Camden Yards prior to an Orioles game. This is tentatively scheduled for July 2.

- ▶ **Multi-State Sign-Up Event** We anticipate holding an event in mid-July at the White House, to announce a handful of states pledging to participate in the testing initiative. (Alternatively, this could be our news for the NGA meeting).
- ▶ **Multi-City Sign-Up Event** We anticipate holding an event in mid July at the White House, to announce a handful of cities pledging to participate in the testing initiative.
- ▶ **Announcement of Interagency Math Strategy.** Prior to your speech to the Michigan legislature, you directed the Department of Education and the National Science Foundation to work with the DPC and OSTP to develop an interagency strategy to help states and local communities prepare students for the 8th grade math test. In line with last week's 4th grade TIMSS findings, the strategy will have a particular focus on improving middle school math. The strategy will address issues such as improving the knowledge and skills of teachers, expanding access to high quality instructional materials, maximizing the benefits of technology, and motivating students to take math seriously. The strategy will include recommendations for involving the math and science community in these efforts. Announcement of this strategy could be combined with the state or city sign-up events.
- ▶ **NGA Meeting** You will be speaking to the NGA Annual Meeting on July 28. This will be an important opportunity to make case for the testing initiative directly to governors.
- ▶ **NCSL Meeting** NCSL's Annual Meeting will be held in early August. This would be an opportunity to continue the crusade you brought to three state legislatures in the spring to legislators from every state. While few state legislatures are in a position to initiate state involvement in your testing initiative, most are in a position to block it if they choose. Making the case for the testing initiative could be an important step toward clearing the path for state participation.

America Goes Back to School 1997: The Department of Education is planning the third annual America Goes Back to School effort, designed to encourage parents, community leaders, employers, employees, and other community members to become more actively involved in improving education in their communities. The effort spans August through October; last year, more than 2,000 local events occurred during this time period.

This year's effort is led by a broad-based steering committee chaired by Secretary Riley and co-chaired by Tipper Gore, former Governor Tom Kean, Michael Keaton, and Lois-Jean White,

President of the National PTA. The campaign this year will be focused on your Call to Action. We are working with the Education Department and the Steering Committee to organize a series of local sign-up events, in which local schools and communities sign-up to respond to your call to action, including the testing initiative.

The Steering Committee met last week to develop more specific plans and activities. We will develop a more specific set of events appropriate for your participation. In addition, we expect that we will be asking for the entire Cabinet and others throughout the Administration to participate in high-profile Back-to-School events with a back-to-basics theme.

At present, we are considering the following as possible Back-to-School events for your involvement:

- ▶ **Nationally Televised Town Meeting on Education** You have been invited to participate in a town hall meeting on education sponsored by PBS, which would be the culmination of a week-long series of shows devoted to education. The series will include one or two shows devoted specifically to standards. The town meeting would pose questions to you sent in by viewers in response to the first four shows. We can also organize one or more town meetings patterned after the one you recently did in Clarksburg, West Virginia. You might also consider going back on the state legislative circuit.
- ▶ **Fifty-State Business Leaders Event** We are working to organize a day in the fall when, in each state, high-tech and other independent CEO's who are supporting your education efforts join with CEO's involved with long-standing business/education partnerships through organizations such as BRT, NAB, and the Chamber of Commerce, to support a common agenda of higher academic standards, employer efforts to review academic performance in hiring decisions, and a call for state participation in the national tests.

* * *

Together, these steps should keep us on track to our interim goal of signing up 20 or more states this year, with another 20 to follow in 1998. At some point, we may need your help in making direct retail appeals to individual governors. But the most important challenge is to keep finding ways to sell the public on the value of national tests and the urgency of raising standards.

THE PRESIDENT HAS SEEN

5/10/97

THE WHITE HOUSE
WASHINGTON

'97 MAY 8 PM 2:29

May 8, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Stephanie Streett, Ann Lewis, Bruce Reed, Craig Smith, Mike Cohen,
Jennifer Palmieri

SUBJECT: Education Town Hall

CC: Sylvia Mathews and John Podesta

This memo is to update you on planning for the Education Town Hall meeting on May 22 and seek your approval of our proposed plan.

Location

We are recommending that the Education Town Hall be held in West Virginia. West Virginia is one of the states ready to endorse national testing standards. It is also a leading state in using and implementing technology in schools. We are proposing that the event be held in a relatively small town (with population of 50,000 to 60,000) and are working with Sen. Rockefeller's office to identify an appropriate site.

In addition to the policy reasons noted above, we are recommending that the event be held in nearby West Virginia as you have an early evening family activity in Washington on May 22. It should also be noted that we considered and rejected traveling to the other states ready to endorse standards -- Kentucky and Massachusetts -- for scheduling and/or education policy conflicts.

Format

The proposed format of the Town Hall would include opening remarks by you announcing West Virginia, Kentucky and Massachusetts' endorsement of standards, followed by an interactive session between you and groups of students, teachers, parents, and interested observers (this last group would include local education officials, elected officials and education policy leaders). We also plan to broadcast the Town Hall to all public schools in West Virginia and put the event on satellite so it can be pulled down by sites across the nation. DPC is also exploring other possible policy announcements for the event.

Should
be held
in West
Virginia
for well
known

Policy Issues Related to West Virginia

As stated earlier, the West Virginia State Board of Education has endorsed your national testing initiative and has worked to develop state academic standards over the past several years. However West Virginia's approach to standards and assessments is not a model we would necessarily promote to other states. While most states have first defined academic standards and then selected of developed tests that reflect the standards, West Virginia first selected a standardized test (the Stanford 9, which is a challenging test) and then defined its standards to reflect what is on the test. Despite our concerns about this approach, we do not believe that it is inappropriate for you to hold an education town meeting in the state.

