

THE WHITE HOUSE
WASHINGTON

January 28, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Secretary Riley
Bruce Reed
Michael Cohen
Mike Smith

SUBJECT: Moving Forward on National Standards

I. Background

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

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

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

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

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

II. National and International Achievement Benchmarks for Reading and Math

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Promoting National Use of High Quality Standards

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

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

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

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

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

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

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

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

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

THE WHITE HOUSE
WASHINGTON

March 4, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MICHAEL COHEN

SUBJECT: YOUR PLAN FOR NATIONAL STANDARDS AND NATIONAL
TESTS IN 4TH GRADE READING AND 8TH GRADE MATH

Summary of Plan

In your State of the Union Address you challenged every state to adopt high national standards and by 1999, to test every 4th grader in reading and every 8th grader in math to make sure these standards are met. These national tests will be:

- o **Aligned with widely accepted national content standards.** In 4th grade reading, the test will be aligned with the National Assessment of Education Progress (NAEP) reading standards, developed through a consensus process involving reading specialists, curriculum experts, state officials and others throughout the nation. In math, the test will be aligned with the TIMSS international math standard agreed to by experts in 41 countries, including the U.S.. The TIMSS standards are also very highly consistent with the national standards developed by the National Council of Teachers of Mathematics.
- o **Based on existing, widely accepted tests that will produce individual scores for students and parents in terms of the national standards.** The new tests will be based on the existing NAEP and TIMSS tests, which are designed to be administered to samples of students and produce national or state-level scores only. The new tests will provide comparable scores for individual students, revealing how well individual students perform relative to clear national or international performance standards.
- o **Developed by recognized test developers.** The U.S. Department of Education will contract with a test developer to create these tests. The contracting process will begin shortly. The tests will be piloted in Spring 1998, and available for use in schools throughout the country in the Spring of 1999.
- o **Voluntary for use by states and local school districts.** Use of these tests will not be required as a condition of receiving federal program funds.

- o **Licensed to test publishers and interested states and school districts.** As a result of this licensing agreement, the federal government will not be involved in administering or scoring the tests, and the tests will be readily available.
- o **Available to parents and students on the Internet once the tests have been administered.** Each year, after the tests have been administered, the test questions and answers will be released publicly and placed on the Internet, so that parents can find out whether their children are meeting national standards even if their state or district does not use the tests.
- o **The focal point for national efforts to prepare all students to reach the standards.** The point of the national standards and tests is to help improve, not just to measure, student achievement. Between now and when the tests are first administered, there must be a focused, sustained effort, and the local, state and national level, to prepare students for these tests. America Reads is one component of such an effort.

Reactions To Date

The reactions to your plan have mainly been quite positive. The Washington Post, USA Today, and many local and regional papers have expressed editorial support for this plan. As you know, the Business Roundtable endorsed it the day after the State of the Union Address. Maryland has already agreed to participate in the testing program, and Gov. Engler will announce his support later this week. Diane Ravitch and Checker Finn wrote a very supportive op-ed piece in the Washington Post last week (copy attached). We expect other education and business groups to weigh in positively as their Spring meetings occur. In addition, informal conversations with state and local education officials and business leaders around the country have been encouraging. They welcome the tests, and believe you have found a way of defining the issue that avoids old political battles. Based on conversations with a number of chief state school officers, I believe that California, New York and South Carolina will commit to participate in the testing program in the near future. A number of others are possible quickly as well.

Criticism of this plan has taken three forms. First, some have said that your plan goes too far. For example, Gov. Thompson wrote an op-ed piece in the New York Times, arguing that standards should be left to the states and local communities. Second, some in the education community have renewed the familiar argument that tests are not the solution to low performance. Instead, they argue that additional funding, better teachers, safer and more caring schools are what's needed. Third, some (e.g., David Broder, Robert Samuelson) have argued that your plan does not go far enough, because it is limited to only two subjects and grade levels, because it is not accompanied by significant new federal funding to prepare students to reach the standards, or because you do not require students to pass tests in order to graduate from high school or receive financial aid for college.

Summary

Your plan for national standards and tests in reading and math is a significant step forward, especially in light of the controversy that has surrounded the standards movement in recent years. The most important thing you can do to advance the standards movement is to continue to press the case for every state to adopt these tests. This month, you will speak to legislatures in Michigan and North Carolina; meet with the chief state school officers here in Washington; and possibly appear with Delaine Eastin and a broad coalition of business, education, and labor leaders to announce California's support for your testing plan. The Defense Department has agreed to use the tests in the schools it runs in the U.S. and around the world; we are working to arrange a public announcement for this in the next several weeks. In addition, the Education Department will soon be prepared to announce the formation of an advisory committee to guide the test development process.

We are off to a good start: if we can line up California, New York, and Michigan to support the tests, a number of other states will follow suit. But we must not let up for a moment in this crusade, and we must be especially careful not to propose any new measures that will undermine state participation in the 4th and 8th grade tests --because the most visible indicator of success or failure will be the number of states that administer those tests in 1999.

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April 5, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN

SUBJECT: National Standards and Testing: Progress Report and Strategy

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

I. NATIONAL STANDARDS AND TESTS

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

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

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

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

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

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

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

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

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- Create an interim, bipartisan advisory council, in consultation with governors and members of Congress in both parties. We would probably appoint governors, business leaders, and educators currently serving on related groups such as the National Education Goals Panel, ACHIEVE (the group established to follow-up last year's education summit in Palisades), and the National Assessment Governing Board (NAGB), as well as teachers, testing experts and others. The announcement of this council would be an opportunity to demonstrate bipartisan Congressional and gubernatorial support for the testing initiative. Staff-level conversations suggest that key House Republicans, including Reps. Frank Riggs, John Porter, and perhaps Bill Goodling might be willing to participate in a White House announcement of an advisory council if our consultations continue to go well.
 - Once this council is established, we think it may be possible to gain NGA's endorsement for the testing initiative at the Summer meeting in Nevada. Both the ACHIEVE Board of Directors and the National Education Goals Panel will be meeting in conjunction with the NGA meeting. If your schedule permits, it would be possible for you to meet with both groups, to demonstrate broad support for your standards initiative and to help energize governors and business leaders behind common educational goals.
 - These two steps would create a favorable climate for Congressional consideration of legislation to reauthorize the National Assessment of Education Progress and the National Assessment Governing Board, which are scheduled for consideration sometime in this Congress. At that time, we can determine if NAGB should assume policy responsibility for the national tests, with Congressional support. (At present, NAGB is prohibited by law from overseeing the development of individual-level tests.) These steps would also improve our ability to win any legislative battles we may face on this issue, such as any attempt to prohibit the Education Department from using funds for the continued development of the tests.
- Please note that we are optimistic but not yet confident that we can secure this level of bipartisan cooperation. Much will depend upon how effectively we can enlist the help of a core group of Republican governors.

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

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

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

3. Major Cities: We are also working to sign up big cities, such as Los Angeles and Boston, regardless of the respective state participation. The intent here is to further demonstrate momentum, underscore that these standards are especially important for the students and schools for which society typically has low expectations, and show that these tests can in fact be tools to lift people up, by helping to stimulate new efforts and focus existing ones to improve teaching and learning.

We believe it will be possible, over the next several months, to work with mayors, school superintendents and school boards, teachers unions, institutions of higher education, as well as parent, community and business groups in 5-10 cities. We will seek broad partnerships in each city that pledges to use the national tests, and commit to specific, locally designed efforts in each community to help prepare students to meet these standards. We will ask the Education Department to work with these cities, provide them with information on best practices, and help the cities learn from one another. Once we have a few cities in hand, a White House event announcing this partnership should generate considerable excitement and attention. It will also strengthen support for the testing initiative among core constituencies.

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

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

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

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II. CHARTER SCHOOLS

Another important goal is to foster the creation of 3,000 charter schools within 5 years, up from the current level of 500. One challenge is expanding the number of states with charter schools legislation. Currently 25 states and D.C. authorize the creation of charter schools; we would like to raise the number of states to 30 by the end of 1997. Over the past couple of months, progress in state legislatures has been slow, due in part to an absence of strong centrist leadership at the state level, partisan differences, and occasional opposition by state and local union affiliates. In addition, in at least one state (Virginia) the potential racial impact of charter schools emerged as an issue.

