



Norma Paulus
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

December 16, 1994

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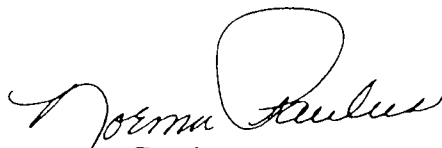
The Honorable Richard Riley
Secretary of Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Mr. Secretary:

This letter accompanies the Oregon Department of Education's application to become a demonstration state under the Education Flexibility Partnership Demonstration Act, a part of the Goals 2000 Act. We see this application as complementing Oregon's Goals 2000 plan which we submitted to the Department on November 4. I believe the program will permit local school districts in Oregon to have the flexibility they need to develop plans to improve education for their students without being shackled by irrelevant regulations. Oregon grants its schools such flexibility. We hope the federal government will join us.

Thank you for your phone call concerning the appointment of a panel to review the Oregon Goals 2000 plan. That is exciting news and we look forward to the visit. I am pleased that you are making a good recovery. My best wishes for a happy holiday season.

Sincerely,

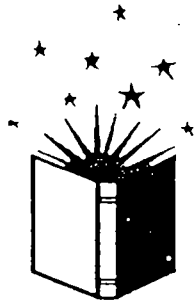

Norma Paulus

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Enclosure

Oregon Goals 2000

The Oregon Educational Act for the 21st Century

GOALS 2000



Application

Educational Flexibility Partnership Demonstration

**Oregon Department of Education
Public Service Building
255 Capitol Street, NE
Salem, Oregon 97310-0203
(503) 378-8004**

**Oregon Goals 2000 Application
Educational Flexibility Partnership Demonstration Site
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Application, Annual Report
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An Application from the State of Oregon: Educational Flexibility Partnership Demonstration Site

I. Eligibility

More than a decade of systemic school improvement activity leads Oregon to seek designation as an "Ed-Flex Partnership State" under Section 311 (e), entitled the "Education Flexibility Partnership Demonstration Act" of the Goals 2000: Educate America Act. The following criteria provide both a foundation and framework for this application.

- Oregon submitted its state improvement plan as a pre-existing state plan under Section 306 (q) and is awaiting the Secretary's approval. This plan, when approved will fulfill the requirement of Section 311 (e) (3) (A).
- Oregon waives State statutory or regulatory requirements relating to education while holding local districts and schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers. (fulfilling the requirement of Section 311 (e) (3) (B))

The fulfillment of the above criteria indicates that Oregon has an established educational flexibility plan that is in practice, part of a systemic statewide improvement plan. This is discussed in greater detail in the following section. Oregon's population meets the requirement of Section 311 (e) (2) (B).

- Oregon has fewer than 3,500,000 in population and would qualify as one of the three State educational agencies serving a population this size, that might be selected as Ed-Flex Partnership States.

II. Educational Flexibility as Part of a Systemic Statewide Improvement Plan

In 1989, the Oregon State Legislature enacted the 21st Century Schools Program permitting waivers of statutes, rules and contracts that inhibit progress toward school improvement (Oregon Statutes 329.535 through 329.605, Appendix A). With the approval of the local teachers' bargaining unit and the local school board, a school may undertake programs restructuring school operations and professional relationships. The school improvement plan developed by the local school council, is then reviewed by the

21st Century Schools Advisory Committee (Oregon's Goals 2000 State Panel) and recommended to the State Board of Education. Waivers are granted for 3 to 5 years and are subject to annual review by which progress toward intended goals is assessed. In June 1991, the Oregon Legislative Assembly, by an overwhelming vote and following extensive public hearings, enacted the Oregon Educational Act for the 21st Century. This Act requires nothing less than the transformation of the entire educational system and serves as the keystone for the legislative framework that supports the Oregon State Plan for systemic school improvement. When fully implemented, this mandate provides children with a connected education pathway from their pre-kindergarten experience through their transition into the workforce as a young adult.

The Oregon Educational Act for the 21st Century greatly expanded the use of waivers giving schools the support mechanism necessary for creating system-wide change that clearly responds to local need. Through an extensive application and evaluation process goals must be clear and specifically linked to measures of student learning and educational performance (Appendices B and C). Educational flexibility plays a key role in the overall State improvement plan.

Educational Flexibility* as Part of a Systemic Statewide Improvement Plan Legislative Framework

Legislation	Purpose	Participants
The Oregon Action Plan for Excellence (1984)	Established program to develop Common Curriculum Goals, Essential Learning Skills, higher standards, assessments for students at grades 3,5,8, and 11, increased graduation requirements; promoted teacher effectiveness and parent participation	State Board, State Superintendent developed plan with participation of several thousand teachers, parents and citizens in public forums
School Improvement and Professional Development Act HB 2020 (1987)	Established school site councils to develop school improvement plans and restructure the school workplace, provided grants to support plan development and assess progress toward goals, expanded professional growth opportunities for teachers; established mentor teacher program	Developed by Joint Interim Committee of Oregon State Legislature with help of State Board and Department of Education, enacted by 1987 Legislative Assembly approved by Governor

*The 21st Century Schools Act HB 2001 (1989) (Educational Flexibility Plan)	Authorized State Board of Education to waive state laws, rules and local policies to promote educational flexibility, restructuring and accountability	Developed by Joint Interim Committee of the Oregon State Legislature with help of educators, State Board and Department of Education, enacted by 1989 Legislative Assembly, approved by Governor
The Oregon Educational Act for the 21st Century HB 3565 (1991)	Established comprehensive plan for restructuring schools pre-K through 14, including school-to-work link; promoted models and demonstration sites pre-K through 14; expanded waiver process; established school site councils with broad participation; mandated development of content and performance standards for Certificates of Initial and Advanced Mastery (CIM and CAM), accompanying assessments and annual Report Card on progress; required alternative learning environments; extended the school year; promoted parent participation and benchmarked Oregon Education System to world-class standards	Developed by Department of Education, Joint Interim Committee of the Oregon State Legislature, State Board with participation of educators, parents and citizens; enacted by overwhelming majority of 1991 Legislative Assembly, approved by Governor; followed by 18 month extensive statewide Task Force development process.
Workforce Quality Act (1991)	Companion Act to Oregon Educational Act for the 21st Century; created 21 member Workforce Quality Council (WQC); supported integration of state economic development; established 15 Regional Workforce Quality Committees to coordinate regional strategies for education and workforce development	Collaborative development, Governor, State Superintendent, Labor Commissioner, Community College Commissioner, Chancellor of Higher Education, business, labor serve as WQC
Workforce 2000 I (1991)	Created school-to-work pilot sites; developmental sites modeled after America's Choice; established four community based skill centers;	Interagency collaboration with Department of Education, Office of

Legislation	Purpose	Participants
Workforce 2000 (1993) (continued)	developed and implemented applied academic coursework; developed and expanded 2+2 Tech Prep programs, modeled CIM/CAM assessment strategies on world class standards	Professional Technical Education, Office of Community College Services, Oregon Economic Development Department and community and business partners

III. The 21st Century Schools Program: An Adopted Educational Flexibility Plan

The 21st Century Schools Program (Appendix B) clearly reflects in its rationale, state level support for bottom up reform and local district accountability for student performance as local reforms are enacted.

Real and fundamental change in the structure of schools and education must emerge from the school site rather than be imposed externally or unilaterally and should be based on professional knowledge and a solid foundation of research...In exchange for such flexibility, teachers, administrators and the public will be held accountable to clear and measurable standards of student learning and other educational performance.
(see ORS 329.545 (2) and (4), Appendix A)

The application for waiver must be based on a three to five year plan from the school site council that describes how the school will be restructured, how all students will be affected educationally, how their progress will be measured, what outcomes will be achieved and what waivers are necessary. The plan must be approved by the local school board and presented before the 21st Century Schools Advisory Committee (the Oregon Goals 2000 State Panel) which then recommends to the State Board of Education for formal approval. Annual reports by the local district along with site visits by the Oregon

Department of Education ensure that continuing restructuring efforts are in fact positively impacting student learning.

Approximately 46 school districts are currently participating in the 21st Century Schools Program. A school district may submit proposals that include but are not limited to modifications of the following:

- Curriculum requirements;
- Graduation requirements;
- The certification, assignment, and formal responsibilities of teachers, administrators and other school personnel;
- The length and structure of the school day and year;
- State statutes and rules and local policies and agreements relating to educational practices with the exception of those that affect health, safety or constitutional rights under state or federal law, or the needs of students served under the Individuals with Disabilities Education Act.
- The formal and informal relationships between school districts and other entities, including community colleges, four-year colleges and universities, businesses and other institutions; and
- The integration of traditional services to grades K-12 with public and privately sponsored social services, such as early childhood education, day care, and assistance for teenage parents and other at-risk youth.

Under ORS 329.585, school districts can now submit proposals for modifications concerning:

- non-graded programs,
- student contact hours,
- integrated health and social services at the school site,
- traditional methods of delivering and monitoring instruction,
- inclusion of special needs populations,
- teacher team assignments to students,
- public school choice plans,
- tech prep programs,
- integrating technology,
- increasing parent involvement at the school site, and
- restructured middle school programs.

IV. Oregon's Contribution to the Educational Flexibility Partnership Demonstration Process

The designation of Oregon as an Ed-Flex Partnership State would contribute greatly to the knowledge gained from the National Educational Flexibility Partnership Demonstration Process. The critical features Oregon brings to this process follow.

- Oregon has adopted an educational flexibility plan (Appendix A) and has five years of experience with granting and monitoring the waiver process.
- Oregon's waiver process is comprehensive. All schools K-12 and districts are eligible for participation. Applications may be made on behalf of an individual building, two or more buildings, all buildings in a district, or two or more districts.
- Waivers of a significant nature are allowed and have been granted and monitored, including; state statutes, rules, local policies and agreements relating to education practices (except those affecting health, safety or constitutional rights).
- Oregon's waiver process is a quality plan intended to promote greater student performance and flexibility in the way schools are organized, managed and financed. This plan requires the school or district seeking waivers to describe existing conditions at the site, and identify significant measurable and achievable goals based on student performance. These goals must be clear and specifically linked to measures of student learning and educational performance. They are established with the participation of educators and local citizens.
- The waiver process requires broad-based participation. Waivers must first be approved by the established local school site council, the teachers at the affected site, the exclusive representative of the bargaining unit and the school board. The application is then forwarded for approval to the 21st Century Schools Committee (Oregon's Goals 2000 State Panel) and then approved by the State Board of Education.
- The district receiving the waiver must be accountable and must prepare an annual report (Appendix C) based on data showing the nature and extent of changes in student learning. Effective practices must be disseminated. This report is evaluated by

the 21st Century Schools Committee (Oregon's Goals 2000 State Panel) with the Oregon Department of Education responsible for oversight to ensure accountability.

- The Oregon Department of Education has revised its waiver process, pending approval by the Secretary of its application, to ensure rigor in the way Oregon approves and monitors applications for waivers of Federal statutory or regulatory requirements.

V. Oregon's Participation in the Educational Flexibility Partnership Demonstration Process: Examples

The following situations serve as examples of educational flexibility that might occur if Oregon was designated as an Ed-Flex Partnership State.

Carl Perkins: Oregon has a K-14 system and the Department of Education includes the Office of Community Colleges. Carl Perkins dollars are currently allotted to "regional consortiums," which combine both secondary schools and community colleges. This is a different configuration than that suggested in the law and therefore receives no support from a federal monitor's perspective. However, the Oregon Office of Professional Technical Education has strongly urged the formation of consortiums because much of the implementation of school reform and school to work is regional and requires a seamless delivery system.

Eisenhower Math-Science: A suburban school district in Oregon's high tech area is in a community where almost every parent has a four year degree and many have advanced degrees. Many of the adults work in the bio-tech and computer industries in the community and several of these businesses are active partners of the school system. These partnerships provide equipment, staff development opportunities for school employees, and work-study experiences for students. Student scores in math and science are among the highest in the state. The staff and community would like to direct the Eisenhower Math and Science dollars to other curricular areas, integrating math and science with those areas to increase student performance. The district plans to use a team teaching approach with educators and industry staff.

Eisenhower Math-Science: A school district in Oregon, which uses its Eisenhower allocation primarily for K-8, has been successfully implementing the Oregon Educational Act for the 21st Century. This act requires a shift in teaching strategies for Science and

Math from the traditional to an integrated, relevant, performance based approach. This particular district has need for extensive professional development at the high school level to facilitate this paradigm change. The LEA would like to direct the majority of their Eisenhower Math and Science dollars for training of their high school science and math teachers to complete the implementation of Oregon's school reform act.

Title I: A rural elementary school in the Willamette Valley, with a large migrant population, receives substantial Title I and Title I - M funds. The area has an excellent day care program funded by and located adjacent to the largest business in the area, which is a nursery that ships plants throughout the United States. The rural county runs a health clinic for both migrant and other poor families. The elementary school wants to pool its federal funds to use its two Spanish-speaking teachers to work with all children in a modified bilingual education model. The school also wishes to use its staff development funds to work with the parent volunteers in a reading program, to work with pre-school nursery staff and volunteers in a "transition to school" program, and to strengthen the teaching skills of the elementary school staff.

Title I: A small, rural school district with many working families as well as a substantial number of farm families wishes to run an 11 month school and pool Title I funds with general education dollars. The school is a targeted assistance school. The school district has always had an extensive volunteer program and in addition, proposes to operate a half-day program for all students using its federal funds to extend teachers' contracts over an additional two months during the summer. Title I students would be helped during the school year by volunteers who have been trained to provide reading instruction. Using an early intervention model, staff would use the the Reading Recovery Model for all first grade students. The half day summer program would be designed to attract all students and would focus on art activities, pleasure reading, and "hands-on" science activity using the natural resources of the area which include a creek, old-growth forest, and wetlands. Title I students would receive extra encouragement to attend the summer program. The district does not want to run the program exclusively for Title I students in order to avoid labeling them.

VI. Plan Review

The Goals 2000 First Year Application process provides Oregon with the opportunity to determine the status of our long-term planning effort and commitment to statewide school

improvement. The Oregon Goals 2000 first year application, approved September 30, 1994, proposed a system review in order to:

- assess the current status of the development and implementation of the State Plan, the Oregon Educational Act for the 21st Century,
- determine the areas needing improvement to support the further development and implementation of the State Plan at the local district and classroom level, and
- align the State Plan and state standards with the National Goals.

The 21st Century Schools Advisory Committee, as the approved State Panel, will lead this review and improvement process, drawing upon the knowledge and expertise of widely diverse and representative groups throughout the state.

As part of that review process, the 1994-95 Guidelines, Review Criteria, Application and Annual Report for the 21st Century Schools Program (Appendix B) will be revised and redesigned as needed to align with the National Goals, the intent of the Educational Flexibility process of Goals 2000 and to take into account what has been learned from the approximately 20 districts and 50 school sites that have participated.

A summary of Annual Reports compiled on participating schools in October 1994 indicates the following preliminary findings.

- During the first year that a school is involved in the waiver process, activities focus primarily on professional development and research.
- The most common requests for waivers during the initial stages of restructuring relate to changes in assignment of staff, use of time and scheduling of school days.
- Student learning outcomes have been initially measured in terms of student behaviors and program completion. During the past year, there has been a shift to reporting student progress on performance assessment measures and most schools cite results from state wide assessments.
- Schools measure overall progress in terms of implementation, participation and completion of activities.
- Most schools have reported unanticipated and positive outcomes in terms of changes in attitudes, support and community response.

As part of the review process, in depth interviews and surveys with selected sites will be conducted to determine both the encouraging gains teachers have realized and the actual impact on student performance.

VII. Summary

Oregon has a K-14 system that encourages schools and community colleges to work closely together. Federal laws tend to track dollars to K-12 schools or higher education. Oregon's communities range from urban (districts of 25,000 students) to rural remote (one-room school houses), making it unreasonable to seek a specific waiver for all schools as opposed to individually suited exemptions. Finally, allowing waivers of federal regulations linked to measures of student performance, will encourage greater accountability and school, parental and community participation in the improvement of education for all students.

Oregon Application
Educational Flexibility
Partnership Demonstration

Appendices

A. The Oregon Educational Act for the 21st Century; Reform

State Statutes 329.535 through 329.605
21st Century Schools Program (Waiver Process)

B. 21st Century Schools Program (State Waiver Process)

1994-95 Guidelines, Review Criteria,
Application, Annual Report

C. 21st Century Schools Program Waiver Process

Annual Report and Evaluation

scribed in ORS 329.465, beginning with the 1994-1995 school year.

(3) The resident district shall be accountable for the student's satisfactory progress, as set forth in subsection (4) of this section, or be responsible for finding alternative learning environments, with the concurrence of the student's parents or guardian.

(4) If, at any point, a student is not making satisfactory progress toward attainment of the standard at grades 3, 5, 8 and 10, including the Certificates of Initial Mastery and Advanced Mastery, the school district shall make additional services available to the student, that may include but need not be limited to:

- (a) A restructured school day;
- (b) Additional school days;
- (c) Individualized instruction and other alternative instructional practices; and
- (d) Family evaluation and social services, as appropriate.

(5) If the student to whom additional services have been made available fails to demonstrate the knowledge and skills required at the mastery level within one year after the determination under subsection (2) of this section, even though the student would be or is promoted to the next level, the student shall be allowed to transfer to another public school in the district or to a public school in another district that agrees to accept the student. The district that receives the student shall be entitled to payment. The payment shall consist of:

(a) An amount equal to the district expenses from its local revenues for each student in average daily membership, payable by the resident district in the same year, and

(b) Any state and federal funds the attending district is entitled to receive payable as provided in ORS 339.133 (2). [Formerly 335.160]

329.490 [Repealed by 1953 c.306 §18]

329.495 Certificate of Advanced Mastery. A student who has obtained a Certificate of Initial Mastery and who enrolls in a college preparatory program shall be entitled to receive a Certificate of Advanced Mastery with a college preparatory indorsement if the student meets the requirements established by rule of the State Board of Education, prepared in consultation with the State Board of Higher Education. [Formerly 335.170]

329.500 [Repealed by 1953 c.306 §18]

329.505 Programs allowing student to qualify for advanced certificate. (1) Commencing no later than September 1997, each school district shall institute programs that

allow students to qualify for a Certificate of Advanced Mastery with college preparatory and academic professional technical indorsements. Study may be undertaken in a public school, community college or public professional technical school, or any combination thereof, and must involve at least two years of study or a combination of work and study. The certificate program must include a comprehensive educational component.