Recommendation

That the Education Town Hall meeting be held in West Virginia.

Agree ✓ Disagree _____ Discuss _____

4-7-97

THE WHITE HOUSE
WASHINGTON*Look good
summary
BK*

April 5, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHENSUBJECT: National Standards and Testing: Progress Report and Strategy

With much of our education agenda tied up in the budget debate, we continue to look for opportunities to promote initiatives that don't hinge entirely on Congressional action. This memo provides you with a progress report and strategy for the two major challenges to states -- national standards and testing, and charter schools. In the near future we will provide you with updates on other legislative and budget-related initiatives.

I. NATIONAL STANDARDS AND TESTS

Our objective is to have 30-40+ states participate in the initial 1999 administration of the national tests. To reach this objective, we are working on several interrelated fronts:

A. Developing the Tests: By the end of April, the Education Department will release a Request for Proposals (RFP) for the development of the 4th grade reading and 8th grade math tests. A draft is already circulating for public comment. Contracts will be awarded by September 1. We do not yet know whether each test will be developed by a separate contractor, or whether one test developer will successfully bid to develop both. In addition, the Education Department and the test developers will establish a number of technical advisory groups and evaluation studies to assure the technical quality of the tests.

As part of the process of developing the RFP, the Education Department has held a number of public meetings with testing experts, state testing officials, test publishers, and others in the education and civil rights communities. (The Education Department has made the transcripts of these meetings, and other related documents, widely available on the Internet.)

4-7-97

These sessions have raised a number of important issues which will be addressed as the work proceeds.

First, virtually all groups have stressed the importance of ensuring the technical quality of the tests, and of helping parents and the public understand the nature and purposes of the tests. This is particularly important in light of experiences in a number of states in which technical problems or public misunderstandings have led to heated debate about the testing program. Some urged that the time line be slowed down to accommodate these concerns, but the Education Department continues to believe that the time line is realistic and appropriate. We agree, and see no reason to delay the Spring 1999 date for the initial test administration.

*Must do
4th grade
reading test
in Spring
1999*

Second, a number of states anticipate a challenge in integrating these new tests into their ongoing testing programs, especially states that are now well along in developing new tests aligned with recently developed state standards. Some states would find it easier to "embed" a small number of additional test items into their existing tests, rather than administer a separate and additional test. But this approach does not appear to be technically feasible if we are to have a valid test. Other states have suggested that a 4th grade reading test would be more valuable to them if it were administered in the Fall rather than the Spring, since their goal -- like yours -- is for students to read independently by the end of the 3rd grade. The Education Department is studying this possibility.

Third, many testing experts suggested that the 8th grade math test be based on the NAEP framework rather than on the TIMSS framework. They argued that the NAEP framework is more explicit and more widely accepted among the states, and that student scores could then be reported according to the NAEP achievement levels (basic, proficient and advanced) as will be the case with the reading test. The Education Department has determined that this would be a preferable approach, and that it will still be possible to provide individual student scores in terms of the TIMSS as well, because of the very high overlap in the content of NAEP and TIMSS. Therefore, the final test will still meet your initial commitment of providing students with internationally benchmarked scores.

OK

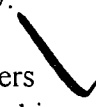
B. A Governing Body to Ensure the Tests Are National, Not Federal: We are working to determine how best to establish an advisory or governing body that can provide bipartisan support for this effort, and assurance that the tests measure what they are supposed to based on the widely accepted NAEP frameworks. Mike Cohen, Mike Smith and other Education Department officials have been consulting with governors of both parties, Congressional staff and others, with the aim of establishing an advisory mechanism that will garner strong bipartisan support among governors and in the Congress. Secretary Riley met last week with Gov. Thompson, and is working to set up a meeting in mid-May with a bipartisan group of 8-10 governors, hopefully including Romer, Hunt, Zell Miller, Bob Miller, Thompson, Engler, and Voinovich. Secretary Riley, Mike Smith and Mike Cohen will also continue meeting with members of Congress over the next several weeks. While the additional consultations may change our thinking significantly, our current plan is as follows:

4-7-97

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- Please note that we are optimistic but not yet confident that we can secure this level of bipartisan cooperation. Much will depend upon how effectively we can enlist the help of a core group of Republican governors.

C. Building Momentum through State and Local Endorsements: As you know, we now have commitments from leaders in Maryland, Michigan, North Carolina and California, as well as the Department of Defense Schools. A number of other states look promising, including Missouri and Vermont. However, we believe that the prospects for signing up large numbers of states will depend largely upon getting a bipartisan group of governors bought in to the right advisory body. This step will take some time to work out, but is essential to sustain this effort. In the meantime, we are pursuing three major strategies to sign up states:

1. Visits to State Legislatures: We would like to schedule trips to three more state legislatures over the next three months -- two to states that agree to sign up for the tests, and at least one to a state like Washington that is considering charter school legislation (see below). Your travel plans and upcoming adjournments in some states will make that more complicated, but we are working with the Communications and Scheduling departments to get it done. One possibility worth pursuing would be to travel to Washington State to join Gary Locke at the signing of a charter schools law. We are tracking that legislation: depending on when (and whether) it passes, a signing could take place as early as April 17 or as late as mid-May. 

