

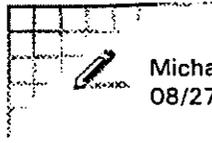
NLWJC - Kagan

DPC - Box 021 - Folder 013

Education - Standards: Legislative
[1]

(and)

Educ - Standards -
legislative issues



Michael Cohen
08/27/98 06:50:10 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Education Paper for Monday



ED.83

Attached is an NEC-edited version of the paper for Monday. They preferred the same version you liked yesterday, without the Education Department budget chart. I actually prefer the other--mainly because it is shorter and more coherent--but I can live with either one. And this version accommodates NEC's interest in including the Hispanic Education Initiative, which the ED chart just won't do very easily.

A couple of other things:

1. This paper does not mention national tests--principally because it is a list of things we want Congress to do, rather than a list of things we want them to stop doing (prohibiting the test). However, I think it is important that in his speech the President mention national standards and tests as one of his priorities (as he did in today's remarks). I've asked Jordan to be sure to include this in the speech text.
2. The Senate approps subcommittee will mark up on Tuesday. I understand that they will fund most of the programs at the 98 levels (thereby restoring many of the House cuts). After-school programs should be at about \$100 million (up from \$40 in 98 and \$60 in the House bill). Goals 2000 will still be cut significantly (which is why we need to keep fighting for it--the R's think it is the President's priority, the press thinks it is, and the both know it is our centerpiece effort to raise standards. If we don't keep fighting for it, we give up an awful lot.)
3. The Senate bill will fund continued development of the national tests, but will prohibit pilot testing, field testing and implementation. The language is sufficiently different from the House so that the issue will be conferenceable. Spector's folks think that if we hang tough on this we should be able to get a compromise at the end that allows us to pilot test in March, as is currently scheduled. The national test rider coupled with the Goals 2000 cut should enable us to hammer the R's as being against higher standards for kids.



Educ - standards -
Legislative issues

United States Senate

WASHINGTON, DC 20510

October 30, 1998

The Honorable William Jefferson Clinton
President
The White House
Washington, D.C.

Dear Mr. President:

We the undersigned are writing in opposition to the so-called 'compromise' on national testing, which would effectively block the implementation of voluntary 4th grade reading and 8th grade math tests that several states and school districts have already indicated their intention to use when they become available.

We believe that voluntary national tests using rigorous academic standards should be readied and states and local school districts should be allowed to make their own decisions about whether or not to use them. For the first time in our nation's history, a voluntary national testing program would allow parents around the nation to compare the academic performance of their children, their neighborhood schools, and their local district with any other place in the nation, using world-class standards.

However, the proposal now being considered would prevent states and districts from choosing to use voluntary national tests, because it bans any implementation of voluntary national tests without specific Congressional authorization. In contrast to the Senate-passed compromise, which ensured that the tests were entirely voluntary and transferred authority to develop and implement the new tests to the independent and bipartisan National Assessment Governing Board, this proposal puts the fate of the voluntary national tests in the hands of its sworn opponents.

Because we support letting states and districts make the choice about whether or not to use voluntary national tests, we would support your decision to veto the Labor-HHS-Education appropriations conference report if it included this provision.

Sincerely,

Tom Kelly
Ken Can

Ken Weyden

Camel Morley

Barbara M. M. M.

Jay Ryle

Quendell Ford

Carl Linn

John Glenn

Jack Reed

Val Breyer

Wesley

James K. K.

Don Dinkin

Paul Barber

Clifford Smith

Hubert

Richard Baker

Max Cleland

Almogus



Michael Cohen
01/28/98 04:02:58 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Goodling vote

We lost the testing vote at mark-up, 23-16. The only Dem. who voted with Goodling was Tim Romer (Bruce--you still have your work cut out for you.) Major Owens, Patsy Mink and Ron Kind were not at the vote-- Owens certainly and Mink most likely would have joined Goodling; Kind would have been with us. All of the other Dems, including members of both caucuses, voted against Goodling. A number of the caucus members said they were voting against his bill because it didn't address any of their concerns.

The Republican line was that the Administration is still running ahead with the test. They supported that judgment with something they found on ED's website (which probably hadn't been updated for a while) describing the test development schedule, and based on the President's comments last night -- which apparently had the effect on him we predicted. Not that a different way of talking about the tests would have altered the vote one bit.

There was hardly any press there--two ed. trade journals and the York PA paper. I don't think we want to do anything to give this more notice than it will get on its own, so we are not planning to release either a WH or ED statement. David Frank and Julie Green in their press office will respond to inquiries based on language Bruce and I discussed earlier today, incorporated in the draft statement below (which will not be distributed at all)

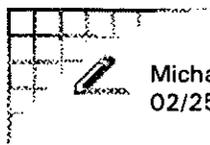
Draft Statement

Today's action by Chairman Goodling and the Republican majority represents a violation of the agreement on voluntary national standards and tests reached between the Administration and Congress just a few months ago. It is a partisan diversion from the urgent business of strengthening our public schools. While the President has asked for politics to stop at the schoolhouse door, Committee Republicans have responded by keeping the door open to politics.

The FY1998 Appropriations bill contained a bipartisan agreement -- to which Mr. Goodling was a full participant -- to place continuing development of national tests in the hands of the independent, bipartisan National Assessment Governing Board, and to delay further Congressional consideration of national standards and tests until later this Spring when the National Academy of Science completes several Congressionally mandated studies. Under NAGBS's leadership, the development of voluntary national tests is moving forward as provided for in the agreement, and we are on track to have the first-ever national tests in 4th grade reading and 8th grade math.

Last night President Clinton laid out an ambitious agenda to make our public elementary and secondary schools the world's best by raising standards, raising expectations, and raising accountability. He urged the Congress and the American people to join him in a bipartisan effort to give our students smaller classes, well-prepared and competent teachers, modernized school facilities, and an end to social promotions. These steps will strengthen our public schools and prepare our people for the 21st Century.

It is very unfortunante that Mr. Goodling and the Republicans on this committee have chosen to respond to this challenge with a partisan effort to derail the development of national tests, and deny parents and teachers the opportunity to know if their children are mastering the basics. Our students deserve better than this..



Michael Cohen
02/25/98 09:49:23 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

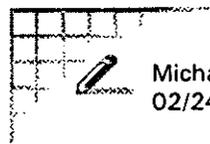
Subject: meeting with Clay

Should have copied you last night.

The discussion about national testing was particularly depressing, especially after I thought about it over night.

Clay appears to believe that, given the family circumstances many poor and minority kids face, that either the kids truly *can't* learn, or the schools are so bad that they can't be trusted to teach them. Remarkably enough, this was the prevailing view in the late 60's and 70's--that family background made all the difference for student achievement, and that there was nothing schools could do to overcome the disadvantages of poverty. We've got almost two decades of good solid research that proves that wrong, but Clay doesn't appear to buy it. If only he realized that in the past the view that "schools don't make a difference" was the reason people used for not investing in them.

----- Forwarded by Michael Cohen/OPD/EOP on 02/25/98 09:43 AM -----



Michael Cohen
02/24/98 06:12:09 PM

Record Type: Record

To: Janet Murguia/WHO/EOP

cc:

Subject: meeting with Clay

As we discussed, Riley, Scott Fleming and I met with Clay this afternoon. Here's what happened:

1. **National Tests:** Riley started by thanking Clay for his help on the Goodling vote (and hoped to move on to other issues right away). Clay wanted to talk about the tests, to make sure we understood that no one had changed their positions. Riley suggested to Clay that he put together a testing bill that the CBC and CHC could support; Clay didn't say this directly, but his response (about the kind of resources and help poor kids need) suggested that he couldn't think of any version of a national testing bill that the caucuses would support. Clay was not overly impressed with our proposed historic increase in K-12 funding, and was unmoved by the argument that smaller classes, modern buildings, reading tutors, well trained teachers, High Hopes mentors and other \$ targeted to high poverty communities would help kids learn to read--at least not moved enough to think we should test the kids to find out if they could read.

It was useful to have the conversation, and of course we agreed to keep working with each other.

I actually thought it was a tactical error to ask Clay to take the lead on this; we would be better off with our strategy of getting George Miller to put together a testing bill that the caucuses won't flat out oppose. I've asked Scott Fleming to set up a meeting with Miller or his staff on this.

