

TO: Tom Fagan
FROM: Mike Cohen
SUBJ: Draft Q's and A's on Specter amendments

Here are some thoughts on the draft you circulated last week:

1. We should probably not refer to these publically as the Specter Amendments, since it is sometimes helpful to let Mr. Istook take credit for them. Why not just refer to them as the amendments in the ombibus approps and reconciliation act?

2. **Alternative to Secretarial Approval.** I think we need to include a clear but brief statement that shows what the governor and chief are assuring, and what our expectations are regarding making the plan widely available to the public. This statement should be consistent with the provisions of the law, but be in clear, nonbureaucratic and legislative language. Its purpose is to make sure that those providing the assurances--and those who will be holding them accountable--have a good tool to use, to determine if the state plan reflects all it should.

I suggest something along the following lines (*I see the example below as illustrative--and it may not be entirely accurate*):

- **In states that use the alternative to Secretarial approval, the governor and the chief state school officer assure that the state's plan addresses:**
 - a process for developing state content and student performance standards, and for developing assessments aligned to these standards;
 - strategies for improving accountability for reaching the standards
 - strategies for enhancing parental and community involvement in education improvement
 - strategies for improving schools throughout the state education system
 - strategies for promoting local, grass roots education improvement
 - strategies for assisting schools in helping school dropouts return to school and reach state standards
 - strategies for coordinating the implementation of the state improvement plan with the states implementation of the federal school-to-work program
- **In states using this alternative, the state must make the plan widely available to the public. The intention is to underscore the accountability of state officials to the public. Therefore, the Secretary expects that states will, at a minimum:**
 - incorporate the plan into a single document that communicates clearly to parents, educators, business and community leaders, taxpayers and other interested parties;
 - distribute the plan widely, through a variety of communications channels such as the media, state and local organizations involving educators, parents, employers, grass roots community groups, etc....
 - have and use mechanisms for listening and responding to public input, etc...

--use a variety of mechanisms for keeping the public informed about progress in implementing the state improvement plan and improving student achievement

- **States using this alternative must submit to the Secretary benchmarks of improved student performance and indicators of progress in implementing the plan, when the plan is completed. (Need to fill in some detail here--see below)**

3. Benchmarks and timelines.

I think we need a different emphasis on benchmarks and timelines than is in the draft. I would emphasize that we expect states to indicate how they will determine improvements in student achievement from year to year--and how they will tell if they are making enough progress. I would also indicate that we expect them to identify the major implementation milestones they expect to reach, and how they will tell if they are reaching them.

I have not gone back to look at any earlier guidance we have provided on this topic, nor I have I looked at work by Jack McDonald, Alan Ginsburg, the Urban Institute, or examples of indicators from the approved state plans. I hope there are some things we can find from these efforts that will lead to some good clear illustrations.)

4. Direct Grants to LEA's--How the Department determined nonparticipating states

I believe that when we discussed this with Jack Kristy and Dennis, we agreed that we would not describe specific criteria, but instead make a judgment about a state based on its overall situation. This means that we looked at a number of things together to determine if a state was participating: had it applied for the funds, could it continue to apply, had it spent the funds it already received, did it have a planning panel and/or process in place?

I think the revised version needs to reflect this case-by-case judgment rather than identifying specific criteria

TO: Tom Fagan
FROM: Mike Cohen
SUBJ: Draft Q's and A's on Specter amendments

Here are some thoughts on the draft you circulated last week:

1. We should probably not refer to these publically as the Specter Amendments, since it is sometimes helpful to let Mr. Istook take credit for them. Why not just refer to them as the amendments in the ombinbus approps and reconciliation act?

2. **Alternative to Secretarial Approval.** I think we need to include a clear but brief statement that shows what the governor and chief are assuring, and what our expectations are regarding making the plan widely available to the public. This statement should be consistent with the provisions of the law, but be in clear, nonbureaucratic and legislative language. Its purpose is to make sure that thsoe providing the assurances--and those who will be holding them accountable--have a good tool to use, to determine if the state plan reflects all it should.

I suggest something along the following lines (*I see the example below as illustrative--and it may not be entirely accurate*):

- **In states that use the alternative to Secretarial approval, the governor and the chief state school officer assure that the state's plan addresses:**
 - a process for developing state content and student performance standards, and for developing assessments aligned to these standards;
 - strategies for improving accountability for reaching the standards
 - strategies for enhancing parental and community involvement in education improvement
 - strategies for improving schools throughout the state education system
 - strategies for promoting local, grass roots education improvement
 - strategies for assisting schools in helping school dropouts return to school and reach state standards
 - strategies for coordinating the implementation of the state improvement plan with the states implementation of the federal school-to-work program
- **In states using this alternative, the state must make the plan widely available to the public. The intention is to underscore the accountability of state officials to the public. Therefore, the Secretary expects that states will, at a minumum:**
 - incorporate the plan into a single document that communicates clearly to parents, educators, business and community leaders, taxpayers and other interested parties;
 - distribute the plan widely, through a variety of communications channels such as the media, state and local organizations involving educators, parents, employers, grass roots community groups, etc....
 - have and use mechanisms for listening and responding to public input, etc...

--use a variety of mechanisms for keeping the public informed about progress in implementing the state improvement plan and improving student achievement

- **States using this alternative must submit to the Secretary benchmarks of improved student performance and indicators of progress in implementing the plan, when the plan is completed. (Need to fill in some detail here--see below)**

3. Benchmarks and timelines.

I think we need a different emphasis on benchmarks and timelines than is in the draft. I would emphasize that we expect states to indicate how they will determine improvements in student achievement from year to year--and how they will tell if they are making enough progress. I would also indicate that we expect them to identify the major implementation milestones they expect to reach, and how they will tell if they are reaching them.

I have not gone back to look at any earlier guidance we have provided on this topic, nor I have I looked at work by Jack McDonald, Alan Ginsburg, the Urban Institute, or examples of indicators from the approved state plans. I hope there are some things we can find from these efforts that will lead to some good clear illustrations.)

4. Direct Grants to LEA's--How the Department determined nonparticipating states

I believe that when we discussed this with Jack Kristy and Dennis, we agreed that we would not describe specific criteria, but instead make a judgment about a state based on its overall situation. This means that we looked at a number of things together to determine if a state was participating: had it applied for the funds, could it continue to apply, had it spent the funds it already received, did it have a planning panel and/or process in place?

I think the revised version needs to reflect this case-by-case judgment rather than identifying specific criteria

TO: Tom Fagan
FROM: Mike Cohen
SUBJ: Draft Q's and A's on Specter amendments

Here are some thoughts on the draft you circulated last week:

1. We should probably not refer to these publically as the Specter Amendments, since it is sometimes helpful to let Mr. Istook take credit for them. Why not just refer to them as the amendments in the ombinbus approps and reconciliation act?

2. **Alternative to Secretarial Approval.** I think we need to include a clear but brief statement that shows what the governor and chief are assuring, and what our expectations are regarding making the plan widely available to the public. This statement should be consistent with the provisions of the law, but be in clear, nonbureaucratic and legislative language. Its purpose is to make sure that thsoe providing the assurances--and those who will be holding them accountable--have a good tool to use, to determine if the state plan reflects all it should.

I suggest something along the following lines (*I see the example below as illustrative--and it may not be entirely accurate*):

- **In states that use the alternative to Secretarial approval, the governor and the chief state school officer assure that the state's plan addresses:**
 - a process for developing state content and student performance standards, and for developing assessments aligned to these standards;
 - strategies for improving accountability for reaching the standards
 - strategies for enhancing parental and community involvement in education improvement
 - strategies for improving schools throughout the state education system
 - strategies for promoting local, grass roots education improvement
 - strategies for assisting schools in helping school dropouts return to school and reach state standards
 - strategies for coordinating the implementation of the state improvement plan with the states implementation of the federal school-to-work program
- **In states using this alternative, the state must make the plan widely available to the public. The intention is to underscore the accountability of state officials to the public. Therefore, the Secretary expects that states will, at a minumum:**
 - incorporate the plan into a single document that communicates clearly to parents, educators, business and community leaders, taxpayers and other interested parties;
 - distribute the plan widely, through a variety of communications channels such as the media, state and local organizations involving educators, parents, employers, grass roots community groups, etc....
 - have and use mechanisms for listening and responding to public input, etc...