2. State School Officers: Last month the Council of Chief State School Officers presented the Vice President with an endorsement of your testing initiative. We are working with chief state school officers to enlist additional states. However, in many cases, even our biggest supporters (such as Rick Mills from New York) will want to secure the support of the state board of education and the governor where possible before making public commitments. Even in California, where we have broad support, Delaine Eastin and Wilson appointees on the Board of Education are already feuding over whether the state legislature needs to act before the tests can go forward. 

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You can take a number of steps to add momentum to these efforts, including:

 **Hold a town meeting or other forum on reading and math standards.** We would like to create a setting in which you interact with teachers, parents and students, and use examples of student work, sample test questions and answers, or videos of teaching to high standards, as a way of helping the public come to some concrete understanding of what the reading and math standards are really all about.

4-7-97

*Good but need
to make sure we
get the Suburban sign*

- **Meet with textbook publishers and software developers.** Such a meeting would provide you with an opportunity to urge (or enlist commitments from) publishers to upgrade the quality of textbooks by aligning them with higher standards and expectations. You could also highlight the efforts of software developers to produce materials for home and classroom use that are aligned with the standards.
- **Meet with groups involved in promoting literacy and math achievement.** Through the America Reads initiative and the Education Department's previous early reading initiative, there are several national and grassroots coalitions of groups that are supporting early reading initiatives. You can meet with these groups, at the White House or elsewhere, and emphasize the connections between their efforts to promote learning and your call for national standards and tests. In addition, as a result of a directive you issued to the Department of Education and the National Science Foundation last month, there is an interagency effort underway to organize federal agency resources, and to identify nonfederal resources (e.g., Nobel Laureates, math and science resources in the business community) that can be enlisted to support teaching and learning aimed at preparing students to meet 8th grade math standards. We will propose one or more events as part of this effort. Together, these will enable you to underscore that your testing initiative is not just about testing, but about mobilizing the nation to support learning to high standards.

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However, there are some bright spots. In Washington State this week, the governor, schools superintendent, and legislators tentatively reached agreement on a charter schools bill. Mississippi passed a final bill this week, although it authorizes only 6 schools. Charter legislation is also alive in Missouri (as part of a big post-desegregation package), Indiana, Maine, Oregon, and Nevada.

To move things forward in these states, we recommend an event in the next several weeks -- ideally the Washington State trip if it works out, but at least a radio address. The Education Department is ready to release two important reports on charter schools. One is the first-year report of a major national charter school study. A key finding is that the number one obstacle for new charter schools to overcome is lack of access to start-up funding. The second report is a

THE PRESIDENT HAS SEEN

4-7-97

guidebook for school boards and other chartering authorities, which emphasizes the importance of effective accountability for charter schools -- an important issue, given problems that have emerged with loosely run schools in D.C. and elsewhere.

In addition, the Education Department will soon announce a new competition for charter schools funds. It is also planning a national charter schools conference in late Summer or early Fall. These activities will provide support both to state efforts and to your FY98 request for \$100 million for charter schools.

THE WHITE HOUSE
WASHINGTON

cc: Melanne
Don B.
Mark Penn
Ann Lewis
Maria E.
Rahm
Gen S.

April 5, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN

SUBJECT: National Standards and Testing: Progress Report and Strategy

With much of our education agenda tied up in the budget debate, we continue to look for opportunities to promote initiatives that don't hinge entirely on Congressional action. This memo provides you with a progress report and strategy for the two major challenges to states -- national standards and testing, and charter schools. In the near future we will provide you with updates on other legislative and budget-related initiatives.

I. NATIONAL STANDARDS AND TESTS

Our objective is to have 30-40+ states participate in the initial 1999 administration of the national tests. To reach this objective, we are working on several interrelated fronts:

A. Developing the Tests: By the end of April, the Education Department will release a Request for Proposals (RFP) for the development of the 4th grade reading and 8th grade math tests. A draft is already circulating for public comment. Contracts will be awarded by September 1. We do not yet know whether each test will be developed by a separate contractor, or whether one test developer will successfully bid to develop both. In addition, the Education Department and the test developers will establish a number of technical advisory groups and evaluation studies to assure the technical quality of the tests.

As part of the process of developing the RFP, the Education Department has held a number of public meetings with testing experts, state testing officials, test publishers, and others in the education and civil rights communities. (The Education Department has made the transcripts of these meetings, and other related documents, widely available on the Internet.)

These sessions have raised a number of important issues which will be addressed as the work proceeds.

First, virtually all groups have stressed the importance of ensuring the technical quality of the tests, and of helping parents and the public understand the nature and purposes of the tests. This is particularly important in light of experiences in a number of states in which technical problems or public misunderstandings have led to heated debate about the testing program. Some urged that the time line be slowed down to accommodate these concerns, but the Education Department continues to believe that the time line is realistic and appropriate. We agree, and see no reason to delay the Spring 1999 date for the initial test administration.

Second, a number of states anticipate a challenge in integrating these new tests into their ongoing testing programs, especially states that are now well along in developing new tests aligned with recently developed state standards. Some states would find it easier to "embed" a small number of additional test items into their existing tests, rather than administer a separate and additional test. But this approach does not appear to be technically feasible if we are to have a valid test. Other states have suggested that a 4th grade reading test would be more valuable to them if it were administered in the Fall rather than the Spring, since their goal -- like yours -- is for students to read independently by the end of the 3rd grade. The Education Department is studying this possibility.