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

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

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

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

THE WHITE HOUSE
WASHINGTON

June 17, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MICHAEL COHEN

SUBJECT: Long-Term Strategy for National Standards and Tests

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

I. TEST DEVELOPMENT

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

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

II. STATE PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. LOCAL PARTICIPATION

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

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

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

IV. CONGRESSIONAL INVOLVEMENT

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

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

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

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

V. CONSTITUENCY GROUP SUPPORT

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

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

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

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

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

VI. BUILDING SUPPORT AND SUSTAINING MOMENTUM

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

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

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

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

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

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

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

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

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

Specific plans for June and July include:

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

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

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

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

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

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

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

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

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

* * *

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

THE WHITE HOUSE
WASHINGTON

August 11, 1997

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8-17-97

MEMORANDUM TO: THE PRESIDENT
FROM: RAHM EMANUEL
SUBJECT: LOS ANGELES TIMES ARTICLE ON ACADEMIC
STANDARDS

This is the standards article I mentioned in my weekly report. I believe that Ronald Brownstein does an excellent job of framing the education standards debate. I thought that you would find the article interesting.

CC Sec. Riley
Thurston
BReed

Mike/ Bill /Tanya
Tom/ Mary/Tom
FYI

Elena

(PS - only the underlining
on the 2nd page is
The President's)

National Perspective

Call for Academic Standards Could Face Test From Civil Rights Law

RONALD BROWNSTEIN

WASHINGTON OUTLOOK

WASHINGTON—President Clinton's education agenda revolves around a simple proposition: that all students should be held to uniform standards through stiff national tests. "We must demand high standards of every student," he insists.

Meanwhile, his Education Department seems to be moving toward an interpretation of civil rights law that could challenge the entire concept of objective academic standards as a threat to racial equity.

Even for a president accustomed to accommodating contradiction, that's a daunting chasm. The time may be coming when Clinton has to choose between common standards in education and a civil rights community uneasy about their implications. It's an either/or question for a president who usually prefers multiple choice.

"This administration has never dwelled too long on philosophical clarity and consistency in anything it has done," said Chester Finn, an education expert at the conservative Hudson Institute. "But you would think one of these would eventually have to yield."

This conflict entangles the priorities of divergent decades. Education reformers today are trying to extract higher performance from students by subjecting them to tests with teeth. About half the states now require students to pass standardized exams to graduate from high school. At the cutting edge, Chicago now requires students to pass tests for promotion from the third, sixth, eighth and ninth grades.

But this standards movement is approaching a collision with the spreading reach of the "disparate impact" doctrine—a cornerstone of early 1970s civil rights law. Disparate

race-neutral standards—like tests—can violate the federal civil rights statutes if they have a disproportionate effect on minorities or women.

Disparate impact analysis has been applied primarily to hiring decisions; typically, an employer might be compelled to drop a requirement for high school diplomas if that standard tends to exclude minorities and he can't demonstrate a clear business necessity for demanding it.

Now, however, the Education Department is hinting at widening the use of disparate impact analysis in education. Last month—in response to a petition from a coalition of civil rights groups—the department agreed to investigate the University of

The time may be coming when Clinton has to choose between common standards in education and a civil rights community uneasy about their implications.

California's process for admitting students to its three law schools now that the state regents have banned the use of racial preferences.

With preferences barred, the UC law schools rely primarily on grades and test scores. Since minority acceptances have plunged at the most exclusive campuses this year, the civil rights groups argue that those traditional academic standards are having a "discriminatory effect" and thus violate the civil rights laws.

In a recent interview with David Savage of The Times, Judith Winston—until last week the Education Department's chief lawyer and now the director of Clinton's racial advisory panel—wouldn't comment directly on the California investigation. But, echoing the groups' complaint, she said the government could

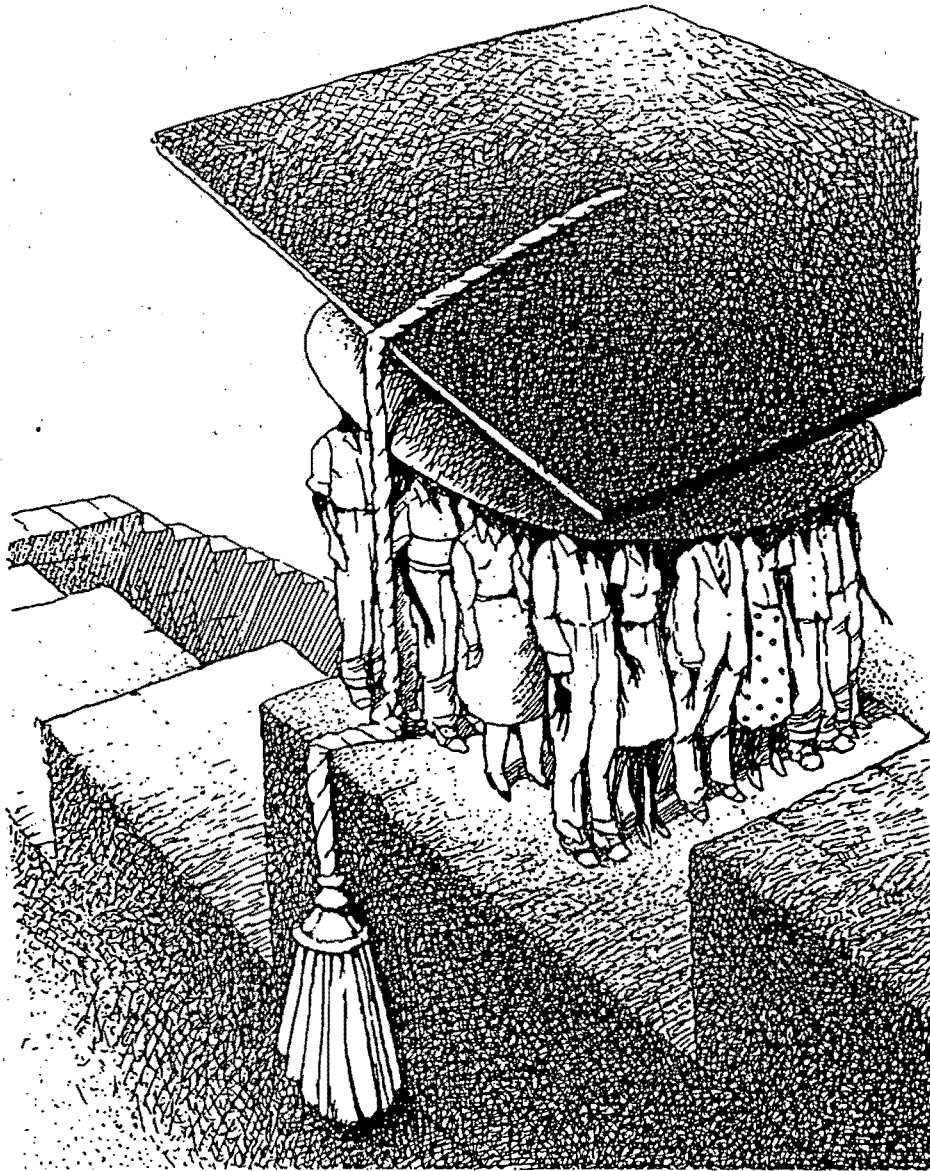
admission on "race-neutral criteria" such as grades and test scores if the use of those measures reduces minority opportunities and cannot be justified as an educational necessity. In other words, holding all applicants to the same standard could still constitute discrimination if it produces racially unequal results.

That argument has enormous implications not only for higher education, but the very push for standards in primary and secondary education that Clinton has championed. If the Education Department rules that objective educational standards can violate civil rights law because they disadvantage minority students, the door would be flung open for racial challenges to the proliferating use of tests for graduation and promotion in lower grades.

Already, civil rights groups are watching with suspicion the higher failure rates for minority students—especially those from low-income areas—in many communities that have imposed high-stakes testing. Last week, the NAACP Legal Defense Fund sought an injunction against a North Carolina county that has required students to pass tests to advance to the next grade. More lawsuits are likely as more communities adopt tests with consequences.

So far, the Education Department has moved cautiously in this area. It hasn't prevented any states from imposing tests. But in 1994, it exhaustively investigated whether Ohio's new high school graduation exam had a "disparate impact" on minorities, before finally approving the test—amid sharp criticism of the probe from House Republicans. Last month, the department negotiated an agreement that allowed Texas to continue its testing program, but required greater monitoring to ensure that minority students were being taught the material on the exams.