2. HSI's/HBCU's. Clay brought this one up--he asked Riley what he thought of Clay's compromise proposal (I don't know the details of this one). Riley told him he liked it, but when Clay pushed for his support, Riley said he supported Clay's proposal and the CHC proposal--we just wanted them to work this one out, because we all agree that we don't want an open fight on this. Clay was adamant that there would be no Republican support, and no non-CHC support on his committee for the CHC position. He's apparently met several times with CHC members, indicated that Becerra and others thought the Clay proposal was a good idea, and that Hinajosa was the only one blocking an agreement.

We didn't do much more than indicate that it would be really great if they could work this one out.

3. Education Opportunity Zones. We discussed these briefly, and gave Clay and his staff a copy of the spec's we've developed. We will meet with them in the next few days to go over substance. In our brief conversation on this topic, I ticked off a handful of his ideas we incorporated in our bill, indicated that we wanted to use as much as possible from his bill last year, hoped that he would be interested in our ideas so he could take the lead on this bill. Given the conversation we had just had on testing, I didn't think it was a good time to seek his views on ending social promotions.

Otherwise, it was a great meeting.

Educ - standards -
Legislative rules



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

February 4, 1998
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2846 - Prohibition on Federal Education Testing (Rep. Goodling (R) PA and 114 others)

The Administration strongly opposes H.R. 2846, and if the bill were presented to the President in its current form, he would veto it.

H.R. 2846 would override current law and enact a permanent ban on the use of Department of Education funds for any work on the voluntary national tests in 4th grade reading and 8th grade mathematics beyond the preliminary work described in the Department's FY 1998 appropriations act. The ban would also prohibit additional work on the tests by the independent, bipartisan National Assessment Governing Board (NAGB) and would remain in place until explicit authorizing legislation is enacted.

National tests are critical because they provide students, parents, and teachers the opportunity to measure how well students are performing in comparison to national standards and international benchmarks. As a result, national tests help hold schools accountable to parents and communities for the performance of all students.

H.R. 2846 is clearly inconsistent with the bipartisan agreement enacted last fall, which makes NABG responsible for the development and administration of the test, and which calls for the National Academy of Sciences (NAS) to conduct a series of studies that would help inform future deliberations by the Congress and the Administration relating to this important issue. By passing H.R. 2846, the House will undermine NAGB's role and will prejudge the findings of the NAS studies, which have not been completed, and jeopardize the progress being made in developing the national tests.



Michael Cohen
02/01/98 12:12:51 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Strategy for Goodling vote: IMPORTANT

Janet Murguia, Scott Fleming, Barbara Chow and I continued to flesh out our strategy for Thursday's anticipated floor vote on Goodling's test bill. Here are the key points, including a few calls for each of you.

1. Riley is set to speak to the Democratic Caucus on Wednesday. His job is make the point for unity on political and process grounds. Scott and I will work to make sure he doesn't use this as an opportunity to make the case for the tests; if he does this, it will backfire.
2. Riley and/or Scott will nail down Clay and Martinez to speak out in support of Riley at the Caucus meeting.
3. Riley will be making a series of calls--to Waters, Becerra, Owens (surprisingly, Owens signed the minority report on the Goodling bill, sticking with the other D's), to keep them and the caucuses on board; to Obey; to Stenholm and other Blue Dogs
4. Barbara Chow will call Bob Matsui, in an effort to enlist his support in getting Patsy Mink to stay with us (we lost her at mark-up). Scott Fleming will remind her staff that Mink was supportive of the tests when Riley testified before the committee--in an effort to appeal to consistency.
5. **Bruce--Janet thinks you should call Tim Romer and Cal Dooley. Dooley was with us in the Fall, and needs to be shored up. Romer went with Goodling at mark-up; he won't change now. Your message to him is: don't try to lead other Dems with you.**
6. Bob Shireman, Janet and I will work the Hispanic groups and members who come to WH for Monday's Hispanic Initiative event with VPOTUS.
7. **Elena--one of us should call Wade Henderson, thank him for his support at mark-up, and ask him to stick with us through the floor vote. Let me know whether you will call or would prefer me to.**
8. Scott Fleming and his staff will be calling every Dem. we lost on the floor last fall, and ask them to stick with us. He'll get back to us if he needs us to help out.



Michael Cohen
01/30/98 04:33:51 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Janet Murguia/WHO/EOP

cc:

Subject: Update on Goodling strategy

Based on conversations that I and ED staff have had with Clay and Miller's staff, we are pursuing the following steps--slightly modified from last night:

1. Clay's staff strongly recommended against trying to move an alternative to Goodling that will authorize the tests--they say that we will never be able to work the caucuses quickly enough to fully satisfy them with any proposal, and will more likely frustrate the members and inflame the situation. They have counseled instead that we continue the same approach that worked in mark-up: (1) point to our investments; (2) appeal to Dems on political and process grounds; (3) stay away from the substance of testing.

2. Clay has asked that Riley be invited to speaK briefly to the Dem. Caucus on Wednesday, to make the case for Dems. holding together. Riley will place calls to Martinez, Becerra and Maxine Waters in advance, asking for their support in the caucus meeting. I've aksed Scott Fleming to let us know if he needs help with these calls--mainly from Janet.

3. Scott Fleming asked Gephart's staff for help; their response was that we should first nail down the Black and Hispanic Caucuses, and then they will help.

In addition, I will see if the VP can help with any of the Caucus members when he does the Hispanic Initiative event on Monday.

 Michael Cohen
01/27/98 07:22:36 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Janet Murguia/WHO/EOP

cc:

Subject: Goodling mark-up: relatively good news

We are in better shape for the Goodling mark-up than appeared to be the case earlier today, at least with respect to holding Democrats. We have a few we still need to work, listed at the end of this message. I'm hoping that Bruce and Janet will be able to help.

I asked Riley to talk to Clay and Martinez, and his pitch is working--they will both stick with us rather than Goodling (its not clear if this means they will vote against Goodling, or just vote present--but I think they are more likely to vote against). Riley's staff has been talking to Hill staff and reports that Hinajosa and Sanchez have said they would take their cues from Martinez; Bobby Scott is also likely to stick with us.

Miller, Kildee, Fattah, Harold Ford, Ron Kind, Tierney, and Lynn Woolsey voted against Goodling on the floor last year, and should be fine. ED staff are following up with them. Harold Ford apparently is going to reach out to other Dems; Miller and Kildee should be good for that as well. Carolyn McCarthy, a new member, is also with us.

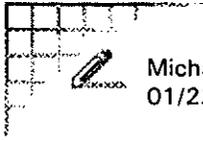
Biggest remaining challenges:

Tim Romer: Riley called him, but Romer is concerned about conservative home-schoolers. Bruce--could you give him a call.?

Major Owens: ED thinks is a lost cause, and I suspect they are right. Janet: any ideas? Could Minyon do anything?

Don Payne: ED thinks he will be hard to get also.

Bruce/Janet: Do you think we'd have any luck asking Romer, Owens and Payne to just skip the mark-up if they can't vote against Goodling?



Michael Cohen
01/22/98 05:18:00 PM

Record Type: Record

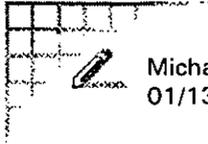
To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Janet Murguia/WHO/EOP

cc:

Subject: Civil Rights Groups and Goodling

Mike Casserly from Great City Schools reports that Wade Henderson told Goodling earlier this week that the civil rights groups were not going to support him now.

Score one for us, at least in the short run!



Michael Cohen
01/13/98 07:15:38 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Janet Murguia/WHO/EOP
cc: Scott Fleming @ ed.gov @ inet, Tom_Kelley @ ed.gov @ inet
Subject: Goodling testing hearing and mark-up

Marc Zuckerman in Clay's office called with the following regarding Goodling and our testing initiative:

1. **The relatively good news:** Neither Becera nor Waters nor Pete Wilson has agreed to testify at the 1/21 hearing to be held in California. However, George Miller might go in order to hold up our end.

2. **The bad news we already knew:** Goodling will mark up a bill on the 28th that will codify the appropriations report language, and explicitly prohibit any additional work on test development or administration from taking place without specific authorization.