Third, many testing experts suggested that the 8th grade math test be based on the NAEP framework rather than on the TIMSS framework. They argued that the NAEP framework is more explicit and more widely accepted among the states, and that student scores could then be reported according to the NAEP achievement levels (basic, proficient and advanced) as will be the case with the reading test. The Education Department has determined that this would be a preferable approach, and that it will still be possible to provide individual student scores in terms of the TIMSS as well, because of the very high overlap in the content of NAEP and TIMSS. Therefore, the final test will still meet your initial commitment of providing students with internationally benchmarked scores.

B. A Governing Body to Ensure the Tests Are National, Not Federal: We are working to determine how best to establish an advisory or governing body that can provide bipartisan support for this effort, and assurance that the tests measure what they are supposed to based on the widely accepted NAEP frameworks. Mike Cohen, Mike Smith and other Education Department officials have been consulting with governors of both parties, Congressional staff and others, with the aim of establishing an advisory mechanism that will garner strong bipartisan support among governors and in the Congress. Secretary Riley met last week with Gov. Thompson, and is working to set up a meeting in mid-May with a bipartisan group of 8-10 governors, hopefully including Romer, Hunt, Zell Miller, Bob Miller, Thompson, Engler, and Voinovich. Secretary Riley, Mike Smith and Mike Cohen will also continue meeting with members of Congress over the next several weeks. While the additional consultations may change our thinking significantly, our current plan is as follows:

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guidebook for school boards and other chartering authorities, which emphasizes the importance of effective accountability for charter schools -- an important issue, given problems that have emerged with loosely run schools in D.C. and elsewhere.

In addition, the Education Department will soon announce a new competition for charter schools funds. It is also planning a national charter schools conference in late Summer or early Fall. These activities will provide support both to state efforts and to your FY98 request for \$100 million for charter schools.

THE WHITE HOUSE
WASHINGTON

January 28, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Secretary Riley
Bruce Reed
Michael Cohen
Mike Smith

SUBJECT: Moving Forward on National Standards

I. Background

Over the past four years there has been considerable activity throughout the nation to set standards of excellence for education. Work on national content standards has been completed in virtually every discipline. With the support of Goals 2000 and new Title 1 requirements, forty-eight states have developed or are in the process of developing their own academic standards, and most are also developing new assessments aligned to these standards. Public consensus on the importance of national standards of excellence for education is broad and deep, and the standards movement has clearly taken hold nationally.

Yet despite this progress, there are significant challenges as well. The quality of the standards being developed by states is quite varied. A recent AFT report indicates that only 15 states have standards that are clear and specific enough to lead to a common core curriculum, and only 12 states have tried to benchmark their own standards to world-class levels. State progress on developing performance standards and assessments is slower than with respect to content standards. No state is able to determine for itself, or assure the public, that its standards are rigorous and up to world class levels.

The state-by-state approach to standards and assessments limits the information available to parents, teachers and students. In particular, the current arrangements make it impossible for anyone to learning how well individual students perform against national or international benchmarks. In short, there is no way for anyone to know if a student who meets a particular state's performance standards is doing well enough in a larger context. This is especially important because states will vary among themselves with respect to the rigor of their performance standards.

Further, there is considerable evidence that even high quality and widely accepted academic standards, such as the national math standards, have not yet penetrated into the classroom in meaningful ways. The recently released TIMSS study of international performance in math and science shows that neither textbooks and other curriculum materials, nor teaching practices, have yet responded to the standards.

This memorandum describes three strategies for moving your national standards agenda forward. It is designed to respond to the challenges indicated above, and to build on and extend significantly the Administration's efforts over the last four years. While it promotes national level activities -- particularly new national testing -- it is designed to build on and strengthen the work underway at the state level, rather than force states to discard what they have already been doing.

II. National and International Achievement Benchmarks for Reading and Math

Proposal: We recommend that you call for a national test to determine whether students have met national performance standards in 4th grade reading and international performance standards in 8th grade mathematics. Over the next two years the federal government will develop these tests, based on the National Assessment of Education Progress (NAEP) 4th grade reading test and the Third International Math and Science Study (TIMSS) 8th grade math test. These test would be ready for administration for the first time by the Spring of 1999, and available on the Internet by the year 2000.

Purpose: This proposal will serve two purposes. It will make the idea of national and international standards very real and concrete for students and parents for the first time, because students will get test scores comparing their performance to these benchmarks. In addition, these two tests will provide a focus for national campaigns to significantly raise student achievement in 4th grade reading and 8th grade math.

A Focused Effort: This proposal is focused on reading and math because they are the building block of nearly all school learning, and widely accepted as the most basic of basic skills. Fourth and eighth grade are critical transition points in school, and reading well by the 4th grade and mastering math, especially algebra, by the 8th grade, are essential to future academic success. NAEP and TIMSS, while not widely known to the public at large, enjoy bipartisan support in the education and policy communities. We believe this focus approach will minimize political opposition to a federal testing effort.

Information for parents, teachers and students on individual student performance: Once available, these tests will give parents, teachers and students accurate information on student performance against recognized national and international standards. They will be the only assessments that can provide this information -- no state or local testing program can currently provide this information, and no other national efforts are referenced to these recognized standards. This will make the idea of national and international standards meaningful.

Both NAEP and TIMSS were originally designed to monitor national, state or international performance, not to measure individual student achievement. Therefore, at present, neither NAEP nor TIMSS can provide individual-level scores. Our proposal would be to create individual-level versions of these tests, making it possible for the first time to measure individual students against demanding national or international benchmarks. Our consultations with leading testing experts suggests that creating individual level tests that reflect the performance standards in the current assessments is feasible.