(2) The student must demonstrate mastery of knowledge and skills on performance-based assessments, where possible, using work samples, tests, portfolios or other means. All courses necessary for either indorsement shall be available to students irrespective of their chosen indorsement area. [Formerly 335.180]

329.510 [Repealed by 1953 c.306 §18]

329.520 [Repealed by 1953 c.306 §18]

329.530 [Repealed by 1953 c.306 §18]

21st CENTURY SCHOOLS PROGRAM

329.535 Definitions for ORS 329.535 to 329.605. As used in ORS 329.535 to 329.605:

(1) "Administrator" includes all persons whose duties require administrative licenses.

(2) "21st Century Schools Council" means the body described in ORS 329.675.

(3) "Department" means the Department of Education.

(4) "District planning committee" means a body composed of teachers, administrators and public members, constituted under ORS 329.570, for the purpose of sponsoring programs submitted and approved under ORS 329.535 to 329.605.

(5) "School district" means a school district, an education service district, a state-operated school or any legally constituted combination of such entities that sponsors an eligible program and submits an application under ORS 329.570.

(6) "State board" means the State Board of Education.

(7) "Teacher" means all licensed employees of a school district who have direct responsibility for instruction, coordination of educational programs or supervision of teachers and who are compensated for their services from public funds. "Teacher" does not include a school nurse, as defined in ORS 342.455, or a person whose duties require an administrative license. [Formerly 336.530]

329.540 [Repealed by 1953 c.306 §18]

329.545 Policy for program. The Legislative Assembly finds that:

(1) Because American society and the American student are changing dramatically, schools and schooling must be altered signif-

an application by the school board, a school district shall have accomplished the following:

(a) Identified the school building or buildings and, if appropriate, the school district or districts on whose behalf the application is submitted.

(b) Established, in each school building affected by the proposal, a 21st Century Schools Council.

(c) Agreed, at the direction of the 21st Century Schools Councils and, if applicable, the district planning committee, upon the following:

(A) The major activities to be carried out as part of the project, including but not limited to the nature and extent of the restructuring of school operations and formal relationships as described in ORS 329.555 (2).

(B) The specified measures of student learning and educational outcomes, including but not limited to those described in ORS 329.555 (2) for each building affected by the application.

(C) The process by which each 21st Century Schools Council and, where applicable, the district planning committee will collect data and assess the progress and final performance of its program.

(4) The local district school board shall be responsible for submitting the application and certifying that all appropriate requirements of ORS 329.535 to 329.605 have been met. [Formerly 336.550]

Note: Section 14, chapter 693, Oregon Laws 1991, provides:

Sec. 14. Councils required. By September 1992, each school district with more than one school shall have at least one 21st Century Schools Council established pursuant to ORS 329.705. By September 1994, all school districts shall have at least one school site with a 21st Century Schools Council. Each school site shall be required to have a 21st Century Schools Council not later than September 1995. [1991 c.693 §14]

329.575 Application content. (1) All applications for the 21st Century Schools Program shall be submitted to the Department of Education, and shall contain the following:

(a) A letter of support from the school board and the exclusive representative of teachers in the buildings affected.

(b) An abstract of the nature and objectives of the project and a description of the changes projected to occur in the school or district, or any combination thereof, as a result of the proposal.

(c) A description of the goals and major activities to be carried out as part of the project, including but not limited to the nature and extent of the restructuring of school operations and formal relationships as described in ORS 329.555 (2). The application

shall also describe the process used to identify the goals and major activities of the project.

(d) A list of the major student learning and educational outcomes that are projected to occur as a result of the project, including but not limited to those outcomes described in ORS 329.555 (2).

(e) A description of all statutes and rules to be modified or waived to complete the activities of the project. For each provision, the application shall include a statement describing why the modification or waiver is warranted.

(f) A description of all district rules and agreements that are to be modified or waived. All such provisions shall be approved by a majority vote of each 21st Century Schools Council, the affirmative vote of at least two-thirds of the licensed teachers in the affected school buildings and the approval of the local district school board and the exclusive representative of the teachers.

(g) A budget plan for the project and additional anticipated sources of funding, if any, including private grants and contributions.

(h) A description of the process by which data will be collected and assessed to measure student learning and other educational performance attributable to the project.

(i) Letters expressing support and a willingness to participate from community colleges and other post-secondary institutions, where appropriate.

(j) The number of school years for which approval is sought. The period shall be no less than three years and no more than five years.

(k) A description of how the district intends to share and disseminate to other school districts those practices that prove effective.

(2) Applications shall contain all the components of subsection (1) of this section to be eligible for approval.

(3) The application may also contain written statements of support from parents, citizens, local businesses and other interested individuals and organizations. [Formerly 336.555]

329.585 District proposals. (1) In addition to the application described in ORS 329.575 for the 21st Century Schools Program or ORS 329.695 for the School Improvement and Professional Development program, a school district may submit proposals to:

(a) Modify laws, rules or policies;
(b) Establish nongraded school programs for students;

329.600 District annual report; proposed plan amendment. (1) Each district that receives approval for a project under the 21st Century Schools Program shall submit an annual report to the advisory committee appointed under ORS 329.700 and to the local community. The report shall include specific data that reflect the nature and extent of changes in student learning and other performance as described in its application.

(2) Along with its annual report, a district may submit proposed amendments to its approved program describing additional statutes, rules or local policies and agreements that it proposes to waive. Such amendments must be accompanied by a statement of support from the local school board, the exclusive representative of teachers and each 21st Century Schools Council involved in the project. The advisory committee may recommend approval of such amendments upon a finding of satisfactory progress by the district and a determination that all other provisions of ORS 329.535 to 329.605 have been met.

(3) If, based upon these annual reports, the advisory committee determines that a district's progress is unsatisfactory, the advisory committee may recommend to the state board that the district be placed on probation for a one-year period. During the probationary year, the district shall be eligible for special assistance from the Department of Education. During the probationary year, the district shall also prepare a contingency plan in the event it is ordered to terminate its project prematurely.

(4) If, after the probationary period described in subsection (3) of this section, the district's progress is still unsatisfactory in the judgment of the advisory committee, the advisory committee may recommend that the state board terminate the project and implement its plan for returning to compliance with previously waived statutes, rules and local policies and agreements.

(5) A district may terminate its application by submitting to the board a request for termination that has been approved by the school board, the exclusive representative of teachers and the 21st Century Schools Councils. [Formerly 336.565]

329.605 Department oversight function. The Department of Education shall be responsible for oversight in the implementation of approved projects. In carrying out this oversight function, the department shall:

(1) Maintain regular contact with educators, school building personnel and school district personnel through site visitations, reports and other appropriate contacts.

(2) Develop and coordinate linkages between participating school districts and other educational institutions, including community colleges, four-year colleges and universities.

(3) Regularly collect relevant information from participating educators, school building personnel and district personnel. (Formerly 336.570)

329.610 (Repealed by 1963 c.22 §2)

329.620 (Repealed by 1963 c.22 §2)

329.630 (Repealed by 1963 c.22 §2)

329.640 (Repealed by 1963 c.22 §2)

329.650 (Repealed by 1963 c.22 §2)

329.660 (Repealed by 1963 c.22 §2)

329.670 (Repealed by 1963 c.22 §2)

SCHOOL IMPROVEMENT AND PROFESSIONAL DEVELOPMENT PROGRAM

(Generally)

329.675 Definitions for ORS 329.675 to 329.745 and 329.790 to 329.820. As used in ORS 329.675 to 329.745 and 329.790 to 329.820:

(1) "Administrator" includes all persons whose duties require administrative licenses.

(2) "Beginning teacher" means a teacher who:

(a) Possesses a teaching license issued by the Teacher Standards and Practices Commission;

(b) Is employed at least half time, primarily as a classroom teacher, by a school district; and

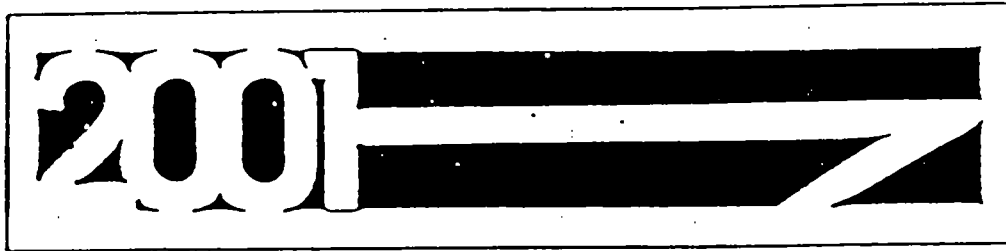
(c) Has taught fewer than 90 consecutive days, or 180 days total, as a licensed teacher in any public, private or state-operated school.

(3) "District" means a school district or an education service district, or any legally constituted combination of such districts.

(4) "Educational goals" means a set of goals for educational performance, as formulated by the 21st Century Schools Councils and local communities, and adopted by district school boards, according to provisions of ORS 329.675 to 329.745 and 329.790 to 329.820, to encourage greater accountability between schools and the community, and better to assess the effectiveness of educational programs, including the professional growth and career opportunity programs, described in ORS 329.675 to 329.745 and 329.790 to 329.820.

(5) "Index of teaching and learning conditions" means the system for the collection and analysis of relevant educational data by schools, districts and the state for the pur-

21st
CENTURY SCHOOLS
PROGRAM



1994-95
GUIDELINES
REVIEW CRITERIA
APPLICATION
and
ANNUAL REPORT

GUIDELINES FOR WAIVERS
21st CENTURY SCHOOLS PROGRAM
House Bill 2001

RATIONALE

The 21st Century Schools Program is based on the following rationale:

1. Because American society and the American student are changing dramatically, schools and schooling must be altered significantly in order to sustain their relevance and their vitality in an increasingly challenging world.
2. Real and fundamental change in the structure of schools and education must emerge from the school site rather than be imposed externally or unilaterally and should be based on professional knowledge and a solid foundation of research.
3. To encourage the restructuring of schools in Oregon, the state has established a process to allow teachers, administrators, and the public to modify or waive, or both, certain statutes, rules, and local policies and agreements in order to promote greater flexibility in the way schools are organized, managed and financed.
4. In exchange for such flexibility, teachers, administrators, and the public will be held accountable to clear and measurable standards of student learning and other educational performance.

OBJECTIVES

The 21st Century Schools Program has been established to encourage:

1. The restructuring of school operations and formal relationships among teachers, administrators, and local citizens, including but not limited to modifications of the following:
 - (a) The length and structure of the school day and the school year;
 - (b) Curriculum requirements;
 - (c) Graduation requirements;
 - (d) The certification, assignment, and formal responsibilities of teachers, administrators, and other school personnel;
 - (e) State statutes and rules, and local policies and agreements relating to educational practices, with the exception of those that affect health, safety, or constitutional rights under state or federal law;

Note: Items in italics are new guidelines for 1994-95.

- (g) *Develop public school choice plans to give parents, students and teachers more freedom to design and choose among programs with different emphasis, both among school districts and within and among schools;*
 - (h) *Restructure programs for students, including but not limited to applied academics, youth apprenticeships and other schoolwork models that involve, as a minimum, two-year programs;*
 - (i) *Develop new programs integrating technology into the curriculum, instruction and student assessment;*
 - (j) *Increase parent involvement in decision-making at the school site; and*
 - (k) *Restructure programs for middle level students, including, but not limited to, heterogeneous groups, integrated curriculum and staffing and appropriate teaching strategies.*
- ° *A district that submits a proposal under this section is required to show evidence of coordination in the development of the application and the administration of the program with representation from all affected school buildings.*

Significant Dates

- Applications must be submitted to the Oregon Department of Education.
- Within 60 days, districts submitting applications and the public will be given an opportunity to comment on their application.
- The State Board of Education shall approve or deny all applications no later than 90 days after receipt of application.

Eligibility

- Any district school board is eligible to submit an application for the 21st Century Schools Program.
- Applications may be made on behalf of the following:
 - (a) An individual school building;
 - (b) Two or more school buildings within a district;
 - (c) All school buildings within a district, or
 - (d) A consortium consisting of two or more school districts.

- (a) Identified the school building or buildings and, if appropriate, the school district or districts on whose behalf the application is submitted;
- (b) Established, in each school building affected by the proposal, a building 21st Century Schools Council; and
- (c) Agreed, at the direction of the building 21st Century Schools Council and, if applicable, the district 21st Century Schools Council committee, upon the following:
 - The major activities to be carried out as part of the project, including but not limited to the nature and extent of the restructuring of school operations and formal relationships;
 - The specified measure of student learning and educational outcomes for each building affected by the application; and
 - The process by which each building site committee and, where applicable, the district planning committee will collect data and assess the progress and final performance of its program.
- The local district school board shall be responsible for submitting the application and assuring that all appropriate requirements of this Act have been met.

Building 21st Century Schools Council

- A building 21st Century Schools Council is mandatory.
- A building 21st Century Schools Council shall be constituted according to ORS 336.705.
- The duties of the building 21st Century Schools Council shall include the development of a school improvement and professional development plan which may reflect greater flexibility in the ways schools are organized, managed, and financed.

The School Improvement and Professional Development Advisory Committee

- The 21st Century Schools Advisory Committee, appointed by the State Board of Education under ORS 329.700, shall propose rules, for adoption by the State Board, to govern the submission and approval of applications.
- The advisory committee shall review all applications and recommend applications for approval by the State Board.

Review Criteria

In reviewing applications, the 21st Century Schools Advisory Committee *shall recommend applications for approval by the State Board based upon, but not limiting consideration to*, the following criteria:

- **The existence of significant, measurable, and achievable goals based on student performance;**
- **The extent to which the district has demonstrated the need for the requested modifications and waiver of specified statutes and rules, and local policies and agreements;**
- **The extent to which the application proposes significant changes in the structure of school operations and the formal relationships between teachers, administrators, and public citizens;**
- **The clarity of purpose and values underlying the proposal;**
- **Evidence of thoroughness in identifying, developing, and projecting implementation of the proposed activities;**
- **Evidence of potential transferability of the proposed activities and practices that are judged to be successful;**
- **A determination that modification or waiver of statutes and rules, and local policies and agreements will not be detrimental to the health, safety, or constitutional rights of students, teachers, administrators, or the public under state or federal law; and**
- **A demonstration of commitment from all parties to support and faithfully implement the proposal.**

Definitions

The following definitions apply unless the context requires otherwise:

- **"Administrator" includes all persons whose duties require administrative certificates.**
- **"Building 21st Century Schools Council" means a body composed of teachers, administrators, classified district employees, parents of students, and public members, constituted according to ORS 336.745, for the purpose of designing and administering programs submitted and approved under this Act.**
- **"Department" means the Department of Education.**
- **"District 21st Century Schools Council" means a body composed of teachers, administrators, classified district employees, parents of students, and public members, constituted under Section 5 of this Act, for the purpose of sponsoring programs submitted and approved under this Act.**

REVIEW CRITERIA FOR 21ST CENTURY SCHOOLS PROGRAM APPLICATIONS

Confine responses to one side of letter-size paper using only one page per topic.

1. **ABSTRACT:** Provide an overview describing the nature and objectives of the proposed project and a description of the changes projected to occur in the school or district.

CRITERIA: Overview is comprehensive and includes description of nature and objectives of the proposed project. Significant changes are described. There is evidence of a clear vision along with a strong commitment that increases the likelihood of success. There is clarity of purpose and values underlying the proposal.

2. **CONDITIONS:** Describe existing conditions at your site using measures of student learning and educational performance including but not limited to: drop-out rates, test and assessment results, parental involvement, student conduct and attitudes toward learning, student success after leaving school, and/or other indicators.

CRITERIA: Existing conditions are described; information is current and multifaceted. The need for the goal is well demonstrated.

3. **GOAL SELECTION PROCESS:** List the goals and major activities to be carried out as part of this project. Describe the process used to identify the goals and major activities of the project, and how educators and local citizens participated in establishing the goals and activities for increasing student performance.

CRITERIA: Goal(s) are significant, measurable and achievable based on student performance; they are clear and specific. Description of the process to identify goals and activities is comprehensive. There are provisions for a high degree of collegial involvement of staff administrators and community members in the process. Goal(s) are directly linked to measures of student learning and educational performances.

4. **ACTIVITIES:** Describe the activities to be carried out each year as part of the project and their relationship to the goal(s).

CRITERIA: Planned activities show evidence of thoroughness in identifying, developing and projecting activities and practices. Activities planned are sequential, feasible and related to the goals.

11. **BUDGET:** If appropriate, provide a budget plan for the project. Identify additional anticipated sources of funding, if any, including private grants and contributions.

CRITERIA: Budget is thorough, realistic, and may include additional resources.

District _____	Year _____
Site _____	
Date Approved _____	

21st CENTURY SCHOOLS PROGRAM WAIVER

Complete this application for each site participating in this project

Application Period:

___ 3 years ___ 4 years ___ 5 years

DISTRICT INFORMATION

District Name/Number _____	County _____
Superintendent _____	Phone _____
Address _____	

If a District 21st Century Schools Council has been formed, list the chairperson, members and group each represents. _____

BUILDING SITE INFORMATION

Site Name and Classification _____
(e.g., elementary, middle school, junior high, senior high)

Address _____	Phone _____

Principal _____	Phone _____
-----------------	-------------

List the chairperson and members of the Building 21st Century Schools Council and group each represents. _____

Signature of Superintendent

Date

Signature of School Board Chairperson

Date

APPLICATION CHECKLIST

Please check that each of the following is included in your application.

Three (3) copies of the application, each with an attached appendix containing the following:

- _____ Statement of Assurance signed by superintendent and chairperson of 21st Century Schools Council
- _____ Documentation of approval by the majority vote of a 21st Century Schools Council at the site(s)
- _____ Documentation of approval by an affirmative vote of two-thirds (2/3) of the certificated teachers at the site(s)
- _____ Letter of support from the local district school board
- _____ Letter of support from the exclusive representative of the teachers in any building affected
- _____ Letters of support and willingness to participate from community colleges and post-secondary institutions, where appropriate
- _____ Letters of support from parents, citizens, and other interested individuals and organizations (optional)

Return to:

Carol Black
21st Century Schools Council
Oregon Department of Education
Public Service Building
255 Capitol Street NE
Salem, OR 97310-0203
(503) 378-8004

21st Century Schools Program Waiver Application

Respond to the following statements by restating the requested information and **confining responses to one side of letter-size paper, using only one page per topic.** Additional pages will not be considered.