Among other things, this does appear counter to the spirit of the agreement Goodling worked out with Hilley and discussed with the President. The assumption there was that we would fight this out again in the context of the NAEP reauthorization, after we got the results of the National Academy of Sciences study and learned whether other tests could be used, etc. We didn't exactly build an enforcement mechanism into that agreement, and Goodling undoubtedly thinks our public victory statements have gone well beyond anything he believes the agreement supports. Nonetheless, is there any way Hilley or someone else could call him for breaking the deal?

3. **The other unsurprising news:** If and when his proposal comes to a vote, we lose--all the Republicans and the members of the caucuses.

Marc asked if I could come over to meet with he and Gail Weiss later this week, to talk about this, the Opportunity Zones and other pieces of our new education package. They are hoping to get our help in figuring out if there is anything we can do to change the dynamics for the caucuses, and more generally to help them develop a strategy that would at least have the caucus members and other Dem's attacking Goodling at least as much as they attack us.

I think I ought to go ahead and meet with them, preferably with Janet or Scott. I don't think we can give out much information yet on all of our spending initiatives, but might use this meeting to try to get a reading from them about what kind of information, delivered when, would be the most useful.

What do you think?

10/27

Talking Points on Goodling "Compromise" on National Tests

Background

Goodling's proposed "compromise" would:

- Require the Education Department to cancel the contract it has awarded to develop the national tests;
- Prohibit the Education Department from using any funds to develop, plan, implement or administer national tests; and
- Authorize the National Academy of Sciences to work with the National Governors' Association and the National Conference of State Legislatures to conduct a feasibility study to determine if test scores from different commercially available standardized tests can be compared

Administration Talking Points

- Mr. Goodling's proposal is not a compromise at all; it is more of the same. It contains the same provision the President has already vowed to veto: a prohibition on the development and implementation of national tests in reading and math. If a bill with this provision comes to the President, he will veto it.
- Mr. Goodling's plan to compare test scores from different commercially available tests is a step backward and away from high standards. This approach would result only in comparing students with each other, but it would do nothing to set tough standards for mastering the basic skills. As the President has proposed, we must measure students' reading and math performance against challenging national standards that define educational excellence. We need tests tied to tough standards, not more standardized tests. Mr Goodling's approach--of measuring students against each other--will perpetuate the status quo, by continuing to tell students and schools that they are above average even when they do not measure up.
- As we have done in the Senate, we are willing to work with the Congress to address reasonable concerns about national standards and test and to find a compromise that will let us move forward together. We are not, however, willing to consider a proposal that will stop national tests in the basic skills, which are strongly supported by the American people, as a compromise.

*Educ - standards -
legislation*

**Questions and Answers on Agreement on National Tests
November 7, 1997**

- Q: Earlier the Administration had indicated the President would veto this bill if it required further authorization from Congress to move forward with testing. But some suggest that this compromise basically kills the national test to clear the way for Fast Track. Has the President given up on a national test?**
- A: Absolutely not. The agreement allows us to proceed with development of the 4th and 8th grade national tests that the President has proposed. It also allows us to pilot test the items for these tests next fall. This is a delay of a few months, but it's one we can live with. At the same time, we will go forward with a National Academy of Sciences study of ways to link state tests to each other and to NAEP, an existing national sample test, that reflects high national standards. Both aspects of the agreement make progress toward a single goal: ensuring that all students, across the country, are measured by the same high standards.**
- Q: The legislation looks like a victory for test opponents. What did the Administration get out of this agreement?**
- A: This agreement is a solid victory for high standards. Under the compromise, the final appropriations bill drops the general prohibition on national tests contained in the House-passed bill, which the Administration threatened to veto, and allows us to proceed with development of the 4th grade reading and 8th grade math tests. The bill shifts control over test policies and development to the independent, bipartisan, National Assessment Governing Board (NAGB), as the Administration had proposed. It provides \$16 million dollars to support the testing plan. And it allows for pilot testing of test items to begin next fall. At the same time, the bill provides for a potentially valuable study of ways to link state tests to each other and to NAEP, an existing national sample test, that reflects high national standards. This agreement puts us on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.**
- Q: Is further development of the national tests dependent on the findings of the National Academy of Sciences study? What is the timeline for this study?**
- A: The Academy will be asked to make an interim report by June 15, 1998 with a final report submitted by Sept. 1. Further development of the national tests**

is not contingent on the findings of the NAS study. NAGB can go forward with test development activities leading up to pilot testing right now. Pilot testing is postponed until after September 30, but does not depend on the completion or findings of the National Academy study.

Q: Does the compromise require further authorization to move beyond the pilot testing stage?

A: The agreement allows for test development in FY 98, and pilot testing after September 30. It is silent on the subject of further congressional action.

Q: The national tests were opposed in the House by members of the Black and Hispanic Caucus. How does the agreement address their concerns?

A: The agreement provides for the National Academy of Sciences and NAGB to study test items to ensure that they are free from racial, cultural, or gender bias. In addition, the Academy will recommend safeguards to ensure that tests are not used in a discriminatory or inappropriate manner.

Educ - standards -
Legislation

**Talking Points on Agreement on National Tests
November 7, 1997**

- This is a win-win agreement -- a genuine bipartisan victory for high standards.
- The agreement allows continued, timely development of new national tests in 4th grade reading and 8th grade math, as called for by the President in his State of the Union Address. As provided for by the Senate, control of test policies and development will be transferred to the National Assessment Governing Board (NAGB).
- At the same time, the National Academy of Sciences, in consultation with NGA, NCSL, and NAGB, will study how tests already developed by commercial publishers and states may be used to measure individual student performance against existing, challenging national content and performance standards, and against each other. In addition, the Academy will study the technical quality and other aspects of test item development, as well as issues of test bias and test use.
- The Academy will be asked to make an interim report by June 15, 1998 with a final report submitted by September 1. Further development of the national tests is not dependent on the findings of the NAS study. NAGB can go forward with test development activities leading up to pilot testing right now. Pilot testing is postponed until after September 30, 1998, but does not depend on the completion or findings of the National Academy study. This timeline represents a delay of a few months, but it's one we can live with.
- The agreement allows for test development in FY 98, and pilot testing after September 30. It drops the general prohibition on national tests that the Administration threatened to veto, and does not include any requirement for congressional authorization to proceed with national tests.
- As a result of this agreement, we are now on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.

*Education - Standards -
Legislation*

DRAFT POTUS STATEMENT ON EDUCATION STANDARDS
NOVEMBER 6, 1997

I am very pleased that we have reached a bipartisan agreement on one of my top priorities for this year and for my Presidency: making sure that America's school children can master the basics and achieve higher academic standards. America's parents, teachers, and principals can now be sure that we are going to hold children's educational skills up to the same high standard whether they live in Michigan, Maine, or Montana.

The educational agenda I have established for the nation -- from high standards and testing to making a college education possible for every young American -- is designed to give our children the tools they need to succeed in a changing global economy. Today's agreement fulfills a critical part of that agenda, and I appreciate that politics stopped at the schoolhouse door to enable it to happen.

Education - standards -
legislation

Earlier this morning I met with Congressman Bill Goodling to discuss our differences over national testing, and I am pleased to announce that we have reached an agreement that works for both sides of this debate. We will continue with the development of new national tests in 4th grade reading and 8th grade math in a timely fashion. At the same time, as Mr. Goodling has advocated, we will study how tests already developed by commercial publishers and states may be used to measure student performance against national standards. As a result of this compromise, we are now on the road to high national standards, and to measuring whether these standards are being met. This means that we will finally have high expectations to ensure that all of our students master the basic skills, and real accountability for our schools.