--use a variety of mechanisms for keeping the public informed about progress in implementing the state improvement plan and improving student achievement

- **States using this alternative must submit to the Secretary benchmarks of improved student performance and indicators of progress in implementing the plan, when the plan is completed. (Need to fill in some detail here--see below)**

3. Benchmarks and timelines.

I think we need a different emphasis on benchmarks and timelines than is in the draft. I would emphasize that we expect states to indicate how they will determine improvements in student achievement from year to year--and how they will tell if they are making enough progress. I would also indicate that we expect them to identify the major implementation milestones they expect to reach, and how they will tell if they are reaching them.

I have not gone back to look at any earlier guidance we have provided on this topic, nor I have I looked at work by Jack McDonald, Alan Ginsburg, the Urban Institute, or examples of indicators from the approved state plans. I hope there are some things we can find from these efforts that will lead to some good clear illustrations.)

4. Direct Grants to LEA's--How the Department determined nonparticipating states

I believe that when we discussed this with Jack Kristy and Dennis, we agreed that we would not describe specific criteria, but instead make a judgment about a state based on its overall situation. This means that we looked at a number of things together to determine if a state was participating: had it applied for the funds, could it continue to apply, had it spent the funds it already received, did it have a planning panel and/or process in place?

I think the revised version needs to reflect this case-by-case judgment rather than identifying specific criteria

DRAFT QUESTIONS AND ANSWERS ON THE SPECTOR AMENDMENTS

Additional Ed/Flex States

1. How many additional states are authorized?

Six

2. Are they grouped by size?

No. Unlike the first six, there is no requirement that three be small and three be large states.

3. Must states have approved plans in order to qualify for ed/flex?

Yes. The alternative procedure for state plan certification explained below will not qualify states to apply for ed/flex. States wishing to apply for ed/flex must submit their plans to the department for review.

4. How will states be selected?

As with the first six, the department will process applications on a first come, first served basis from eligible states. Note that in order to be eligible, states must have an approved Goals 2000 plan.

Alternative to Secretarial Approval of State Plans for Continued Eligibility for Goals 2000 Funds

5. If States choose to not send their plan to the department for review and approval, what must they submit in order to receive funds?

As an alternative, states may submit:

(1) an assurance from the governor and chief state school officer that the state has a plan that meets the requirements of the Goals 2000 Act, that the plan is widely available throughout the state, and that any amendments to the plan will likewise meet the requirements and be made widely available; and

(2) benchmarks of improved student performance and of progress in implementing the plan, and timelines against which progress will be measured.

Please note that

~~We believe,~~ on the basis of information given us by states that have undergone ~~the~~ ~~that~~ The peer review process is helpful to the states and also to the reviewers. It's main purpose has been to

a peer review process.

make clear both are needed

stillon this??

give states feedback from a group of "critical friends" on their plans and implementation of them. Therefore, the department will offer to provide for states that choose the alternative procedure a similar peer review process that is not tied to Secretarial approval, but provides to those the same objective review and feedback for state use. As noted above, however, states that choose to use the alternative procedure will not be eligible to apply for ed/flex status.

6. What does the Department expect to receive as benchmarks and timelines?

7. Benchmarks are external (or, in some cases, internal) products or procedures against which the states' products or processes will be compared to determine their quality. For instance, a state that is developing content standards in mathematics may use the standards developed by the National Council for Teachers of Mathematics as the benchmark to which its own standards will be compared - are they at least as rigorous as those developed by NCTM? Or a state developing a writing assessment may use writing assessments developed by other states as benchmarks for comparison. Benchmarks illustrate the quality the state is striving for and provide a means to determine if that quality has been reached.

The department will expect states to submit the benchmarks they intend to use to determine the quality of their major activities and products, such as standards, assessments, professional development, and technical assistance.

Timelines
Timelines contain the schedule for completion of major activities in the plan as well as those for expected increases in student achievement - what the state will do when, and what results are expected at specific times throughout the plan development and/or implementation. While limited to major activities, the timeline should be specific enough to determine if regular progress in plan implementation is taking place. The timeline for expected improvement student achievement will be specifically tied to plan implementation and might include expected annual improvements in student performance after the plan has been implemented.

Direct Grants to Local Educational Agencies in States That Were Not Participating in Goals 2000 as of October 20, 1995

7. How will the department determine what states were not participating as of October 20, 1995?

There are three categories of states that meet the criterion:

(1) States that had never applied for Goals 2000 funds or were legally barred from participating as of the October 20th date;

(2) States that had formally informed the

Do we
care about
this?

Most
important!!

(Does have time)

Secretary prior to October 20 that they no longer wished to participate and did not do so; and

(3) States that had applied for and received funds, but did not spend them.

The department believes that the affected states are AL, MT, OK, NH, and VA.

8. If a state that was participating as of October 20, 1995, ~~but~~ chooses to withdraw later, ~~be able to have its~~ LEAs apply directly to the department for funds. *Can*

No.

9. How will LEAs in the affected states know if they are able to apply directly for funds?

The Department has contacted the affected states to ascertain if they will allow their LEAs to apply to the department for funds. LEAs in states that do allow such participation will be contacted by the department and perhaps by the SEA as well. *When must directly*

10. How will awards be made to LEAs in direct grant states?

distinct up in
Mention tie to state Standard!
The department will conduct a competitive grant process for each of the states. A notice inviting applications is expected to be published in late May with applications due on July 15. Awards will be made by September 30, 1996. Awards will be made for one year, with continuation awards available for an additional year. Continuation awards must be used to implement comprehensive improvement - grants for development of the plans are limited to one year. The notice will contain additional information, including the criteria by which applications will be judged, the necessary application forms, and the size and anticipated number of awards in each state. The department intends to send a copy of the notice to all LEAs in affected states.

11. When must funds be spent by LEAs that receive awards?

Awards will be made from the fiscal year 1995 appropriation and must be obligated by September 30, 1997. This date may NOT be extended. Continuation awards will be made from the fiscal year 1996 appropriation and must be obligated by September 30, 1998.

12. What activities may be carried out with these funds?

Awards are for the development and implementation of comprehensive education improvement plans, tied to bring all students to reaching the high standards of academic attainment the states and local communities have set for them. Where a state plan exists, local plans must support it. A further

description is included in the notice.

Use of Goals 2000 funds for technology

13. May Goals 2000 funds be used by LEAs to purchase technology, such as computers, and train staff in their use.

Yes, when the purchase and use of the technology is part of a comprehensive plan. At the heart of Goals 2000 is reform that is comprehensive (that is, covers all aspects of the educational effort) based on setting high standards in the core academic areas that all children are expected to reach. That plan may, and, in most cases should, include use of technology to help students learn the academic content. Since Goals 2000 funds may be used to carry out all or any part of a comprehensive plan, technology like other components such as professional development, is supportable. While the new amendment makes this clear, the department believes that it has always been allowable. Note that the development of the plan must come first.

Plan and Panel

OR ... other?



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

May 2, 1996

Dear Chief State School Officer:

I am writing to inform you of some important developments regarding the Goals 2000: Educate America Act that have occurred as a result of the 1996 Omnibus Appropriations Act, which President Clinton signed into law on April 26, 1996.

Most importantly, Congress, with President Clinton's strong support, has continued its bipartisan support for this very important program. In FY 1996, Goals 2000 is funded at \$350 million, just slightly less than current funding levels. These funds will be available to states beginning July 1. For your information, I have enclosed a table that shows the allotment for each state.

Second, Congress passed a package of amendments to the Goals 2000 Act as part of this appropriations bill. These amendments were authored by Senator Arlen Specter. Senator Specter's amendments were offered to respond to concerns raised in states that were not participating in Goals 2000. As Senator Specter said when he introduced the amendments in October 1995, "It is my view that there are no excessive intrusions at the present time. But in order to eliminate any concern about that issue, it was my thought that legislation might ease the concerns of some in the country who think there are too many intrusions."

I strongly believe that Goals 2000 is already being effectively implemented in most states and could continue to be implemented without any changes to the legislation. I also recognize that some provisions in Goals 2000 have been widely misunderstood.

I supported Senator Specter's objective in introducing his legislation and found the amendments he proposed acceptable. They make adjustments in the operation of Goals 2000, without in any way altering its fundamental purpose of helping local communities and states improve student achievement. They honor the fundamental principles on which Goals 2000 is based:

challenging academic standards for all students as the basis for state and local education improvement strategies, state and local control of education, broad-based involvement in education reform, and accountability for results.