1. **ABSTRACT:** Provide an overview describing the nature and objectives of the proposed project and a description of the changes projected to occur in the school or district.
2. **CONDITIONS:** Describe existing conditions at your site using measures of student learning and educational performance including but not limited to: drop-out rates, test and assessment results, parental involvement, student conduct and attitudes toward learning, student success after leaving school, and/or other indicators.
3. **GOAL SELECTION PROCESS:** List the goals and major activities to be carried out as part of this project. Describe the **process used** to identify the goals and major activities of the project, and how educators and local citizens participated in establishing the goals and activities for increasing student performance.
4. **ACTIVITIES:** Describe the activities to be carried out each year as part of the project and their relationship to the goal(s).
5. **RESEARCH:** Describe the professional knowledge and research that provided a foundation for the activities planned.
6. **OUTCOMES:** List the significant changes in student learning and educational performances expected to occur as a result of the project.
7. **ASSESSMENT:** Identify the measures that will be used and describe the **process** by which data will be collected and evaluated to measure changes in student learning and other educational performance attributable to the project.

Complete Items 8 and 9 for each waiver requested.

8. **WAIVERS:** Describe the state statutes, administrative rules, district rules, and agreements to be modified or waived to complete the activities of the project.
9. **REASON:** Describe specifically why the modification or waiver is warranted for each waiver requested.
10. **DISSEMINATION:** Describe how the site and district intend to share and disseminate to other school districts those practices that prove effective.
11. **BUDGET:** If appropriate, provide a budget plan for the project. Identify additional anticipated sources of funding, if any, including private grants and contributions.

OREGON DEPARTMENT OF EDUCATION
Public Service Building
255 Capitol Street NE
Salem, OR 97310-0203

21ST-CENTURY SCHOOLS PROGRAM WAIVER

STATEMENT OF ASSURANCES FOR _____

(Site)

This is to certify that the 21st Century Schools Program in the _____
School District shall meet the following conditions:

Upon notification of grant approval the district will certify that:

1. The proposal has been approved by the school board and is consistent with existing district policies, rules and contracts bargained under ORS 243.650 to 243.782.
2. The establishment of each 21st Century Schools Council is consistent with ORS 329.535 to 329.605.
3. If a district 21st Century Schools Council has been formed, its establishment is consistent with ORS 329.535 to 329.605.

One year from the date the 21st Century Schools program waiver is approved, the 21st Century Schools Council will submit a written report to the local district superintendent for signature and forwarding to the Oregon Department of Education. The report will include the following:

1. A description of the activities carried out under this program and the activities which were added or deleted since the submission of the original proposal and the reasons for the additions or deletions;
2. A description of any significant change in the school structure, operations, and formal relationships between teachers, administrators, and local citizens;
3. Specific data that reflect the nature and extent of the changes in student learning and other educational performance;
4. A description of the progress made with comments on the extent to which the progress matches initial expectations;

**21ST CENTURY SCHOOLS PROGRAM WAIVER
ANNUAL REPORT
Due: June 30**

Date of Annual Report _____

Year Application Approved _____

Application Period: 3 Years _____ 4 Years _____ 5 Years _____

DISTRICT INFORMATION

District Name and Number _____

County _____

Superintendent _____ Phone _____

Address _____

Site Name and Classification _____

Principal _____ Phone _____

Address _____

Contact Person _____

Signature of Superintendent

Date

Return to:

Carol Black
21st Century Schools Council
Oregon Department of Education
Public Service Building
255 Capitol Street NE
Salem, OR 97310-0203
(503) 378-8004

**21st Century Schools Program Waiver
Annual Report**

Respond to each of the following topic statements by restating the requested information and confining responses to one side of letter-sized paper, using one page per topic.

1. **ACTIVITIES:** Describe the project, indicate the objectives and major activities that were carried out this year. Indicate activities which were added or deleted and the reason.

Criteria: Project's objectives and activities conformed to the original proposal. Any changes in activities are indicated and explained.

2. **RESTRUCTURING:** Describe the results of any significant change in restructuring school operations, including but not limited to: scheduling, staff activities including professional development, student conduct, school climate; and parental and community involvement. Comment on the formal relationships and responsibilities of teachers, administrators, and local citizens in that change process.

Criteria: Significant changes in school operations have occurred and the school has been appropriately restructured. Positive changes in the formal relationship among school personnel, students, and citizens have taken place as a result of the project.

3. **LEARNING OUTCOMES:** Describe in detail the specific changes in student learning and other educational performance outcomes that occurred as a result of the project. Assess current student performance and compare with the baseline data.

Criteria: Measurable improvement in student learning has occurred. Other education performances show improvement. Data supports the results reported.

4. **PROGRESS:** Referring to your student learning and other educational performance data, comment on the level of your satisfaction with the progress and the extent to which the progress matches your initial expectation.

Criteria: Demonstrable progress has been made toward reaching the goals of the project. Any changes needed to make further progress to meet the Council's expectations for the project are discussed.

5. **INCIDENTAL OUTCOMES:** If incidental learning or unintended situations resulted from the process of implementing the project, please comment.

Criteria: Relevant incidental outcomes are noted.

6. **DISSEMINATION:** Describe the manner in which annual reports are submitted to the local community.

Criteria: Dissemination process is described in detail, is multifaceted and involves a wide range of participants.

7. Any other information.

**21st Century Schools Program Waiver
Annual Report**

Evaluation

School District: _____ **Year In Effect** 1 2 3 4 5
Circle One

Site: _____ **Date:** _____

Respond to each of the following topic statements by restating the requested information and confining responses to one side of letter-sized paper, using one page per topic.

Rating Key: 1 = poor 2 = average 3 = good 4 = very good

1. **ACTIVITIES:** Describe the project, indicate the objectives and major activities that were carried out this year. Indicate activities which were added or deleted and the reason.

- Project's objectives and activities conformed to the original proposal.
- Any changes in activities are indicated and explained.

Comments: (Circle One) 1 2 3 4

2. **RESTRUCTURING:** Describe the results of any significant change in restructuring school operations, including but not limited to: scheduling, staff activities including professional development, student conduct, school climate; and parental and community involvement. Comment on the formal relationships and responsibilities of teachers, administrators, and local citizens in that change process.

- Significant changes in school operations have occurred and the school has been appropriately restructured.
- Positive changes in the formal relationship among school personnel, students, and citizens have taken place as a result of the project.

Comments: (Circle One) 1 2 3 4

3. **LEARNING OUTCOMES:** Describe in detail the specific changes in student learning and other educational performance outcomes that occurred as a result of the project. Assess current student performance and compare with the baseline data.

- Measurable improvement in student learning has occurred.
- Other education performances show improvement.
- Data supports the results reported.

Comments: (Circle One) 1 2 3 4

4. **PROGRESS:** Referring to your student learning and other educational performance data, comment on the level of your satisfaction with the progress and the extent to which the progress matches your initial expectation.

- Demonstrable progress has been made toward reaching the goals of the project.
- Any changes needed to make further progress to meet the Council's expectations for the project are discussed.

Comments: (Circle One) 1 2 3 4

5. **INCIDENTAL OUTCOMES:** If incidental learning or unintended situations resulted from the process of implementing the project, please comment.

- Relevant incidental outcomes are noted.

Comments: (Circle One) 1 2 3 4

6. **DISSEMINATION:** Describe the manner in which annual reports are submitted to the local community.

- Dissemination process is described in detail, is multifaceted and involves a wide range of participants.

Comments: (Circle One) 1 2 3 4

7. Any other information.

COMMENTS: (Weaknesses)

COMMENTS: (Strengths)

OVERALL EVALUATION: (Circle One)

1 = Poor 2 = Average 3 = Good 4 = Very Good

SATISFACTORY PROGRESS: (Circle One) YES NO

PROVISIONS HAVE BEEN MET: (Circle One) YES NO

Oregon Goals 2000

GOALS 2000



Addendum

Application
Educational Flexibility
Partnership Demonstration



Oregon Department of Education
Public Service Building
255 Capitol Street, NE
Salem, Oregon 97310-0203
Contact: Joyce Benjamin (503) 378-8004

1. In terms of accountability, what is the link to Oregon's state standards and assessments, including CIM/CAM? This connection must be strong. What is the relationship to Oregon's Goals 2000 plan, other than the fact that Oregon's Goals panel will review the requests?

Accountability begins with the application process. The district/school application must include a description of the goals and major activities that make up the waiver plan. These goals and activities must be linked to measures of student learning and educational performance. These measures must indicate that the students affected by the waiver process are meeting specific benchmarks as they progress toward earning the Certificates of Initial and Advanced Mastery.

The CIM and CAM are at the heart of Oregon's Goals 2000 State Plan, providing the content and performance standards and assessments benchmarked to mastery levels at approximately grades 3, 5, 8 and 10. In January 1995, each district submitted a plan for designing and implementing programs and strategies leading to the Certificate of Initial Mastery. As part of that plan, districts had the option of indicating whether or not the waiver of statutes, rules and contracts would be needed to carry out the districts CIM Plan.

The Oregon Goals 2000 State Panel reviews the waiver application that has been approved through the local review process and makes recommendations for approval to the State Board. More importantly, the Goals 2000 State Panel reviews the annual plans of districts/schools that have been granted waivers and makes recommendations regarding the satisfactory or unsatisfactory progress of individual plans.

The Annual Plan must demonstrate specific criteria that link the waiver process to Oregon's state standards and assessments, including CIM/CAM. These criteria include the following:

- Students affected by the waiver process are reaching the content and performance standards required for completion of the CIM and CAM. Districts/schools must provide data on State assessment measures in writing, reading, and math or other content areas that demonstrate this educational progress. In addition, districts/schools must indicate that students are reaching the benchmarks set for all students at approximately grades 3, 5, 8 and 10.
- The waiver plan has broad-based commitment and the continuous involvement of various constituencies in the design, implementation, refinement and evaluation process. In addition, the waiver plan itself must be based on research indicating that the programs and strategies proposed

have reasonable hope of supporting all students reaching the high standards specified in the State Plan.

- The district/school sets performance standards for the teachers and other professional support personnel who are participating in the waiver plan. The district/school might offer professional development opportunities, specific training, and release time for design, implementation and evaluation activities. The district/school would then conduct an evaluation of the effectiveness of such activities as related to the performance of students affected by the waiver process.
- If applicable, the district/school provides a mechanism in the waiver plan for fiscal accountability.

2. Is Oregon's process for approval of state waivers going to apply to federal waivers, too? Exactly how has Oregon's approval process been revised for waivers of federal requirements? The Ex-Flex plan needs to reflect the specific requirements of the Goals 2000 Act's waiver authority, as well as recognize that some requirements may not be waived.

If Oregon's application to become an educational flexibility partnership demonstration state is approved, Oregon plans to use the same approval process for both federal and state waivers.

Application. A district would fill out the same application and follow the same steps whether applying for state or federal waivers. An application must include the following information:

Description of existing conditions at the site focused on student learning and educational performance;

Description of the goals and major activities to be carried out linked to measures of student learning and educational performance that indicate the students are reaching specific benchmarks as they progress toward earning the CIM and CAM;

Relationship between the activities and the goals;

Description of the research base for the project;

Changes in student learning and educational performance that are expected to occur;

Assessment measures and processes used to collect and evaluate data on student learning;

Description of the federal or state statutory and regulatory requirements or district rules and agreements for which waiver is sought and the reasons why each of the requested waivers should be granted;

A budget, if appropriate.

The school site council, two-thirds of the teachers in each affected building, the exclusive representative of the teachers, and the local district school board must support the request for waiver.

Review process. When the application is received by the Oregon Department of Education, copies are sent to three reviewers chosen from a panel of educators that includes teachers, administrators and higher education staff. A public hearing on the proposal is held at the Department of Education. The hearings officer's report and the reviewers' recommendations are reviewed by department staff and the staff recommendation is prepared for the 21st Century School Committee (Oregon's Goals 2000 Panel). The Panel reviews the materials and then prepares its recommendation to the State Board of Education, which in turn accepts or rejects the recommendation. See flow chart, "Oregon Waiver Approval Process."

Oregon's application for first year Goals 2000 funds calls for a systems review of the Oregon educational reform plan. As part of the review, we are evaluating the process used to grant waivers and revising the application to reflect the requirements of Section 311 of the Goals 2000: Educate America Act.

Goals 2000 requirements. Oregon recognizes that the state will not be authorized to waive any federal statutory or regulatory requirement relating to:

- Maintenance of effort;
- Comparability of services;
- Equitable participation of students and professional staff in private schools;
- Parental participation and involvement; and
- Distribution of funds to States or to local educational agencies.

The application and review process will be revised to insure that districts know that the state cannot grant waivers relating to these requirements of federal law. State law already prohibits granting waivers of statutory or regulatory requirements that affect health, safety or constitutional rights under state or federal law. ORS 329.555 (2)(E).

3. Which of the six available programs (five in ESEA plus Perkins) does Oregon wish to include?

Oregon intends to include all six programs in its demonstration project.

4. Beyond the requirement that LEAs provide annual reports on progress, provide more specifics on the monitoring process. Is the same process going to apply to federal waivers as to state waivers?

Oregon plans to use the same monitoring process for both federal and state waivers. The monitoring process begins when the State Board of Education accepts the recommendation of the 21st Century Schools Committee (Oregon's Goals 2000 panel) to approve the waiver application. The Oregon Department of Education has established regional school improvement teams for each area of the state to help districts implement the school reform plan. The regional team will review the approved waiver plan and the criteria for review with the district and school(s) following plan approval.

At the end of the first year, the district/school submits its annual report to the ODE for review. The annual reports are evaluated, summarized, and submitted to the 21st Century School Committee which in turn reviews the reports and prepares its recommendations to the State Board of Education for action. If the progress is satisfactory, the district/school continues implementation of its plan. If the progress is not satisfactory, the district/school is placed on one year probation to receive technical assistance, modify the plan if needed, and continue implementation. If progress remains unsatisfactory, the waiver is terminated. See flow chart, "Waiver Process – Monitoring Process."

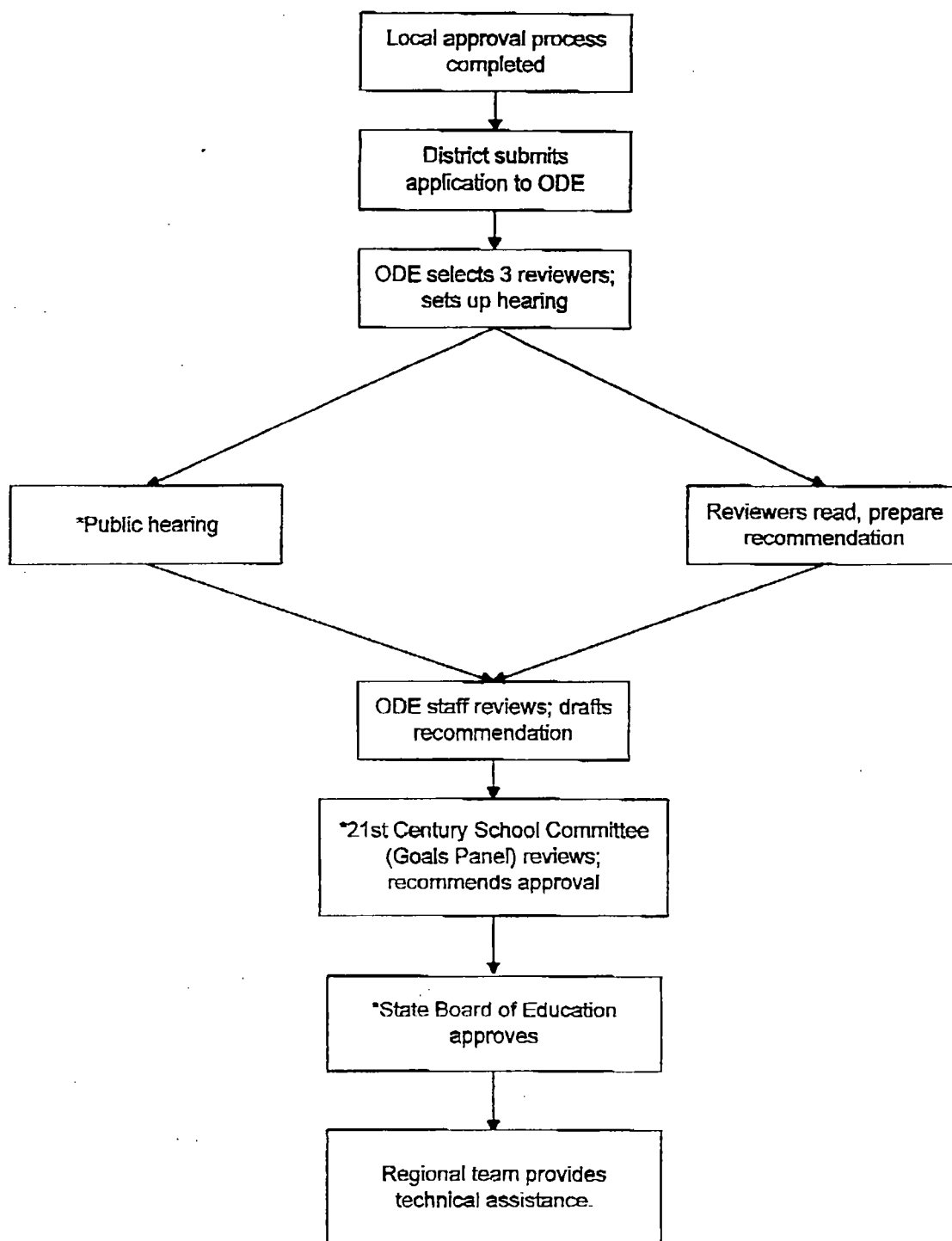
5. How will the accountability measures determine if the children who are the intended beneficiaries of the covered programs are achieving the goals set for them?

The accountability measures that determine if all children are achieving include state assessments in reading, writing, math and other content areas. This data will be disaggregated for the children who are the intended beneficiaries of the covered programs to determine if they are achieving the goals set for them.

6. *How would the state request, process, monitor, evaluate state wide waivers?*

Oregon department of education staff plan to monitor closely the federal waiver requests. If a substantial number of districts request a waiver of the same federal statutory or regulatory requirement, our initial plan is to ask the Secretary of Education to grant a state wide waiver of that provision. The state would follow the procedure outlined in Section 311 (a)(1) and (2).