Civil rights groups are justified in demanding such protection—and careful examination of the tests that states are imposing. All levels of education can rely too heavily on stan-



WILLIAM BRAMHALL / For The Times

condition promotion or graduation on an exam, minority parents are unlikely to be the only ones with second thoughts. "These tests shouldn't be the sole determinant of whether a student has mastered a particular area," said Stephon Bowens, an attorney in the North Carolina case.

But the answer can't be to repudiate standards as a form of discrimination: To do so is to declare society incapable of effectively educating minority and poor children.

Ultimately, closing the racial gaps in educational performance will require a reconstruction of social order, economic opportunity and family structure in America's most blighted

neighborhoods. More immediately, it calls for aggressive school reform and greater efforts to reclaim the students drifting behind—like the \$50 million Chicago has poured into summer school this year for the nearly 44,000 kids who flunked its promotion tests.

But in graduate school admissions and grade school testing alike, attacking high academic standards amounts to shooting the messenger. The standards "put the spotlight on the problem," said Chris Pipho of the Education Commission of the States. "Now the question is, what are we going to do about it?"

Ronald Brownstein's column appears in this space every Monday.

THE WHITE HOUSE

WASHINGTON

August 21, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Mike Cohen

SUBJECT: National Testing Initiative

Our National Testing Initiative faces a serious challenge when Congress returns from recess and takes up the Labor-HHS-Ed appropriations bill. Mr. Goodling will offer an amendment to the bill in the House prohibiting the Department of Education from spending any funds to develop the tests, and a Republican Senator will probably introduce a similar rider in the Senate. Because many members of Congress have not yet focused on the testing issue, it is difficult to predict how these votes will turn out. But the expected riders pose a very real danger -- especially in the House, where Republicans may form an unusual alliance with members of the Black and Hispanic Caucuses against national standards and tests. This memorandum briefly describes the legislative, communications, and outreach efforts we are making to preserve funding for our testing initiative.

Legislative Situation

The Labor-HHS-Ed appropriations bill could come to the floor in the House as early as September 4. Mr. Goodling is pushing his amendment hard, with increasingly audible support from right-wing groups, home-schoolers, and certain Republican education experts (Diane Ravitch, Checker Finn, and Lynn Cheney). It is possible that Goodling will be able to gain the support of almost all House Republicans. Moderates on the Educational Opportunity Committee who have so far supported the testing initiative, such as Mike Castle and Frank Riggs, may feel unable to oppose their chairman. But some members of the Appropriations Committee may hesitate to go along with Goodling: at least as of now, John Porter, who chairs the Labor-HHS-Ed Subcommittee, has reservations about the Goodling amendment, and Bob Livingston dislikes any riders that interfere with speedy passage of appropriations bills.

Some members of the Democratic Caucus are likely to join Republicans in supporting the Goodling amendment. Members of the Hispanic Caucus have indicated that they will vote with Goodling unless we agree to develop a Spanish-language version of the fourth grade reading test for use by Limited English Proficient (LEP) students. Some members of the Black Caucus will vote with Goodling on the ground that the tests will highlight the comparatively low performance of black students, without providing the resources -- or even the information -- necessary to improve this performance. And some white liberal members of the Democratic Caucus may support Goodling for similar reasons.

Although no similar challenge has yet surfaced in the Senate, we believe one will arise when the appropriations bill reaches the Senate floor -- perhaps as early as September 2 (two days before any House action). The most likely Senators to offer a Goodling-type amendment are Sens. Coats, Coverdell, or Gregg. Passage of such an amendment is possible in the Senate, though the danger is not as great as in the House.

Legislative Strategy

While we gather additional information on the level of support for the Goodling amendment, we are preparing a legislative strategy that we hope will peel off Republican moderate votes and strengthen our base of support among Democrats. We have set up meetings with key congressional staff this week, and Secretary Riley is making phone calls to members. As we learn more, we will refine and elaborate on our legislative strategy.

A. Gaining Republic Support

The idea of national tests has gained the support of some moderate Republicans (Castle, Riggs, and Porter) and could appeal to even more. Our key objective is to split these Republicans off from Goodling and his allies on the far right. We think that the best way to accomplish this objective is to give Republicans some ownership interest in the tests, by inviting them to support legislation that will ensure the independence and integrity of the testing initiative.

The premise of this strategy is that we have lost some Republican support by failing to treat Congress as a full partner in the testing initiative. Goodling and other Republicans have argued that an educational reform as significant as national testing should not go into effect unless and until Congress approves it. They also have objected to the complete control of the Department of Education over development of the tests. In the last few days, some have expressed anger at the Department's award of a test development contract, viewing this step as yet another unilateral action denying Congress's rightful role and authority.

To ameliorate these concerns -- and deprive Republicans of the opportunity to oppose national tests on these essentially procedural grounds -- we recommend introducing legislation that would give Congress the opportunity to shape the development of the testing initiative. At the least, we should take this opportunity to submit the legislation we have planned establishing the National Assessment Governing Board (NAGB) as the entity responsible for overseeing development and implementation of the tests. This step could delay implementation of the tests for a year or so while NAGB assumes its role, but would provide Republicans with assurance of a bipartisan "expert" governing board for the national tests. We also may want to introduce legislation providing that Congress must approve the tests prior to their implementation -- or even seeking authorization to continue development of the tests. The danger of this approach is that Congress might vote to deny the requested authority; the potential benefit is that Congress would buy in to the tests once given a role in the process. Any of these legislative options should

divide Goodling from the group of moderate Republicans who support the idea of tests, but believe Congress should have a role in their development.

B. Securing the Democratic Base

To mobilize support among Democrats, we first must appeal to Democratic leaders to help us avert defeat of your top priority. We also must activate our principal allies -- George Miller and Tim Roemer on the authorizing committee; David Obey, Steny Hoyer, and Rosa DeLauro on the appropriations committee; and the whole cadre of New Democrats. Finally, we must work to win support from the Hispanic and Black Caucuses. Secretary Riley will talk with the House and Senate leaders, the heads of the Hispanic and Black Caucuses, and as many individual members as possible; in addition, we have scheduled numerous staff-level meetings during the recess. As we learn more about the positions of individual members, we may ask you to make some calls from Martha's Vineyard. Below we discuss in greater detail some issues raised by the Hispanic and Black Caucuses.

Black Caucus: Members of the Caucus have raised a number of concerns about the tests -- principally, that they will serve to stigmatize low-achieving students, rather than hold school systems accountable, and that they will incorporate racial bias. Over the next several weeks, Secretary Riley, Department of Education staff, and White House staff will meet with caucus members and/or staff to address and attempt to ameliorate these concerns. We also may ask Secretary Herman to speak with specific members of the Caucus. And we will ask the AFT and Council of Great City Schools, which have been helpful with the Black Caucus in the past, to continue to lobby members in support of the test. We believe that we ultimately can gain the support of about half the Black Caucus (16-18 votes).

Hispanic Caucus: The Hispanic Caucus will ^{native} vote for the Goodling Amendment unless the Department of Education changes its position on ~~foreign~~ foreign-language versions of the 4th grade reading test. The Department now intends to develop only an English-language reading test and to exclude LEP students with less than three years of American schooling from the test (unless the students' parents request otherwise). Caucus members believe that such exclusion will stigmatize LEP students and allow schools to escape accountability for these students' performance. They want the Department to develop -- and pay for the administration of -- a Spanish-language version of the 4th grade reading tests for LEP students.

As background, you should know that most states and local school districts exclude LEP students with fewer than three years of American schooling from English-language tests. If a state or school district is using a test to qualify for Title 1 funds, then it must (wherever practical) give an excluded LEP student a ^{native} foreign-language analogue, so that the student can demonstrate mastery of the subject matter. Because of this requirement, states or school districts using our 4th grade reading test to qualify for Title 1 funds will have to give excluded LEP students a substitute reading test in a foreign language. The Caucus wants the Department to go further by (1) developing the substitute Spanish-language test itself, so that there will be a single, official

their native, where practical

Spanish-language version of our 4th-grade reading test; (2) requiring that ^{native}all states and school districts -- not just those using the test to qualify for Title 1 funds -- give a ~~foreign~~ language version of the test to excluded LEP students; and (3) paying for administration of the ~~foreign~~ ^{native} language version to excluded LEP students.

