



Office for Civil Rights

Fax Transmittal

To: *But Kincaid*

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Date: *2/20/98*

From: Art Coleman
Deputy Assistant Secretary

Phone Number: 202-205-5557

Fax Number: 202-205-5381

Message: *Bill, Thought that you or others might be interested in attending. I'd be happy to share the text of my remarks w/ you on Monday, as I forward them here for OPA clearance — if you're interested*

Art

If there are transmission problems, please call Millie Palmer at 202-205-5557.

02/20/98 FRI 09:19 FAX 202 203 5100 U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION

Civil Rights and Testing

A Colloquium Sponsored by

The Board on Testing and Assessment
NATIONAL RESEARCH COUNCIL/NATIONAL ACADEMY OF SCIENCES

Friday, February 27, 1997

12:30p.m. - 2:00 p.m.

**National Academy of Sciences
2101 Constitution Avenue, NW
Room 150**

Arthur L. Coleman, Deputy Assistant Secretary for Civil Rights in the U.S. Department of Education will lead a discussion of testing issues arising in the context of reforms designed to raise standards, and their civil rights implications. He will discuss why educational excellence and equity should be viewed as complementary, rather than competing, goals. He will also provide perspectives regarding the steps that can and should be taken to achieve those twin goals of educational excellence and equity. Attorney and BOTA member, William Taylor, will serve as reactor.

Please RSVP to Viola Horek, 202-334-3087 or vhorek@nas.edu, by February 24.

Please let us know in advance, if you need assistance.

You are encouraged to share this flyer with colleagues.



Arthur_Coleman @ ed.gov
01/08/98 04:45:00 PM

Record Type: Record

To: William R. Kincaid

cc:

Subject: Re: testing

Bill, ignore your voice mail message re this subject. This message will advise you regarding where we are right now; I'll have more details after tomorrow's meeting with DoJ.

The draft testing guidance, issued in March of 95, has been the basis for our work in the area of testing and Title VI/IX issues. It doesn't attempt to chart new ground; rather, it attempts to "capture" existing federal and technical standards in one, user-friendly guide.

Since the time of the draft, the Board on Testing and Assessment has reviewed and provided comment, and we've shared with DoJ to get input. We have made many of the BoTA-recommended changes, and are in the middle of conversations with DoJ concerning any additional issues they see. (The subject of an extensive meeting scheduled for tomorrow.)

In addition, just before the holidays, a subgroup of the Leadership Conference reviewed the public document (the pre-BoTA draft) and the BoTA comments. The quick read from their meeting is that they concur with those comments, and it's not anticipated that there will be significant ones beyond those captured in the BoTA opinion. (That doesn't guarantee anything, of course, and my sense was that they really wanted to see a post-BoTA draft for review. The only public document is the pre-BoTA draft.) They are quite comfortable with the additional time we are taking on this before moving to any issuance of a final. Clearly, some additional conversation is called for.

I am meeting with Bill Taylor next week to talk in more detail (he, as you know, wears both BoTA and LConf hats), and expect that once we resolve any outstanding issues with DoJ, we'll be in a position to share further with you and others.

We also have a pamphlet on the subject that's well underway. It would be ready for a read by the time we're at a point of agreement with DoJ on the guidance.

One point that I should flag: the fact that we may reach a point of agreement about the substance does not mean that the question of strategy with respect to the issuance of a final guide has been thoroughly discussed with all appropriate stakeholders. This is a process that is underway with renewed focus, as we anticipate some baseline agreement on the substance in the not too distant future.

Recall the one point of policy concern that we discussed yesterday; I will not recount that one here.

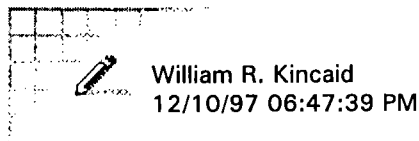
Let me know if you need more information at this point.

Art

Mike/Bill -

could you make sure you're up on
this and that you've cleared
all paper to be released to the
public? Thanks.

Elena



Record Type: Record

To: Elena Kagan/OPD/EOP, Tanya E. Martin/OPD/EOP

cc: William R. Kincaid/OPD/EOP

Subject: OCR testing-related work: update

----- Forwarded by William R. Kincaid/OPD/EOP on 12/10/97 06:47 PM -----



Arthur_Coleman @ ed.gov

12/10/97 02:10:00 PM

Record Type: Record

To: Michael Cohen, William R. Kincaid

cc:

Subject: OCR testing-related work: update

Bill and Mike,

This is an update on our work regarding Title VI and Title IX in the area of test use. Please forward this information to Elena and Tanya (I don't have their internet addresses.)

Background:

You will recall that we met on several occasions with the Leadership Conference in the context of national testing issues. As part of our discussion, we committed to moving OCR's draft testing guidance to final (following collaboration with DoJ, among others), and solicited comments from the Leadership Conference regarding the draft.

Update:

We had targeted mid-December for a release of the guidance in final. We are, however, still talking with DoJ regarding some outstanding points related to the guidance (nothing that calls into question the legal standards we're using). This target date will move to the early part of '98. As a result, we've asked a subgroup of the Leadership Conference to meet soon regarding the guidance (substantively, as well as regarding the form of the release).

Our very strong recommendation will be to maintain the final issuance of the guidance in a form that is not regulatory. For a host of

strategic reasons, we are hopeful that there will be concurrence on this point among Leadership Conference members.

In addition to the guidance, itself, we are preparing a pamphlet of questions and answers to assist educators and parents in this area, as well as a more comprehensive information strategy to accompany the issuance of the guidance in final. We will meet on this, and related matters, in the coming weeks. In the meantime, we'd appreciate any ideas or suggestions you may have regarding our work in this area.

Thanks.

Art
205-9703