A 2-Year Development Period, Led by the Federal Government: The tests would be developed under contract to the National Center for Education Statistics at the U.S. Department of Education. The contractor is most likely to be a commercial test publisher, or consortium of publishers. The development costs are in the range of \$2-4 million per year, and these costs would continue as long as the test was made available. The Education Department, the National Science Foundation and perhaps the Department of Defense Dependent Schools could share the development costs. It will take 18-24 months to develop the new tests. If the Education Department begins work immediately, the test could be administered for the first time in the Spring of 1999. No new legislative authority would be required to undertake this work.

To ensure the technical integrity of the work, we would organize a technical advisory committee, or ask the National Academy of Science to provide ongoing assistance.

We will also need to consider ways of reducing our vulnerability to charges of federal intrusion as a result of the federal responsibility for test development. We have considered alternative approaches, such as asking ACHIEVE, the new entity created by NGA and Lou Gerstner after the education summit in Palisades. However, that organization is still not staffed or operating yet, and is not likely to have the technical capacity to undertake this work. Further, reaching an agreement about how to proceed with this work with the Governors and CEO's on the ACHIEVE Board of Trustees is likely to slow down work which is already on a very tight timetable.

National Tests Administered Locally, Supplementing But Not Replacing State and Local Testing Programs: These tests would be voluntary; states and local school districts would not be required to administer them as a condition of receiving federal funds. They would supplement rather than replace existing state and local tests in these subject and grade levels. The combination of these new national assessments together with state or local testing will provide both performance and diagnostic information for individual students. While the bulk of the diagnostic information would come from state and local testing programs, the new national tests would provide some limited amount as well.

We estimate the cost of administering the tests at between \$5 and \$10 per student, or between \$30 and \$60 million nationally if every state and school district used the test. We have considered providing an incentive for states and districts to participate by sharing the cost of test administration, probably on a 50-50 basis. We believe this will increase participation, while it may also make us vulnerable to the charge that this incentive reduces the voluntary nature of the test.

Like most other state and local tests, these new tests would be available from a commercial test publisher. Because these tests perform a unique function not currently filled by the market, we do not anticipate significant opposition from the test publishers.

By the year 2000, versions of the tests could be placed on the Internet and scored by computer. This means that, in states or school districts not using the test, parents could administer the test to their children at home, and learn how well their children perform against national and international benchmarks.

National Campaigns to Improve 4th Grade Reading and 8th Grade Math. These tests will provide important anchors for national efforts to improve reading and math performance, as well as measuring it. The America Reads challenge provides a model of federal programmatic support, coupled with a national campaign to assist parents as first teachers and to mobilize an army of volunteer tutors, that will increase reading achievement considerably. We believe that an equivalent effort should be launched in mathematics, using existing resources in a variety of federal agencies to support teaching and learning in math (e.g., the Education Department, National Science Foundation, Energy Department, NASA, etc.), and the math and science community at the national and local level. Preliminary discussions to launch this effort are already underway among the Office of Science and Technology Policy, the Education Department and NSF.

The focused strategy described above should be complemented by additional efforts that address a broader range of issues. These are briefly discussed below, and can be developed more fully in the near future.

III. Promoting National Use of High Quality Standards

The focused effort on math and reading should be complemented by one that builds on existing state standards, addresses a broader range of subject areas and grade levels, provides leadership to promote nationwide consensus on what students should learn in core academic subject areas, and assists states in developing and using higher standards to effectively improve teaching and learning.

Proposal: We propose to hold a White House Conference on Standards of Excellence in Education in the Fall of 1997. The purpose of the conference would be to increase the extent to which states adopt and use standards of recognized high quality and to help improve the quality of state academic standards overall. This would be accomplished by identifying and promoting the best designed and most rigorous standards available from anywhere in the country, and by identifying and reporting to states the extent to which there already exists agreement among states on the content standards in core academic subject areas. In addition, the conference should emphasize that to be effective in improving teaching and learning, academic standards must be placed in a system of aligned assessments, curriculum, teaching practices and professional development programs as a package. Examples of such systems could include Advanced

Placement exams, New Standards, College Board's Equity 2000, and the International Baccalaureate. Promising state efforts could include the New York State Regents exams, and new assessments in Kentucky and Vermont. You could begin highlighting promising examples as part of the build up to this conference, without waiting until the Fall.

This conference should be conducted in partnership with business leaders, governors and other state officials, and educators, perhaps by working with ACHIEVE. The White House role should primarily be in convening the effort, in challenging others working on standards issues to identify quality standards, and then to help build the consensus to use them more broadly throughout the nation.

IV. Linking Standards To Accountability and Quality at the State and Local Level

In your speech to the National Education Summit in Palisades, you challenged states and local school systems to put in place meaningful systems of accountability for students, for teachers, and for schools. There are several initiatives already underway to help support these challenges, and, over the next year, the Administration should undertake several additional ones. New and proposed initiatives can be developed in more detail in a subsequent memo. Briefly, these can and could include:

Promoting Excellence and Accountability in Teaching: Expanded support for the National Board for Professional Teaching Standards. The FY 98 budget includes a significant increase in support for the NBPTS. The Education Department, in response to a Directive you issued last Fall, will inform states and school districts on ways federal resources can be used to assist in preparing teachers for board certification. In addition, the Education Department will more inform states and school systems on a range of ways in which federal resources can be effectively used to promote excellence and accountability in teaching.