Secretary Riley believes, and we agree, that we must reject the Hispanic Caucus's proposal because of the need to send an unambiguous signal about the importance of learning to read in English. He sees the 4th grade reading test as measuring the ability of students to read English -- not just as measuring skills in reading comprehension. This purpose is fundamentally incompatible with a scheme that would approve use of a ~~foreign~~ ^{native} language reading test instead of the basic English-language version.

Over the last few weeks, the DPC and Department of Education have explored a number of compromise proposals involving the use of ~~foreign~~ ^{native} language tests. Secretary Riley suggested making arrangements for excluded LEP students to take an English-language reading test after they have completed three years of American schooling, regardless what grade they are then in. This approach, however, will not satisfy members of the Hispanic Caucus; they believe that exclusion from the 4th grade test will stigmatize LEP students and allow schools to evade accountability even if the students have the opportunity to take an English-language test when ready to do so.

A second compromise proposal -- favored by Maria Echeveste, Mickey Ibarra, and Janet Murguia -- would give LEP students two 4th grade reading tests, one in English and the other in a foreign language. (Under this proposal, the Department still would develop the Spanish-language test, require all schools to give ~~foreign~~ language tests to LEP students, and pay for administration of these tests.) Maria, Mickey, and Janet note that members of the Hispanic Caucus (and Black Caucus) have reason to distrust educational tests because they historically have been used as exclusionary devices. They also point out, quite rightly, that this compromise proposal would provide information on both a student's reading comprehension skills (in the student's native language) and the student's proficiency in English. Mr. Becerra has told us that he would support such a compromise, so long as safeguards were in place to ensure that all LEP students with fewer than three years of American schooling receive both tests. He also believes that he can convince the rest of the Hispanic Caucus to follow his lead on this issue.

Secretary Riley, however, is adamantly opposed to this compromise proposal, principally on the ground that it is educationally unsound. He believes that the development and use of a Spanish-language reading test, even when combined with the English-language test, sends the wrong signal to students and their parents about the need to learn English. He also objects to the aspect of the scheme that requires giving some students a test (i.e., the English-language version) that they cannot even understand. He believes that the Hispanic Caucus is fighting an old-line civil rights battle, when the new civil rights battle should be for high standards and high expectations for all students.

The political calculation here is somewhat tricky. If we decline to create a Spanish-language version of the 4th grade reading test, we will lose the support of the Hispanic Caucus; in addition, members of the Caucus may place intense pressure on the big-city superintendents who have endorsed the test to repudiate their commitments. But if we create a Spanish-language version, we may subject ourselves to withering (even if demagogic) criticism and seal our fate with Republicans (even Republican moderates). The compromise approach reduces this risk, but by no means eliminates it.

Given the range of policy and political considerations, the DPC recommends maintaining our position and attempting to persuade Hispanic members, however unsuccessfully, that the test is an integral part of a larger education agenda that will greatly benefit their constituents.

Communications Strategy

Two events already on your schedule will provide good opportunities to make our case to the public. First, you can devote your August 30 Radio Address to announcing the findings from a report on long-term NAEP trends and making the case for our testing initiative. The report shows that American students have made some progress but not nearly enough; you can use these findings to argue that national standards and tests are critical for continued improvement. Second, we have held September 8 -- the day after you return from vacation -- for a test-related event. In addition, we will consider, as we get closer to Labor Day, whether you can reinforce our message from vacation -- for example, by issuing a veto threat.

We also are talking with the Vice President's office about how he can take the lead on this issue in the first week of September. He may meet, for example, with some of the high-tech business leaders who have endorsed the tests to discuss how they can make their voices heard in Congress.

Outreach Strategy

The DPC and Education Department are working with our core supporters in the education and business communities to mobilize support for the test and opposition to the Goodling amendment. The Council of Great City Schools, Council of Chief State School Officers, AFT, NEA, Business Roundtable, and NAB already have begun to contact urban Democrats, moderate Republicans, and the House leadership. In addition, the education groups listed above are working on a joint statement of support from others in the education community, including local school boards and elementary school principals.

We are planning a number of additional steps, including:

- Mobilizing the high-tech business leaders who have endorsed the test. John Doerr has offered to help us. In addition to having these CEOs contact key members and House leaders, we may ask them to place a full page ad in support of the tests in the Post, Times

or Wall Street Journal.

- Mobilizing CEOs in the main business groups in support of our agenda. While the national organizations have supported the testing initiative, it would be helpful for a number of well-respected CEOs (e.g., Lou Gerstner, John Pepper, and Joe Gorman) to take on a more active role.
- Mobilizing mayors and governors, especially where they have strong relationships with key members of Congress
- Meeting with black and Hispanic Groups, such as the NAACP and Urban League, to discuss the tests. These meetings will provide us with an opportunity to respond to concerns in the minority community. Although we may not win any converts through this process, we at least can hope to diminish the intensity of their opposition.

THE WHITE HOUSE

WASHINGTON

September 3, 1997

MEMORANDUM TO THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN

SUBJECT: UPDATE ON NATIONAL TESTING BATTLE

Over the past week we have taken a number of steps to strengthen our position in the appropriations fight over your national testing initiative. This memo provides a summary overview of what we have done to date, our current situation, and our plans for moving forward.

Overall Status

We continue to face a serious situation in both houses. In the House, the Republicans decided this evening to support the Goodling amendment as a caucus position. In the Senate, Coats and Gregg have already introduced a Goodling-type amendment, which could come up for a vote as early as tomorrow.

We have several strategies for dealing with this. First, this morning we issued a SAP on the Senate bill, indicating that a provision to stop the testing program will lead your senior advisors to recommend a veto. Second, this morning the Education Department transmitted legislation to place NAGB in charge of the tests. If a compromise is needed at the end of the process, this could well be the basis for it.

In addition, we are beginning to frame the fight publicly in two ways. First, that the Republican opposition to the tests comes from pressure from the extreme right, and that the same people who previously fought to eliminate the Education Department are now trying to kill the tests and deny parents and schools an important tool. Second, we will repeat your call in the State of the Union that politics must stop at the schoolhouse door.

Status in the Senate

Late this afternoon Senators Coats and Gregg introduced an amendment that would prohibit the Education Department from using any funds for any work on the national tests -- including FY 97 funds that already been appropriated and used to contract with test developers. We expect a vote on this on Thursday. Secretary Riley met with the Senate Democratic Caucus this afternoon, and received strong support for the testing initiative. We should be able to count on solid Democratic opposition to the Coats/Gregg amendment, and Democratic support for our NAGB legislation. Tomorrow morning, Senator Specter will hold a hearing on the testing issue,

with Secretary Riley and Bill Goodling as the primary witnesses. We believe that Specter will be open to some form of compromise that will permit continued work on the tests, though we do not yet know if he has anything specific in mind. We will try to use our NAGB legislation as the basis for a compromise. Alternatively, we will be open to an amendment that prohibits us from using FY98 funds from administering the tests (since we were not planning to administer in FY98 anyway), though permits us to continue to develop the tests. We do not intend to pursue any compromises that give away additional ground.

Status in the House

The vote in the House could come as early as Thursday night. Since we no longer see any prospect for compromise in the House, our strategy is to rally the Democratic Caucus for a fight. There have already been a number of staff-level meetings with House Democratic staff, to educate them and their members to the issues. Secretary Riley will meet with the House Democratic Caucus, as well as the Blue Dog Caucus, on Thursday. We believe that we will hold about half the Black Caucus, though we could lose 80% of the Hispanic Caucus.

Outreach

The education groups and the business groups who support our effort have been working this issue aggressively, though a combination of letters, calls and other member contacts, and efforts to place supportive op-eds in the national and local press. Mayors and Governors have been making calls as well. This afternoon, the Vice-President held a conference call with business leaders, along with Mayor Rendell and Bob Chase. This provided an opportunity for these supporters to renew their commitments and pledge to redouble their efforts.

White House staff today met with representatives of Black and Hispanic groups, in an effort to reach out to them again and to minimize the efforts they make opposing us.

Communications

We believe it is important that the press sees the Administration fighting hard and consistently throughout the week for our testing initiative. Your event today will help accomplish this goal. Further, in addition to continuing to promote the substantive merits of our proposal, we are working to frame the fight for the press as another instance of the far right driving the Republicans to oppose sensible education policies.