I have enclosed a brief summary of these amendments, as well as the specific legislative language. Briefly, these amendments:

- o eliminate the authority to establish the National Education Standards and Improvement Council (NESIC), which was never established;
- o eliminate all references to opportunity-to-learn standards;
- o maintain the requirement that states and local school districts participating in Goals 2000 establish broad-based planning panels, while eliminating more detailed requirements for their composition or operation;
- o provide states with an alternative to federal review and approval of state education improvement plans, while maintaining appropriate accountability;
- o permit local school districts in states that were not participating in the Goals 2000 program as of October 20, 1995 to apply directly to the U.S. Department of Education for part of a state's share of Goals 2000 funds, subject to the approval of the state education agency; and
- o clarify that Goals 2000 does not require outcomes-based education, school-based health clinics, or other controversial practices.

In addition, Senator Hatfield authored an amendment to the Goals 2000 Act that authorizes an additional six states to participate in the Ed-Flex demonstration program. As you know, this program enables me to delegate to state education agencies the authority to waive statutory and regulatory requirements in selected federal education programs. Six states -- Kansas, Massachusetts, Ohio, Oregon, Texas and Vermont -- have already been selected for this program. Unlike the initial selection, there is no requirement that the next six states be divided evenly between small and large states. As in the past, states must have an approved Goals 2000 plan in order to be eligible to participate.

Page 3

In the near future, the Office of Elementary and Secondary Education will provide more specific guidance on the implementation of these provisions. Until then, if you or your staff have any questions regarding the implications of these amendments to Goals 2000, please call Mike Cohen, my Senior Advisor on Education Reform, at (202) 401-3385.

Yours sincerely,


Richard W. Riley

Enclosures

AMENDMENTS TO GOALS 2000: EDUCATE AMERICA ACT.
1996 Omnibus Appropriations Act

o Authorization of Six Additional ED-Flex States

The Secretary of Education is authorized to select an additional six states to participate in the ED-Flex demonstration program. This program allows the Secretary to delegate to state education agencies the authority to waive statutory and regulatory requirements in most federal education programs. State agencies may then waive federal requirements for local districts and schools if these requirements interfere with state or local approaches to improving student achievement.

States must have an approved Goals 2000 education improvement plan in order to be eligible to apply for Ed-Flex.

Kansas, Massachusetts, Ohio, Oregon, Texas and Vermont are currently participating in Ed-Flex.

o Repeal of the National Education Standards and Improvement Council

The provisions in Goals 2000 to establish the National Education Standards and Improvement Council (NESIC) are repealed. The Council would have been responsible for reviewing and approving voluntary national standards. No state would be required to use standards certified by NESIC, and no federal funding could be tied to the use of standards recognized by NESIC.

At the request of Secretary Riley and the members of the National Education Goals Panel, President Clinton agreed last year not to appoint members to NESIC, pending Congressional action to repeal the authority to establish NESIC.

o Elimination of Opportunity-to-Learn Standards

The authority to establish voluntary model national opportunity-to-learn standards and the requirement that states describe the "standards or strategies" to provide all students an opportunity-to-learn the content in state academic standards have been repealed.

o Elimination of Specific Panel Composition Requirements

The specific requirements governing the composition of the Goals 2000 state planning panels and local planning panels have been eliminated. The Act now provides simply that state plans must be developed by a broad-based state panel in cooperation with the state education agency and the governor.

o Establishment of Alternative to Federal Approval of State Education Improvement Plan Based on Increased Accountability to the Public in Each State

States are required to complete the development of an education improvement plan, based on challenging academic standards, in order to be eligible for continued funding after two years of participation in Goals 2000. As initially enacted, Goals 2000 provided that this plan be reviewed by a nonfederal panel of educators, business leaders and others involved in education reform, and approved by the Secretary of Education based on a recommendation of this panel.

States may continue to rely on this procedure. As an alternative to submitting its education improvement plan to the Secretary, a state may instead:

(1) submit an assurance from the Governor and the chief state school officer that it has a completed plan that meets the requirements of the Goals 2000 Act;

(2) make its education improvement plan, and the indicators it will use to judge progress in implementing the plan, widely available to the public within the state; and

(3) report annually to the public on progress the state is making in meeting its indicators of progress.

Twenty states have already completed state education improvement plans and submitted them to the U.S. Department of Education for review. Each of these states has received approval of its plan, and none has been required to change its plan in order to gain approval. States have benefitted from feedback and the interaction with an external review panel comprised of experts who become familiar with the state plan.

o Direct Grants to Local Education Agencies in Nonparticipating States

Local education agencies in any state that was not participating in Goals 2000 as of October 20, 1995 may, with the approval of the state education agency, apply directly to the U.S. Department of Education for a portion of their state's Goals 2000 allotment.

States covered by this provision will be notified in the next several days of the procedures that will be used to administer the local grants program. There will be only a brief period for state education agencies to determine whether to approve local participation in Goals 2000, because of the need to complete a grants competition by September 30, the end of the fiscal year.

o Clarification regarding Outcomes-Based Education, School-Based Health Clinics, or Social Services

The amendments expressly state that Goals 2000 may not be construed to require a state, local education agency, or a school, as a condition of receiving Goals 2000 assistance, to provide --

- (1) outcomes-based education;
- (2) school-based health clinics, or social services.

o Clarification on Use of Funds for Technology

The amendments clarify that Goals 2000 funds may be used for the acquisition of technology and the use of technology-enhanced curricula and instruction.

subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(2) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(c) For purposes of this section the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

(d) The Secretary of Health and Human Services shall commence carrying out this section not later than 90 days after the date of enactment of this Act.

TITLE VI—ADDITIONAL APPROPRIATIONS

SEC. 601. In addition to amounts otherwise provided in this Act, the following amounts are hereby appropriated as specified for the following appropriation accounts: Health Care Financing Administration, "Program Management", \$396,000,000; and Office of the Secretary, "Office of Inspector General", \$22,330,000, together with not to exceed \$20,670,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

SEC. 602. Appropriations and funds made available pursuant to section 601 of this Act shall be available until enactment into law of a subsequent appropriation for fiscal year 1996 for any project or activity provided for in section 601.

TITLE VII—AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

SEC. 701. ELIMINATION OF THE NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL AND OPPORTUNITY-TO-LEARN STANDARDS.

The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is amended—

(1) by repealing part B of title II (20 U.S.C. 5841 et seq.);

(2) by redesignating parts C and D of title II (20 U.S.C. 5861 et seq. and 5871 et seq.) as parts B and C, respectively, of title II; and

(3) in section 241 (20 U.S.C. 5871)—

(A) in subsection (a), by striking "(a) NATIONAL EDUCATION GOALS PANEL"; and

(B) by striking subsections (b) through (d).

SEC. 702. STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT.

(A) PANEL COMPOSITION; OPPORTUNITY-TO-LEARN STANDARDS; AND SUBMISSION OF PLAN TO THE SECRETARY FOR APPROVAL—

(1) STATE IMPROVEMENT PLAN.—Section 306 of the Goals 2000: Educate America Act (20 U.S.C. 5886) is amended—

(A) by amending subsection (b) to read as follows:

"(b) PLAN DEVELOPMENT.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor."

(B) by striking subsection (d).

(b) LOCAL PANEL COMPOSITION.—Section 309(a)(3)(A) of such Act (20 U.S.C. 5889(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking "that—" and inserting a semicolon; and

(2) by striking clauses (i) and (ii).

SEC. 703. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—

(1) The table of contents for the Goals 2000: Educate America Act is amended, in the items relating to title II—

(A) by striking the items relating to part B;

(B) by striking "Part C" and inserting "Part B"; and

(C) by striking "Part D" and inserting "Part C".

(2) Section 2 of such Act (20 U.S.C. 5801) is amended—

(A) in paragraph (4)—

(i) in subparagraph (B), by inserting "and" after the semicolon;

(ii) by striking subparagraph (C); and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(B) in paragraph (6)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (D) through (F) as subparagraphs (C) through (E), respectively.

(3) Section 3(a) of such Act (20 U.S.C. 5802) is amended—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8) through (14) as paragraphs (7) through (13), respectively.

(4) Section 201(3) of such Act (20 U.S.C. 5821(3)) is amended by striking "voluntary national student performance" and all that follows through "such Council" and inserting "and voluntary national student performance standards".

(5) Section 202(j) of such Act (20 U.S.C. 5822(j)) is amended by striking "student performance, or opportunity-to-learn" and inserting "or student performance".