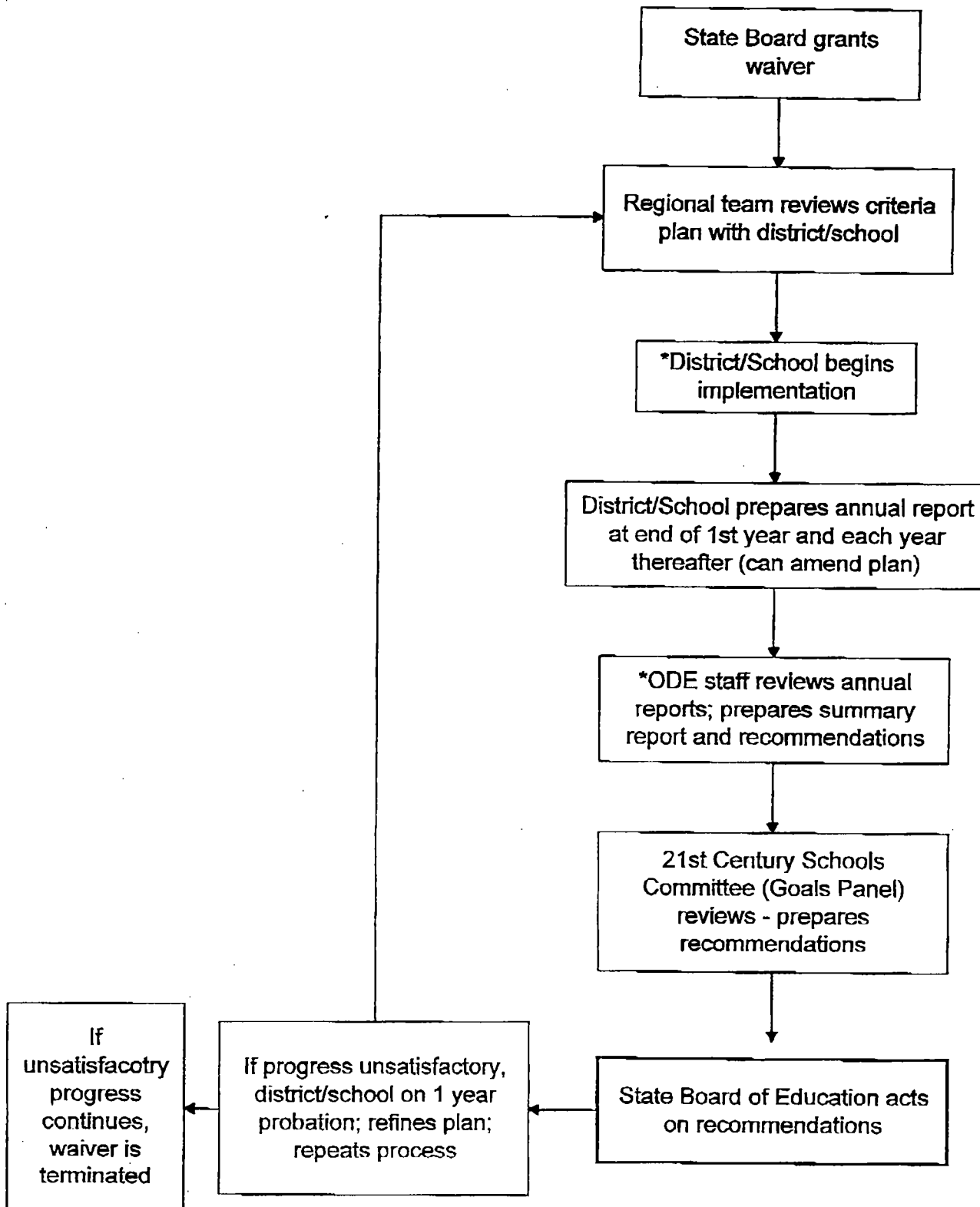
OREGON WAIVER APPROVAL PROCESS



* District, public can testify on proposal.

pfc/opte/duplicate/cooper/charts/c048
2/1/95

Waiver Process - Monitoring Process



*Triennial School improvement visits also include review of implementation of waiver plans

Friday
January 20, 1995

Part IV

**Department of
Education**

**Education Flexibility Partnership
Demonstration Program; Notice**

DEPARTMENT OF EDUCATION

Education Flexibility Partnership Demonstration Program

AGENCY: Department of Education.

ACTION: Notice inviting applications under the Education Flexibility Partnership Demonstration Program.

SUMMARY: The Secretary invites applications from State educational agencies (SEAs) under the Education Flexibility Partnership Demonstration program (Ed-Flex program), which is authorized by section 311(e) of the Goals 2000: Educate America Act (Pub. L. 103-227) (the Act). To help foster comprehensive education improvement in a State, the Secretary will grant up to six SEAs with approved Goals 2000 State improvement plans the authority to waive certain Federal statutory or regulatory requirements for the SEA, or for any local educational agency (LEA) or school within the State. SEAs desiring to participate in the Ed-Flex program must submit to the Secretary an application that meets the requirements of Section 311(e) of the Act.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: There is no specific deadline for transmittal of applications. However, because the Secretary is authorized to grant Ed-Flex status to only a limited number of States, SEAs are encouraged to submit their Ed-Flex applications as soon as possible. The Secretary will review applications as they are received in accordance with the criteria set forth in the Act.

ADDRESSES: Applications should be sent to Richard W. Riley, Secretary, U.S. Department of Education, Education Flexibility Partnership Demonstration Program, 600 Independence Avenue, S.W., Room 6300, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Thomas W. Fagan, U.S. Department of Education, 600 Independence Avenue, S.W., Portals Building, Room 4000, Washington, D.C. 20202-2110. Telephone: (202) 401-0039.

SUPPLEMENTARY INFORMATION: The Ed-Flex program is an educational flexibility demonstration program under which the Secretary may grant up to six SEAs the authority to waive certain Federal statutory or regulatory requirements applicable to one or more of the following programs or Acts:

- (1) Title I of the Elementary and Secondary Education Act of 1965 (ESEA)—Helping Disadvantaged Children Meet High Standards.
- (2) Title II of the ESEA—Eisenhower Professional Development.

(3) Title IV of the ESEA—Safe and Drug-Free Schools and Communities.

(4) Title VI of the ESEA—Innovative Education Program Strategies.

(5) Part C of Title VII of the ESEA—Emergency Immigrant Education.

(6) the Carl D. Perkins Vocational and Applied Technology Education Act.¹

The waiver authority is intended to assist SEAs and affected LEAs and schools in implementing State and local school improvement plans designed to help all children reach challenging academic standards.

To be eligible to apply under the Ed-Flex program, an SEA must serve an "eligible State." Section 311(e)(3) of the Act defines an "eligible State" as one that: (1) Has developed a State improvement plan under Goals 2000 that is approved by the Secretary; and (2) waives State statutory or regulatory requirements relating to education, while holding LEAs or schools within the State that are affected by the waivers accountable for the performance of their students.

The Secretary will select for participation in the Ed-Flex program three States with a population of 3,500,000 or greater, and three States with a population of less than 3,500,000, as determined by the 1990 decennial census. For the purpose of this program, section 3(a)(14) of the Act defines "State" to include the 50 States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas Islands, the Republic of the Marshall Islands, and the Federated States of Micronesia.

Application Requirements and Criteria

I. When May an SEA Submit Its Ed-Flex Application?

An SEA serving an "eligible State" may submit its application at any time. The Secretary is prepared to review Ed-Flex applications as soon as they are received and to grant Ed-Flex waiver authority to an SEA whose application demonstrates a substantial promise of assisting the SEA and affected LEAs and schools in the State in carrying out comprehensive education reform and otherwise meeting the purposes of the Goals 2000: Educate America Act. An

¹ The recently enacted Improving America's Schools Act of 1994 (P.L. 103-382) contains conforming amendments that were intended to replace the program references in the Goals 2000 legislation with the appropriate references in the reauthorized ESEA. However, in a technical drafting error, certain provisions of the ESEA bill were reorganized after the conforming amendments were drafted, without corresponding changes to the conforming amendments. The references above refer to the programs for which Congress intended waivers to be authorized.

SEA that serves an "eligible State" and desires to participate in the program is encouraged to submit its Ed-Flex application as soon as possible because only six applicants may receive the Secretary's delegated waiver authority.

II. What Information Should Be Included in an SEA's Ed-Flex Application?

To be considered for participation in the Ed-Flex program, an SEA must serve an "eligible State" and submit to the Secretary an application demonstrating that the State has adopted an educational flexibility (Ed-Flex) plan that meets the requirements of section 311(e)(4) of the Act. Specifically, the Ed-Flex plan must: (1) Describe the process the SEA will use to evaluate applications from LEAs or schools requesting waivers of Federal statutory or regulatory requirements for covered programs, as well as State statutory or regulatory requirements relating to education; and (2) describe in detail the State statutory and regulatory requirements relating to education that the SEA will waive. An applicant must have the legal authority to grant waivers of the State requirements that it proposes to waive and agree to grant these waivers when it is appropriate to do so.

The Ed-Flex waiver authority is designed to facilitate a State's systemic reform efforts by giving the SEA the authority to waive certain Federal requirements that impede the ability of the SEA, or any LEA or school within the State, from carrying out State or local improvement plans developed under Title III of Goals 2000. Therefore, the Ed-Flex plan should be integrated with the State's improvement plan under Goals 2000. When developing its Ed-Flex plan, an SEA is encouraged to consult with the State panel that developed the State's Goals 2000 State improvement plan. An SEA that obtains approval of a pre-existing plan under section 306(q) of the Act is encouraged to consult with those responsible for developing the pre-existing plan.

III. What Criteria Will Be Used by the Secretary To Evaluate Ed-Flex Applications?

In accordance with section 311(e)(4)(B) of the Act, the Secretary will approve an Ed-Flex application only if he determines that the application demonstrates substantial promise of assisting the SEA and affected LEAs and schools within the State in carrying out comprehensive reform and meeting the purposes of the Act. Section 311(e)(4)(B) also provides that the Secretary will consider the

following criteria in evaluating Ed-Flex partnership applications: (1) The comprehensiveness and quality of the State's Ed-Flex plan; (2) the ability of the plan to ensure accountability for the activities and goals described in the plan; (3) the significance of the State statutory or regulatory requirements relating to education that the State will waive; and (4) the quality of the SEA's process for approving applications for waivers of the covered Federal statutory or regulatory requirements and for monitoring and evaluating the results of the waivers. As stated previously, to be eligible to apply, an SEA must serve an "eligible State"—that is, a State that (1) has developed a State improvement plan under Goals 2000 that is approved by the Secretary; and (2) waives State statutory or regulatory requirements relating to education, while holding LEAs or schools within the State that are affected by the waivers accountable for the performance of their students.

In preparing applications that address these statutory criteria, SEAs are encouraged to examine carefully the following questions:

- Did the SEA conduct effective public hearings or provide other means for broad-based public involvement in the development of the Ed-Flex plan? How has the SEA involved LEAs, schools, parents, community groups, and advocacy and civil rights groups in the development of the plan? Is there widespread commitment within the State for the Ed-Flex plan?

- To what extent would the Ed-Flex plan enhance the State's ability to carry out its Goals 2000 State improvement plan? How would waivers under the Ed-Flex plan reduce or eliminate barriers to the reform of teaching and learning and assist all children in reaching challenging academic standards? Has the State demonstrated that it would extend to LEAs and schools, to the greatest extent possible, the flexibility provided under the Ed-Flex program to help foster local systemic reform efforts?

- What is the likelihood that the SEA's process for granting waivers of Federal requirements to LEAs and schools will assist them in reaching specific, measurable educational goals?

- What State statutory and regulatory requirements relating to education would be waived, and why? What is the relationship between the State and Federal requirements for which the SEA might grant waivers?

- How would the implementation of the Ed-Flex plan facilitate bottom-up reform in LEAs and schools? What LEAs, schools, and student populations would be affected by the Ed-Flex plan?

If some LEAs or schools would not be covered by the Ed-Flex plan, why not? What role would an LEA have in the waiver process if an individual school requests a waiver for the SEA?

- How would the SEA provide LEAs, parent organizations, advocacy or civil rights groups, and other interested parties in the State with notice and an opportunity to comment on proposed waivers of Federal requirements?

- How would the SEA's processes for monitoring LEAs and schools that have been granted waivers under the Ed-Flex authority and for evaluating the results of these waivers ensure that the LEAs and schools will be held accountable for the performance of all students affected by the waivers?

- To what extent do the timelines and benchmarks for implementing the Ed-Flex plan, monitoring LEAs and schools that have been granted waivers, and evaluating the results of the waivers granted provide a reasonable basis for measuring the progress of the SEA in achieving the goals of the Ed-Flex plan?

An SEA is not required to answer specifically each of these questions in its application. Rather, the questions have been provided as guidance to assist SEAs in the preparation of Ed-Flex applications that address the statutory criteria. The Secretary encourages SEAs to consider these issues or any other factors that may demonstrate that the conditions of section 311(e) of the Act have been met. There is not a particular application form that must be completed for this program.

IV. What Federal Statutory and Regulatory Requirements May an Ed-Flex Partnership State Waive?

Section 311(e)(2)(A) of the Act provides that an Ed-Flex Partnership State may waive certain statutory and regulatory requirements applicable to the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965 (ESEA)—Helping Disadvantaged Children Meet High Standards.

(2) Title II of the ESEA—Eisenhower Professional Development.

(3) Title IV of the ESEA—Safe and Drug-Free Schools and Communities.

(4) Title VI of the ESEA—Innovative Education Program Strategies.

(5) Part C of Title VII of the ESEA—Emergency Immigrant Education.

(6) the Carl D. Perkins Vocational and Applied Technology Education Act.

The Ed-Flex Partnership State will not be authorized to waive any Federal statutory or regulatory requirement of the above-referenced programs or Acts relating to: (1) Maintenance of effort; (2)

comparability of services; (3) the equitable participation of students and professional staff in private schools; (4) parental participation and involvement; and (5) the distribution of funds to States or to local educational agencies. In addition, Ed-Flex States will not be permitted to waive Federal civil rights requirements or Federal health and safety requirements.

V. What is the Duration of the Ed-Flex Waiver Authority?

The Secretary will approve an SEA's Ed-Flex waiver authority for up to five years. The period may be extended if the SEA's authority to grant waivers has been effective in enabling the State or affected LEAs or schools to carry out their reform plans. In addition, the Secretary may terminate the waiver authority at any time if he determines, after notice and opportunity for hearing, that an SEA's performance has been inadequate to justify the continuation of the waiver authority.

Paperwork Reduction Act of 1980

This notice involves information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of the application requirements and selection criteria to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h)).

SEAs are eligible to apply for the waiver authority under this program. The Department needs and uses the information in determining which States will be designated as Ed-Flex Partnership States under this program. The public reporting burden for this collection of information is estimated to average 80 hours per response for approximately 50 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10325, New Executive Office Building, Washington, D.C. 20503; Attention: Daniel J. Chenok.

Dated: January 13, 1995

Richard W. Riley,

Secretary of Education.

[FR Doc. 95-1418 Filed 1-19-95; 8:45 am]

BILLING CODE 4000-01-P

The Waiver Action Board and the Waiver Review Process

March 30, 1995

Overview

Secretary Riley has created a review board to consider waiver requests under Goals 2000, School-to-Work, and IASA, and has delegated his waiver approval authority (other than Ed-Flex) to the Under Secretary. The Board is intended to promote: thorough and consistent review of waivers; expeditious consideration; informal discussions with actual or potential applicants; and evaluation of effectiveness. The Board is also intended to maximize consensus on waiver decisions and advance systemic reform and federal flexibility.

Features

Membership. The Board is chaired by the Assistant Secretary for OESE. The Assistant Secretary for OVAE, the Director of OBEMLA, and the General Counsel are also members. In addition, the Board includes the Secretary's Senior Advisor for GOALS 2000, and the Special Advisor to the Secretary on Teaching. The Assistant Secretaries for OCR, OERI, OPE, and OSERS, and other ED officials, will be consulted as necessary.

Staffing. OESE, OVAE, OBEMLA and OGC have assigned senior career staff to help manage the review process. The process itself is centered in OUS.

Assistance process. States are encouraged to have a continuing dialogue with ED in preparing waiver proposals, as well as during review. OUS connects potential applicants with staff having more program-specific knowledge, as appropriate. Callers with waiver inquiries can reach the Waiver Board on 401-7801, or through 1-800-USA-LEARN. Offices to which inquiries are referred place a special priority on returning waiver calls.

Applications. Waiver guidance has been issued to explain generally the information required, as well as the review process to be followed. There is no application form. Instead, proposals respond to the relevant Act and the guidance. ED staff will help the State prepare the best proposal possible -- beginning first by sorting out whether federal constraints are even at issue.

Review Procedure. When new proposals are received in the Department, they are acknowledged by Exec Sec and forwarded to OUS (proposals which come to program offices should be forwarded to OUS immediately). OUS assigns a program office (OESE, OBEMLA, or OVAE) to lead staff evaluation of the proposal on behalf of the Board, based on the subject matter of the request; OGC assists, and other offices take part as necessary.

Further steps are as follows:

-- OGC performs a quick scan to ascertain that there is a possible legal basis for

granting the waiver.

-- Contributing offices have up to two weeks to prepare a memo for the board covering: 1) a more detailed review for legal sufficiency by OGC and 2) consistency with the overall purpose and intent of the affected program, and the waiver requirements in the relevant Act. This will likely entail gathering additional information from the applicant.

-- The memo is distributed to the board together with any documents submitted by the applicant.

-- The board considers the proposal, and meets in a conference to discuss and make a recommendation.

-- Final decision made by the Under Secretary.

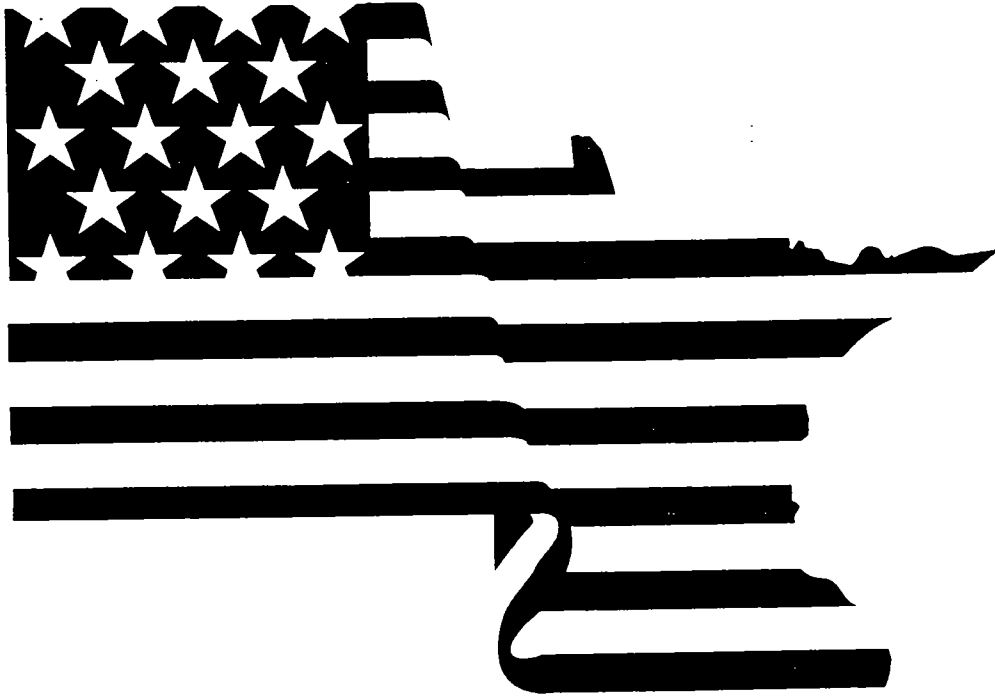
All waiver decisions are expected to be made within 60 days.