As you know, Secretary Riley was in Philadelphia yesterday celebrating the test score gains made there over the past year. The press coverage was favorable, and we have used the stories to bolster our case that standards and tests can lead to improvement.

Tomorrow, the Vice-President will visit a school in Maryland, and take on the Republicans more directly. We are anticipating a Sept. 8 education event upon your return that will enable you to respond to Congressional action.

Conclusion

With a veto-proof margin in the Senate and perhaps in the House, we believe that we are in a strong position to ultimately force a compromise on this issue.

THE WHITE HOUSE

WASHINGTON

September 5, 1997

THE PRESIDENT

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MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN

SUBJECT: UPDATE ON NATIONAL TESTING INITIATIVE

Over the past several days, White House staff, Secretary Riley and Education Department staff have continued to work to build support for our testing program in both the House and Senate. At week's end, here is where we stand.

Senate: Secretary Riley testified Thursday morning before Sen. Specter's Appropriations subcommittee, and appears to have made significant progress. Sen. Specter, Coats, Gregg, Jeffords, Harkin and Kennedy are all involved in negotiations toward a compromise which, if successful, would lead to Coats and Gregg withdrawing their amendments to kill the tests. At present, staff involved in the negotiations report that they are centering on our NAGB proposal, and are cautiously optimistic that a deal will be worked out by Monday evening. We have been pressing them to complete negotiations as rapidly as possible, because we also know that Coats and Gregg are receiving increasing pressure from the far right.

House: We now expect the Goodling amendment to come for a vote on Tuesday at the earliest. Goodling appears to have solid Republican support. As expected, the Hispanic Caucus is supporting Goodling, as are a growing number of members from the Black Caucus. Members of both Caucuses are coming under strong pressure from the civil rights groups to oppose the tests (In addition, many urban school districts that signed up for the tests are now receiving pressure from MALDEF and other Hispanic groups to pull out of the program; so far, we are holding all of the cities, but a handful with large Hispanic populations may well drop the reading test and participate only in the math test.)

Key Steps Next Week: Your event on Monday at the Four Seasons Elementary School in Maryland will provide an important opportunity to make clear to Congress that an appropriations bill that stops your testing proposal will be unacceptable. In addition, Secretary Riley, Rep. Gephardt and Sen. Daschle will hold a press conference on Tuesday morning to express joint support for the testing initiative. This should help to hold Democrats for the House vote. We will continue to press hard for a deal in the Senate. A deal in the Senate, together with a veto threat, should put us in a strong position as we approach the conference.

THE WHITE HOUSE

WASHINGTON

September 19, 1997

MEMORANDUM FOR ERSKINE BOWLES

FROM: BRUCE REED
MIKE COHEN

SUBJECT: CONFERENCE STRATEGY FOR NATIONAL TESTS

White House and Education Department staff met this week to develop a conference strategy for the national testing initiative. This memo outlines our basic approach.

I. Basic Objectives

We must come out of the conference with a bill that provides both the authority and the funds to proceed with the testing initiative, and with the tests under the control of an independent National Assessment Governing Board. The Senate bill provides the NAGB provisions we need. However, neither bill provides the funds. The Gorton block-grant amendment in the Senate eliminated the funds for the Fund for Improving Education (the account from which test development is funded), while the Goodling amendment prohibits the use of any funds for test development.

At the same time we should keep working to assemble a veto-proof margin of support for these provisions in the House. This requires picking up 20 votes over the 125 who initially opposed Goodling. In addition, in order to put the testing plan on firmer footing over the long haul, we will aim generally to secure broader support within the Democratic Caucus and among moderate Republicans in the House.

II. Timing

The conferees are likely to be appointed and begin work next week. In addition to the conventional practice of naming the subcommittee chairs, it is conceivable that Goodling will push to be named a conferee as well.

Staff from Legislative Affairs predict that this will be a long conference, with the prospect of one or more short-term CR's that will carry us through to mid-October before likely completion.

The testing issue will be one of the most difficult conference issues, along with the Gorton amendment and funding levels for several specific programs including Goals 2000, Pell, and

America Reads. Outside of education, it appears that the Teamsters election will also be a difficult issue. At this point, it is too early to determine the likely interplay among these issues, the tradeoffs we may be forced to consider among them, or additional modifications to the testing initiative itself that we will need to consider. As we continue to consult with our current and most likely supporters in the House, we will clarify what our options are likely to be.

III. Communications

Our best strategy for achieving victory is to convince the Republicans that they will pay a heavy price, again, for opposing our efforts to improve public education.

Therefore, we will work to tie the House vote on testing, the Senate block grant vote, and the anticipated DC voucher proposals together to support an overall message that the President is trying to improve public education, while Republicans are once again trying to abandon and weaken it.

We have several key opportunities to begin to hammer the message home over the next several weeks, starting with this Saturday's radio address and Charter Schools event. The Education Department is planning a press conference for Secretary Riley next week to amplify this message, and we are working with the Vice President's office to develop events that would enable him to carry this message as well. In addition, we will look for additional events for the President and other principals in the next several weeks.

The Education Department will continue its efforts to speak to editorial boards around the country, now targeting key editorial boards in the states and districts of conferees.

We will again urge business leaders -- CEO's affiliated with the Business Roundtable, the Chamber of Commerce, and the National Alliance of Business, as well as the high tech CEO's who endorsed the President's plan last Spring -- to place op-eds in support of the tests and to seek other opportunities to visibly highlight their support. In addition, we will ask supportive Republican opinion leaders (e.g., Finn, Ravitch, Engler) to place op-eds. Both groups can be particularly helpful in framing the Senate provision as a compromise House Republicans can and should accept.

IV. Legislative

White House and Education Department staff, as well as Secretary Riley, will work with our friends in the House to determine how best to broaden our support on both sides of the aisle. On the Republican side, Porter, Riggs and Castle are most likely to assemble moderate support behind the Senate provisions, though it is not yet clear how they will deal with Goodling, who remains dug in. We expect our business supporters to reach out to both the House Republican leadership and targeted members who are most likely to be supportive.

On the Democratic side, we will continue to work to address concerns of the Black and Hispanic Caucuses. Secretary Riley will meet next week with Reps. Harold Ford Jr., Al Wynn and Chaka Fattah, the three members of the Black Caucus who voted against Goodling, to seek their advice on how we can best approach others in the Caucus. Right now, we believe the primary issue for

the CBC is school construction. If it becomes clear that the support of the Black Caucus for the tests can be gained only by committing to a school construction initiative, we would recommend serious consideration of this, outside our normal budget process. In this case, the best move we can make on this front in the short-term would be to support the Daschle/Gephardt proposal.

We will continue to look for steps we can take to reduce the concerns of the Hispanic Caucus. As you know, the central issue here is our decision to give the reading test only in English. We are exploring a number of ways to address this. One would identify existing, commercially available reading tests in Spanish that are based on the same national standards as our reading test, and would therefore be highly comparable. We are addressing a number of feasibility issues before we will be ready to discuss this option with the caucus and others in the Hispanic community. This option may not be acceptable to the Hispanic Caucus. However, it would not require Congressional approval, and therefore could not be easily blocked by Republicans. In addition, we can offer one of the new slots on NAGB to an Hispanic mayor. Further, we are working to develop some legislative options (e.g., to explicitly provide for the tests, to permit NAGB to decide whether to provide them) and to determine whether any could be acceptable to the Hispanic Caucus without losing Republican support or precipitating an effort to add language in conference that would prohibit a Spanish language test.

V. Outreach

In addition to the steps above, we will work with our allies in the education and business communities to continue to support the President's initiatives, oppose amendments that stop them, and mobilize behind our overall message to support public education.

THE WHITE HOUSE

WASHINGTON

October 2, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
JOHN HILLEY
MIKE COHEN

SUBJECT: UPDATE ON NATIONAL TESTS

This memo outlines the current status of the national testing initiative in Congress, and our strategy for winning the fight to keep the initiative on track.

I. Current Status and Recent Developments

The conferees have begun to meet, but are not expected to take up the testing issue until many other issues are addressed. We have two distinct objectives in conference: (1) securing an authorization along the lines of the Senate provision, permitting tests to proceed under NAGB's auspices, and (2) ensuring that the bill provides the \$16 million needed for continued test development.