(6) Section 203 of such Act (20 U.S.C. 5823) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (2) and (3);

(ii) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively; and

(iii) by amending paragraph (2) (as redesignated by clause (ii)) to read as follows:

"(2) review voluntary national content standards and voluntary national student performance standards"; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by inserting "and" after the semicolon;

(ii) in subparagraph (B), by striking "and" and inserting a period; and

(iii) by striking subparagraph (C).

(7) Section 204(a)(2) of such Act (20 U.S.C. 5824(a)(2)) is amended—

(A) by striking "voluntary national opportunity-to-learn standards"; and

(B) by striking "described in section 213(f)".

(8) Section 304(a)(2) of such Act (20 U.S.C. 5884(a)(2)) is amended—

(A) in subparagraph (A), by adding "and" after the semicolon;

(B) in subparagraph (B), by striking "and" and inserting a period; and

(C) by striking subparagraph (C).

(9) Section 306(o) of such Act (20 U.S.C. 5886(o)) is amended by striking "State opportunity-to-learn standards or strategies".

(10) Section 308 of such Act (20 U.S.C. 5888) is amended—

(A) in subsection (b)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking "State opportunity-to-learn standards"; and

(ii) in subparagraph (A), by striking "including—" and all that follows through "part B of title II"; and inserting "including through consortia of States"; and

(B) in subsection (c), by striking "306(b)(1)" and inserting "306(b)".

(11) For the purpose of expanding the use and availability of computers and computer technology, Section 309(a)(6)(A)(ii) of such Act (20 U.S.C. 5889(a)(6)(A)(ii)) is amended by inserting

after "new public schools" the following: "and the acquisition of technology and use of technology-enhanced curricula and instruction".

(12) Section 312(b) of such Act (20 U.S.C. 5892(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(13) Section 314(a)(6)(A) of such Act (20 U.S.C. 5894(a)(6)(A)) is amended by striking "certified by the National Education Standards and Improvement Council and".

(14) Section 315 of such Act (20 U.S.C. 5895) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(C), by striking "including the requirements for timetables for opportunity-to-learn standards";

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(iv) in paragraph (1)(A), by striking "paragraph (4) of this subsection" and inserting "paragraph (3)";

(v) in paragraph (2) (as redesignated by clause (iii))—

(I) by striking subparagraph (A);

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (A) (as redesignated by subclause (II)) by striking "voluntary natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of title II of this Act" and inserting "and voluntary national student performance standards";

(vi) in subparagraph (B) of paragraph (3) (as redesignated by clause (iii)), by striking "paragraph (5)", and inserting "paragraph (4)"; and

(vii) in paragraph (4) (as redesignated by clause (iii)), by striking "paragraph (4)" each place it appears and inserting "paragraph (3)";

(B) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking "subsection (b)(4)" and inserting "subsection (b)(3)"; and

(ii) by striking "and to provide a framework for the implementation of opportunity-to-learn standards or strategies"; and

(C) in subsection (f), by striking "subsection (b)(4)" each place it appears and inserting "subsection (b)(3)".

(15) Section 316 of such Act (20 U.S.C. 5896) is repealed.

(B) The table of contents for such Act is amended by striking the item relating to section 316.

(16) Section 317 of such Act (20 U.S.C. 5897) is amended—

(A) in subsection (d)(4), by striking "promote the standards and strategies described in section 306(d)"; and

(B) in subsection (e)—

(i) in paragraph (2), by inserting "and" after the semicolon;

(ii) by striking paragraph (3); and

(iii) by redesignating paragraph (4) as paragraph (3).

(17) Section 503 of such Act (20 U.S.C. 5933) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "27" and inserting "27";

(II) by striking subparagraph (D); and

(III) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively;

(ii) in paragraphs (2), (3), and (5), by striking "subparagraphs (E), (F), and (G)" each place it appears and inserting "subparagraphs (D), (E), and (F)";

(iii) in paragraph (2), by striking "subparagraph (G)" and inserting "subparagraph (F)";

(iv) in paragraph (4), by striking "(C), and (D)" and inserting "and (C)"; and

(v) in the matter preceding subparagraph (A) of paragraph (5), by striking "subparagraph

(E), (F), or (G)" and inserting "subparagraph (D), (E), or (F)"; and

(B) in subsection (e)—

(i) in paragraph (1)(B), by striking "subparagraph (E)" and inserting "subparagraph (D)"; and

(ii) in paragraph (2), by striking "subparagraphs (E), (F), and (G)" and inserting "subparagraphs (D), (E), and (F)".

(18) Section 504 of such Act (20 U.S.C. 5934) is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended—

(A) in subsection (b)(8)(B), by striking "(which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act)";

(B) in subsection (f), by striking "opportunity-to-learn standards or strategies";

(C) by striking subsection (g); and

(D) by redesignating subsection (h) as subsection (g).

(2) Section 1116 of such Act (20 U.S.C. 6317) is amended—

(A) in subsection (c)—

(i) in paragraph (2)(A)(i), by striking all beginning with "which may" through "Act"; and

(ii) in paragraph (5)(B)(i)—

(i) in subclause (VI), by inserting "and" after the semicolon;

(ii) in subclause (VII), by striking "and"; and

(iii) by striking subclause (VIII); and

(B) in subsection (d)—

(i) in paragraph (4)(B), by striking all beginning with "and may" through "Act"; and

(ii) in paragraph (6)(B)(i)—

(i) by striking subclause (IV); and

(ii) by redesignating subclauses (V) through (VIII) as subclauses (IV) through (VII), respectively.

(3) Section 1501(a)(2)(B) of such Act (20 U.S.C. 6481(a)(2)(B)) is amended—

(A) by striking clause (v); and

(B) by redesignating clauses (vi) through (z) as clauses (v) through (iz), respectively.

(4) Section 10101(b)(1)(A)(i) of such Act (20 U.S.C. 8001(b)(1)(A)(i)) is amended by striking "and opportunity-to-learn standards or strategies for student learning".

(5) Section 14701(b)(1)(B)(v) of such Act (20 U.S.C. 8941(b)(1)(B)(v)) is amended by striking "the National Education Goals Panel," and all that follows through "assessments" and inserting "and the National Education Goals Panel".

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 428 of the General Education Provisions Act (20 U.S.C. 1228b), as amended by section 237 of the Improving America's Schools Act of 1994 (Public Law 103-382), is amended by striking "the National Education Standards and Improvement Council,".

(d) EDUCATION AMENDMENTS OF 1978.—Section 1121(b) of the Education Amendments of 1978 (25 U.S.C. 2001(b)), as amended by section 381 of the Improving America's Schools Act of 1994 (Public Law 103-382), is amended by striking "213(a)" and inserting "203(a)(2)".

SEC. 704. DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 304 of the Goals 2000: Educate America Act (20 U.S.C. 5884) is amended by adding at the end the following new subsection:

"This Act may be cited as the 'Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996'."

"(e) DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—Notwithstanding subsection (c), if a State educational agency was not par-

ticipating in the program under this section as of October 20, 1995, and the State educational agency approves, the Secretary shall use all or a portion of the allotment that the State would have received under this section for a fiscal year to award grants to local educational agencies in the State that have approved applications under paragraph (2) for such fiscal year.

"(2) APPLICATION.—Any local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary that is consistent with the provisions of this Act and shall notify the State educational agency of such application in accordance with paragraph (1). The Secretary may establish a deadline for the submission of such applications.

"(3) AWARD BASIS.—The Secretary may use the student enrollment of a total educational agency or other factors as a basis for awarding grants under this subsection."

SEC. 705. ALTERNATIVE TO SECRETARIAL APPROVAL OF STATE PLANS.

(a) STATE IMPROVEMENT PLANS.—Section 306(n) of the Goals 2000: Educate America Act (20 U.S.C. 5886(n)) is amended by adding at the end the following new paragraph:

"(4) ALTERNATIVE SUBMISSION.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, any State educational agency that wishes to receive an allotment under this title after the first year such State educational agency receives such an allotment may, in lieu of submitting its State improvement plan for approval by the Secretary under this subsection and section 305(c)(2), or submitting major amendments to the Secretary under subsection (p), provide the Secretary, as part of an application under section 305(c) or as an amendment to a previously approved application—

"(i) an assurance, from the Governor and the chief State school officer of the State, that—

"(I) the State has a plan that meets the requirements of this section and that is widely available throughout the State; and

"(II) any amendments the State makes to the plan will meet the requirements of this section; and

"(ii) the State's benchmarks of improved student performance and of progress in implementing the plan, and the timelines against which the State's progress in carrying out the plan can be measured.