Other Aspects

Ed-flex. The Board will follow a similar procedure for Ed-Flex applications under GOALS, except the Under Secretary will only provide a recommendation to the Secretary.

Coordination with Department of Labor. For School-to-Work waiver proposals which include requests under both ED and Labor authority, ED will decide those requests under its own authority, coordinating with Labor as appropriate. OVAE may choose to designate the School-to-Work team to serve as the lead on such requests.

Partnership Minnesota



A new vision for
Federal, State, and Local Government Cooperation



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PARTNERSHIP MINNESOTA

PARTNERSHIP MINNESOTA

A New Vision for
Federal, State & Local
Government Cooperation

PURPOSE:

PARTNERSHIP MINNESOTA exists to increase cooperative working relationships between federal, state & local government agencies for the benefit of quality service to the public.

Partnerships save time and money. They make better use of limited federal and state resources, improve service quality to governments' common customers - the taxpayers, and enhance government productivity through synergistic activity and interdisciplinary problem solving.

SPONSORS:

PARTNERSHIP MINNESOTA is a coordinated and supported by a 18-member Board of Directors who are deeply committed to intergovernmental management of service delivery to the public. Board membership is represented by managers from federal, state & local government agencies in Minnesota.

ACTIVITIES:

- **PARTNERSHIP MINNESOTA** annually conducts a one-day workshop for federal, state & local government employees in Minnesota. The workshop explores federal, state & local partnerships as a strategy to improve service quality.
- **PARTNERSHIP MINNESOTA** sponsors federal, state & local cooperative projects focused on specific issues or problems of mutual concern.
- **PARTNERSHIP MINNESOTA** serves as the network to broker and coordinate technology, skill and information flow between federal, state & local government in Minnesota.
- **PARTNERSHIP MINNESOTA** provides public recognition to outstanding examples of federal, state & local agency cooperation for the benefit of the public in Minnesota.
- **PARTNERSHIP MINNESOTA** engages in multiple communication and development activities which stimulate intergovernmental cooperation.

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Partnership Minnesota Values

Partnership Minnesota people succeed because they believe in what they do, enjoy doing it, and work hard at doing it well.

- * We value what others have to offer, those who are willing to share, and the act of sharing*
- * We value meeting new people and using our existing networks to advance our cause*
- * We value diversity and respect the talents of others*
- * We value equity and do not judge people by rank or position*
- * We value a 'can-do' attitude, cooperation, coordination, and forward thinking*
- * We value 'turflessness'*
- * We value exploration, innovation, and risk-taking along non-traditional lines*
- * We value Minnesota and Minnesotans*

PARTNERSHIP MINNESOTA

A New Vision for
Federal, State & Local
Government Cooperation

PRINCIPALS OF PARTNERSHIPS

COMMON INTEREST. Although differing with respect to the breadth of the constituencies served and the powers granted under the Constitution of the United States, federal, state & local governments share in the role of providers of products and services essential to the safety and economic well-being of the nation's citizens. Federal, state & local government partners must equally embrace the notion that a partnership serves their respective interests and, consequently, are both willing to share resources to achieve that end.

COMMITMENT. Partnerships are most successful where there is a strong agency commitment to the process. Although dollar support may be one indication of commitment, it is a poor substitute for a dedicated leadership and motivated staff who recognize the benefits of governmental cooperation in serving the needs of the nation's citizens.

COMMUNICATION. An essential cornerstone in building successful partnerships is represented in the skills of the federal, state & local government partners to initially establish the necessary level of trust and personal rapport that ultimately serves as a catalyst in boding the cooperative relationship. Communication, as in leadership, is a "people skill" and may be best described as an ability to recognize the need for patience, persistence, sensitivity, honesty, generosity, and respect in dealings with another.

CONTINUITY. The hallmark of a successful partnership lies in the actions taken by an agency following a cooperative discussion and/or agreement. This principle is essential to an agency's image-building or credibility with its constituencies and is a corollary of an agency's commitment to the partnership ideal and individual skills in coordination.

CONNECTIVITY. Partnership discussions and cooperative efforts are learning opportunities, the lessons from which may later be applied to other similar circumstances. In this fashion, the benefits of a successful partnership experienced in one state may be adapted for use in another, expanding the federal, state & local relationship to an interactive network of federal, state & local governments.

March 10, 1995

- How proactive do we want to be?

A MEMORANDUM FOR CAROL RASCO

FROM: GAYNOR McCOWN

CC: JEREMY BEN-AMI
PAUL WEINSTEIN
MICKEY LEVITAN

- We should help the states?

SUBJECT: MEETING REGARDING STATE AND LOCAL INITIATIVES

We are meeting today at 11:30 a.m. regarding state and local partnerships and the role of the Clinton Administration. This meeting will be an opportunity for us to discuss some of the proposals that have been made to us (e.g., Minnesota, Colorado, Kansas City) and how we want to respond.

Oregon (and to a lesser extent Indiana and West Virginia) has served as a "test bed" for many of the ideas that are being advanced under the performance partnerships. Now we have been approached by other states and localities and it is an appropriate time to begin developing strategies for how we want to proceed.

Attached you will find the letter to the President from Governor Carlson of Minnesota. This may provide a good jumping off point for the meeting since it is a concrete proposal. I'm also attaching the NPR document: "Performance Partnerships: Summary and Guiding Principles."

I was in a meeting yesterday with Alice Rivlin and Beverly Godwin regarding REGO II and the Federalism Team. At that meeting the issue of state and local collaborations vis a vis Performance Partnerships was discussed. Also, Beverly Godwin mentioned that the Federalism Team is proposing support of the bottom-up grant consolidation in Senator Hatfield's (S.88) "Local Empowerment and Flexibility Act." I'm sure this will be raised at the meeting today as Alice said she wanted to discuss it further.

We will meeting in your office and on the following page is a list of people who will attend:

Could we end the meeting with

- We need to be cautious about biting off more than we can chew.
- Biggest issue is the "performance measures."
- The sooner we figure out what the measures are, the more quickly we will be able to move on? → DANFORTH FOUNDATION

* An appropriate team will
Minnesota partnerships

~~performance partnerships in the budget~~ Memo regarding Hatfield Amendment
meeting w/ state re/ performance measures
- Strategy for our communication re/ partnerships
- Leg. Affairs
- process for moving forward

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

13-Mar-1995 09:46am

TO: Sheryll D. Cashin

FROM: Paul J. Weinstein, Jr
 Domestic Policy Council

SUBJECT: EZ Issues RE. Second Round

Here is what I told Carol:

1. Taxes -- The memorandum does not include any proposal to offer Federal tax incentives (It does provide a proposal under which local governments could use grant funds to create a local tax incentive). There are two problems with this approach. One, We know from the state experience with enterprise zones that local or state tax incentives have at best a mixed record in attracting business to invest in distressed communities. Second, despite the Mayors hunger for Federal cash, when we talk to thre private sector, community groups, and foundations, the federal tax incentives are always cited as the key to the success of restoring private sector economic growth, not the grant money. While we recognize the grant money is important, HUD has allowed it to become the primary focus, which is a serious mistake.

From a political perspective, the HUD/OMB proposal is dead on arrival in Congress if it does not include federal tax incentives (specifically capital gains).

2. Rural Zones -- With the farm bill coming up for consideration this year (every five years Congress passes a farm bill, not matter who is in office), rural development will be a hot topic on the Hill. We had rural zones in the last EZ/EC initiative, we should include it in this proposal. Rural zones cost less than urban zones, but have a sizable impact. In addition, we will need the support of rural senators and members if we want additional zones created. I suggest we propose creating 2 to 3 new rural zones.

3. There is no "NO" option included in the memorandum. We do the President a disservice if we don't offer him one. I know he wants to do this, but we should at least provide him with the arguments we he might want to not move forward with this legislation. Knowing the arguments against new zones will help him defend the legislation should he decide to go forward.

4. What can the grant money be used for? Is it just for economic development or can it also be used for human capital? Carol Rasco is concerned about this. In addition, are the criteria going to be the same. I assume so since we are going to select winners from the previous application process.

5. Gaynor and I both feel a waiver only option should be highlighted as a "no cost/high impact" option. Alice Rivlin, E Kamarck, and Carol Rasco want to move waiver legislation this year, and Senator Dodd has expressed a strong interest, as has appropriations chair Hatfield.

6. Political Analysis -- There needs to be a greater discussion of the political realities in moving this proposal forward. What are the pros and cons, and likelihood of passage. Right now there is no discussion of these issues in depth.



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

March 3, 1995

MEMORANDUM FOR ALICE RIVLIN

FROM: Jonathan Breul *JNB*
Beverly Godwin (NPR)

SUBJECT: REGO II Federalism Team

We are writing to review and get your advice regarding several efforts the Federalism Team has underway:

(1) Performance Partnerships. The NPR has circulated the Team's "Summary and Guiding Principles" to NPR Agency Liaisons and Team Leaders (Attachment A). It might be useful to issue the principles to the agencies at the time of the first round of REGO II announcements later this month. If you are interested in doing so, a draft memorandum from you to the agencies, is attached for your review (Attachment B).

(2) Decision-tree. The Team is developing some additional "branches" to the original NPR decision-tree to reflect additional approaches to implement programs where there is a national interest. Two of these are: (a) individual empowerment, and (b) catalyzing States and local governments. A draft revision was circulated to the Steering Group today (Attachment C).

(3) "Local Empowerment and Flexibility Act." The Team proposes support for the bottom-up grant consolidation in Senator Hatfield's S.88, the "Local Empowerment and Flexibility Act" (Attachment D). Paul Weinstein reports that the proposal is supported by White House staff. We would like your sense whether such an omnibus measure would be a useful complement to the other, agency-specific proposals being developed in REGO II.

(4) Working with States. As you know, Oregon has been both an inspiration and "test bed" for many of the ideas we are advancing under performance partnerships. Minnesota Governor Arne Carlson has written (Attachment E) the President offering to:

"quickly identify indicators and measures that could be used to provide a management structure for an outcomes-oriented approach, along with existing programs and funding streams that could be matched with those indicators."

Carol Rasco and her staff are meeting next week to draft a reply and discuss how to work with the States on these matters.

*Local
Performance
Partnership*

Where is she from?

EXECUTIVE OFFICE OF THE PRESIDENT

23-Feb-1995 07:39pm

TO: Carol H. Rasco

FROM: Gaynor R. McCown
Domestic Policy Council

CC: Jeremy D. Benami
CC: Michael Levitan

SUBJECT: correspondence with Mike Smith regarding states

Carol:

As I mentioned today, I did speak to Mike Smith regarding his suggestions for working with states. He would be very interested in having a conversation about initiating some "major initiatives" - along the lines of Oregon, West Virginia and Indiana - based on existing authority in education and other areas. The department is already pursuing something of this sort in Philadelphia and possibly New York City. He said that the department would be willing to initiate such efforts but, of course, other departments and the White House would also need to be involved.

There is a lot of discussion about different ways of utilizing models such as Oregon to help other states to improve services for children and families by focusing on local control and by fostering effective cross-program operations. I think the NGA Summit will be a wonderful opportunity to promote these initiatives and also provide a context within which other states have an opportunity to begin developing strategies that meet the needs of their citizenry.

After our meeting with representatives from Partnership for Children on Tuesday, we discussed the possibility of having a meeting to discuss our role in some of the major initiatives currently being implemented at both the state and local levels. This meeting is timely and necessary, particularly in light of our conversation today about the NGA summit.

My suggestion is that we invite one or two representatives from each of the relevant agencies (ED, Justice, HHS, HUD, Labor) and NPR. I would like to schedule the meeting for next week or early in the week of March 6.

Please let me know if this plan is acceptable to you.

Thanks!

Gaynor

FAX

Alliance for Redesigning Government

National Academy of Public Administration

1120 G Street, N.W., Suite 850

Washington, D.C. 20005-3801

(202) 347-3190, FAX (202) 347-3252

Subj: Federal Interagency Action Team Meeting Draft Agenda (As of 3/1/95)

TO:

Mike Fishman
Mitch Geasler
Alma Hobbs
William P. Butz
Linda Trageser
Talmira Hill
Janice Jackson
Mickey Levitan
Gaynor McCowan
Jerry Britten
David Garrison
Connie Revell

Steve Henigson
Glenn Kamber
Ta Zitans
Maureen Kennedy
George Latimer
Michael Stegman
Shay Bilchik
Michael J. Dalich
Sarah Ingersoll
Kristen Kracke
Reggis Robinson
Marc Overbeck

Lorraine Chang
Armando Quiroz
Jonathan Breul
Cynthia Taeuber
Kathy Wallman
Joc Wholey
Beverly Godwin
Pamela Jackson
Jane McNeil
John Gregrich
Duncan Wyse
Chuch Diamond

FROM:

Mark Popovich
202-347-3190

Total pages: 2

Date:

March 3, 1995

**FEDERAL INTERAGENCY ACTION TEAM MEETING
DRAFT AGENDA
As of 3/1/95**

**Tuesday, March 7, 1995
3:00 to 4:45PM Eastern**

National Performance Review Conference Room

I) *Review Agenda, Handouts, Feb. 7 Synopsis:* Bev Godwin, NPR

II) *Updates from the Clusters:*

<u>Healthy Children</u> -	Connie Revell, Oregon
<u>Workforce</u> --	Lorraine Chang, Dept of Labor
<u>Stable Families</u> -	Duncan Wyse, Oregon Howard Ralston, Dept of Health & Human Service*
<u>Data/Statistical</u> -	Deirdre Molander, OR Progress Board

III) *Proposal for Safe Community Cluster:* Justice Dept

IV) *Performance Partnerships Update:* Jonathan Breul, OMB

V) *Oregon Enterprise Community Applications:* Duncan Wyse, Oregon

VI) *Briefing -- GAO Study on Block Grants:* GAO Staff Invited

VII) *Oregon Congressional Delegation Briefing Update:* Connie Revell, Oregon

VIII) *Oregon Home Page on Internet:* Bev Godwin, NPR

IX) *Announcements and Notices:*

(* = to be confirmed)

DRAFT

March 6, 1995

MEMORANDUM FOR THE PRESIDENT

FROM: Secretary Henry G. Cisneros
Director Alice M. Rivlin

SUBJECT: Round Two of Empowerment Zones Initiative

You have expressed interest in creating Round Two of your Empowerment Zone (EZ) initiative.

The need for a strong urban policy in 1996 is clear. The arguments for Round Two are strong: Many worthy applicants did not receive designations during Round One. The unprecedented level of community organizing and strategic planning completed by Round One applicants creates great possibilities for more success. And, the ability of top applicants to leverage significant private non-profit resources makes the EZ initiative the biggest-bang-for-buck urban program now available to you.

This memo discusses the policy and budgetary considerations of a Round Two and presents specific options based on those considerations. The first two options would amend the 1996 budget. One possible version of Round Two would provide flexible grant funds to Round Two designees through an existing HUD economic development program. Another version of Round Two would propose authorizing legislation for spending and tax benefits (*see Attachment 1 for additional information*).

We believe that before amending the Budget to provide additional resources for a Round Two EZ initiative, you should also consider other urban policy options that reinforce Administration goals such as reinvention and deregulation. Such options would require either modest or no additional budgetary resources.

Background on Current Empowerment Zone Program

More than 250 cities applied for urban EZ and Enterprise Community (EC) designation in 1994. Taken together, these applications represent an extraordinary level of bottom up neighborhood planning, significant innovation in the coordination and delivery of government services, and thoughtful unique changes in the relationship between the federal government and local communities. In December, New York, Chicago, Detroit, Atlanta, Baltimore, and Philadelphia-Camden were designated as urban EZs. Some of the top-ranking cities who did not win designation are listed in Attachment 2.

The great number of high-quality applications for the six urban Empowerment Zones precluded many worthy cities from winning designation. As you know, this large group of outstanding applications motivated us to secure another \$300 million in Economic Development Initiative (EDI) funding. This funding was used to create two Supplemental EZs (Los Angeles and Cleveland) and four enhanced ECs (Boston, Houston, Kansas City MO-Kansas City KS, and Oakland). Despite our efforts to expand the Empowerment Zones initiative with EDI funds, though, many worthy cities were not designated EZs.

Potential Budgetary Offsets

Given the current budget climate, it is likely that a Round Two initiative would require budgetary offsets (see Attachment II for estimated budget effects of the proposed options). Offsets for these or other urban initiatives might be found:

- *on the discretionary side* from cashing out the Economic Development Administration (EDA) or reducing other HUD programs; and/or
- *on the mandatory side* from reforming the \$3 billion/year Low Income Housing Tax Credit (LIHTC), the \$900 million/year exclusion for Industrial Development Bond debt, the \$400 million/year exclusion for pollution and sewerage IDB debt, and the expiring \$300 million/year TJTC.

Conclusion

A second round of EZs (Options 1 and 2) would build on the success of this "signature" Administration initiative, but it would require Congressional support for additional spending. Moreover, it would reach only a few of the many cities that could benefit. The other options (options 3, 4, and 5) might be characterized as complementary to EZs but less costly and therefore more

widely applicable in a period of stringency and cutbacks in other urban spending.

Please let us know if you would like to discuss these or other options.

Empowerment Zones Round Two and Other Urban Policy Options

The first two options would fund a second round of Empowerment Zones. The other three options would reinforce Administration goals such as reinvention and deregulation and would require modest or no additional budgetary resources.

Option 1. Create Five New Empowerment Zones and Twenty-Five New Enterprise Communities. Use existing authority. No new EZ competition would be held. Selections would be made from among the most highly ranked applicants who did not receive first-round EZ designation. Each EZ recipient would receive \$25 million in FY 1996 for flexible grants and \$20 million each year for five years to provide the equivalent of a Federal tax credit program. For example, localities could receive cash grants equivalent to the employee-based tax credit in Round One. Localities could then fund local versions of the employee-based tax credit; cities could also replicate other tax credit ideas, including a capital gains rollover; a portable tax credit; and a welfare-to-work tax credit.