The development of guidebooks that summarize best practices on issues such as rewarding excellence in teaching, removing incompetent teachers, requiring students to meet academic standards before moving to the next level of schooling, etc.

Working with business leaders to help employers consider student academic performance in employment decisions. The business community has been working to identify ways in which employers can reinforce the importance of academic performance for high school students, through the review of high school transcripts and other evidence of school performance. Many business leaders working on this issue would welcome a partnership with the White House that could raise the visibility of these efforts, and lead to more widespread efforts by employers.

THE WHITE HOUSE
WASHINGTON

January 9, 1997

MEMORANDUM FOR THE PRESIDENT
THE VICE PRESIDENT

FROM: BRUCE REED
GENE SPERLING

SUBJECT: CABINET RETREAT BRIEFING:
EDUCATION ISSUES

I. Overview

The most important thing this Administration can do to prepare America for the 21st century is to raise the level and quality of education for all our people.

Twice before in the 20th century, America led the world in expanding education opportunity for its citizens: first, by making high school universally available in the first great transition from farm to factory; and second, by expanding access to college through the G.I. Bill during the second great transition to a booming industrial economy. These great commitments built the broad American middle class and enabled this country to enjoy the most prosperous century the world has ever known.

We are now in the midst of another great transition to an information age and a global economy -- and once again our success in this transition depends on education. All Americans deserve the opportunity and the challenge of an education that gives them the tools to make the most of their God-given potential.

II. Key Legacy Objectives

Education is at the heart of your strategy for economic growth and national unity, as well as your fundamental governing philosophy: that all Americans should have the opportunity to get ahead and take responsibility to make the most of it. The depth of your experience and commitment to education, the amount your Administration has already accomplished, and the sweep of your agenda give you the chance to leave a lasting legacy as the Education President.

The Administration has already established Direct Lending and National Service programs which make it easier to borrow or earn the money to pay for college, and has launched a nationwide effort to build new paths from school to work. It will make a difference in ensuring that schools of the future strive to meet high standards and use 21st century technology. And it will help guarantee that parents can send their children to the public school of their choice, including charter schools. The following areas of education stand out as key elements of your education legacy:

A. Standards of Excellence for All

American students are making progress in reading, science and math, but still don't measure up to the standard they will need to compete in the next century. Our goal is that one day America's grade schools and high schools are the envy of the world, not just our colleges and universities.

You already have an ambitious agenda to raise the quality of elementary and secondary education: public school choice and charter schools to increase accountability; an army of tutors and volunteers to teach reading; education technology and school construction to modernize our schools for a new century; school uniforms, truancy enforcement, safe and drug-free programs, religious expression, and character education to promote our basic values. As you set out to build and secure that legacy, the greatest remaining challenge is what to do next to advance the standards movement that began with Goals 2000.

The need for higher standards in core subjects is clear. On the most recent National Assessment of Educational Progress (NAEP), 42% of the 4th graders did not attain the "basic level" of proficiency (this finding is an important basis for your America Reads initiative); and on the Third International Math and Science Study (TIMSS) of 41 nations released last fall, U.S. 8th graders performed below the international average in math and slightly above the international average in science. According to the TIMSS study, one major explanation for the continuing low performance in math is that neither teaching nor textbooks in the U.S. reflect high standards.

While there has been considerable activity at the national and state level to develop standards in a variety of academic subject areas since 1991, the results have been quite mixed. Voluntary national standards have been developed by subject area specialists in virtually every discipline. Some, such as those in math, science, geography and civics, have been well received in the education community, have received at least tacit public support, and have been valuable tools to state and local officials developing their own academic standards. Others, most notably in history and English/language arts, have been highly controversial and are little used.

State experience with the development of standards has been mixed as well. Forty-eight states are developing, or have developed, standards in core academic subjects (Iowa and Wyoming have left this task entirely to the local level). This is powerful evidence that the standards movement is taking hold on a large scale. However, almost every knowledgeable observer believes that the quality of these state standards is highly varied. For example, an AFT survey released last summer indicated that fewer than fifteen states had developed clear

and specific standards, while the others were too vague and general. A report to be released next week by Education Week affirms these basic findings.

Public support for raising academic standards and measuring progress is broad and deep. This is especially true for national standards and tests. At the same time, the political obstacles to setting challenging standards have been considerable. The bipartisan Congressional support that led to the enactment of Goals 2000 is much more polarized now, in particular around the issue of standards. As was evidenced at the National Education Summit between governors and business leaders last spring, state political leaders are also less united than at the 1989 Education Summit, and less sure about how best to proceed.

In short, the progress in the movement to raise standards has been considerable over the past four years, but the pace is slowing, the quality uneven, and the time is right for bold leadership to spur additional action.

One bold approach would be to promote national tests in the core subjects of 4th grade reading and 8th grade math, based on the existing NAEP and TIMSS tests.

The essence of this proposal is to transform each of these assessments into tests that will produce individual scores, and then actively challenge states and school districts to adopt them as their own. This would be the fastest way for states to put into place high quality tests aligned with rigorous national and/or international standards, and to enable students and their parents to learn how well students and schools are performing compared to state and national standards, to students and schools throughout the nation (in reading) and to international benchmarks (in math).

We could also promote the development of a high school level test and/or promote state graduation exams and policies requiring students to meet standards before moving from one school level to the next. At the same time, we could highlight a combination of successful national, state, and local efforts to raise standards and measure student performance.