"(B) ANNUAL REPORT.—Any State educational agency that chooses to use the alternative method described in paragraph (1) shall annually report to the public summary information on the use of funds under this title by the State and local educational agencies in the State, as well as the State's progress toward meeting the benchmarks and timelines described in subparagraph (A)(ii)."

(b) STATE APPLICATIONS.—Section 305(c)(2) of such Act (20 U.S.C. 5885(c)(2)) is amended by inserting "except in the case of a State educational agency submitting the information described in section 306(n)(4)," before "include".

(c) SECRETARY'S REVIEW OF APPLICATIONS.—Section 307(b)(1) of such Act (20 U.S.C. 5887(b)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking "and" after the semicolon and inserting "or"; and

(3) by adding at the end the following new subparagraph:

"(C) the State educational agency has submitted the information described in section 306(n)(4); and"

(d) PROGRESS REPORTS.—The matter preceding paragraph (1) of section 312(a) of such Act (20 U.S.C. 5892(a)) is amended by striking "Each" and inserting "Except in the case of a State educational agency submitting the information described in section 306(n)(4), each".

SEC. 706. LIMITATIONS.

Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.) is further amended by adding at the end the following new section:

SEC. 320. LIMITATIONS.

"(a) PROHIBITED CONDITIONS.—Nothing in this Act shall be construed to require a State, a local educational agency, or a school, as a condition of receiving assistance under this title—

"(1) to provide outcomes-based education; or

"(2) to provide school-based health clinics or any other health or social service.

"(b) LIMITATION ON GOVERNMENT OFFICIALS.—Nothing in this Act shall be construed to require or permit any Federal or State official to inspect a home, judge how parents raise their children, or remove children from their parents, as a result of the participation of a State, local educational agency, or school in any program or activity carried out under this Act."

(c) For programs, projects or activities in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); \$18,331,561,000, to remain available until expended: Provided, That not to exceed \$25,180,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992 (38 U.S.C. chapter 55): Provided further, That \$12,000,000 previously transferred from "Compensation and pensions" to "Medical facilities revolving fund" shall be transferred to this heading.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), \$1,345,300,000, to remain available until expended: Provided, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 96-77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities,

EDUCATION REFORM

Goals 2000: State and Local Education Systemic Improvement

State or Outlying Area	1995 Appro. for 1996	1996 Estimate for 1997	1997 Request for 1998
Alabama	\$5,941,766	\$5,675,986	\$7,895,690
Alaska	1,547,345	1,437,296	2,015,509
Arizona	5,450,582	5,038,557	7,220,860
Arkansas	3,650,495	3,434,819	4,800,139
California	42,111,705	39,211,219	54,798,617
Colorado	4,288,514	3,922,624	5,585,002
Connecticut	3,460,756	3,149,595	4,453,445
Delaware	1,291,544	1,242,928	1,742,164
Florida	15,861,034	14,713,635	20,880,761
Georgia	8,959,402	8,515,014	12,097,369
Hawaii	1,381,641	1,307,668	1,830,605
Idaho	1,568,397	1,478,175	2,072,739
Illinois	15,992,571	15,050,826	20,965,086
Indiana	6,557,145	6,280,894	8,734,445
Iowa	3,219,618	3,077,877	4,261,417
Kansas	3,193,916	3,099,621	4,350,864
Kentucky	5,775,274	5,549,490	7,709,898
Louisiana	7,968,128	7,642,099	10,577,254
Maine	1,647,540	1,535,403	2,147,204
Maryland	5,379,938	5,016,113	7,070,017
Massachusetts	6,990,859	6,242,461	8,845,858
Michigan	14,371,488	13,653,547	19,081,265
Minnesota	5,377,078	5,062,092	7,103,635
Mississippi	5,094,972	4,864,881	6,746,306
Missouri	6,525,935	6,132,073	8,574,360
Montana	1,560,150	1,459,914	2,044,513
Nebraska	1,986,104	1,834,350	2,661,199
Nevada	1,419,052	1,303,042	1,868,241
New Hampshire	1,290,294	1,232,612	1,728,084
New Jersey	8,792,536	7,904,169	11,130,562
New Mexico	2,782,261	2,610,240	3,691,669
New York	27,112,295	25,358,328	35,384,032
North Carolina	7,745,087	7,280,313	10,327,046
North Dakota	1,340,576	1,259,984	1,765,253
Ohio	14,833,684	14,226,873	19,844,608
Oklahoma	4,396,613	4,176,732	5,822,424
Oregon	4,012,392	3,799,963	5,312,803
Pennsylvania	15,529,194	14,454,447	20,258,933
Rhode Island	1,480,004	1,359,668	1,902,901
South Carolina	4,710,359	4,511,625	6,263,574
South Dakota	1,412,549	1,309,917	1,836,220
Tennessee	6,387,802	5,999,453	8,432,635
Texas	29,228,278	27,187,479	38,181,903
Utah	2,587,039	2,452,958	3,429,258
Vermont	1,272,847	1,225,743	1,717,476
Virginia	6,658,924	6,200,305	8,704,627
Washington	6,328,974	6,056,946	8,492,110
West Virginia	2,799,259	2,788,423	3,829,992
Wisconsin	6,582,097	6,320,177	8,806,412
Wyoming	1,262,907	1,224,150	1,715,593
District of Columbia	1,523,409	1,353,218	1,895,093
Puerto Rico	9,608,968	9,064,078	12,632,327
American Samoa	184,247	173,864	247,560
Northern Marianas	102,549	96,770	137,787
Guam	194,658	183,688	261,548
Virgin Islands	380,157	358,733	510,788
Palau	102,549	79,187	52,791
Marshall Islands	102,549	96,770	137,787
Micronesia	302,433	285,389	406,357
BIA & Alaska Federation of Natives	2,249,558	2,125,600	3,005,382
Subtotal, Outlying Area, BIA, & AFN	3,618,700	3,400,000	4,760,000
Peer Review		300,000	
Total	361,870,000	340,000,000	476,000,000



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

June 17, 1996

MEMORANDUM

TO: Dennis Koeppel
Tom Fagan

FROM: ^{MC} Mike Cohen

SUBJECT: Q&A's for Goals 2000 amendments

Attached are marked up copies of the Q&A for the Goals 2000 amendments from me and separately from Jennifer. I basically agree with her suggestions. In addition, I've got two concerns that I think are not adequately addressed in this document--though I do not believe that this document alone is the vehicle for fully addressing them.

1. Reporting Requirements: The document accurately reflects the somewhat confused reporting requirements for states seeking and receiving approval of improvement plans, and those certifying the plans themselves. However, it also creates the impression that the Department will not require states in either category to account to the federal government each year for how they use Goals 2000 funds, at least by telling us which LEA's received the funds and how they were used. This is a big mistake--it creates the impression that there is no accountability, and it leaves us without information we desperately need. At a minimum, we must require this information from states when they apply for funds, and the Q&A should convey this expectation--or at least not preclude it.

2. Encouraging review of state plans. The document has a Q&A intended to permit us to encourage states that will not seek ED approval of its plan to undertake a peer review anyway. As an editorial matter, I think the Q&A format is a bit contrived, and suggest we drop it in favor of a more straightforward statement. We also need to indicate that we are prepared to be more flexible than the current text does.

We should have a strong statement that encourages peer reviews, explains clearly why they are valuable based on the experience of nearly 20 states, and indicates that ED is prepared to help in a number of ways, including (1) coordinating the review (if necessary, without receiving a copy of the feedback to the state); (2) providing funds to help underwrite the review; (3) suggesting reviewers to the state for its own review; (4) providing the state with the guidance document we have developed, for the state's own use; (5) helping a state design a peer review that meets its own unique needs.

Page 2

I also think we need an aggressive strategy for encouraging states to use a peer review, well beyond this document. I know that Tom's staff will offer this to states as they complete their plans. You might also want to put together a brief document describing the experience of other states, and maybe featuring testimonials or other statements of support from chiefs, gov's advisors, etc. This will take some thoughtful marketing in order to work.

Attachment

cc: Jennifer Davis
Gerry Tirozzi

GUIDANCE ON THE GOALS 2000 AMENDMENTS

INTRODUCTION

On April 26, 1996, the President signed into the law the Omnibus Consolidated Rescissions and Appropriations Act of 1996, which, among other things, amended portions of Title III of the Goals 2000: Educate America Act. As the Secretary explained in his May 2, 1996 letter to Chief State School Officers, the amendments made certain adjustments in the operation of Goals 2000, while honoring the fundamental principles on which Goals 2000 is based: challenging academic standards for all students, state and local control of education, broad-based involvement in education reform, and accountability for results.