As in round one, each EC would receive \$3 million in flexible grant assistance. Funding would go to an existing HUD program, such as the Economic Development Initiative (EDI) program. Would not request new authorizing legislation. Key problem with this option is the lack of flexibility to fund desired EZ activities under existing HUD authority.

Option 2. Create Five New Empowerment Zones and Twenty-Five New Enterprise Communities. Seek new authorizing legislation. Same funding levels, number of EZs and ECs assisted, and selection process as proposed under option one. Would request new authorizing legislation for flexible social service funding and tax incentives. New legislation is required to provide new Federal tax incentives and flexible grants.

Option 3. Provide incentives for Performance Partnerships. Local and State government enthusiasm for FY 1996 Budget proposals promising flexibility in return for measured results would be greater if the rewards for strong performance were greater. Bonuses might take the form of preferences for existing tax benefits, modest new tax incentives, or additional discretionary funding for existing programs.

Option 4. Reinvention and Deregulation. Program rules could be rewritten or waived to encourage interjurisdictional cooperation to solve metropolitan problems. Separate DOT, HUD, and EPA planning processes and requirements could be integrated to reinforce one another in minimizing commuting, limiting

pollution, and encouraging central city investment. The Federal government could act as mentor and facilitator for metropolitan-wide strategies, much as it does in the Empowerment Zones. The Oregon Agreement and DOJ's PACT are working models that could be expanded. In response to the current deregulatory fever, the Administration might initiate metropolitan compacts to root out and eliminate unnecessary regulatory impediments to solving urban problems; the compacts would specify geographically limited waivers in exchange for commitments to specific performance benchmarks. No additional cost.

Option 5. Consolidation. Building on the HUD Reinvention, economic and area development programs in other agencies could be consolidated (either within HUD or separately) and/or made to work together more effectively. EDA, the economic development programs in USDA, and the Appalachian Regional Commission are among the candidates for merger and reinvention. Note, however, that the Administration's Farm Bill working group is reviewing rural development programs. No additional cost.

DRAFT**OTHER TOP EZ APPLICATIONS**

St Louis MO
Newark NJ
Dallas TX
Miami FL
Ouachita Parish LA
Louisville KY.
New Orleans LA
Pittsburgh PA
Portland OR
Phoenix AZ
San Diego CA
Sacramento CA

Presidential Council
Jennifer-65551

097453



ARNE H. CARLSON
GOVERNOR

STATE OF MINNESOTA

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
SAINT PAUL 55155

February 6, 1995

The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C. 20200

Dear Mr. President:

At the recent National Governors' Association meeting in Washington, D.C., the governors struggled to reach consensus on welfare reform and block grants. A major stumbling block seems to be the level of control that the federal government would impose on the states in exchange for block grants or other new funding mechanisms.

Most governors, of course, would like virtually no federal controls and a guaranteed level of federal funding. But, understandably, the Congress and Executive Branch are somewhat leery of giving states a blank check, with no way to hold them accountable.

I believe there is a middle ground which would address the concerns of the federal government over accountability while still giving state and local governments maximum flexibility to make funding decisions. It is a results-oriented approach to strategic planning and budgeting. Oregon and Minnesota have been national leaders in developing an outcomes-based approach in state government. I firmly believe that such an approach could be used at the federal level to resolve the question of accountability in relation to unfunded federal mandates and block grants.

In Minnesota, our approach is called "Minnesota Milestones;" in Oregon, it is "Oregon Benchmarks." Both states have done ground-breaking work in developing a broad vision for the state, setting state priorities and developing measurable indicators or benchmarks to track results. In Minnesota, we have taken the further step of linking the broad "Minnesota Milestones" goals to agency performance measures, and we have linked those performance measures to our budget priorities.

We also are using an outcomes-based approach in partnership with local governments, through our "family services collaborative." We now have 51 communities that receive essentially a block grant to improve services to children and families, with the requirement that they establish and report on measurable outcomes. At the state level, we have found that an outcomes-oriented approach fundamentally changes the relationship between the state and local governments. Now we are partners with local communities in working together for better results, rather than enforcers or regulators.

The Honorable William J. Clinton
February 6, 1995
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The state's role is one of providing nurturance and support, guidance and information, permission and parameters.

As the federal government relates to the states, it could work like this: Work with us to determine what the results should be, and then let us figure out how best to achieve them. Give us the funds with no strings attached, except for achieving or making progress toward the designated outcomes (and making regular reports on how we are doing). If we fail to make progress, help us figure out why.

A redesigned system based on measurable outcomes approach would have the following elements:

- ◆ It would be structured, managed, and evaluated on the basis of measurable results.
- ◆ It would be customer oriented.
- ◆ It would emphasize prevention of problems for long-term cost savings.
- ◆ It would be simplified as much as possible, with maximum decision-making at the state and local levels of government.

The General Accounting Office is aware of Minnesota's and Oregon's efforts. Both states were mentioned in a GAO report intended to assist federal agencies as they implement the Government Performance and Results Act of 1993. I know that some federal agencies have done substantial work to establish an outcomes-based approach to budgeting for their agencies.

On an intergovernmental level, the state of Oregon has signed a "memorandum of understanding" to design and test an outcomes-oriented approach to intergovernmental service delivery (known as the "Oregon Option"). But I believe the process could be considerably speeded up, so that it could be used to guide decisions on welfare reform and other block grants with which the Congress is currently struggling.

Minnesota is willing and eager to work with you to quickly identify indicators and measures that could be used to provide a management structure for an outcomes-oriented approach, along with existing programs and funding streams that could be matched with those indicators. In the area of children's services, we already have compiled a list of programs, along with related outcome measures, that we will be proposing for inclusion in a new Department of Children and Education Services that will replace our existing Department of Education.

The Honorable William J. Clinton
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Page Three of Three

If states are truly "laboratories of democracy," the Minnesota and Oregon experiences with outcomes-based budgeting could serve as models as the federal government deals with sweeping change.

I would very much welcome the opportunity to work with you on implementing this strategic report.

Warmest regards,

A handwritten signature in dark ink, appearing to read "Arne H. Carlson". The signature is written in a cursive, slightly slanted style.

ARNE H. CARLSON
Governor

(PAGE 11 cont.)

I want to make a couple of comments here. First, I have asked for a review of all the federal government's so-called affirmative action programs because I think it's important that we analyze, number one, what they do and what -- a lot of times people mean different things when they use affirmative action. For example, I take it there is virtually no opposition to the affirmative action programs that are the most successful in our country, which are the ones adopted by the United States military, which have not resulted in people of inferior quality or ability getting preferential treatment, but have resulted in the intense effort to develop the capacities of everybody who joins the military so they can fully participate and contribute as much as possible, and has resulted in the most integrated institution in our society.

So I want to know what these programs are, exactly. I want to know whether they are working. I want to know whether there is some other way we can reach any objective without giving a preference by race or gender in some of these program. Those are the three questions we need to ask.

And let me make a general observation. I asked myself when this debate started, what have we done since I've been President that has most helped minorities. And I think that -- I would say that the things we have done that have most helped are things that have benefitted all people who needed them -- expanding the Head Start program; expanding the college loan program; expanding the earned income tax credit, the working families tax credit which has given an average tax cut of \$1,000 to families with incomes under \$25,000; the empowerment zones. And one of them -- one of the empowerment zones went to an all-white area in Kentucky. But the disproportionate impact was on people who'd been left behind in our cities.

So -- and one thing that the rescission package would take away, the community development banks -- which I think would be a terrible mistake, which is designed to empower people through the free enterprise system to make the most of their own lives.

So I would say to you, where we can move ahead based on need we ought to move forward, and we shouldn't move backward. There's still a lot of people who aren't living up to their capacity in this country, and it's hurting the rest of us. And so, I want this analysis to finish. I will then make a decision in a prompt way, and I'll tell the American people what I think, and I will proceed to act in the context of the government.

Meanwhile, I urge all of you to read the history, in light of the other -- the political comments you made -- to read the history of how these affirmative action programs got started and who was on what side when they began. It's very interesting to go back through the last 25 years and see all the twists and turns.

MORE

(PAGE 5)

The American people want an end to discrimination. They want discrimination, where it exists, to be punished. They don't want people to have an unfair break that is unwarranted. We can work this out, and I'm determined to do it.

(PAGE 6)

(2)

Q Just another question on affirmative action, Mr. President. When you announced your review you said, we have to stop defending things that are not defensible. Do you think that rules that mandate a certain percentage of federal contracts be set aside for minority firms -- are those still necessary and isn't that guaranteeing results, the kind of thing you say you now opposed to?

THE PRESIDENT: Well, I want to look at how they're implemented. For one thing, if you look at the rules and what they mean, it's difficult to draw a conclusion about whether they even do what they were supposed to do in the first place. But I want -- I will make comments. I am almost done with this review and I will make comments when I finish about what I think we should do, and then I will do whatever it is that I can do within my executive authority to go forward.

I do not -- I want to continue to fight discrimination where it exists. I want to continue to give people a chance to develop their capacities where they need help. I want us to emphasize need-based programs where we can because they work better and have a bigger impact and generate broader support. But let me finish what we're doing here, and then I will try to answer all the details.

(PAGE 4)

(3.)

Q Mr. President, forgive me for pressing you on this, but if I'm not mistaken, you've always been in favor of affirmative action, and in fact, you have practiced it. Why now the hesitation?

THE PRESIDENT: I have always -- that's right. I'm glad you asked. I have always practiced it. But let's look at how I practiced it. Look at my appointments to the federal bench, ones for which, I might add, I've been regularly and roundly attacked for trying to achieve diversity here in this community. I read something in the paper about once a month, people jumping on me because I've appointed more women and more minorities to the federal bench than my predecessors combined at this point in our terms -- my last three predecessors combined. And, oh, by the way, they sometimes say, his appointees also have the highest rating from the American Bar Association of the last three Presidents.

I have practiced affirmative action here the way that I perceive the United States military has practiced it. I have made an extra effort to look for qualified candidates who could serve with distinction and make a contribution to this country and make the federal bench reflective of the American population. I have not done it with any quota system in mind, and I have not guaranteed anybody a job. I have made an extra effort to do that.

The military starts before that. They have made an extra effort to develop the capacities of people who come to them with great raw ability, but maybe a disadvantaged background. Is that wrong? I don't think it is. And I'm not backing off of that.

The question is -- here is the narrow question -- the question is: If we're not for quotas in results, and we are for developing everybody's capacities, what do we do with all those rules and regulations and laws that really are in a gray area, that are really in a gray area where there is, let's say, a minority scholarship or a contracting set-aside that Maura asked about, that really is often got around because of the way they are written?

I want to review those. I do not want to see us stop trying to develop the abilities of all Americans. I do not want to see us move away from trying to concentrate our resources in the areas of greatest need.

But I would say again, I think most minorities have been helped most by the programs in this country that have been targeted toward broad-based needs. And, ironically, if you go back to the beginning of this whole affirmative action debate, it started in the late '60s and many civil rights leaders at the time argued against

MORE

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affirmative action program because they thought we'd wind up in the debate we are now having 25 years later.

I think we need to look at the programs, look at the facts, and ask the questions I just asked: How does this work? Is it fair? Is it necessary? Is there an alternative way to achieve the objective? But in terms of taking aggressive initiatives to develop the capacities of people, should we keep doing that? You bet we should. How should we do it in the law? That's the question.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

07-Mar-1995 08:02pm

TO: Carol H. Rasco

FROM: Gaynor R. McCown
Domestic Policy Council

CC: Jeremy D. Benami

SUBJECT: update

Carol:

Welcome back! I know you were in Florida partially for work but I hope you had a little time to relax.

I just wanted to update you on a few things.

To begin with, thanks for agreeing - at the last minute - to attend this meeting on Friday. You will recall at the Crime Bill meeting last week, you suggested that Jose, Rahm, Peter, Karen and I get together to develop a strategy for prevention. One result of that meeting was to bring in some constituency groups so that we have an opportunity to clearly state what our position is on the prevention programs. Also, it is our hope that this will motivate them to get involved and do their part of working to protect these programs.

At this point, we have a list of about 20 groups. This list was generated by Karen, Jose and me and has been approved by Rahm and some folks at Justice. We will make phone calls tomorrow. We are not sending out any written invitations but we will provide some written materials for meeting participants on Friday (e.g., talking points and fact sheets).

In addition to you, the following principals will attend the meeting: Attorney General, Madeleine Kunin and Lee Brown. Unfortunately, Secretary Riley cannot come and we are not sure about Secretary Shalala. The Vice President will "drop by" for five or ten minutes during the meeting. The meeting will start at 10:15 a.m. in the Roosevelt Room. We are expecting 20 representatives from constituency groups.

The meeting last Friday focused mostly on this event. Therefore, we did not spend much time developing a legislative strategy for dealing with the prevention programs. I think that Peter is going to mention some ideas he has in the meeting tomorrow and we will have a follow-up meeting early next week.

As you have probably seen on your schedule, we are going to convene a group on Friday morning to discuss state and local initiatives and the role of the federal government. Just in case, I'm going to forward you a copy of the e-mail I sent to you that describes the overall objective of this meeting. Also, I will write some suggestions I have for an agenda.

The people who have confirmed that they will be present are: Alice Rivlin, Mike Smith, Elaine Kamark, Bev Godwin, and Peter Edelman. I have also made calls to Shea Bilchik, Tom Glynn and George Latimer. I will make sure Julie knows exactly who is attending.

This is particularly timely as the President just received a letter from Governor Carlson suggesting that Minnesota work with us. Based on our discussion at Friday's meeting, I will draft a response.

We are meeting on Friday afternoon regarding your speech to the National Association of Elementary School Principals and the National Association of Secondary School Principals. I will have some briefing information for you by Thursday morning.

Finally, I have gotten a couple of calls from Margaret Dunkle. As the time is drawing near, I would just like to tell her one way or the other. Please advise.

Many thanks for taking the time to read this.

Gaynor

EAST BROOKLYN CONGREGATIONS

287 Lott Avenue
Brooklyn, New York 11212
(718) 498-4095 fax (718) 485-5537

Memorandum by Fax**Pages w/Cover: 4****To: Ms. Gaynor McCown****Organization: US DOE****Department: Office of The Secretary**

202 407 - 0586

From: Brodie R. Hefner**Date: 4/29/94****Subject: Congressman Owens' District Report**

Comments: Here is the report I mentioned to you. Thought you might like to see how Goals 2000 is playing in Brooklyn.

I'll speak to you soon.



289 Utica Avenue
Brooklyn, N.Y. 11213
(718) 773-3100

1310 Cortelyou Road
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2305 Rayburn Building
Washington, D.C. 20515
(202) 225-6231

Congressman Owens Reports To Brooklyn on Education



Owens Convenes Town Meeting: Education Empowerment

Owens Passes Two Major Bills Five Critical Education Amendments

Washington, D.C. -- During the month of March, prior to the Easter recess, Congress and the President earned an **A** for education reform and improvement. The House and Senate completed negotiations on **Goals 2000** (HR 1804) and **The Education, Research, Development and Dissemination Excellence Act** (HR 856). The latter bill, sponsored by Congressman Owens, passed the House as separate legislation but was combined with **Goals 2000** in the Senate. Owens also sponsored the **Safe Schools Act of 1994** (HR 2455) which was later folded into the **Goals 2000** legislation.

In the **Improving America's Schools Act** (HR6), Owens won passage of amendments which will better target funds to high-poverty school districts and will increase NYC's Chapter One funds by 9.5% (\$42 million), to a total \$432 million. After fighting for ten years, the Congressman also won passage of a mandate that local school districts expend no less than 1% of their Chapter One grant on parent training and parent involvement activities. In both **Goals 2000** and the **Improving America's School Act**, Owens won passage of amendments requiring States to establish "**Opportunity-To-Learn Standards**." Other amendments won by Owens strengthen the accountability standards of Chapter One schools; establish an office of Education Technology in the Department of Education; reauthorize the Star Schools "Distance Learning" program; and prohibit the use of Federal education funds to compensate NYC school custodians.

We Must Demand The Best For Our Children
Education Empowerment Forum

Date: Sunday, April 24, 1994

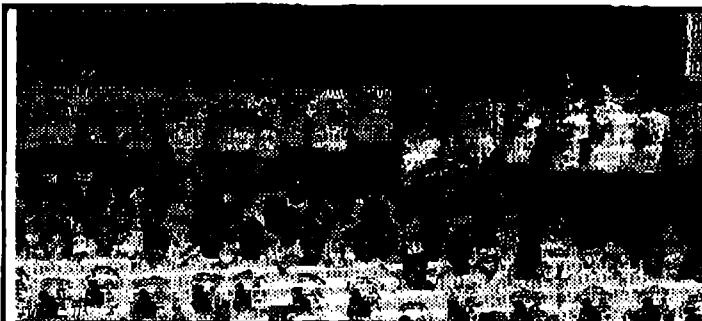
Place: P.S. 187
Eastern Parkway & 125th Street, Brooklyn

Time: 1:00 pm to 4:00 pm

Invited to the Education Forum are:

Ramon Cortines, Schools Chancellor
Dr. Adelaide Sanford, Board of Regents
Dr. Esmeralda Simmons, Central Board of Education
Superintendents: Dr. Lester Young, Jr. #13; Bernice Wiley, # 17; Michael A. Vega, # 23; PTA leaders; and many other educators from our community.

Cash For The Working Poor
If you earned less than \$20,000 last year, you may be eligible to receive up to \$2000 - See Page 3



Congressman Owens congratulates some of the 700 participants in the Martin Luther King essay and poetry contest at the Clara Barton High School.

Important Questions For Education Town Meeting

1. Why is there a lack of books and other educational supplies in many schools?
2. What specific plans do you have to bring low-performing schools up to standards? What role can parents play in this process?
3. How are Chapter One (Title I) funds allocated?
4. Are Black and Hispanic students being dumped in Special Ed classes?

Regent Adelaide Sanford Among Experts Invited To Special Town Meeting

Adelaide Sanford has spent her entire career as an educator. She has been a classroom teacher, teacher of guidance, Assistant Principal and Principal in NYC schools and an Assistant Professor in the New York City University system and Fordham University.