For the most part, House Appropriations Committee members have argued that resolving this issue will require reaching an agreement with Goodling. By all accounts, Goodling is firmly locked into his position with the strong support of the House leadership. Last Friday he sent you a letter implying that he will not move an America Reads bill as long as you continue to press for the tests.

In a staff-level discussion, the only idea floated by Republican staff was to proceed with test development, but require separate authorization for test implementation. We do not think that is a good deal for us.

Conservative Republican Senators who supported the Coats/NAGB compromise have come under strong pressure from the Eagle Forum, and 14 of the 42 Republicans who voted for the Coats amendment switched sides last week and signed a letter written by Ashcroft, threatening to filibuster the appropriations bill if it does not contain Goodling's prohibition on the tests. We are relying on business groups and Finn and Bennett to hold as many Republicans as possible. Senate Democratic support is holding firm. Last week, 43 Democratic Senators signed a letter written by Bingaman, threatening a filibuster if the conference report does not let your testing initiative go forward.

In the House, securing Republican support for something along the lines of the Senate provision is key. Staff of the Department of Education and DPC have reached out to moderate Republicans,

including Mike Castle, who spoke in favor of the Senate provision on the floor and has previously served on NAGB.

We anticipate that any compromise will need to modify the Senate provision at least somewhat, and we are working with the Education Department to prepare proposals that we can support. These might include language that prohibits the Education Department from developing national curriculum in reading and math, or that delays full test implementation for a year, while providing for a field test in interested states and districts in 1999.

In addition, we continue to explore ways of reducing the opposition from the Black and Hispanic Caucuses, though securing their support alone will not substantially advance our cause. Secretary Riley has met with the three members of the CBC who opposed the Goodling amendment -- Chaka-Fattah, Al Wynn, and Harold Ford -- to seek their advice on how best to secure the support of the Black Caucus. They noted that the primary concern of caucus members is school construction, and that members feel strongly that we have failed to fight sufficiently hard for this initiative. There are two school construction tax-credit proposals likely to be introduced in Congress in the near future, both as alternatives to Coverdell-like provisions to provide IRA tax-free withdrawals for K-12 education.

One will be offered by Rangel in a Ways and Means mark-up, and the other by Daschle if Coverdell offers his proposal in the Senate. We believe that it will be helpful for us to endorse at least one of these proposals if they begin to move in Congress.

We also have been working closely with the Council of Great City Schools to explore commercially available 4th grade reading tests in Spanish that are aligned to NAEP frameworks and performance standards. At least one such test is already available -- essentially the equivalent of a Spanish-language version of the national reading test. Our strategy is for the Great City Schools and the local superintendents to take the lead in persuading the Hispanic groups and the Hispanic Caucus that this test provides what they have been asking for. We then would help ensure that these tests could be administered and reported in coordination with the national tests, and be prepared to support paying for their administration through Title I.

The work on test development has been proceeding over the last several weeks. The test specifications that would provide the blueprint for test development were completed, and new advisory committees organized by the test development contractor began to meet.

For a number of reasons, these developments were greeted with some alarm by key Republicans in the Congress (e.g., Coats, Specter, and Riggs) and elsewhere (e.g., Finn, Ravitch, Bennett and Engler), especially a provision in the test specifications permitting students to answer all test questions with the aid of a calculator. At our urging, Secretary Riley issued a statement criticizing the calculator decision, urging NAGB to reverse the decision.

II. Communications

Our overall approach over the coming weeks is to convince the Republicans that they are fighting a losing battle by opposing us again on education issues. We will highlight the national tests as the centerpiece of your campaign to improve public education through a comprehensive strategy of promoting higher standards and greater accountability; increasing parental involvement and public school choice through charter schools; and investing in improved teaching and learning, including technology programs. We will cast our opponents as trying to undermine improvements in public education by blocking the tests and pushing for block grants that will end important programs and cut investments.

We will wage a continuing, high profile campaign over the next few weeks, with the following events being planned:

- The Vice President's release of an Education Department Study on the importance of father's involvement in education on Thursday.
- A visible, high-tech business leaders effort, which you will kick off at a White House meeting with John Doerr, James Barksdale and other high-tech CEO's on October 8, followed by a public statement prior to your departure to New Jersey.
- A meeting the week of October 20 with the newly formed Learning Alliance for public education, a consortium of 12 national organizations involved in K-12 education working to promote a standards-based reform agenda at the local level.
- If schedule permits, the Vice President's participation in a joint meeting of the Council of Great City Schools and U.S. Conference of Mayors on October 15-18, where an additional 4-5 cities would announce their participation in the tests.
- One or more background briefings on public education for selected press by the Vice President or First Lady and Secretary Riley.
- Release of a Department of Education report that says students who take algebra and other advanced math courses are far more likely to go on to college, along with the release of a Department of Education/National Science Foundation math directive action plan.
- Announcement of a new plan for recycling surplus federal computers to schools.
- Continued efforts by Secretary Riley, Deputy Secretary Smith, White House staff, and other Cabinet members to talk to editorial boards, Sunday shows, and talk radio in key states and congressional districts.

- A congressional recess strategy in targeted districts, with aggressive efforts by surrogates while you're out of the country.

III. Outreach

Education Department and DPC staff meet weekly with education and business groups that support the tests to share information and coordinate strategy. We also have worked closely with other business leaders and groups, including Lou Gerstner and John Doerr. As a result, we have learned that:

- A number of business leaders are considering buying ads in support of the tests.
- Lou Gerstner is trying to secure an endorsement for the tests by ACHIEVE. The six CEO's on the Board and four of the Governors (Engler, Romer, Hunt and Miller) are supportive; Voinovich and Thompson have not yet agreed.
- John Doerr has written to governors and state education officials, as well as big city education leaders, thanking those who have signed up for the tests and urging others to join.
- Business and education groups alike have sent alerts to their grass roots membership urging them to contact their Congressional delegations and promote the testing initiative in the press.

The Office of Intergovernmental Affairs has worked regularly to shore up the Governors and Mayors already participating in the tests and keep them apprised of the Congressional battle and Intergovernmental also is reaching out to additional state and local elected officials.

Education Department and DPC staff continue to meet with civil rights groups in an ongoing effort to respond to their concerns and to educate them about the implications of placing NAGB in charge of the tests.

We also have been in close contact with Checker Finn and Diane Ravitch, urging them, together with Bill Bennett and John Engler, to work to maintain Republican support in the Senate and help find a toehold in the House.

THE WHITE HOUSE

WASHINGTON

October 3, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
JOHN HILLEY
MIKE COHEN

SUBJECT: UPDATE ON NATIONAL TESTS

This memo outlines the current status of the national testing initiative in Congress, and our strategy for winning the fight to keep the initiative on track.

I. Current Status and Recent Developments

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Conservative Republican Senators who supported the Coats/NAGB compromise have come under strong pressure from the Eagle Forum, and 14 of the 42 Republicans who voted for the Coats amendment switched sides last week and signed a letter written by Ashcroft, threatening to filibuster the appropriations bill if it does not contain Goodling's prohibition on the tests. We are relying on business groups and Finn and Bennett to hold as many Republicans as possible. Senate Democratic support is holding firm. Last week, 43 Democratic Senators signed a letter written by Bingaman, threatening a filibuster if the conference report does not let your testing initiative go forward.

In the House, securing Republican support for something along the lines of the Senate provision is key. This task will be difficult, given that Goodling is firmly locked into his position, with the apparently strong support of the House leadership. Last week, Goodling sent you a letter implying that he will not move an America Reads bill as long as you continue to press for the tests. Staff of the Department of Education and DPC have reached out to moderate Republicans, including Mike Castle (who spoke in favor of the Senate provision on the floor and has previously served on NAGB) to urge a compromise. We anticipate that such a compromise will need to modify the Senate provision at least somewhat, and we are working with the Education Department to prepare proposals that we can support. So far, the only idea floated by Republican staff is to proceed with test development, but require separate authorization for test implementation. We do not think this is a good deal for us. We are instead considering

compromises along the lines of including language that prohibits the Education Department from developing national curriculum in reading and math, or delaying full test implementation for a year while providing for a field test in interested states and districts in 1999.