This guidance addresses the changes to and clarifications in the Title III legislation. Attached to the guidance is a complete copy of ~~Title III~~ as amended (Attachment A). *the Goals*

A. ADDITIONAL ED-FLEX STATES AUTHORIZED

Before Ed-Flex Ed-Flex in a demonstration program through which Secretary delegates authority provided by CSEA to SEAs

1. How many State educational agencies (SEAs) may be delegated Ed-Flex waiver authority?

The Secretary is authorized to delegate Ed-Flex waiver authority to SEAs in up to twelve states. Six Ed-Flex designations were authorized in the original Goals 2000 legislation, and an additional six have been authorized by the 1996 Omnibus Appropriations Act.

2. How many SEAs have been delegated Ed-Flex authority to date?

Seven SEAs have been delegated Ed-Flex authority. The six original Ed-Flex states are Kansas, Massachusetts, Ohio, Oregon, Texas and Vermont. Maryland recently received one of the six newly authorized Ed-Flex designations. Applications from two additional SEAs are currently being reviewed by the Department.

3. The six Ed-Flex designations that were authorized in the original Goals 2000 legislation had to be awarded to SEAs in three large states (states with populations of 3.5 million or greater) and three small states (states with populations of less than 3.5 million).

Does this same distinction govern the six additional Ed-Flex designations that are now authorized?

No. Unlike the first six Ed-Flex designations, there is no requirement that the additional six designations be divided evenly among SEAs in large and small states.

4. Other than increasing the number of Ed-Flex states authorized, did the Appropriations Act make other changes to the Ed-Flex authority?

No. The Appropriations Act simply increased the number of Ed-Flex states that are authorized. All other aspects of Ed-Flex -- including the criteria for approval of Ed-Flex plans and the programs for which waivers are authorized -- remain unchanged.

5. What criteria govern the selection of Ed-Flex states?

The new Ed-Flex designations, like the original selections, will be made on the basis of the criteria in section 311(e)(4)(B) of the Goals 2000: Educate America Act. The Secretary will approve an Ed-Flex application from an eligible SEA only if he determines that the application demonstrates substantial promise of assisting the SEA and affected local educational agencies (LEAs) and schools in carrying out comprehensive educational reform and meeting the purposes of the Goals 2000: Educate America Act. Potential applicants are encouraged to review the attached notice inviting Ed-Flex applications that was published in the Federal Register last year (Attachment B). This notice discusses in detail the Ed-Flex criteria.

6. Must an SEA have its Goals 2000 state improvement plan approved by the Secretary in order to qualify for Ed-Flex?

Yes. In order to qualify for Ed-Flex, an SEA must have its state improvement plan approved by the Secretary. SEAs that follow the new alternative submission procedures discussed below, rather than submit their state plans to the Secretary for approval, are not eligible for Ed-Flex.

7. The statute authorizes only a limited number of Ed-Flex designations. How precisely will an SEA's priority order for Ed-Flex be determined?

The Ed-Flex designations will continue to be made on a "first-come, first-serve" basis. The first SEAs to meet the Ed-Flex criteria will be granted Ed-Flex authority, until all of the authorized Ed-Flex designations are made. An SEA's priority order for Ed-Flex will be set according to when it has both received Secretarial approval of its Goals 2000 state plan and submitted a complete, approvable Ed-Flex application. The Department will review and approve state plans in the order in which they are received. So long as an SEA's complete Ed-Flex plan is received by the time its Goals 2000 state plan is approved, the Ed-Flex plan will be considered immediately following state plan approval. If the Ed-Flex plan is received at some point after state plan approval, or requires substantial revisions, it will be considered at the later time.

8. If a state is not participating in Ed-Flex, can the state and its districts and schools still receive waivers of Federal education requirements?

Yes. Eligible applicants may seek waivers under the general waiver authorities in Goals 2000, the Elementary and Secondary Education Act, and the School-to-Work Opportunities Act.

B. ALTERNATIVE TO SECRETARIAL APPROVAL OF STATE PLANS AND REVISED REPORTING OBLIGATIONS

1. Is an SEA required to submit its Goals 2000 state plan to the Secretary for review and approval in order to receive continued Goals 2000 funding?

No. An SEA may submit its Goals 2000 state plan ~~(or major amendments to the state plan)~~ to the Secretary for review and approval, but is not required to do so in order to receive continued Goals 2000 funding. In lieu of submitting a plan ~~(or major amendments to the plan)~~, an SEA may submit --

- (a) an **assurance** from the governor and chief state school officer that it has a plan that meets the requirements of the Act and that is widely available throughout the state, and that any amendments to the plan will meet these requirements; and
- (b) **benchmarks** of improved student performance and of progress in implementing the plan, and **timelines** against which progress can be measured.

2. In states that use the alternative to Secretarial approval, what is the significance of the assurance submitted by the governor and chief state officer?

The governor and chief state school officer are assuring that the plan meets the requirements of section 306 of the Act. In particular, they are assuring that the plan includes:

- o a process for developing or adopting state content and student performance standards, and for developing and implementing assessments aligned to these standards;

Since we don't have what a major amendment would be, we will probably never see one. Do we still need the language in (1)?

- o strategies for increasing accountability for results;
- o strategies for enhancing parental and community involvement in education improvement;
- o strategies for improving all schools throughout the state education system;
- o strategies for assisting districts and schools in bringing back students who have dropped out of school and in helping these students reach the state standards; and
- o strategies for coordinating the implementation of the state improvement plan with the state's implementation of the Carl D. Perkins Vocational and Applied Technology program and the federal School-to-Work program.

3. What strategies might an SEA use to make its state plan "widely available" throughout the state?

Each SEA will determine the particular strategies to be used to make its plan widely available throughout the state. The intent of this requirement is to underscore the accountability of state officials to the public. Therefore, the Secretary expects that states will, at a minimum:

- o incorporate the plan into a document that *is easily accessible and* communicates clearly the state's education improvement strategies to parents, educators, business and community leaders, taxpayers, and other interested parties;
- o distribute the plan to the public, parents, and various stakeholders through a variety of communications channels, such as the media, computer technology, state and local organizations involving educators, parents, employers, community organizations, and other methods;
- o use mechanisms for effectively soliciting and responding to input from parents, educators, business groups, and others; and
- o use mechanisms for effectively keeping the public informed about progress in implementing the state improvement plan and improving student achievement.

4. Are there any circumstances under which an SEA is required to have its state plan approved by the Secretary?

Yes. An SEA is required to have its Goals 2000 state plan approved by the Secretary if it wishes to be considered for the Ed-Flex demonstration. The alternative submission procedure described above (involving the submission of assurances, benchmarks, and timelines) does not qualify an SEA to apply for Ed-Flex.

5. If a state chooses the alternative to Secretarial approval of its state plan, may the SEA and its school districts or schools still seek waivers under the general waiver authority in section 311 of the Goals 2000 Act?

Yes. Waivers under the Goals 2000 general waiver authority are available if the state has an approved Goals 2000 state plan or if the state participates in Goals 2000 through the alternative submission process.

6. If an SEA chooses not to submit its state plan for formal approval by the Secretary, may it still avail itself of the benefits of the peer review process? - Maybe we should just encourage state to undertake review process, without continuing question

Yes. SEAs that have had their state plans peer-reviewed have found the process to be very helpful. Under this process, state plans are reviewed by broad-based panels that include classroom teachers, educators, experts on educational reform, policymakers, advocates, and others. The reviewers engage in discussions with state and local officials, including those involved in designing the plan, and offer a constructive critique of the plan.

The Department encourages SEAs to have their state plans peer reviewed, even if they do not intend to seek formal approval of their plans. For SEAs that request the service, the Department will coordinate peer review of their state plans.

7. What reporting requirements govern SEAs that receive Goals 2000 funding?

The following reporting provisions govern SEAs participating in Goals 2000:

- (a) An SEA that chooses the alternative submission method report annually to the public summary information on the use of Goals 2000 funds by the SEA and LEAs in the state, as well as the state's progress in meeting the benchmarks and timelines of its state plan. ~~(The Secretary encourages these SEAs also to submit annually to the Department information on the progress they have made under Goals 2000.)~~
- (b) An SEA that submits its state plan to the Secretary for review and approval reports annually to the Secretary regarding --
 - (1) progress in meeting state goals and plans;
 - (2) proposed state activities for the succeeding year; and
 - (3) in summary form, the progress of LEAs in meeting local goals and plans and increasing student learning.