Educative - standards -
legislation

Questions and Answers on Agreement on National Tests
November 7, 1997

- Q: Earlier the Administration had indicated the President would veto this bill if it required further authorization from Congress to move forward with testing. But some suggest that this compromise basically kills the national test to clear the way for Fast Track. Has the President given up on a national test?**
- A:** Absolutely not. The agreement allows us to proceed with development of the 4th and 8th grade national tests that the President has proposed. It also allows us to pilot test the items for these tests next fall. This is a delay of a few months, but it's one we can live with. At the same time, we will go forward with a National Academy of Sciences study of ways to link state tests to each other and to NAEP, an existing national sample test, that reflects high national standards. Both aspects of the agreement make progress toward a single goal: ensuring that all students, across the country, are measured by the same high standards.
- Q: The legislation looks like a victory for test opponents. What did the Administration get out of this agreement?**
- A:** This agreement is a solid victory for high standards. Under the compromise, the final appropriations bill drops the general prohibition on national tests contained in the House-passed bill, which the Administration threatened to veto, and allows us to proceed with development of the 4th grade reading and 8th grade math tests. The bill shifts control over test policies and development to the independent, bipartisan, National Assessment Governing Board (NAGB), as the Administration had proposed. It provides \$16 million dollars to support the testing plan. And it allows for pilot testing of test items to begin next fall. At the same time, the bill provides for a potentially valuable study of ways to link state tests to each other and to NAEP, an existing national sample test, that reflects high national standards. This agreement puts us on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.
- Q: Is further development of the national tests dependent on the findings of the National Academy of Sciences study? What is the timeline for this study?**
- A:** The Academy will be asked to make an interim report by June 15, 1998 with a final report submitted by Sept. 1. Further development of the national tests is not contingent on the findings of the NAS study. NAGB can go forward with test development activities leading up to pilot testing right now. Pilot testing is postponed until after September 30, but does not depend on the completion or findings of the National Academy study.

Q: Does the compromise require further authorization to move beyond the pilot testing stage?

A: The agreement allows for test development in FY 98, and pilot testing after September 30. It is silent on the subject of further congressional action.

Q: The national tests were opposed in the House by members of the Black and Hispanic Caucus. How does the agreement address their concerns?

A: The agreement provides for the National Academy of Sciences and NAGB to study test items to ensure that they are free from racial, cultural, or gender bias. In addition, the Academy will recommend safeguards to ensure that tests are not used in a discriminatory or inappropriate manner.

Talking Points on Agreement on National Tests
November 7, 1997

- This is a win-win agreement -- a genuine bipartisan victory for high standards.
- The agreement allows continued, timely development of new national tests in 4th grade reading and 8th grade math, as called for by the President in his State of the Union Address. As provided for by the Senate, control of test policies and development will be transferred to the National Assessment Governing Board (NAGB).
- At the same time, the National Academy of Sciences, in consultation with NGA, NCSL, and NAGB, will study how tests already developed by commercial publishers and states may be used to measure individual student performance against existing, challenging national content and performance standards, and against each other. In addition, the Academy will study the technical quality and other aspects of test item development, as well as issues of test bias and test use.
- The Academy will be asked to make an interim report by June 15, 1998 with a final report submitted by September 1. Further development of the national tests is not dependent on the findings of the NAS study. NAGB can go forward with test development activities leading up to pilot testing right now. Pilot testing is postponed until after September 30, 1998, but does not depend on the completion or findings of the National Academy study. This timeline represents a delay of a few months, but it's one we can live with.
- The agreement allows for test development in FY 98, and pilot testing after September 30. It drops the general prohibition on national tests that the Administration threatened to veto, and does not include any requirement for congressional authorization to proceed with national tests.
- As a result of this agreement, we are now on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.

Voluntary National Tests Agreement Allows Test Development to Move Forward

As a result of the national testing provisions in the FY 1998 Labor-HHS-Education Appropriations Bill enacted November 7, 1997, work to develop voluntary national tests in 4th grade reading and 8th grade math will move forward under the direction of the bipartisan, independent National Assessment Governing Board (NAGB).

Tests to Be Developed by the National Assessment Governing Board). The legislation places the bipartisan, independent National Assessment Governing Board (NAGB) in complete control of further work in developing the voluntary national tests. NAGB will review and modify, if necessary, the contract to develop the tests. It will also review, modify if necessary, and approve the test specifications.

Under NAGB's Control, Work Will Proceed in Key Areas of Test Development.
The test development contractor will:

Research the needs of students, parents and teachers. The test development contractor will conduct research on how to best present test questions and interview students, parents and teachers to gain understanding of and report test results for clarity and usefulness.

Write the test items. The test development contractor is responsible for writing test items according to specifications for the voluntary national tests approved by the National Assessment Governing Board.

Convene advisory committees. Advisory panels in reading and math will review test items and provide feedback on a range of issues such as test reporting, test use and accommodations. A technical advisory group will also be convened.

Plan the pilot tests. The purposes of the pilot tests are to try-out test items and collect item statistics. The first pilot tests are scheduled to occur in the fall of 1998. Prior to the pilot's administration, the contractor is responsible for identifying the sample of schools and students needed, recruiting schools to participate, and training staff to administer the pilot.

Prepare for the field tests. The purposes of the field tests are to collect data for equating the test forms and linking the voluntary national tests to the national standards of the National Assessment of Educational Progress (NAEP) and benchmarks from Third International Math and Science Study (TIMSS). The first field tests will be conducted in the Spring of 1999. In preparation for the field test, the contractor is responsible for organizing a nationally representative sample of students, recruiting schools, and planning studies for linking the voluntary national tests to NAEP and TIMSS.

Develop guidelines for accommodations, appropriate test use, and test reporting. Each of these guidelines will be created through a public input process and in accordance with nationally accepted standards.

Create informational materials. Brochures and a web site will be created by the contractor to inform state education agencies and local school districts, as well as parents, teachers and students about the voluntary national tests.

National Academy of Sciences to Conduct Research Studies. The National Academy of Sciences will study the feasibility of comparing student achievement on commercial and state tests with each other and with NAEP. The Academy will also study with the technical quality, validity, reliability, design and racial, cultural, or gender bias of test items. Finally, the Academy will recommend appropriate safeguards to ensure that tests are not used in a discriminatory or inappropriate manner.

November 7, 1997

66299

Educatic - standards -
legislative issues

Elena:

Attached is the summary from Goodling's staff regarding the basic agreement reached with Hilley. I've shared this with Bruce, and discussed it with him and with Vic Klatt on Goodling's staff. A couple of points to keep in mind at the morning meeting:

1. This basically tracks John's summary of the agreement to Bruce--there are no real surprises. More specifically, fyi:
-- The first bullet is more favorable to us than expected-- it reads as though we can proceed with administration and implementation as well as field testing once NAS provides its report. I hope they don't catch their mistake, though I fear they might.

-- Only the first two bullets need to be drafted into legislative language--the other 3 are "understandings". I offered to have them drafted, but Goodling's staff wants to take care of that themselves.

2. Goodling's staff agreed that we are working toward having this shaped up enough for Goodling and POTUS to ratify when they meet, rather than have them continue to negotiate over it. However, Goodling will need to sell his side in both houses on this, and will probably not have this job done by the time he meets with POTUS.

3. This is not ready to be leaked yet, and may or may not be ready for announcement at the conclusion of the POTUS/Goodling meeting.

-- Goodling will have to sell this to a number of key people on his side of the battle, in both the House and Senate. His staff is concerned that this not leak out until he's had a chance to do that (I think they are right on this), and it's not clear if all of the necessary vetting will be completed by the time of the meeting.

-- Bruce and I discussed the merits of pushing Goodling to a joint announcement after the meeting, to lock this in. We agreed we need to play this by ear for a while this morning.

4. We also need to give our side--especially Bingaman, Kennedy, Dorgan and Obey -- a heads up on this. I'll work with Barbara Chow to get this done.

5. Despite the uncertainty over the timing of a testing announcement, it is still worth figuring out a quick way to get POTUS in the news on education today, because, (1) I can't

believe this news won't break sometime today unless it falls apart; (2) the agreement on tests will be big news; (3) the labor-NHS bill is a great education spending bill that we ought to take credit for; (4) it builds on Tuesday's wins for us when the Senate again blocked a vote on Coverdell and the House defeated a voucher provision--and may have voted for a charter schools bill as well. (I'm not sure if they are voting on charters late Tuesday--will need to check in a.m. for more details on this last point).

Note--I've also attached a Q&A in case its needed this morning, and a first cut at the claims we can make when it is time to declare victory.