In addition, we continue to explore ways of reducing the opposition from the Black and Hispanic Caucuses, though securing their support alone will not substantially advance our cause. Secretary Riley has met with the three members of the CBC who opposed the Goodling amendment -- Chaka-Fattah, Al Wynn, and Harold Ford -- to seek their advice on how best to secure the support of the Black Caucus. They noted that the primary concern of caucus members is school construction, and that members feel strongly that we have failed to fight sufficiently hard for this initiative. There are two school construction tax-credit proposals likely to be introduced in Congress in the near future, both as alternatives to Coverdell-like provisions to provide IRA tax-free withdrawals for K-12 education. One will be offered by Rangel in a Ways and Means mark-up, and the other by Daschle if Coverdell offers his proposal in the Senate. We believe that it will be helpful for us to endorse at least one of these proposals if they begin to move in Congress.

We also have been working closely with the Council of Great City Schools to explore ways to make use of commercially available 4th grade reading tests in Spanish that are aligned to NAEP frameworks and performance standards. At least one such test is already available -- essentially the equivalent of a Spanish-language version of the national reading test. Our strategy is for the Great City Schools and the local superintendents to take the lead in persuading the Hispanic groups and the Hispanic Caucus that this test provides what they have been asking for. We then would help ensure that these tests could be administered and reported in coordination with the national tests, and would support paying for their administration through Title I.

II. Communications

Our overall approach over the coming weeks is to convince the Republicans that they are fighting a losing battle by opposing us again on education issues. We will highlight the national tests as the centerpiece of your campaign to improve public education, through a comprehensive strategy of promoting higher standards and greater accountability; increasing parental involvement and public school choice through charter schools; and investing in improved teaching and learning, including technology programs. We will cast our Republican opponents as trying to undermine improvements in public education by blocking the tests and pushing for block grants that will end important programs and cut investments.

On Monday we will flesh out an overall strategy for waging a continuing, high profile campaign over the next few weeks, which will build upon the following events that are already being planned:

- A visible, high-tech business leaders' effort, including a White House meeting with John Doerr, James Barksdale and other high-tech CEO's.

- A meeting the week of October 20 with the newly formed Learning Alliance for public education, a consortium of 12 national organizations involved in K-12 education working to promote a standards-based reform agenda at the local level.
- If his schedule permits, the Vice President's participation in a joint meeting of the Council of Great City Schools and U.S. Conference of Mayors on October 15-18, where an additional 4-5 cities would announce their participation in the tests.
- One or more background briefings on public education for selected press by the Vice President or First Lady and Secretary Riley.
- Release of a Department of Education report that says students who take algebra and other advanced math courses are far more likely to go on to college, along with the release of a Department of Education/National Science Foundation math directive action plan.
- Additional technology announcements, including a new plan for recycling surplus federal computers to schools.
- Continued efforts by Secretary Riley, Deputy Secretary Smith, White House staff, and other Cabinet members to talk to editorial boards, Sunday shows, and talk radio in key states and congressional districts.
- A congressional recess strategy in targeted districts, with aggressive efforts by surrogates while you are out of the country.

III. Outreach

Education Department and DPC staff meet weekly with education and business groups that support the tests to share information and coordinate strategy. We also have worked closely with other business leaders and groups, including Lou Gerstner and John Doerr. As a result, we have learned that:

- A number of business leaders are considering buying ads in support of the tests.
- Lou Gerstner is trying to secure an endorsement for the tests by ACHIEVE. The six CEO's on the Board and four of the Governors (Engler, Romer, Hunt and Miller) are supportive; Voinovich and Thompson have not yet agreed.
- John Doerr has written to governors and state education officials, as well as big city education leaders, thanking those who have signed up for the tests and urging others to join.

- Business and education groups alike have sent alerts to their grass roots membership urging them to contact their Congressional delegations and promote the testing initiative in the press.

The Office of Intergovernmental Affairs has worked regularly to shore up the Governors and Mayors already participating in the tests and keep them apprised of the Congressional battle and Intergovernmental also is reaching out to additional state and local elected officials.

Education Department and DPC staff continue to meet with civil rights groups in an ongoing effort to respond to their concerns and to educate them about the implications of placing NAGB in charge of the tests.

We also have been in close contact with Checker Finn and Diane Ravitch, urging them, together with Bill Bennett and John Engler, to work to maintain Republican support in the Senate and help find a toehold in the House.

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THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN

10-14-97

October 10, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

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SUBJECT: DPC Weekly Report

✓ 1. **Education -- Charter Schools Bill:** Ten Democrats and fourteen Republicans on the House Education Committee voted on Thursday to approve amendments to the Charter Schools Program. The bill would provide incentives to states that allow the number of charter schools to increase, give charter schools significant autonomy, and periodically review charter schools to ensure that academic performance requirements are met. The bill also incorporates your goal of increasing the number of charter schools to 3,000 by the year 2000. Prior to committee action, the DPC and Department of Education worked with members to make substantial improvements in the bill. We believe you should endorse the bill shortly after you return from South America, as one of a series of events to counterattack the Republicans' Education Week October 20-24. The Education Department is also preparing to release a study that week showing that students who take 8th grade algebra and advanced math classes are much more likely to go to college -- another good argument for our 8th grade math test.

2. **Education -- National Tests:** As the Labor/HHS conference proceeds, Reps. Obey, Porter and a number of others have begun to float possible compromises on the national tests. Each of the proposals presumes that we receive the funds and authority to develop the tests under NAGB's control. They differ primarily with respect to the circumstances under which test implementation would be permitted to proceed. Specific proposals -- none of them very attractive -- include (1) requiring specific Congressional authorization before implementation; (2) requiring a majority of states to sign up before implementation could begin; and (3) making test implementation an allowable state and local use of Chapter II funds, but providing no specific funding for initial implementation. A more promising possible compromise would give us an authorization and funding for our test, but also provide new funding to statistically link tests already used by states and local school districts to the NAEP performance standards so that states could continue to administer existing tests and provide students with a statistically-derived score on the national test as well.

Goodling and Ashcroft publicly are hardening their opposition to the tests. Ashcroft has announced that he now has 35 Republican Senators lined up in opposition to the tests (though he has not produced a list of them), up from the 27 he named a week ago. Both Goodling and

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE PRESIDENT

THROUGH: ERSKINE BOWLES
 JOHN PODESTA
 SYLVIA MATHEWS

FROM: BRUCE REED
 MIKE COHEN
 RAHM EMANUEL
 GENE SPERLING
 ANN LEWIS
 PAUL BEGALA

RE: MESSAGE PLAN FOR EDUCATION WEEK

DATE: OCTOBER 15, 1997

Strategic Context

The Republicans intend to make the week of October 20 - 24 "Education Week." They have not announced many specific events yet, and, depending upon the House and Senate schedules that week, it is possible that their events may spill over into the following week. The purpose of this memo is to lay out a strategy to ensure that we win the battle of "Education Week."

The programmatic heart of the Republican's approach is embodied in their support for vouchers for DC students and/or the Coverdell bill to provide for a \$2,500 IRA-type deduction for private school tuition. Their fundamental message centers around choice and individual empowerment.

Our goal is to (1) define Republicans as seeking to abandon public schools in favor of private academies, just when public schools need our attention the most, and (2) highlight our support for fundamental and far-reaching reforms to strengthen our public schools, including high national standards, public school choice, charter schools, and early education innovations like child care and America Reads. Our fundamental message centers on strengthening public education through change and reform.

Specific Events

We know for certain that the Republicans will hold hearings in Pennsylvania, perhaps in Chairman Goodling's district. The hearings will be chaired by Peter Hoekstra, and will probably not get much national attention. We'll pass on further information as we obtain it. But we should assume for planning purposes that the Republicans will focus their efforts here in Washington and on the issue of choice.

We propose the following message events to highlight the issue in a light favorable to the President:

- Saturday, 10/18:** President's radio address is broadcast (taped the day before). Topic: bipartisan cooperation on charter schools. The President should embrace the charter school proposal currently being advanced in the GOP bill, and could also embrace the Obey/Porter comprehensive school reform proposal in the appropriations bill, which provides for schools to implement school-wide reforms based on effective, proven models. Together, these two proposals provide compelling approaches to dealing with failing schools: fix them with proven practices, and/or give kids the choice of going to charter schools.
- Sunday, 10/19:** Leak for Monday publication an Education Department study that shows that students who take 8th grade algebra and other advanced courses are better prepared for college. This study strongly supports our proposal for 8th grade national math tests.
- Monday, 10/20:** Secretary Riley will release the math report.
- Tuesday, 10/21:** The President and college Presidents announce that nearly 800 colleges (up from 165 in April) in all 50 states have pledged to use work-study students as tutors in support of America Reads.
- Wednesday, 10/22:** The Vice President may meet with high-tech and other business leaders. CEO's would go to a stakeout after the meeting to announce their support for the national tests as a pro-business, pro-technology, pro-jobs issue. (Not confirmed)
- Thursday, 10/23:** White House Conference on Child Care. Major event, and another aspect of our commitment to education.
- Friday, 10/24:** President makes brief remarks to the National Board for Professional Teaching Standards (the "Master Teachers" program). President may announce new grant for R&D on teaching. It is still in vetting. Should be significant regional press; good opportunity to wrap-up Education Week.