SEAs that receive Ed-Flex waiver authority are required, in accordance with section 311(e)(6) of the Goals 2000 legislation, to submit to the Secretary an annual report regarding their monitoring of activities of LEAs and schools that receive waivers under Ed-Flex. The Department will be issuing separate guidance on the Ed-Flex reporting requirements.

We need some way of requiring state to tell us - ① what LEA's received it
② what has been done with them

C. COMPOSITION OF STATE AND LOCAL PANELS

1. What requirements govern the composition of Goals 2000 state panels?

Goals 2000 state plans must be developed by a "broad-based State panel in cooperation with the State educational agency and the Governor." The specific subparts of section 306(b) of the original Goals 2000 legislation, which governed the selection, composition, and outreach activities of state panels, have been eliminated by the Goals 2000 amendments. Each state decides for itself the process for selecting and appointing a broad-based panel. The statute no longer requires that half of the members be appointed by the chief state school officer and the other half by the governor. Similarly, there are no longer specific requirements concerning who must be represented on the panel or with whom the panel must consult. The amendments, however, have retained as a fundamental requirement of all state panels that the panels be "broad-based".

2. What requirements govern the composition of local panels?

A local improvement plan under Goals 2000 must also be developed by a "broad-based" panel. The specific local panel composition requirements that were included in section 309(a)(3)(A) of the original Goals 2000 legislation have been eliminated.

D. USE OF GOALS 2000 FUNDS FOR TECHNOLOGY

1. May Goals 2000 funds be used to acquire technology and for technology-enhanced curricula and instruction?

Goals 2000 funds support the development and implementation of comprehensive state and local improvement plans to help all children reach challenging academic standards. The plans may, and in most cases should, include the use of technology to improve teaching and learning. Thus, as was the case prior to the recent amendments, Goals 2000 funds may be expended on computer hardware and software and other technology, so long as the purchase and use of technology is part of the state or LEA's overall comprehensive improvement plan.

E. DIRECT GRANTS TO LEAs

1. **May an LEA in a state that is not participating under Title III of Goals 2000 apply directly to the U.S. Department of Education for a portion of its state's Goals 2000 allotment?**

Under the Goals 2000 amendments, LEAs in a state that was not participating in Goals 2000 as of October 25, 1995 may apply directly to the Department for a portion of their state's Goals 2000 allotment, if the SEA approves LEA participation in the program.

Alabama, Montana, New Hampshire, Oklahoma, and Virginia are the only states affected by this amendment. As of the date of this guidance, the SEAs in Montana, New Hampshire, and Oklahoma had approved direct LEA participation in Goals 2000. Thus, only LEAs in Montana, New Hampshire, and Oklahoma are currently eligible to apply directly to the Department for Goals 2000 funding.

2. **How do eligible LEAs apply directly for Goals 2000 funding?**

On May 28, 1996, the Secretary published in the Federal Register a notice inviting Goals 2000 applications from LEAs in Montana and Oklahoma. A similar notice was published on June 6, 1996 for LEAs in New Hampshire. The grant selection criteria and application requirements are detailed in the notices. Funds will be awarded on a competitive basis for the development and implementation of comprehensive local improvement plans designed to enable all children to reach challenging academic standards.

3. **Do LEAs that participate in the direct grant program submit their local plans to the Secretary for review and approval?**

No. The Federal Register notice explicitly states that LEAs are ^{only} not required or expected to submit their local plans to the Department for review and approval, whether or not the plans are developed or implemented with funds awarded under the Goals 2000 direct grant program. *The Department of Education will review local applications for funding, as it does under other competitive grants programs.*

4. **May LEAs in other states apply directly to the Department for funding under Title III of Goals 2000?**

No. LEAs in other states would apply to their SEAs for Goals 2000 funding.

5. **If a state was participating in Goals 2000 as of October 20, 1995, and subsequently withdraws from the program, may its LEAs apply directly to the Department for Goals 2000 funding?**

No. Direct funding is available only to LEAs in a state that was not participating in Goals 2000 as of October 25, 1995, if the applicable SEA approves LEA participation in the program.

F. OTHER PROVISIONS

1. Does Goals 2000 require outcomes-based education?

No. Goals 2000 has never required states, LEAs or schools to provide outcomes-based education. This was made explicit by the recent amendments to Goals 2000.

2. Does Goals 2000 requires the provision of health or social services?

No. Goals 2000 has never required states, LEAs or schools to provide school-based health clinics or any other health or social service. This was made explicit by the recent amendments to Goals 2000.

Date this guidance because it will be outdated very soon.

GUIDANCE ON THE GOALS 2000 AMENDMENTS

If this is for people other than SEA folks, please spell out what SEA is.

INTRODUCTION

On April 26, 1996, the President signed into the law the Omnibus Consolidated Rescissions and Appropriations Act of 1996, which, ~~among other things~~, amended portions of Title III of the Goals 2000: Educate America Act. As the Secretary explained in his May 2, 1996 letter to Chief State School Officers, the amendments made certain adjustments in the operation of Goals 2000, while honoring the fundamental principles on which Goals 2000 is based: challenging academic standards for all students, state and local control of education, broad-based involvement in education reform, and accountability for results.

This guidance addresses the changes to and clarifications in the Title III legislation. Attached to the guidance is a complete copy of Title III, as amended (Attachment A).

makes it sound like Title III is a separate bill of Goals 2000.

A. ADDITIONAL ED-FLEX STATES AUTHORIZED

1. How many State educational agencies (SEAs) may be delegated Ed-Flex waiver authority?

The Secretary is authorized to delegate Ed-Flex waiver authority to SEAs in up to twelve states. Six Ed-Flex designations were authorized in the original Goals 2000 legislation, and an additional six have been authorized by the 1996 Omnibus Appropriations Act.

2. How many SEAs have been delegated Ed-Flex authority to date?

Seven SEAs have been delegated Ed-Flex authority. The six original Ed-Flex states are Kansas, Massachusetts, Ohio, Oregon, Texas and Vermont. Maryland recently received one of the six newly authorized Ed-Flex designations. Applications from two additional SEAs are currently being reviewed by the Department.

3. The six Ed-Flex designations that were authorized in the original Goals 2000 legislation had to be awarded to SEAs in three large states (states with populations of 3.5 million or greater) and three small states (states with populations of less than 3.5 million). Does this same distinction govern the six additional Ed-Flex designations that are now authorized?

No. Unlike the first six Ed-Flex designations, there is no requirement that the additional six designations be divided evenly among ~~SEAs~~ large and small states.

4. Other than increasing the number of Ed-Flex states authorized, did the Appropriations Act make other changes to the Ed-Flex authority?

No. The Appropriations Act simply increased the number of Ed-Flex states that are authorized. All other aspects of Ed-Flex -- including the criteria for approval of Ed-Flex plans and the programs for which waivers are authorized -- remain unchanged.

5. What criteria govern the selection of Ed-Flex states?

The new Ed-Flex designations, like the original selections, will be made on the basis of the criteria in section 311(e)(4)(B) of the Goals 2000: Educate America Act. The Secretary will approve an Ed-Flex application from an eligible SEA only if he determines that the application demonstrates substantial promise of assisting the SEA and affected local educational agencies (LEAs) and schools in carrying out comprehensive educational reform and meeting the purposes of the Goals 2000: Educate America Act. Potential applicants are encouraged to review the attached notice inviting Ed-Flex applications that was published in the Federal Register last year (Attachment B). This notice discusses in detail the Ed-Flex criteria.

6. Must an SEA have its Goals 2000 state improvement plan approved by the Secretary in order to qualify for Ed-Flex?

Yes. In order to qualify for Ed-Flex, an SEA must have its state improvement plan approved by the Secretary. SEAs that follow the new alternative submission procedures discussed below, rather than submit their state plans to the Secretary for approval, are not eligible for Ed-Flex.

7. The statute authorizes only a limited number of Ed-Flex designations. How precisely will an SEA's priority order for Ed-Flex be determined?

The Ed-Flex designations will continue to be made on a "first-come, first-serve" basis. The first SEAs to meet the Ed-Flex criteria will be granted Ed-Flex authority, until all of the authorized Ed-Flex designations are made. An SEA's priority order for Ed-Flex will be set according to when it has both received Secretarial approval of its Goals 2000 state plan and submitted a complete, approvable Ed-Flex application. The Department will review and approve state plans in the order in which they are received. So long as an SEA's complete Ed-Flex plan is received by the time its Goals 2000 state plan is approved, the Ed-Flex plan will be considered immediately following state plan approval. If the Ed-Flex plan is received at some point after state plan approval, or requires substantial revisions, it will be considered at the later time.