Mike

P.S. - page me if you need me

- No field or pilot testing, implementation, administration, or dissemination of a national test until the National Academy of Sciences (NAS), in consultation with the National Governors Association (NGA), the National Conference of State Legislators (NCSL), and the National Assessment Governing Board (NAGB), completes a study on whether or not existing tests currently used in States can be compared with one another and/or with the National Assessment of Educational Progress (NAEP) test and reports its findings to the President and the authorizing Committees of Congress;
- All testing activities currently under review by the Department of Education will be turned over to NAGB. The NAS will, at the same time, study the Department of Education's test development activities that have taken place (up to the point of enactment of this legislation) and will be asked to report back to the President and the authorizing Committees of Congress;
- It is understood that if the NAS study determines that existing tests can be compared with one another, then efforts will be made to incorporate the concept of using existing tests into the NAEP/NAGB reauthorization;
- The House Committee on Education and the Workforce will agree to hold reauthorization hearings on NAEP/NAGB in the Spring of 1998, and the President will have an opportunity to have his testing proposal considered in the reauthorization process;
- Once the NAS completes its comparability study and reports to the President and Congress its findings, the Committee during reauthorization of NAEP/NAGB will consider allowing States to use existing funds through programs such as Title I, Title VI, and GOALS 2000 to adapt their testing systems to provide for comparability in a method consistent with the findings of the NAS study.

Q. & A. for Wednesday morning, prior to Goodling meeting:

Q. The President will be meeting with Bill Goodling later today. Has the Administration reached a deal with Mr. Goodling or the Republican leadership on national tests?

A. The President remains firmly committed to ensuring that any Labor-HHS appropriations bill he signs will enable work on the development of national tests in 4th grade reading and 8th grade math to proceed, and will not prohibit the implementation of the tests once they are developed.

In order to accomplish this, the President is always willing to sit down with opponents of his testing proposals and find ways to address their concerns. That is what he will be doing with Mr. Goodling this morning.

There are a number of potential compromise proposals being floated by various Members of Congress, none of which have been agreed to yet. There is no deal that has been reached. However, both Mr. Goodling and the President have ideas of how we can move forward. That is what they will discuss, and we hope after discussion we can find ways of bridging our differences.

Preliminary Talking Points for Potential Announcement of Testing Agreement:

For the first time in American history:

- o There will be national tests established in 4th grade English reading and 8th grade math, measuring individual student performance against widely accepted national standards.
- o An independent, bipartisan board (the National Assessment Governing Board) will be in charge of overseeing the development and administration of the national tests, ensuring that these tests will be national, not federal.
- o Congress has provided bipartisan support for the development of national tests tied to national standards.

Educational - standards -
legislation

Bryan
'97 NOV 4 PM 9:25

THE WHITE HOUSE
WASHINGTON

November 4, 1997

MEETING WITH REPRESENTATIVE WILLIAM GOODLING (R-PA)

DATE: Wednesday, November 5, 1997
LOCATION: Oval Office
TIME: 9:40am - 10:10am
FROM: John Hilley *John Hilley*
Bruce Reed

I. PURPOSE

To discuss the national education test.

II. BACKGROUND

The formal conference on the Labor/HHS appropriations bill concluded on Wednesday, October 29. While the Administration's top funding priorities for the bill were resolved satisfactorily, the conference agreed to a compromise on national testing sponsored by Congressman Obey, that was not acceptable to either the Administration or Chairman Goodling. The "Obey compromise" would have permitted further development of the test but required that administration of the test be subject to future authorization. Over thirty-four Senators (a sufficient number to sustain a veto) wrote you indicating that they would vote to support your veto of this legislation. To date, the conference report has not been filed and the next steps are unclear.

→ John Hilley is meeting with Chairman Goodling tonight (November 4). He will brief you on the details of their discussion tomorrow morning during your pre-brief.

Goodling Views

As you know, Congressman Goodling has been a fierce opponent of your national education test initiative. He believes that the test will result in unfair comparisons between school districts and states, is a precursor to a national curriculum, and is a waste of federal resources which could be more profitably spent on other education objectives. However, in attempt to work with the Republican leadership, Goodling has proposed a number of "compromises", the latest of which would ban development, implementation, field test, pilot test and distribution of the national test unless future authorizing legislation is enacted into law. Two studies by the National Academy of Sciences to

evaluate alternative tests and the national test (although it is banned by the Goodling proposal) would also be proposed.

Proposal to Goodling:

In flux, Hilley will brief in a.m.

We propose to resolve our differences with Goodling by: (1) postponing a final resolution on the issue of the implementation of national tests for another two years; (2) allowing the development and field testing of the tests to proceed over the next two years (a one-year delay in our original plan); and, (3) simultaneous with national test development, commissioning the National Academy of Sciences and the National Assessment Governing Board to conduct a series of studies to determine which, if any, state or commercially available tests could be equated to the national tests in a valid and reliable manner. (This approach builds on an approach initially proposed by Mr. Goodling.)

In effect, both approaches would proceed in the "development" phase over the next two years. There would then be adequate information to determine whether a single national test is required in order to measure student performance against national standards, if existing tests can perform that function adequately, or if a combination of both approaches is needed.

We anticipate that we will be in a stronger position to gain support for implementation of our national tests at the end of the two year period, as a result of NAGB's bipartisan leadership, and the completion of development and field testing. In addition, we believe strongly that the studies of other tests will show that very few commercially produced or state-developed tests can appropriately be equated with national standards, though the opportunity to do so may provide an incentive for commercial test publishers to modify their tests.

More specifically, under this approach, work on the national tests would proceed as follows:

- NAGB would be in charge of test development, as in the Senate-passed bill.
- Pilot testing of test questions would occur in the Spring of 1998, involving a national sample of approximately 600 schools and 46,000 students.
- Field testing of the tests, including administration and scoring procedures, would occur in Spring 1999, involving a national sample of approximately 1,400 schools and 100,000 students.
- It would be possible in the Spring of 1999 to also administer the national tests to the 7 states and 15 school districts that have already signed up for the test, as a trial administration.
- The first nationwide implementation of the tests would occur in Spring, 2000.

At the same time, feasibility studies would be conducted by the National Academy of Sciences and the National Assessment Governing Board to determine if specific tests could be equated to the national test in a reliable and valid fashion. Tests that can be equated to the national tests would be able to provide individual student scores in terms of the national

test achievement levels (e.g., basic, proficient, or advanced). This process would work as follows:

- NAS and NAGB would determine the procedure for conducting the equating studies.
- Interested states or commercial test publisher would volunteer to participate in equating studies.
- The studies would be conducted during 1998 and 1999.
- NAGB would review the results of the studies and determine which tests could appropriately be equated to the national tests.

III. PARTICIPANTS

Pre-Brief

President

Erskine Bowles

John Hilley

Bruce Reed

Mike Cohen

Barbara Chow

Andy Blocker

Meeting

President

Rep. William Goodling

Erskine Bowles

John Hilley

Bruce Reed

IV. PRESS PLAN

Closed Press.

V. SEQUENCE OF EVENTS

As Usual.

VI. REMARKS

None.

THE PRESIDENT HAS SEEN
11-4-97

Educational Standards -
Legislative issues

'97 NOV 3 PM9:0

THE WHITE HOUSE
WASHINGTON

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:

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

Not good
opportunity
around

11-4-97

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

November 3, 1997

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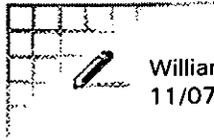
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3. Cap participation in the test at 50% of the nation's fourth and eighth grade students indefinitely unless and until Congress specifically authorizes the tests.
4. Cap participation in the 1999 test at 50% of the nation's fourth and eighth grade students, and agree that Congress must specifically authorize the tests beyond 1999.
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.

Education - Standards
Legislation issues



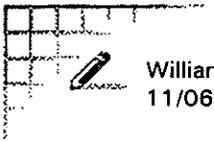
William R. Kincaid
11/07/97 08:38:49 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP
cc: Tanya E. Martin/OPD/EOP, Cathy R. Mays/OPD/EOP, Laura Emmett/WHO/EOP
bcc:
Subject: Re: Revised Q&A/TP on the tests

As I was thinking about this last night, one thing that these do not address are the provisions in the 2nd NAS study that have to do with whether the tests are free from bias, address the needs of LEP and disabled kids, and whether they can be used for "tracking, graduation, or promotion," etc. Does it make sense to include a mention of these in the TP's, or do the caucuses and advocates view this language as such a thin reed that its counterproductive?