A NYC native, she graduated from Girls High School and earned her Bachelor of Arts degree from Brooklyn College. Sanford served as Principal of P.S. 21 in Brooklyn's Bedford-Stuyvesant section. Under her leadership, P.S. 21 earned a reputation as an outstanding inner city school where pupil achievement, teacher morale, and special programs for talented students brought city-wide recognition. In 1975, she was honored by the NAACP for her school's achievement in earning the highest reading scores of any New York inner-city school.

Chancellor Cortines And Central Board Member Esmeralda Simmons Are Invited To Answer Parents' Questions At The Education Forum

5. What is being done to reduce overcrowded schools?
6. What is being done to enhance the reading level for JHS students?
7. Are you planning programs to keep the schools open in the evenings and weekends for both students and adults?



Congressman Owens greets the team from Clara Barton High School on becoming the New York State Champions of the national "We The People..." contest on the U.S. Constitution and the Bill of Rights.

Important Education Facts and Statistics

- 1994 Federal Budget for Elementary and Secondary Education \$8,661,773
- 1994 Federal Budget for Chapter One (Title I) \$7,030,990
- Current NYC Chapter One Grant \$432 Million
- Chapter One Grant for New York City Authorized for Next Federal Budget Year (HR6) \$472 Million (Increase of 9.5% - \$42 Million)
- Chapter One Grant for Brooklyn for next year \$194 Million (Increase of \$17 million)
- Number of Schools in NYC Receiving Chapter One Funds 1,261 Schools (70% of all schools in NYC)
- Expenditure Per Student In NYS \$8,000
- Expenditure Per Student In NYC \$7,000
- Highest and Lowest Expenditures Per Student In NY \$24,108 in Pocantico Hills - \$5,410 in Portville
- Expenditure for Transportation in NYC \$350 Million
- Current NYS Aid to New York City \$3.2 Billion
- Current New York City School Budget \$7.2 Billion

"I fought to win passage of an amendment which requires local school districts to expend almost \$2 million in Brooklyn to increase the involvement of parents in their children's education."

Congressman Owens

Summary of Recently Passed Education Legislation With Implications For N.Y.C.

Major Fight To Retain "Opportunity-To-Learn" Standards Is Victorious

After several days of intense negotiations, Congressman Owens won a major victory to achieve the inclusion of his Opportunity to Learn amendment as part of the Goals 2000 Education Reforms.

Owens' amendment simply states that all children must have equal access to quality learning materials and situations, assuring them "high-quality" teachers, school buildings, libraries, laboratories, up-to-date textbooks and the latest advances in computer aided-learning.

Education reform standards and national goals are policies which have been put forward during the last several years. All of these new education ideas hold promise but lack one basic concept, the road map on how to get from a system in crisis and facing budget cuts to one that knows how to teach. Owens' "Opportunity-to-Learn" amendment is the antidote to what has become vacant chatter, with no results. His amendment offers rewards to local governments which increase education resources to the poorest students and schools.

Opportunity standards are intended to be a road map that schools, parents and communities can follow to help their students achieve world-class levels of performance.

For example, if a state expected 11th-grade students to be able to perform and understand a set of basic chemistry experiments, then one "Opportunity-to-Learn" standard might call for each school to have the laboratory equipment necessary to conduct these experiments.



Congressman Owens meets with the 11th C.D. parents coalition to discuss Opportunity-To-Learn standards in Goals 2000 Act.

\$17 Million Additional Chapter One Dollars Won For Brooklyn

Congressman Owens played a large role in changing the distribution formula for Title I funds, which are for educationally disadvantaged students who tend to come from poorer families. The change in the formula will increase Title I funds to NYC by \$42 million and result in an additional \$17 million in funds for Brooklyn schools.

Institute For The Education Of At-Risk Students Established Under OERI

Congressman Owens, as Chair of the Subcommittee on Select Education and Civil Rights, sponsored the The Education, Research, Development and Dissemination Excellence Act, which restructured the U.S. Department of Education's Office of Education Research and Improvement Act (OERI).

There is a broad consensus among educators that the federal education research system is riddled with problems. It does not give proper attention to the practical operations face by students and teachers.

The system also has not been responsive to the research needs and concerns of minorities, bilingual students and native Americans.

What the Owens OERI Bill Does

The Act creates a 15-member National Education Research Policy and Priorities Board consisting of educational researchers, teachers, parents and school administrators to guide the OERI agenda. The Act also creates research institutes in the following 5 areas:

- The Education of At-Risk Students
- Education Governance, Finance, Policy-Making
- Early Childhood Development and Education
- Student Achievement, Curriculum Assessment
- Postsecondary Education, Libraries, Lifelong learning

The OERI Owens Act also creates an Office of Reform Assistance and Dissemination to make certain that the results of the research are fully translated into real improvements.



Congressman Owens recognizes winners of the Martin Luther King Commission Essay and Poetry contest.

Safe Schools Act Passes As Part Of Education Goals 2000

The "Safe Schools Act" sponsored by Congressman Owens will authorize \$50 to help school districts become drug and crime free. Under this program, NYC's school districts are expected to receive grants of up to \$3 million to provide students with counseling, mentor programs and awareness and prevention seminars.

Essential Schools - recognize that students learn much more when they are actively involved in their own education. Students develop their own projects and work cooperatively in groups. Essential schools only teach a limited number of skills, but they teach them well. Schools are separated into smaller groupings and teachers are required to act as counsellors and managers.

Reading Recovery Program - A one year program for first graders that allows low achieving students to catchup and stay with their peers. Students are given one-on-one lessons for 30 minutes a day for about 10 to 15 weeks. Lessons concentrate on higher level reading comprehension skill and innovative evaluations.

Higher Order Thinking Skills Project (HOTS) - the HOTS program emphasizes higher order skills by teaching 4-7 graders how to solve problems and learn on their own. Traditional workbook and textbook curricula are replaced with comprehensive computer labs. Your school may need to purchase new computers and software.

Business and Community Partnerships - partnerships help bridge the gap between school and work and provide students with valuable real world experience. Partnerships will motivate students and help them to deal with the social, psychological, and medical issues that affect their performance in school. Partnerships are relatively inexpensive and should be used in combination with other programs.

COMPLAIN WHEN YOU HIT ROADBLOCKS

It is very important that parents stay involved throughout the entire project.

This includes evaluating and changing programs once they have been implemented at your school. Each activity must be fully evaluated to ensure that individual students are improving in the classroom. NCE's (gains in standardized reading and math tests) are the most widely accepted measures of success, and these results should be readily available to you and all parents. In addition, you should encourage your schools to evaluate other measures of success such as dropout rates, special education placements, holdover rates, and suspensions. You should pay close attention to evaluation results and make sure that projects and activities are continually adjusted to meet students' changing needs.

ASK YOURSELF THESE QUESTIONS?

* Is meaningful parent involvement a reality in my school?

- Do parents get needed information?
- Is there an organized and active Chapter 1 parent group?
- Is training provided for parents?
- Are parents involved in every aspect of the Chapter 1 program?
- Does the school respond to parents' concerns and recommendations promptly and appropriately?

* Is my school's Chapter 1 program working?

- Are the annual goals and desired outcomes clear?
- Are eligible children participating in the program?
- Is the program challenging?
- Are students assessed regularly?
- Are they making progress toward the goals?

If the answer to any of these questions is NO, contact Advocates for Children of New York.

Advocates for Children of New York, Inc. (AFC), organized in 1970, works to ensure equal educational opportunities, promote quality education services, and overcome school failures for New York City's one million public school students. AFC's commitment is to those children at greatest risk due to disabling conditions, poverty, race or sex discrimination, or inadequate academic preparation. AFC's program is carried out by a multi-racial, bilingual staff of attorneys, lay advocates, and researchers. Our multi-faceted program services New York City's children through:

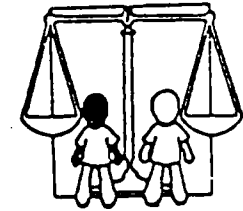
Individual Case Advocacy: AFC represented 2,500 students last year. Our cases include the needs of children with disabling conditions, services to overcome truancy and return dropouts to school, suspensions and other school exclusions, issues of race and sex discrimination, and the rights of language minorities and children from immigrant and homeless families. We do not charge fees for our services.

Training and Community Organizing: AFC conducts extensive workshops on educational rights for parents, legal service organizations, community representatives, educators, and other professionals. We also publish materials for parents and youth advocates.

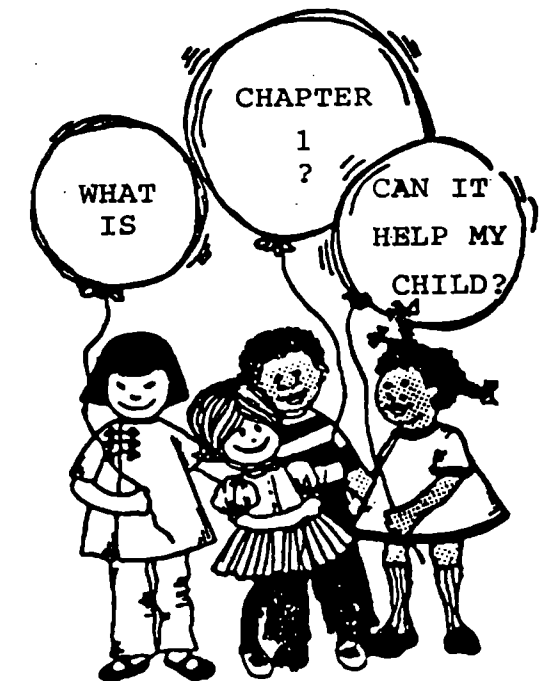
Research and Administrative Negotiation: AFC conducts action-based research on issues identified by our casework. Our reports are the basis of reform-directed negotiations with public officials.

Litigation: AFC's program includes a legal component which litigates on issues we cannot resolve by less adversarial means. AFC has served as plaintiff, co-counsel, or amicus curiae in most of the important NYC education litigation, including 12 precedent-setting cases, since 1970.

ADVOCATES FOR CHILDREN OF NEW YORK, INC.



dedicated to the protection of every young person's rights to a quality education.



24-16 Bridge Plaza South
Long Island City, NY 11101
Tel. (718) 729-8866
Fax# (718) 729-8931

CHAPTER 1 PARENT RIGHTS

WHAT IS CHAPTER 1?

Chapter 1 is a federal education program that provides billions of dollars to New York City Public Schools to help poor students succeed in school. Your school may be receiving as much as \$400,000 per year. Chapter 1 requires meaningful parent involvement in every aspect of your school's program. Chapter 1 requirements also encourage schools to start innovative programs that are geared toward helping poor students catch-up with their peers.

This guide explains your most important Chapter 1 legal rights, and provides you with some simple strategies to improve your schools.

WHAT ARE YOUR RIGHTS?

You have a right to be meaningfully involved in all decisions affecting your child's Chapter 1 program:

- Planning, implementing, and evaluating all program activities.
- Receiving any reasonable training necessary to fully participate in Chapter 1 activities.
- Participation in an annual parent meeting at the beginning of the year and as many regular meetings as you feel are necessary.
- Being provided with reports on your child and the whole school's progress every year, explained in terms that you can understand.
- Development of a written parent involvement policy. This policy must be made available to you and all parents.

When you c p i l schools to follow these regulations, they will receive warnings and a chance to comply. If the problem is not fixed within sixty days, the government should withhold their money.

HOW TO USE YOUR CHAPTER 1 RIGHTS TO IMPROVE YOUR SCHOOLS

There are a number of simple strategies that you can use to take control of and improve your schools. Consider implementing these strategies at your school:

- First, become involved with the Chapter 1 Parent Advisory Council (PAC) at your school. PAC's are required at all Chapter 1 schools, and they must be involved in all Chapter 1 decisions that are made. PAC's will give you the opportunity to talk with other parents, teachers, and administrators. Mobilize your PAC and you will force your school to take your demands for change seriously.
- After you become involved in your PAC, encourage your school to become a Schoolwide Project(SWP) if it is eligible. In most schools, Chapter 1 money can only be spent on children having serious problems in the classroom. However, schools with 75% or more poor students qualify to become SWP's and to use Chapter 1 money to serve all of the students in the school. SWP's have more freedom to take risks, be creative, and develop programs that benefit the entire school.

DEMAND EFFECTIV PROGRAMS FOR YOU CHILD'S SCHOOL

After you develop a SWP and become involved in your school's planning committee, demand specific programs that will make your school an "effective school". Effective schools start with the assumption that all students can learn and then they do whatever they have to do to make this a reality. They expect more from their students, and demand hard work and results. However, they also provide the tools and support that are necessary for children to succeed. Here are some of the characteristics of effective programs:

- Effective Schools teach their students to think and solve problems for themselves, rather than just memorize facts and fill out workbooks.
- They provide creative classroom strategies such as team teaching; students working in groups; community partnerships; culturally based curricula innovative evaluations such as portfolios; and individualized teaching plans for different learning styles.
- "Effective schools" spend a lot of time on planning and involve everyone in the school community (parents, teachers, administrators, community organizations, and businesses) in all school activities.
- Effective programs may look completely different from one another, but they all have a few important things in common. Effective programs always emphasize planning and creative teaching strategies, and they always involve parents. All effective programs require a lot of hard work and must be continually changed and updated.

THESE PROGRAMS ARE WORKING AT SCHOOLS AROUND THE COUNTRY

Fortunately, you do not have to become an educational expert to transform your school into an "effective school". What is most important is that you exercise your rights to work with and encourage teachers and administrators to introduce successful programs in your school. These programs are not experiments. They are all proven programs that have improved schools around the country. However, you should not attempt to advocate for all of them. Your project committee must determine which programs are best suited for your school's needs. These are a few examples:

Accelerated Schools - treat all students as gifted and talented. They get rid of labels such as "slow learners" and actually speed up, or accelerate, the learning process. All students concentrate on higher skills like critical thinking problem solving. The entire school community works together to create their own unique instruction curriculum plans.

Comer Schools - concentrate on student strengths rather than focusing on weaknesses. The school looks at the total child and all dimensions of student development including psychological, emotional, and intellectual growth. A mental health team composed of counsellors, psychologists and nurses help students and parents manage crises and cope with everyday problems that affect educational performance. The Comer Project will require a complete change in the educational philosophy and structure of your school.

WHAT IS EARLY INTERVENTION (EI)?

The New York State Early Intervention Program provides a wide variety of services for infants and toddlers with special needs and their families.

AM I ENTITLED TO SERVICES?

You and your child may be entitled to early intervention services if your child is younger than 3 years old and has:

- problems hearing, seeing or feeding
- special health needs
- problems crawling, walking or talking
- a low birth weight
- other difficulties not typical for a child of his/her age.

WHAT ARE EARLY INTERVENTION (EI) SERVICES?

EI services are free for eligible children and may include:

- physical therapy
- speech therapy
- occupational therapy
- home visits
- respite services
- nutritional planning
- family training and counseling.
- transportation

These services should be provided in the child's natural environment, e.g. in the home and/or in daycare settings, whenever possible.

WHO ARE SERVICE PROVIDERS?

Service providers come from a variety of backgrounds. They can be:

- hospitals and/or clinics
- schools

- daycare centers
- Head Start programs
- hospital outpatient clinics.

ELIGIBILITY

An infant who is developmentally delayed or is very likely to develop delays has the legal right to receive EI services. Funding for these services comes from the state and generally is at no cost to the parent. However, parents may be billed for services covered by their medical insurance. For a child to be classified as developmentally delayed, he or she must exhibit delays in at least one of the following areas:

- cognitive
- physical
- communication
- social/emotional
- adaptive (self-help)

THE REFERRAL

If you are a parent who feels that your child may need intervention services, you can make a referral to the Early Intervention Program by calling:

1-800-577-BABY (2229)

Monday - Friday 9 a.m. - 5 p.m.

Others who can make a referral include:

- doctors
- nurses and other clinicians
- human services providers
- school teachers and/or administrators.

Parental consent is NOT required for an initial referral to be made.

BUT, once the referral is made, parental consent IS required for all other aspects of the program, including: screening and/or evaluation, developing an Individualized Family Service Plan (IFSP), and

the provision of services.

After a referral is made, an early intervention service coordinator will contact you. The service coordinator will assist you in becoming familiar with your rights, the EI service delivery system, scheduling appointments, etc.

THE SCREENING AND/OR EVALUATION

After an initial referral, a free screening and/or evaluation will be performed WITH parental consent.

A screening helps determine whether or not your child is developmentally delayed, and what kinds of evaluations are necessary.

An evaluation is conducted by professionals to determine your child's eligibility for the Early Intervention Program. Evaluation results help determine the kinds of services your child may need.

You have a right to receive a full copy of all screening and/or evaluation results. If you are not satisfied with the results, you may request, in writing, a second evaluation.

THE INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)

If your child is eligible for services, a meeting must be held no later than 45 days from the date of referral. This meeting must occur at a time and place that is convenient for you.

The IFSP will detail the services you and your child will receive, including how and where those services will be provided.

Participants at the meeting include:

- you as the parent
- evaluator(s)

- an early intervention official
- the service coordinator
- anyone else you choose to invite (e.g. a friend, attorney or service provider).

No other persons may be present without your consent.

You have the right to play an active role in the development of your IFSP. Remember - you are the expert when it comes to your child's needs!

SERVICE DELIVERY

After the IFSP is developed your child must begin immediately to receive all services listed on the IFSP.

YOUR DUE PROCESS RIGHTS

If you have a disagreement at any stage of the process, you have the right to:

- ask for mediation
- request an impartial hearing
- file a complaint
- a combination of the above.

A **mediation** is an informal process conducted by a person trained in dispute resolution. If no agreement is reached, you can proceed to an impartial hearing.

An **impartial hearing** is a formal process conducted by an impartial hearing officer who makes a final decision in the dispute.

A **systems complaint** can be used when you want a situation to be investigated by the New York State Department of Health. A systems complaint should not be used to resolve individual disputes such as a child's ineligibility.

Before exercising your rights, you may want to consult an attorney or trained advocate to help you decide what actions to take. During this process, the services you agree on should still be provided to you and your child. **Don't forget: as a parent you may withdraw your consent for all or part of EI services at any time.**

YOUR CHILD'S RECORDS

You have a right to examine your records at any time, e.g. to ensure that all information contained in them is accurate. You are also entitled to receive a full copy of all records even if you cannot afford to pay for it. You have the right to change your records if you find inaccuracies exist. Talk to your service coordinator, advocate or attorney about making such changes.

All the information kept regarding your child and family is confidential and can only be shared with others if you sign a release form. You may revoke your release at any time.