8. If a state is not participating in Ed-Flex, can the state and its districts and schools still receive waivers of Federal education requirements?

Yes. Eligible applicants may seek waivers under the general waiver authorities in Goals 2000, the Elementary and Secondary Education Act, and the School-to-Work Opportunities Act.

9. If a State is not participating in Goals 2000, can the state and its district and schools still receive waivers of federal education requirements?

B. ALTERNATIVE TO SECRETARIAL APPROVAL OF STATE PLANS

AND REVISED REPORTING OBLIGATIONS

1. Is an SEA required to submit its Goals 2000 state plan to the Secretary for review and approval in order to receive continued Goals 2000 funding?

No. An SEA may submit its Goals 2000 state plan (or major amendments to the state plan) to the Secretary for review and approval, but is not required to do so in order to receive continued Goals 2000 funding. In lieu of submitting a plan (or major amendments to the plan), an SEA may submit --

- (a) an assurance from the governor and chief state school officer that it has a plan that meets the requirements of the Act and that is widely available throughout the state, and that any amendments to the plan will meet these requirements; and
- (b) benchmarks of improved student performance and of progress in implementing the plan, and timelines against which progress can be measured.

2. In states that use the alternative to Secretarial approval, what is the significance of the assurance submitted by the governor and chief state officer?

The governor and chief state school officer are assuring that the plan meets the requirements of section 306 of the Act. In particular, they are assuring that the plan includes:

- o a process for developing or adopting state content and student performance standards, and for developing and implementing assessments aligned to these standards;
- o strategies for increasing accountability for results;
- o strategies for enhancing parental and community involvement in education improvement;
- o strategies for improving all schools throughout the state education system;
- o strategies for assisting districts and schools in bringing back students who have dropped out of school and in helping these students reach the state standards; and
- o strategies for coordinating the implementation of the state improvement plan with the state's implementation of the Carl D. Perkins Vocational and Applied Technology program and the federal School-to-Work program.

Do we need "federal" ?

3. What strategies might an SEA use to make its state plan "widely available" throughout the state?

Each SEA will determine the particular strategies to be used to make its plan widely available

throughout the state. The intent of this requirement is to underscore the accountability of state officials to the public. Therefore, the Secretary expects that states will, at a minimum:

- o incorporate the plan into a document that communicates clearly the state's education improvement strategies to parents, educators, business and community leaders, taxpayers, and other interested parties;
- o distribute the plan to the public, parents, and various stakeholders through a variety of communications channels, such as the media, computer technology, state and local organizations involving educators, parents, employers, community organizations, and other methods;
- o use mechanisms for effectively soliciting and responding to input from parents, educators, business groups, and others; and
- o use mechanisms for effectively keeping the public informed about progress in implementing the state improvement plan and improving student achievement.

4. Are there any circumstances under which an SEA is required to have its state plan approved by the Secretary?

Yes. An SEA is required to have its Goals 2000 state plan approved by the Secretary if it wishes to be considered for the Ed-Flex demonstration. The alternative submission procedure described above (involving the submission of assurances, benchmarks, and timelines) does not qualify an SEA to apply for Ed-Flex.

5. If a state chooses the alternative to Secretarial approval of its state plan, may the SEA and its school districts or schools still seek waivers under the general waiver authority in section 311 of the Goals 2000 Act?

Yes. Waivers under the Goals 2000 general waiver authority are available if the state has an approved Goals 2000 state plan or if the state participates in Goals 2000 through the alternative submission process.

6. If an SEA chooses not to submit its state plan for formal approval by the Secretary, may it still avail itself of the benefits of the peer review process?

Yes. SEAs that have had their state plans peer-reviewed have found the process to be very helpful. Under this process, state plans are reviewed by broad-based panels that include classroom teachers, educators, experts on educational reform, policymakers, advocates, and others. The reviewers engage in discussions with state and local officials, including those involved in designing the plan, and offer a constructive critique of the plan.

The Department encourages SEAs to have their state plans peer reviewed, even if they do not intend to seek formal approval of their plans. For SEAs that request the service, the Department will coordinate peer review of their state plans.

7. What reporting requirements govern SEAs that receive

Goals 2000 funding?

The following reporting provisions govern SEAs participating in Goals 2000:

- (a) An SEA that chooses the alternative submission method report annually to the public summary information on the use of Goals 2000 funds by the SEA and LEAs in the state, as well as the state's progress in meeting the benchmarks and timelines of its state plan. (The Secretary encourages these SEAs also to submit annually to the Department information on the progress they have made under Goals 2000,) *with a particular intent in successful local projects.*
- (b) An SEA that submits its state plan to the Secretary for review and approval reports annually to the Secretary regarding --
- (1) progress in meeting state goals and plans;
 - (2) proposed state activities for the succeeding year; and
 - (3) in summary form, the progress of LEAs in meeting local goals and plans and increasing student learning.

SEAs that receive Ed-Flex waiver authority are required, in accordance with section 311(e)(6) of the Goals 2000 legislation, to submit to the Secretary an annual report regarding their monitoring of activities of LEAs and schools that receive waivers under Ed-Flex. The Department will be issuing separate guidance on the Ed-Flex reporting requirements.

C. COMPOSITION OF STATE AND LOCAL PANELS

1. What requirements govern the composition of Goals 2000 state panels?

Goals 2000 state plans must be developed by a "broad-based State panel in cooperation with the State educational agency and the Governor." The specific subparts of section 306(b) of the original Goals 2000 legislation, which governed the selection, composition, and outreach activities of state panels, have been eliminated by the Goals 2000 amendments. Each state decides for itself the process for selecting and appointing a broad-based panel. The statute no longer requires that half of the members be appointed by the chief state school officer and the other half by the governor. Similarly, there are no longer specific requirements concerning who must be represented on the panel or with whom the panel must consult. The amendments, however, have retained as a fundamental requirement of all state panels that the panels be "broad-based".

2. What requirements govern the composition of local panels?

A local improvement plan under Goals 2000 must also be developed by a "broad-based" panel. The specific local panel composition requirements that were included in section 309(a)(3)(A) of the original Goals 2000 legislation have been eliminated.

D. USE OF GOALS 2000 FUNDS FOR TECHNOLOGY

1. May Goals 2000 funds be used to acquire technology and for technology-enhanced curricula and instruction?

Goals 2000 funds support the development and implementation of comprehensive state and local improvement plans to help all children reach challenging academic standards. The plans may, and in most cases should, include the use of technology to improve teaching and learning. Thus, as was the case prior to the recent amendments, Goals 2000 funds may be expended on computer hardware and software and other technology, so long as the purchase and use of technology is part of the state or LEA's overall comprehensive improvement plan.

E. DIRECT GRANTS TO LEAs

1. May an LEA in a state that is not participating under Title III of Goals 2000 apply directly to the U.S. Department of Education for a portion of its state's Goals 2000 allotment?

Under the Goals 2000 amendments, LEAs in a state that was not participating in Goals 2000 as of October 25, 1995 may apply directly to the Department for a portion of their state's Goals 2000 allotment, if the SEA approves LEA participation in the program.

Alabama, Montana, New Hampshire, Oklahoma, and Virginia are the only states affected by this amendment. As of the date of this guidance, the SEAs in Montana, New Hampshire, and Oklahoma had approved direct LEA participation in Goals 2000. Thus, only LEAs in Montana, New Hampshire, and Oklahoma are currently eligible to apply directly to the Department for Goals 2000 funding.

2. How do eligible LEAs apply directly for Goals 2000 funding?

On May 28, 1996, the Secretary published in the Federal Register a notice inviting Goals 2000 applications from LEAs in Montana and Oklahoma. A similar notice was published on June 6, 1996 for LEAs in New Hampshire. The grant selection criteria and application requirements are detailed in the notices. Funds will be awarded on a competitive basis for the development and implementation of comprehensive local improvement plans designed to enable all children to reach challenging academic standards.

3. Do LEAs that participate in the direct grant program submit their local plans to the Secretary for review and approval?

No. The Federal Register notice explicitly states that LEAs are not required or expected to submit their local plans to the Department for review and approval, whether or not the plans are developed or implemented with funds awarded under the Goals 2000 direct grant program.

By June
13th we'll
know about
Alabama

update