William R. Kincaid



William R. Kincaid
11/06/97 09:50:48 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP
cc: Tanya E. Martin/OPD/EOP
Subject: Revised Q&A/TP on the tests



GOODAGMT.Q SEPT1.Q& GOODAGMT.T

**Questions and Answers on Tentative Agreement on National Tests
November 7, 1997**

Q: Earlier the Administration had indicated the President would veto this bill if it required further authorization from Congress to move forward with testing. But some suggest that this compromise basically kills the national test to clear the way for Fast Track. Has the President given up on a national test?

A: Absolutely not. The agreement allows us to proceed with development of the 4th and 8th grade national tests that the President has proposed. It also allows us to pilot test the items for these tests next fall. This is a delay of a few months, but it's one we can live with. At the same time, we will go forward with a National Academy of Sciences study of ways to link state tests to each other and to NAEP, an existing national sample test, that reflects high national standards. Both aspects of the agreement make progress toward a single goal: ensuring that all students, across the country, are measured by the same high standards.

Q: The legislation looks like a victory for test opponents. What did the Administration get out of this agreement?

A: This agreement is a solid victory for high standards. Under the compromise, the final appropriations bill drops the general prohibition on national tests contained in the House-passed bill, which the Administration threatened to veto, and allows us to proceed with development of the 4th grade reading and 8th grade math tests. The bill shifts control over test policies and development to the independent, bipartisan, National Assessment Governing Board (NAGB), as the Administration had proposed. It provides \$16 million dollars to support the testing plan. And it allows for pilot testing of test items to begin next fall. At the same time, the bill provides for a potentially valuable study of ways to link state tests to each other and to NAEP, an existing national sample test, that reflects high national standards. This agreement puts us on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.

Q: Is further development of the national tests dependent on the findings of the National Academy of Sciences study? What is the timeline for this study?

A: The Academy will be asked to make an interim report by June 15, 1998 with a final report submitted by Sept. 1. Further development of the national tests is not contingent on the findings of the NAS study. NAGB can go forward with test development activities leading up to pilot testing right now. Pilot testing is postponed until after September 30, but does not depend on the completion or findings of the National Academy study.

Q: Does the compromise require further authorization to move beyond the pilot testing stage?

A: The compromise allows for test development in FY 98, and pilot testing after September 30. It is silent on the subject of further congressional action.

Talking Points on Tentative Agreement on National Tests
November 7, 1997

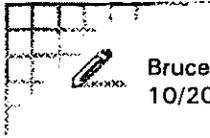
- This is a win-win agreement -- a genuine bipartisan victory for high standards.
- The agreement allows continued, timely development of new national tests in 4th grade reading and 8th grade math, as called for by the President in his State of the Union Address. As provided for by the Senate, control of test policies and development will be transferred to the National Assessment Governing Board (NAGB).
- At the same time, the National Academy of Sciences, in consultation with NGA, NCSL, and NAGB, will study how tests already developed by commercial publishers and states may be used to measure student performance against each other and against national standards. In addition, the Academy will study the technical quality and other aspects of test item development.
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- The agreement allows for test development in FY 98, and pilot testing after September 30. It drops the general prohibition on national tests that the Administration threatened to veto, and does not include any requirement for congressional authorization to proceed with national tests.
- As a result of this agreement, we are now on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.

Q&A on Pilot Testing Date

Q: It sounds as if the Administration and Hill negotiators spent all day yesterday haggling over two dates: September 1 and September 30. What was at stake and were you satisfied with the resolution?

A: We had an agreement with Mr. Goodling to allow pilot testing to begin September 1. Mr. Goodling changed the date to September 30, but after reviewing the legislative language, we determined that this would not interfere with our plans in any way, because as a practical matter we would not have begun pilot testing in the first few weeks of the school year.

Educ - standards -
legislative

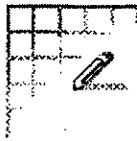


Bruce N. Reed
10/20/97 03:48:51 PM

Record Type: Record

To: Michael Cohen/OPD/EOP
cc: Elena Kagan/OPD/EOP
Subject: Re: Possible test compromises

Good memo. I think our compromise will work out fine. One question about the field test -- does it have to be a representative sample -- i.e., up to 50% of the kids in all states -- or can it just be 100% of the kids in 50% of the states? The latter is much easier to reach.

 Michael Cohen
10/19/97 02:18:55 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Michelle Crisci/WHO/EOP, William R. Kincaid/OPD/EOP, Elena Kagan/OPD/EOP

Subject: Re: Testing vote 

Here is the list Rahm requested:

Non-Caucus Democrats Supporting Goodling Amendment on National Testing

Neil Abercrombie (HI)
James Barcia (MI)
David Bonier (MI)
Allen Boyd (FL)
Pat Danner (MO)
Peter DeFazio (OR)
Mike Doyle (PA)
Chet Edwards (TX)
Lane Evans (IL)
Virgil Goode (VA)
Gene Green (TX)
Ralph Hall (TX)
Lee Hamilton (IN)
Tom Holden (PA)
Chris John (LA)
Marcy Kaptur (OH)
Gerald Kleczka (WI)
Ron Klink (PA)
William Lipinski (IL)
Thomas Manton (NY)
Robert Matsui (CA)
Patsy Mink (HI)
Alan Mollohan (WVA)
John Murtha (PA)
Collin Peterson (MN)
Owen Pickett (VA)
Tim Roemer (IN)
Norma Sisisky (VA)
Ike Skelton (MO)
Charles Stenholm (TX)
Ted Strickland (OH)
Gene Taylor (MS)
James Traficant (OH)
Jim Turner (TX)



Michael Cohen
10/22/97 09:36:35 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc: Elena Kagan/OPD/EOP
Subject: TESTING MEETING TOMORROW

Thought you need to see this. Obey, Porter, Harkin and Specter are meeting Thursday afternoon to discuss test compromise. I'll touch base with you tonight or in the morning on details. Also note that the R's may not move the voucher bill on Friday as we thought--I'm not sure what this means for Rahm's planned leak of our SAP. Worse yet, they'll try to attach the vouchers to the charter schools bill and screw everything up.

----- Forwarded by Michael Cohen/OPD/EOP on 10/22/97 09:33 PM -----



Scott Fleming @ ed.gov
10/22/97 06:40:00 PM

Record Type: Record

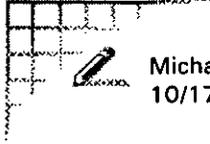
To: Ananias Blocker III, Michael Cohen
cc:
Subject: TESTING MEETING TOMORROW

FYI, Senators Specter and Harkin and Reps. Obey and Porter will meet tomorrow (Wednesday) presumably in the early afternoon to discuss where they are headed on the testing issue. Cheryl Smith has just faxed to me (and I am faxing/distributing to you) a two pager with her suggested modifications in the Senate language. On it's face, her first proposed addition is a non-starter since it would kill the test. The others don't sound like a problem for us.

Also, she sent suggestions for amendments to the Senate amendment conveyed to her by Checker Finn. I haven't even looked at them yet.

I assured Cheryl we would get back to her by mid-morning with our reactions/comments so Obey will know our views before the meeting.

ALSO -- ON AN UNRELATED NOTE, RIGGS OFFICE JUST CALLED ROEMER'S TO SAY THAT THEY HAVE FIGURED OUT THEY DON'T HAVE THE VOTES IN ED & THE WORKFORCE TO MOVE THEIR VOUCHER BILL ON FRIDAY -- THEY ARE NOW PLANNING ON TRYING TO ATTACH IT TO THE CHARTER SCHOOLS BILL ON THE FLOOR NEXT WEEK. WE NEED TO GET THAT LETTER UP THERE ASAP TO GIVE THEM EVEN MORE HEADACHES.



Michael Cohen
10/17/97 07:11:24 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: William R. Kincaid/OPD/EOP
Subject: Test compromise options

Here is where I think we wound up this afternoon. I'll continue to work on fleshing this out over the weekend for use next week. I've provided an abbreviated version of this for inclusion in the weekly.

Possible Compromise Options

Below are four compromise proposals DPC and ED think we can offer and work from. We would put them on the table one at a time, in the order listed below, and use as few as needed.

1. Linking state and/or commercial tests to the national test. NAGB would work with interested states and school districts, on a voluntary basis, to determine if the reading and math tests used by the state or local school district could be statistically linked to the national test, to enable the state or district to administer its own tests--instead of the national test developed by NAGB-- and report the results in terms of national standards and achievement levels. NAGB would have the authority to determine the criteria tests would have to meet in order to report results in terms of national standards, and therefore whether a state could use its test instead of the national test.