THE WHITE HOUSE
WASHINGTON

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November 3, 1997

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MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN

SUBJECT: Negotiating Options for National Testing

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

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

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

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

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

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

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

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

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

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

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

THE WHITE HOUSE

WASHINGTON

January 22, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED
MIKE COHEN

SUBJECT: National Testing Strategy

As we indicated to the President in the most recent weekly report, we face two immediate challenges regarding national tests. This memo outlines the steps we are taking to address each of them, as well as our overall strategy for advancing this initiative.

I. Short Term Challenges

A. Delay in Test Administration. Today, the National Assessment Governing Board (NAGB), the independent body which was given responsibility for overseeing the development of the national tests, will consider a set of recommendations for modifying the test development contract, prepared by a special committee of the Board. NAGB is required to review the contract under the compromise reached last Fall.

One of the committee's recommendations would postpone pilot testing from Fall 1998 to Spring 1999, with the effect of delaying the initial administration of the tests until Spring 2001 rather than Spring 2000. This recommendation is being made so that the pilot test will occur during the same point in the school year that the test will be administered. We believe this change is unnecessary on technical grounds, and will most likely be seen as a setback for the President's proposal.

The current and former NAGB chairs, both strong supporters of our proposal, tried unsuccessfully to head off this recommendation when it was first considered by the special committee. While opposed to the recommendation, they believe it is very likely to be approved by the full Board. Few members are able to argue with the testing experts on technical grounds, and a number of members see this delay as a way to put some distance between the tests and the Clinton Administration, and thus increase its long term prospects in Congress.

Together with Secretary Riley and his staff, we have been working with our allies on NAGB to try to turn this around. Governor Romer and Oregon State Superintendent of Education Norma Paulus (a Republican), both key NAGB members who are strong test supporters and opponents of the proposed delay, will not be at today's meeting. Both have made their objections clear to the NAGB chair and requested that consideration of this one issue be postponed until the

next meeting so they can make sure that the views of state officials are fully considered. If NAGB ignores our objections, Senator Bingaman and other Congressional supporters of the test are prepared to express impatience with the delay -- while at the same time underscoring that this proves the test is for real (not dead, as Republicans insisted last fall) and NAGB is moving forward with test development in a serious, nonpartisan way.

B. Goodling Mark-up on Jan. 28. Bill Goodling has scheduled a full committee mark-up of legislation that would permanently prohibit any work on the development or implementation of national tests (beyond what was agreed to in the FY98 appropriations bill) without specific Congressional authorization. We expect that this bill will pass the House, with solid Republican support and quite possibly with support from African American and Hispanic Democrats, but will die in the Senate.

In the days leading up to the SOTU, Secretary Riley, Frank Raines and other Administration officials will brief members of the Black and Hispanic Caucuses on our new education initiatives and other education investments of interest to them. We will also brief key constituency groups. At a minimum, these should enable us to secure good will in the short-term. Whether they also lead to longer term support for the testing initiative remains to be seen.

Our position is clear: we do not believe Congressional authorization is necessary (and neither did the Bush Administration when it funded national standards). We are working with the leadership to prevent Democratic defections on this vote, though this will not be easy. We are in no better position to close the policy differences with the Caucuses and their supporters (over a Spanish version of the reading test, and the use of the tests to end social promotions) now than we were last fall. However, our new education initiatives and increased investments should make a difference.

At the request of Rep. Clay's staff, Secretary Riley has written to Mr. Goodling, asking him to reconsider the mark-up session. Riley asked that Goodling live up to the agreement reached last fall with the President, which contemplated further Congressional action only after the completion of several National Academy of Sciences studies later this Spring. This letter will have little impact with Goodling, but will help persuade the civil rights groups and members of the caucuses not to participate in Goodling's political maneuvering.

Goodling is seeking the support of the civil rights groups, and we have also asked Wade Henderson of the Leadership Conference on Civil Rights not to ally himself with Goodling at this point. Riley's letter was important to him, and we believe the prospects are decent that the civil rights groups will not support Goodling's effort at this point.

II. Long -Term Strategy

We face a tough challenge again in Congress this year. We fully expect Goodling to use the reauthorization of the National Assessment of Education Progress later this year to specifically prohibit national testing, and to keep Republicans pretty well united with him on this issue. And

there is no guarantee that Congressional Black and Hispanic Caucus members will see the tests and our education investments as a package deal. Further, while we will have our greatest leverage once again in the appropriations process, we expect that it will be as least as difficult as last year to secure continued funding.

Our overall strategy for advancing the testing initiative is twofold: First, we need to make the most of NAGB's independent control over the test, frustrating as it may be. The more the test becomes an independent, non-federal effort and not a product of the Clinton Administration's Education Department, the more likely it will become a reality. Second, we need to play the only card we have with a reluctant Congress -- our appropriations vetoes -- to keep federal funding alive. That means doing what we can to win back liberal Democrats and expand our moderate Republican base, especially in the Senate.

A. Advance a Democratic bill in the House to authorize the tests. We can't stop Goodling's efforts without an alternative, yet we don't want to concede this year what we won last year: the ability to secure funding for continued test development without specific Congressional authorization.

Therefore, we will ask (and help) George Miller to take the lead in crafting a Democratic bill that will authorize the tests and that can win broad Democratic support. Miller can include provisions in his bill to satisfy the Black and Hispanic Caucuses that we would not want to advance. And we could support the bill in general without signing on to every specific provision, and still maintain that no specific authorizing legislation is needed. At the same time, we will keep working with the Hispanic Caucus to see whether they would be satisfied with an Administration recommendation to NAGB on a Spanish language reading test (and whether our Republican support in the Senate would evaporate if we took that position). NAGB would almost certainly reject such a recommendation. In fact, the Board may decide today to overturn the Education Department's plan to make the math test available in Spanish.

B. Reach out to Republicans. We have a core group of influential Republican intellectual and political leaders who continue to support the testing initiative: Bill Bennett, John Engler, Checker Finn and Diane Ravitch. Ravitch now serves on NAGB; Engler has agreed to serve on NAGB and will be appointed as soon as he completes his paperwork. We can use this group, together with the handful of moderate Republican supporters (Forbes, Castle, Horn) to try pick off Republicans from Goodling.

Our hold on the Bennett group will always be tenuous. We think it would be useful for you or the President to meet Bennett and others in the near future, to thank them for their support, seek their advice on how to proceed, and urge them to continue to help.

We can and will also try to activate the business community, which remains strongly supportive though not always eager to engage in the necessary hand-to-hand combat. We will shortly propose an event with the President that will demonstrate broad business support and energize their efforts on our behalf.

C. Build State and Local Support. The ongoing political battle in Washington and uncertainty over federal funding will make it difficult to sign up cities and states for the tests. However, now that the test is clearly in NAGB's hands, it should be much less of a partisan issue at the state and local level. We also hope Engler will help sell the test to Republican governors, whose support is essential for this to be truly national.

D. Win the Appropriations Battle. We will have the most leverage in the appropriations process, particularly on a popular issue just before the election. That is why our approach to the authorizing battles is designed to preserve our ability to press for funds again without authorization. Senate Democrats welcome this fight.

E. Prepare a Nonfederal Back-up. Because we face such an uphill battle, we will explore the possibility of challenging a nonfederal group, such as ACHIEVE (a group founded by Lou Gerstner, Tommy Thompson, and several other governors and business leaders who support the standards movement) to develop and implement national standards and tests, either in conjunction with, or if necessary, as a different form of, the NAGB tests. Under last fall's compromise, the National Academy of Sciences will make recommendations later this year on the feasibility of alternative ways to compare student performance to national standards and across state lines.