This approach provides bold leadership, and can transform the debate about national standards by focusing it on concrete issues of reading and math. It holds the promise of providing parents and students with accurate information about student performance against challenging standards more quickly than most states would if they continue on their current paths. The main downside is that it has the potential to reignite a debate about federal intrusion in education, especially since both tests have been developed with federal funds and with a federal imprimatur.

B. 21st Century Schools

A second, complementary approach to the national standards proposal is to continue the effort to build 21st Century schools and classrooms for all -- so that every school and classroom provides a modern, safe environment and is equipped so that all students and teachers can learn interactively in school and at home through engaging software and

discovery learning on the internet. Two major themes that you can consider are the following:

- Modernizing the Classroom of the 21st Century: Few institutions have changed as little during the past century as the classroom. Our combined emphasis on education technology, school construction, making our schools environmentally sound and after-school care is a comprehensive effort to modernize the classroom for the first time in generations so that we are ready for the 21st century. This theme provides a broader thematic structure that various sub-proposals.
- Bringing the Nation Together by Ensuring Universal Access to Information Technology: Without care, access to information and educational technology could divide the nation the way that race and income have in the past, with children who have early access to the internet and the world of education technology getting ahead and those who do not falling hopelessly behind. It would be a legacy of considerable significance if the President helped ensure that every child was technology literate and had access to the information age. For the first time in our history, every child -- regardless of income, race or background -- could have the same access to information everywhere. The internet can put millions of computers and thousands of libraries on even the poorest child's desk.

The attached memo by Greg Simon and Jim Kohlenberger gives a good overview of our initiatives and objectives. We should continue to look for bold goals to mobilize the private and public sector. One idea -- that fits our goal of every child reading by 8 years old and being on the internet by 12 years old -- is to ensure that every 6th grade teacher has solid education technology and internet training by the summer of 1998. We could call for summer sessions in universities in all 50 states in 1998 for 6th grade teachers and ask our new private sector CEO group to help mobilize it.

C. Universal Access to College and Lifelong Learning

In the last four years, you have done an enormous amount to open wide the doors of college. With the agenda you have spelled out for the next four years, you can secure a formidable legacy in expanding access to college and lifetime learning.

1. Two Year, 1997-1998 Push for Guaranteed College Education: Between the improved student loan program, income contingent loans, national service, our increases in the Pell Grants -- and the new education tax cuts we are proposing -- we will have a structure that ensures that through loans and grants, every young person who wants to can be guaranteed a higher education. Stressing this idea this year, however, could actually undermine our push for the Hope Scholarship, our \$10,000 education tax cut, and our major increase in Pell Grants. Therefore, we could spend 1997 on the theme of making 13th and 14th grade universal, and set out to enact those proposals as well as the IRA for education. We could also make a communications effort in 1997 to promote:

- College Free Savings: We can better promote the notion that with IRA and \$10,000 education deduction, working families can engage in tax-free savings for college education.
- Pay-as-You-Earn/Direct Lending Campaign: We must continue to support and fight for our direct lending proposal, but we could also start a more explicit campaign to promote our new innovation: pay-as-you-earn.

In 1998, we could launch a national campaign on the theme that every American child is guaranteed financing for a college education. This would include a clear booklet showing how everyone now can obtain financing for college, and major joint campaigns with high school counselors, parents groups, etc.

Additional ideas that could be considered would be to officially make Pell Grants an entitlement to build on this message, or to more explicitly look for ways to encourage many states to imitate the Georgia Hope Scholarship. Pell Grants already function as an entitlement on the discretionary side, yet putting it on the mandatory side could be joined with possible GI Bill Proposals to make the notion of a "guarantee" or "entitlement" more explicit. The downside is that some fear that the perceptions of "entitlement" could be negative even in the college education perspective.

2. All-Out Push For GI Skill Grant Proposal: One of our best chances for lasting structural change is in the area of job training. While many Republicans insist on reforming training programs through a cut and block grant approach, several Republicans -- including Jack Kemp and John Kasich -- have shown real interest in the notion of consolidating programs and then creating a more market-oriented training system in which we use skill grant/vouchers to empower people directly. In 1995 and 1996, we laid relatively low while we worked to get the bill passed. This year, we need to more publicly call for the GI Skill Grant proposal, and a more clear presentation that we are the ones seeking to empower individuals directly, while those calling for block granting are simply seeking to shift the program from one bureaucratic structure to another.

III. Executive Action or Legislation

A. Standards of Excellence -- 21st Century Schools

The America Reads Challenge, the school construction initiative, and the youth portion of the GI Bill all require Congressional authorization and funding. The Technology Literacy Challenge requires additional funding. The testing and standards initiative can be carried out primarily through executive action and Presidential leadership.

B. Universal Access to College and Lifelong Learning

The Hope Scholarships, education and training tax deduction, expanded IRA, and basic agreements on student loans must be achieved in budget reconciliation. The Pell Grant increase may be achieved through appropriations this year, or reauthorization of the Higher Education Act next year. The GI Bill requires authorization and funding. Federal Skill

Grants (at least for dislocated workers) might be achieved as a part of a larger mandatory package in budget reconciliation or as an amendment to JTPA directed as a part of the final budget agreement.

IV. Competition with Legacy Priorities

A. Standards of Excellence -- 21st Century Schools

Republicans will press for vouchers. A few Republican governors and some congressional Republicans will seek to make standards, tests, and all K-12 school reform solely a matter of state and local prerogative and responsibility.