2. Consider 1999 as a Field Test rather than full implementation. Instead of implementing the tests in 1999, we would treat 1999 as a field test for the national tests, during which participating states and school districts would test out the procedures for administering and reporting the tests results, as well as the materials designed to inform parents, students, teachers and the public about the work students are expected to do and how students can prepare to meet national standards. We would still seek funds to support state and local test administration in 1999, though may not be able to achieve this.

3. Cap participation in the 1999 Field Test. We could limit participation in the Field Test phase, perhaps to jurisdictions with no more than 50% of kids.

4. Report to Congress on Field Test. We could be required to submit a full report on the field test to Congress by a fixed deadline, after the 1999 field test but before 2000 implementation. While we would agree to no more than reporting to Congress, there is implicit in the reporting requirement that, particularly if there are problems uncovered in the field test, Congress could act to ban further implementation. However, we would not need additional authority in order to proceed with test implementation.

Educ - standards -
legislative issues

October 18, 1997

MEMORANDUM FOR BRUCE REED
ELENA KAGAN
MIKE SMITH

FROM: MIKE COHEN

SUBJECT: NATIONAL TEST COMPROMISES

The purpose of this memo is to summarize Friday's discussion about possible compromises on the national test, to place the options we considered in a broader context, and to raise several additional issues.

I. Provisions already likely to be part of the final package

There are two key provisions already in the Senate-or House-passed bills that will almost certainly be part of the final testing provisions.

- NAGB in control of tests: It is virtually impossible to imagine any compromise that won't retain this provision. However, there are several issues that are likely to come up before this is finalized.

Finn and Ravitch now regret their proposal to eliminate the testing experts on NAGB, and to add mayors (who they view as unduly subject to local, parochial pressures). I believe I've read that Goodling has said that the testing experts should remain on NAGB. While these are not major issues, I would recommend that we agree to add back some or all of the testing experts, and that we hold on to the slots for mayors; we have talked about using one of them for a Hispanic mayor.

AFT has raised more general concerns about NAGB's technical capacity and access to technical expertise. They want to make sure that NAGB can continue to rely on NCES staff for support. We need to make sure that the current provisions don't preclude this (I don't believe they do), and check with Mark Musick (NAGB's chair) about NAGB's views on this. In addition, within the past few weeks we have requested an additional \$600K-\$1 million for NAGB in FY 98, so that it can handle its new responsibilities. I need to check on the status of this request.

- National Academy of Science evaluation of 1998 pilot test: Both the House

and Senate bills have somewhat different provisions that require the National Academy of Sciences to conduct an evaluation of the pilot test and report to Congress before next year's appropriations decisions are made. The Education Department had already been planning to contract with NAS for an evaluation, and we supported these provisions. The timeline for the reports is very tight, and there will be very little time between the March pilot test and the dates for providing the report.

II. Possible Additional Compromises

Below are four compromise proposals that DPC and ED think we can offer and work from. We would put them on the table one at a time, essentially in the order listed below, and use as few of them as needed.

- Linking state and/or commercial tests to the national test: NAGB would work with interested states and school districts, on a voluntary basis, to determine if the reading and math tests used by the state or local district could be statistically linked to the national test (or to NAEP???). If so, this would enable the state or district to administer its own test--instead of the national test developed by NAGB--and report the results in terms of national standards and achievement levels. NAGB would be given the authority to determine the criteria tests must meet in order for results to be reported in terms of national standards, and would therefore be able to determine if a state could use its own test as an appropriate substitute for the national test.

At its best, this approach essentially creates a system of national content and performance standards in reading and math and an anchor test which is either administered to all students in a jurisdiction, or which becomes the benchmark against which other tests are calibrated. This approach therefore contemplates that more than one test that could be used to measure student performance against the standards, though it does not presume that therefore any and every 4th grade reading and 8th grade math test could be meaningfully linked to the national standards.

We still have several issues to sort out under this option. First, how would this approach actually work, and how will we describe NAGB's authority to carry out its responsibilities here (do we provide general language that authorizes linking studies and requires NAGB to figure out, by a date certain, a plan for doing carrying out this approach, or do we need to spell out how this would work in some detail in the legislation itself? Second, do we treat states, local school districts and commercial publishers all on the same footing? Can all of them "bring their test to NAGB"? Third--how do we pay for this work to get done? How much additional are we likely to need, and will we need additional funds in FY 98 or later? Should the federal

government pay the total cost of linking a test to the national test, or should it require some kind of cost-sharing?

- Consider 1999 as a Field Test year rather than the first year of full scale implementation: Instead of implementing the tests in the Spring of 1999, we would treat 1999 as a field test, to try out the procedures for publicizing, preparing students for, administering and reporting the results of the national test. Unlike the Spring 1998 pilot test which involves a national sample of students, this field test would involve the administration of the test to every student in a participating jurisdiction. We should also fund an evaluation of the field test.

From the public's point of view, the field test is an opportunity to get the "kinks" out of the system before full scale implementation. From our point of view, it is a recognition that state and local participation is not likely to skyrocket over the next 18 months. It could also be an incredible marketing opportunity for us. We could work closely with a finite set of jurisdictions to help them mobilize significant efforts to prepare kids for the tests, and demonstrate the value of the materials we will develop and the resources we will provide, such as information for parents, reading tutors, teacher training materials, etc. This would enable us to show that the tests are, as the President has said, "...about lifting people up, not putting them down."

There are a couple of issues we still need to address here. First, I believe we should still ask Congress to appropriate funds for the field test (perhaps capped at some figure). If so, we may want to authorize that in whatever compromise is ultimately fashioned. (If we are able to do this, I think we should also seriously consider Obey's proposal for making the administration of the tests an allowable use of Chapter II funds for subsequent years; while the formula isn't great, taking Obey's proposal for 2000 and beyond would provide specific authorization for implementation, and would take care of long term funding for implementation as effectively as anything else we are likely to get.)

Second, we need to check with the states and districts that have already signed up and see how such a move would affect their decision. I doubt it would have a serious impact in most cases (especially if we continued to fund the 1999 administration), but I want to find out if I'm wrong before we go too far down this road.

- Report to Congress on Field Test: We could be required to submit a full report on the field test to Congress by a fixed deadline, after the Spring 1999 field test but before implementation in 2000. While we would agree to

do no more than report our findings to Congress, there is implicit in the reporting requirement that, particularly if there are problems uncovered in the field test, then Congress could act to ban additional implementations.

- Cap participation in the 1999 Field Test: If necessary, we could limit participation in the Field Test phase, perhaps to jurisdictions with no more than 50% of the kids.

I believe we could live with all of these provisions, although both the linking option and the field test options increase the odds that the tests never get off the ground, either because the substitutes are easier and less costly to use, or because the timeline is pushed back too far into the future. Certainly taken together, these provisions would mean that the particulars of the testing initiative--the fact that the test items will be released to the public, the procedures for reporting test results, the material provided leading up to the test to encourage and help students, schools and parents to prepare for the tests--more than the idea of national standards and tests, will need to operate well enough to capture the attention and strong interest of parents, educators and policymakers. From that perspective, the field test may be a good thing, because it will provide a deliberately limited but highly visible opportunity to demonstrate to the nation the value of the tests to those who participate. We can work with states and districts to make this a success for them and for us.

In addition, if we combine the already-required NAS report to Congress after the pilot test with our proposed additional report after the field test, we can make a pretty strong argument that we are giving Congress a number of additional opportunities to be involved in this initiative, to make mid-course corrections it determines are needed based on the reports, and to end the program if it wishes to. Consequently, we could argue more effectively that there should be no need for a specific Congressional authorization before we proceed with implementation.

III. Implications for Discussions with the Hispanic and Black Caucuses

Several of the options above may have implications for the issues raised by the civil rights groups and the caucuses.

- Testing LEP kids: Our approach to testing LEP kids has been to explore the feasibility of encouraging commercial publishers to link existing reading comprehension tests in Spanish and other languages to the national test. Our proposal for linking existing tests to the national tests more generally makes it easier to advance this option. Ideally, the statutory language we draft about the linking studies would not preclude tests in other languages, though I'm still inclined to try and avoid language that would explicitly permit

it.