YOUR RIGHTS AS A PARENT

As a parent, you have many important rights including:

- the right to withhold or withdraw consent at any stage of the process (except at the initial referral stage)
- the right to examine all records kept regarding your child and family
- the right to have evaluations, screening and services fully explained to you in your own language
- the right to have meetings, notices, evaluation summaries, mediations and hearings conducted in your own language
- the right to be involved in all stages of the early intervention process
- the right to a fair hearing

- the right to consult an advocate or attorney at any stage of the process.

IMPORTANT EI PHONE NUMBERS AND ADDRESSES

To make a referral in New York City, the number is:

1-800-577-BABY(2229)
Monday - Friday; 9 - 5

For other New York City EI information call:
1-212-226-0434
Monday - Friday; 9 - 5

SATIRN II
1-800-522-4369

For more information call Advocates for Children at (718) 729-8866.

Advocates for Children of New York, Inc. (AFC), organized in 1970, works to ensure equal educational opportunities, promote quality education services, and overcome school failures for New York City's one million public school students. AFC's commitment is to those children at greatest risk due to disabling conditions, poverty, race or sex discrimination, or inadequate academic preparation. AFC's program is carried out by a multi-racial, bilingual staff of attorneys, lay advocates, and researchers. Our multi-faceted program services New York City's children through:

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Training and Community Organizing: AFC conducts extensive workshops on educational rights for parents, legal service organizations, community representatives, educators, and other professionals. We also publish materials for parents and youth advocates.

Research and Administrative Negotiation: AFC conducts action-based research on issues identified by our casework. Our reports are the basis of reform-directed negotiations with public officials.

Litigation: AFC's program includes a legal component which litigates on issues we cannot resolve by less adversarial means. AFC has served as plaintiff, co-counsel, or amicus curiae in most of the important NYC education litigation, including 12 precedent-setting cases, since 1970.

EARLY INTERVENTION: AN ENTITLEMENT FOR FAMILIES OF INFANTS AND TODDLERS WITH DISABILITIES



Advocates for Children
of New York, Inc.

dedicated to the protection of every young
person's rights to a quality education

24-16 Bridge Plaza South
Long Island City, NY 11101
Tel. (718) 729-8866

students in the school?

7) How much time during the instructional day does your child spend with students of the same age who are not disabled?

8) Are you interested in inclusion? Do you need more information?

**CALL ADVOCATES FOR CHILDREN
(718) 729-8866**

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AFC's Inclusionary Education Project works to ensure that children with educationally disabling conditions receive appropriate evaluations, assessments and placements according to the Individuals with Disabilities Education ACT (IDEA). We directly assist parents whose children are currently placed in restrictive special education programs, and parents whose children have been recommended for such placements.

"Separate educational facilities are inherently unequal. This inherent inequality stems from the stigma created by purposeful segregation which generates a feeling of inferiority that may affect [students] hearts and minds in a way unlikely ever to be undone."

*Earl Warren, Chief Justice
United States Supreme Court
May 17, 1954 in Brown v. Board of
Education, 347 U.S. 483 (1954)*

WHAT IS INCLUSION?

IS IT RIGHT FOR YOUR CHILD?



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WHAT DOES INCLUSION MEAN?

Inclusion means placing a student, regardless of disability, into an age-appropriate general education classroom in his/her neighborhood school and providing all necessary supports and services to enable the student to benefit from such placement. These services may include: use of consultant teachers; modification of curriculum; integrated related services; adaptive technology; and team planning which includes families, school personnel, students with and without disabilities, friends and community members.

INCLUSION DOES NOT MEAN...

- *"Dumping" students with disabilities into regular programs without the supports necessary to assure success, then saying "See, it doesn't work" or "He/she just can't handle it."*
- *Using the excuse that necessary supports for students and teachers are not available. It is the commitment to provide them that is missing, not the support systems themselves.*
- *Segregating students in special education classrooms in separate areas at a regular school, or at separate facilities.*
- *Providing education by labels, rather than by needs.*

- *Inappropriately placing older students with disabilities in classes with younger students, based on academic level.*

HOW DOES INCLUSION DIFFER FROM MAINSTREAMING?

Mainstreaming refers to the integration of students with disabilities into general education classrooms for a portion of the school day in both academic and non-academic areas. Mainstreaming does not allow students with educational disabilities to be full members of general education classrooms.

WHAT DOES THE LAW SAY?

According to the federal Individuals with Disabilities Education Act (IDEA) all states must establish:

"procedures to assure that, to the maximum extent appropriate, children with disabilities ... are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." 20 U.S.C. Sec. 1412(5)(B) (emphasis added).

WHAT IS THE BOARD OF EDUCATION REQUIRED TO DO?

School districts must first consider placing children with disabilities in general classes, with supports and services, including consultant teachers, before exploring more restrictive alternatives such as a resource room or self-contained class.

QUESTIONS TO ASK YOURSELF...

- 1) *Has your school offered any preventive services before referring your child to special education?*
- 2) *If your child has always been enrolled in special education, has s/he made significant improvements (academically or non-academically) so that s/he can be placed in general education?*
- 3) *Has your school district ever tried to place him/her in a less restrictive setting e.g., a general education classroom with consultant teacher services?*
- 4) *Does your child attend the same school as s/he would if not disabled?*
- 5) *Does your child use the same transportation that s/he would if not disabled?*
- 6) *Does your child have the same arrival and departure times as other*

AFC's AIDS Education Project

Since 1985, AFC has been working towards identifying the responsibilities of the schools regarding HIV/AIDS. AFC has: represented students with HIV infection; worked with the State Education Department to develop regulations requiring HIV/AIDS education; co-founded the Coalition for Responsible AIDS Education which rallied support for the Chancellor's Expanded HIV/AIDS program, including condom availability in the high schools; and commented on revisions of the Board of Education's guidelines regarding HIV-affected students.

AFC continues to be an active participant in several HIV related coalitions and networks including the AIDS and Adolescent Network of New York.

Under the AIDS Education Project, AFC also assists parents and professionals to access appropriate educational services for HIV-affected children and adolescents. We are available to help resolve a variety of HIV issues in the school, e.g., administration medication during school hours, provision counseling for HIV-infected students and HIV-related confidentiality issues.

Parent and staff training regarding HIV-related educational issues is available. Call (718) 729-8866 between 9:00 and 12:00 Noon, Monday through Thursday. Se habla español. Nou palé kreyol.

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ADVOCATES FOR CHILDREN PROJECTS

Case Representation/Technical Assistance
Technical assistance to parents. Individual representation of at-risk students age 0-21.

Training

Parent, youth, & preventive services worker trainings in English, Spanish & Haitian Creole. Train pro bonos & paralegals.

Homeless Students

Assistance to homeless children and families. Research & administrative negotiation.

Inclusive Special Education

Assistance to children with educational disabilities. Parent, youthworker & attorney trainings. Research & administrative negotiation.

Early Intervention/Preschool Special Education

Assistance to infants, toddlers and preschoolers with developmental delays. Trainings for parents & service providers. Research & administrative negotiation.

Section 504/Americans with Disabilities Act

Assistance to children needing accommodations in their schools. Trainings for parents, medical personnel, service providers. Research & administrative negotiation.

Alternatives to Suspension

Assistance to suspended students. Trainings for parents, youthworkers. Research & administrative negotiation.

Chapter I Remediation

Assistance to children at risk for academic failure due to poverty. Training for parents. Research and administrative negotiation.

Legal Education Assistance to Parents (LEAP)

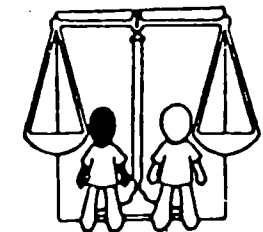
Assistance to parent groups. Parent trainings. Research & administrative negotiation.

**HELP FOR CHILDREN WITH
MEDICAL CONDITIONS AND
OTHER DISABILITIES
UNDER SECTION 504 & ADA
(AMERICANS WITH DISABILITIES
ACT)**



**Advocates for Children
of New York, Inc.**

**dedicated to the protection of every
young person's rights to a quality
education.**



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Long Island City, NY 11101
Tel.# (718) 729-8866**

WHAT IS SECTION 504?

The Americans with Disabilities Act (ADA) protects the rights of students and parents with disabilities. Section 504 of the Rehabilitation Act prohibits discrimination against students with physical or mental disabilities, who attend public schools. Section 504 establishes that disabled/ "medically fragile" students, whose impairments may not limit their ability to learn, have a right to a free, appropriate public education. School districts have to provide the necessary educational services, aids and accommodations to ensure this right.

WHO IS PROTECTED UNDER SECTION 504?

Students whose physical or mental impairments substantially limit one or more "major life activities," such as caring for oneself, seeing, breathing, learning and walking, are protected by Section 504.

Thus, students whose physical or mental disabilities limit their ability to attend school or participate in regular activities, are protected by Section 504. Examples of protected students are children with asthma, diabetes, allergies, cerebral palsy, cancer, HIV related illnesses, epilepsy, dyslexia and spina bifida.

Section 504's definition of a disabling condition is broader than that of the Individuals with Disabilities Education Act (IDEA), which describes a disabled child as one whose impairment requires special education and related services because the disability limits the student's ability to learn. Medically fragile students, on the other hand, often need not and should not be placed in special education programs as called for in IDEA. Special education students, however, are also Section 504 eligible.

WHAT SERVICES ARE REQUIRED BY SECTION 504?

The U.S. Department of Education, Office of Civil Rights has determined that some of the required services include:

- the administration of oral medications, insulin and other injections,
- carrying out intermittent catheterization,
- monitoring students' physical well-being in the classroom,
- providing services in accessible locations,
- testing of blood levels,
- use of equipment such as tape recorders or calculators,
- counseling, and
- test modifications and extension of test time limits.

WHAT IS THE BOARD OF EDUCATION REQUIRED TO DO?

Section 504 requires school districts to: develop and implement standards and procedures for the identification, assessment and proper placement of eligible students who may or may not be educationally disabled; ensure the provision of necessary individualized services and support; and train teachers and support staff to enable them to perform services or make appropriate accommodations in the general education classroom.

ARE THERE ANY LIMITS TO SECTION 504?

In interpreting Section 504, the courts have held that schools must provide disabled students with appropriate educational services and accommodations. Under no circumstance should medically fragile students be out of school because of the lack of support services, aids or accommodations.

WHAT IF THE SCHOOL REQUIRES YOU TO SIGN A WAIVER OF RESPONSIBILITY?

The Board of Education is prohibited from requiring a waiver of liability as a condition to render services mandated by federal law. Should they attempt to require it, call Advocates for Children for assistance.

WHAT SHOULD PARENTS DO?

If you believe that your child may be eligible for services, inform your school principal in writing that you are requesting the provision of services under Section 504. If for any reason you feel uncomfortable approaching the principal, you may choose to direct your request to:

**Chancellor's Section 504 Designee
Division of Student Support Services
New York City Board of Education
110 Livingston Street, Room 510
Brooklyn, NY 11201**

Within thirty days of receipt of all relevant documentation (or sooner if your child will be excluded from school pending a determination of eligibility) the principal or the Chancellor's Section 504 Designee will complete the process of determining eligibility for Section 504 services and will respond to your request in writing.

DECISION ON YOUR REQUEST

In this written response, the principal or the Chancellor's Section 504 Designee will:

- inform you in writing whether or not your child is eligible for Section 504 services;
- if services have been approved, prepare and provide you with a written Section 504 plan (you may participate in this process if you wish);
- if services have been denied, notify you of what steps can be taken to appeal the decision.

ARE PARENTS PROTECTED UNDER ADA?

Schools are required to make reasonable accommodations to ensure that parents with disabilities are given the opportunity to fully participate in school related meetings or activities such as parent-teacher conferences, suspension hearings, special education conferences, etc.

Examples of "reasonable accommodation" include: appointing a sign/oral interpreter to assist a parent who has a hearing impairment, moving the location of a meeting to make it more accessible to a physically-challenged parent, and scheduling meetings during times that would not interfere with a parent's regularly scheduled medical treatments.

AFC WORKS FOR EFFECTIVE SCHOOLS

AFC works to implement the entitlements in The Good Common School: Making the Vision Work for All Children, by the National Coalition of Advocates for Students. Children are entitled to:

1. "have parents, advocates, and concerned educators involved in all decisions affecting their children";
2. "learn in an integrated, heterogeneous setting responsive to different learning styles and abilities";
3. "comprehensible, culturally supportive, and developmentally appropriate curriculum and teaching strategies";
4. "access to a common body of knowledge and the opportunity to acquire higher-order skills";
5. "a broadly-based assessment of their academic progress and grading structures that enhance individual strengths and potential";
6. "a broad range of support services that address individual needs";
7. "attend schools that are safe, attractive, and free from prejudice";
8. "attend school unless they pose a danger to other children or school staff"; if temporarily suspended, be provided with appropriate alternative instruction;
9. "instruction by teachers who hold high expectations for all students and who are fully prepared to meet the challenges of diverse classrooms"; and
10. "an equal educational opportunity supported by the provision of greater resources to schools serving students most vulnerable to school failure."

AFC CAN WORK WITH YOU...

- if your child has been suspended or excluded from school.
- if you have concerns about the special education services your child is receiving or you believe your child is being improperly classified as disabled.
- if your child is being denied needed remediation, being unfairly held back or not receiving grade level work.
- if your child has been unfairly excluded from the school of your choice.
- if your child has been truant, wants to quit school or has already dropped out of school.
- if you are concerned about what's in your child's school records.
- if you want to know more about your schools and how you can be an effective advocate for your children and for quality education in your community.

For more information, call...

ADVOCATES FOR CHILDREN
(718) 729-8866

All communication with Advocates for Children regarding your child or family will be held in strict confidence.

HOURS
Monday-Friday, 9 am-5pm

Galen D. Kirkland
Executive Director

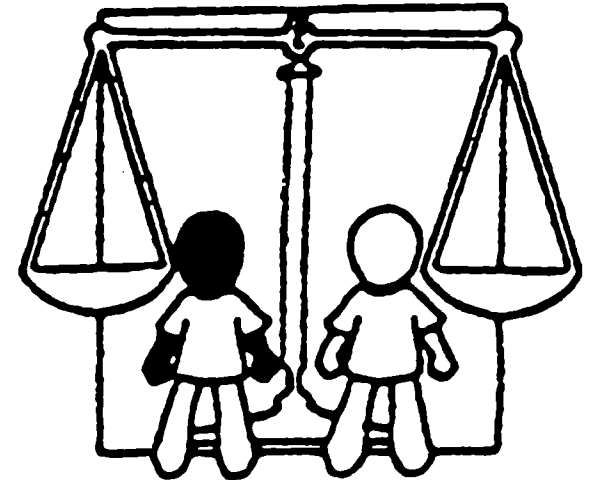
Diana MTK Autin
Managing Attorney

ADVOCATES FOR CHILDREN is a partnership of lawyers, advocates, parent trainers and organizers who are ready to work with you to help your child obtain a quality education.

ADVOCATES FOR CHILDREN OF NEW YORK, INC.



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ADVOCATES FOR CHILDREN PROGRAM

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ADVOCATES FOR CHILDREN PUBLICATIONS

[] The Advocate (\$10 for parents) (\$15 for organizations)

[] Segregated and Second Rate: "Special" Education in New York (\$15)

[] Special Education Advocacy Manual (\$10 for parents, \$15 for organizations)

[] Student Suspensions Manual (\$10)

[] Parents and Students Suspension Handbook (\$2.50)

[] Parents Preschool Special Education Guide in English & Spanish (\$2.50)

[] Learning in Limbo: The Educational Deprivation of Homeless Children (\$10)

[] And Miles To Go...Barriers to Academic Achievement and Innovative Strategies for the Delivery of Educational Services to Homeless Children (\$15)

[] Immigrant Children: Challenges and Opportunities for Our Schools (\$8)

[] Education Advocacy Training Manual (\$15)

[] Meeting Adolescent Need: Four Effective Middle Schools (\$3.50)

Name _____ Tele. _____

Organization _____

Address _____

City _____ State _____ Zip _____

Specify amount enclosed \$ _____

Family Centers are a joint initiative of the
Pennsylvania Departments of Education,
Health and Public Welfare.

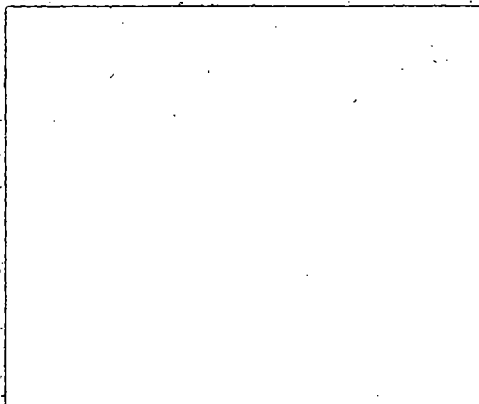
Publication produced by
Project Success: Center for Schools and Communities
Jo Ann R. Lawer, Director

An initiative of the Pennsylvania Department of Education,
administered by Central Susquehanna Intermediate Unit

October 1994

The Pennsylvania Department of Education (PDE) will not discriminate in its educational programs, activities, or employment practices, based on race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, union membership, or any other legally protected classification. Announcement of this policy is in accord with state and federal laws, including Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. PDE employees and participants who have an inquiry or complaint of harassment or discrimination, or who need information about accommodations for persons with disabilities, should contact Chalo Moreano, Affirmative Action Officer, Department of Education, 333 Market Street, Harrisburg, PA 17126-0533, telephone (717) 787-1953.

*Call or visit your local Family
Center, listed below, to learn
more about how Family Centers
can help you.*



Family Centers

...

**Building strong
families and strong
communities**

*Children and families,
our hope for the future.*



Being a parent is the most important and sometimes hardest job you will ever have. You want what is best for your children: a loving family, good health, a good education, a safe and caring community to grow up in and perhaps most importantly, hope for a bright future.

These things are important for children's healthy development and sometimes hard for parents alone to provide.

The Family Center can help, through information, programs and activities for your family.

*Helping families care
for themselves.*

Family Center services include:

- Parent support and information groups
- Child health and development screenings
- In-home child development education
- Family activities
- Toy- and book-lending libraries
- Information about getting health insurance and health care
- Information and help in getting other community services
- Information about finding employment, adult education and literacy instruction



*Strong families make a
strong community.*



Your family has unique strengths and needs. When you visit the Family Center, you won't be told what your family needs, you will be asked what you want.

Family Centers are a new way of doing business, helping families help themselves and get the resources they need to be strong.

Strong families make a strong community. . . where the hope for our children's future begins.

2:30 WONDAY
What is the agency of Newfield?

If people get comments back by Friday,
we can have a conversation?

Bill Kincaid
(Mike's office)

[Notes written on outside of folder]