In addition to pressing for standards, you will also be taking the lead (1) in supporting safe and drug-free schools and a disciplined environment conducive to student learning, with mutual respect among and between teachers, students, and parents; (2) in fostering high quality teaching by encouraging over 100,000 teachers to attain National Board Certification and by calling on states, school boards and representatives of teachers to work cooperatively to get rid of incompetent teachers; and (3) calling for parents and communities to become more actively involved in schools and their children's learning, national service participants, work-study college students and 1 million volunteers to help tutor children to learn to read, and the V-chip, educational children's television, citizenship education, freedom of religious expression, and interactive educational games to engage children in the excitement of learning by doing rather than watching TV.

B. Universal Access to College and Lifelong Learning

Republican governors, Senators and Representatives will call for block-granting all DoL training resources to states to do as they please, including particularly to provide training to help states make welfare reform work.

V. Timeline

The timeline below provides a preliminary schedule of opportunities for using the bully pulpit to advance the objectives discussed above. Additional opportunities and events can be developed as needed, and as the legislative process requires.

January

Announcement of Chicago charter schools and release of ED charter schools report

February

State of Union Address -- (1) launch national standards/testing initiative; (2) announcement on college student reading tutors

Radio Address -- highlighting Chicago-area school districts reporting results from participation in TIMSS

American Council on Education speech, linked to higher education initiatives

Release of NAEP mathematics results

Release of survey of schools access to advanced telecommunications, and announcement of Technology Literacy Challenge state grants

March

Announcement of America Reads National Coalition, and release of ED kit on reading

Announcement of new board-certified teachers from National Board for Professional Teaching Standards

April-May

Several announcements highlighting promising local accountability practices for schools, teachers and students

June-July

Additional releases of TIMSS and NAEP national and state-by-state data

KEY FACTS ABOUT EDUCATION AND THE ECONOMY

1. The returns to learning are increasing -- as we move from an industrial age in which machine power leveraged human muscle to an information age in which human minds leverage knowledge and innovation through networks never before possible to add more value to goods, services, distribution, and communication:

- Each year of post-secondary education and training already adds 6%-13% to an individual's annual earnings.
- The median full-time worker with at least a bachelor's degree earns almost 75% more per week than the median full-time worker with only a high school degree, double the gap from just 1979.
- Increasing the level of education attainment by one year in a firm's workforce raises the firm's productivity by as much as 8.5% in manufacturing plants and almost 13% in non-manufacturing establishments.

2. The U.S. has a remarkably decentralized system of education, not a national system:

- Education is the largest and most costly function of the 50 states and their local school districts and higher education institutions. The federal government contributes approximately 7% of the costs of elementary and secondary education. While the federal government provides almost 2/3 of student financial aid for post-secondary education, its contribution (including research funding) is still less than 25% of the total cost.
- In elementary and secondary education, there are over 2.5 million teachers and over 50 million students, almost 90% of whom are in nation's 81,000 public schools. The public schools are governed by 14,000 local school boards and the 50 states.
- At the post-secondary level over 14 million students of all ages are served by 10,000 post-secondary public and private institutions, which are governed by a mix of autonomous public and private boards, state higher education authorities, local college districts or authorities, and 50 state legislatures.

3. In the first third of this century, the country made a commitment to universal access to high school:

- The high school graduation rate soared from less than 10% of all 18 year-olds in 1900 to almost 50% in the mid-1930's. By way of comparison, Great Britain with its national system of education did not make a similar commitment until 1944 when Prime Minister Churchill announced full public support for secondary school.
- Over the rest of the century, the high school graduation rate has risen steadily to almost 87% of all persons under 30. From 1982 to 1995, the drop-out from high school for persons 16-24 years old fell from 13.9% to 12.9%.

- Although the achievement in reading, science, and math of American students may be the same or slightly higher than a generation ago, today's children and youth are not learning to the higher standards of excellence essential to thriving in this new information age: on the most recent National Assessment of Educational Progress (NAEP), 42% of a representative sample of fourth graders did not attain the "basic" level in reading (although the U.S. does rank near the top of the world in reading for children at this age level); and, on the Third International Math and Science Study (TIMSS) of 41 nations, a representative sample of 8th graders ranked only slightly above average in science and below average in math.

4. Immediately following World War II, the nation made a commitment to increasing access to college.

- Presidents Roosevelt and Truman signed into law and implemented a G.I. Bill of Rights that directly financed the college education of a total of 3.5 million veterans of WWII and the Korean War.
- This national commitment helped catalyze the rise in college-going rates of young adults, from less than 10% in 1940 to almost 25% in 1960.
- Today, the growing supply of colleges and universities, state and local support, family investment and private endowment, and a package of federal financial aid assists almost 50% of high school graduates to benefit from college education.
- In 1994, 24% of all persons age 25 to 64 years of age in the U.S. had completed college -- almost twice the rate of our major European and Pacific Rim competitors.

5. The lesson of the two prior economic transitions in the twentieth century is simple: America will continue to be the leading force for democracy and prosperity in the world if advances in technology and innovation are matched by a real commitment to advances in education for all. Advances in both serve two key functions:

- First, they are the engines of economic growth.
- Second, they are the levers of opportunity that empower all families and workers and succeeding generations of children and youth -- who are willing to learn and to work for it -- to earn a share in the increasing prosperity and to renew the civic fabric of the world's longest running democracy.

6. A real commitment now to two advances in education offers the key to making a successful crossing to the greater possibilities in this new information age:

- A standard of excellence in learning for all children and youth
- Universal access to college for each succeeding generation and to lifelong learning for all adults.