We would still need to work out administration and reporting issues with interested districts. It occurs to me that, if we went down this road, it might well turn out to be easier for cities that wanted to give a linked Spanish-language reading comprehension test to give the English version of that test (presumably also linked to the national test) rather than the national test.

- High stakes testing: We have already indicated to the civil rights groups that we would have no problem making clear that the national test was not validated for high stakes purposes, and describing what kind of validation studies would need to be conducted at the local or state level in order for the test to be used for high stakes purposes.

Our Field Test proposal would make it relatively easy for us to prohibit the use of the test for high stakes purposes at least until 2000--not all that the civil rights groups want, but a step in their direction.

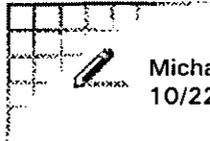
At the same time, the proposal for linking other tests to the national test could make it more likely that some tests that are part of this national testing system could be used for high stakes purposes, on the assumption that state and local tests are more likely to be validated for high stakes purposes. I presume that if a state or district wanted to require that kids meet the NAEP achievement level in order to be promoted, the state or district would have to be able to demonstrate the validity of that cut point for that particular use.

I would anticipate that the civil rights groups would want us to prohibit high stakes testing for any test that is linked to national standards. This would be a huge mistake.]

- Reporting Requirements: The civil rights groups want us to use the Title 1 reporting requirements for the national test. State and local tests linked to the national test are likely to be the tests used for Title 1 purposes, and therefore will already have to meet these requirements. This solves some fraction of the civil rights groups concern, though not the major one. It isn't clear to me if these new circumstances would make it any easier for NAGB to require that the national tests be reported in a manner consistent with the Title 1 requirements, or more appropriate for us to advocate such a move.
- Accommodations: I need some help on this one. If we are going to link state and local tests to the national test, would there need to be any specific comparability in the types of accommodations between the tests? Would the same answer hold true for inclusion/exclusion criteria for LEP kids and kids

with disabilities?

Finally, we might want to think about how we could design and conduct the field test so that we demonstrate and learn some things about how the tests can best be used to help low income and minority kids boost their achievement. This might involve several components, including, off the top of my head: (1) a component of the evaluation design that looks specifically at the impact of the testing on low income and minority students; (2) special help to participating jurisdictions on the most effective use of federal resources; (3) in partnership with business, community and other groups, a serious America Reads-like effort to mobilize out-of-school resources to help kids prepare for the tests, including, for example, the intensive efforts that OBEMLA is planning for a number of urban communities with a focus on LEP kids and their families.



Michael Cohen
10/22/97 09:54:32 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: latest, short version of possible negotiating points for national test



NEGPRO.W

Attached is a one-pager that lays out several levels . Mike is basically ok with this list. He and I are reviewing the first tier options with Riley right now.

Negotiating Proposals

First Tier: We could live with any or all of these

1. Prohibitions on:

- Education Department or NAGB development of a national curriculum in reading or math
- requiring the test as a condition of receiving federal education funds
- Education Department and/or states requiring home schoolers to take the test
- Federal mandates or control of state or local curriculum, instruction, or use of resources (already in Goals 2000)

2. Field Test in 1999 instead of implementation (with or without capped participation) → if as close to 10% as possible

- We should try to get funding for state/local participation in the field test

3. NAGB authorized to develop and implement a process for linking state or local tests to the national test

- May need additional funds for this

4. No implementation for 90-days after delivering Congressionally mandated reports on pilot test (and field test, if included in compromise)

5. Requirement that test meet Title 1 reporting requirements (for Caucuses)

adding to NAGB?

Second Tier: These would be tougher to live with

1. Funding for FY99 implementation only, with no implementation funding to be provided in future years

- Should be coupled with making test administration an allowable use of Chapter 2 funds,

2. Prohibit high stakes use of test (most likely, for specified period of time)

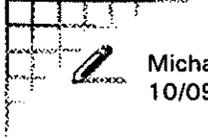
Still Unacceptable

1. No implementation unless specifically authorized (including such limitation for FY98)

2. No implementation until jurisdictions with 51% of kids sign up

3. No implementation funding (even if test administration is made an allowable use under Chapter 2)

Education - standards
legislation



Michael Cohen
10/09/97 12:07:13 PM

Record Type: Record

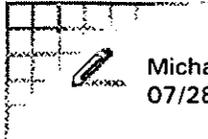
To: Bruce N. Reed/OPD/EOP
cc: Elena Kagan/OPD/EOP
Subject: Goodling update

At the mark-up scheduled for America Reads this morning, Goodling announced that he would not move the literacy bill until we gave up on the tests, and so did not mark it up. In reality, Goodling has trouble with his own bill--the entire education community opposes it, and his own members may be split as well.

NEA reports that Gingrich, Goodling, Livingston and Porter met earlier this week, and Goodling was instructed to come up with a "reasonable compromise" on testing. He apparently came back with the House-passed provision as his idea of a reasonable compromise. I assume this means that he's increased the odds that the appropriators will roll him--at least I hope so,

No word on the Riley-rumored Goodling/Jeffords meeting, but its hard to imagine that Jeffords got much further than Gingrich, Livingston and Porter.

Bruce--have you talked to Riley yet about Hiley's plan that Riley and I meet with goodling until we "wear him down"? At this point, I assume the primary purpose behind Hilley's plan is largely to demonstrate that we keep trying to reason with Goodling--right up to the point that he gets rolled.



Michael Cohen
07/28/97 07:14:44 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Ananias Blocker III/WHO/EOP, Ann F. Lewis/WHO/EOP
cc: Michelle Crisci/WHO/EOP, William R. Kincaid/OPD/EOP, Tanya E. Martin/OPD/EOP
Subject: Re: GOODLING AMENDMENTS ON APPROPS/TEST

The attached is the latest update on the Goodling amendment ; we suspect the most likely scenario is that Goodling will offer a sense of the Congress resolution.

Riley has talked to John Porter, Obey and Gephardt from Las Vegas. Porter told him that he is opposed to goodlings amendments and efforts to stop the tests, and will oppose him in Rules. He also said that Livingston will do the same--and Riley has placed a call to Livingston. Obey told riley he will help, and Gephardt told Riley he would work the Dem. Caucus.

The AFT and the Great City schools are targeting the Black and Hispanic Caucus. AFT is also trying to work moderate republicans. We are have also alerted the Business Roundtable, NAB and other business groups for help.

I'll keep you posted.

----- Forwarded by Michael Cohen/OPD/EOP on 07/28/97 07:04 PM -----



Thomas Kelley @ ed.gov
07/28/97 05:18:00 PM

Record Type: Record

To: Michael Cohen
cc:
Subject: Re: GOODLING AMENDMENTS ON APPROPS/TEST

I just spoke with Tony McCann of House Approps. He said that Goodling has three options for amendments.

1. No national test until the Committee acts on legislation. RULES HAS SAID NO TO THIS APPROCH.
2. A Sense of Congress resolution which would probably pass.
3. an outright limitation preventing the Administration from any more activity on the test which Goodling may or may not offer.

Reply Separator

Subject: GOODLING AMENDMENTS ON APPROPS/TEST

Author: Scott Fleming at WDCB03

Date: 7/28/97 3:29 PM

I just spoke with Vic Klatt. He confirmed that Goodling is testifying before the Rules Committee this evening to request that an amendment be made in order to, in effect, preclude any action on the test pending authorization by the Congress.

Vic indicated that the Chairman would welcome any suggestions for alternative ways to achieve this end, but there certainly aren't any that would meet Goodling's aim and be acceptable to us. Therefore, I don't in all honesty see any value in getting involved in even trying to change what he is doing. Whether it is through a legislative provision that says that any work on the test must await authorization, a ban on use of funds in the bill for the test, or a cut in FIE funding with the intent of stopping the test, none of the options are desirable.

I do think it would be useful to get materials up to the Democrats on the Rules Committee this afternoon that will highlight (1) that we do have the authority to develop the test and (2) that there are communities around the nation who are planning on the test being available.

I would also suggest that you, Mike, may want to call John Porter on this. I have a call in to the Appropriations Subcommittee staff to discuss, but especially with the First in the World Consortium in his district, and because of his desire to avoid controversial amendments to get his bill enacted, he may be persuaded to oppose this amendment.