

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 007 - FOLDER 003

[1/14/1999 - 1/29/1999]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Bruce Reed. Subject: Fw: Social promotion debate focusing on TAAS' role [partial] (1 page)	01/14/1999	P6/b(6)
002. email	Elena Kagan to Christopher Edley, Jr. re: personal (1 page)	01/15/1999	Personal Misfile
003. email	Elena Kagan to Richard Socarides re: Wednesday (1 page)	01/15/1999	Personal Misfile
004. email	Elena Kagan to Christopher Edley, Jr. re: personal (1 page)	01/16/1999	Personal Misfile
005. email	Elena Kagan to June Turner re: "The Crucible" (1 page)	01/20/1999	Personal Misfile
006. email	Elena Kagan to Richard Socarides re: Invitation (1 page)	01/20/1999	Personal Misfile
007. email	Elena Kagan to Christopher Jennings re: Gov Patton [partial] (1 page)	01/25/1999	P6/b(6)
008. email	Elena Kagan to Laura Emmett re: farewell (2 pages)	01/26/1999	Personal Misfile
009. email	Elena Kagan to Bruce Reed re: Higher Ed Crazyiness (1 page)	01/27/1999	P6/b(6)

COLLECTION:

Clinton Presidential Records
 Automated Records Management System [Email]
 OPD ([From Elena Kagan])
 OA/Box Number: 250000

FOLDER TITLE:

[1/14/1999 - 1/29/1999]

2009-1006-F

kh573

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JAN-1999 15:34:16.00

SUBJECT: Gun Shows

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:
hold the transmittal, I think.
----- Forwarded by Elena Kagan/OPD/EOP on 01/14/99 03:35
PM -----

Jose Cerda III
01/14/99 03:24:00 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Leanne A. Shimabukuro/OPD/EOP
Subject: Gun Shows

BR/EK:

Spoke w/Amy and Stacie -- as well as w/Treasury and DOJ -- we have clarity on holding the gun shows report. However, Reno and Rubin may be ready to transmit it as soon as COB tomorrow...do we want it officially transmitted and then held...or should we have them hold the transmittal a few more days?

Jose'

Withdrawal/Redaction Marker

Clinton Library

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001. email	Elena Kagan to Bruce Reed. Subject: Fw: Social promotion debate focusing on TAAS' role [partial] (1 page)	01/14/1999	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

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2009-1006-F

kh573

RESTRICTION CODES

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

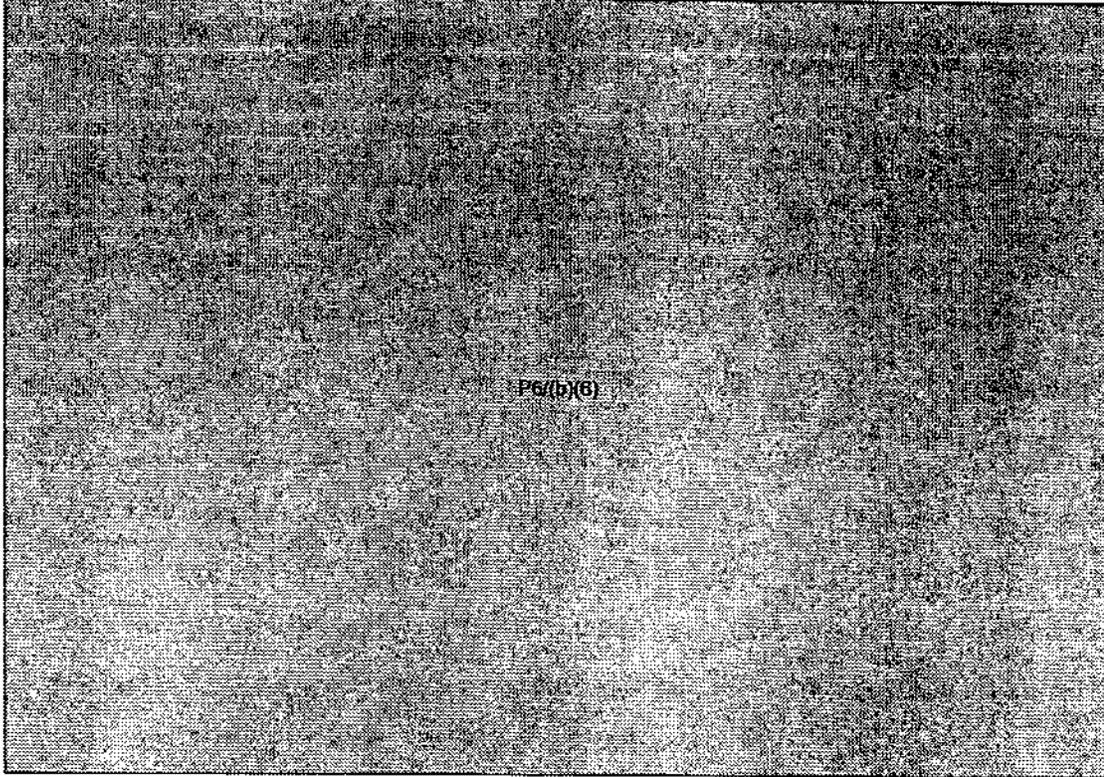
CREATION DATE/TIME:14-JAN-1999 12:06:16.00

SUBJECT: Fwd: Social promotion debate focusing on TAAS' role

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:



[001]

PG(b)(6)

Ciao.

>Date: Wed, 13 Jan 1999 22:05:48 -0500
>Subject: Social promotion debate focusing on TAAS' role
>Sender: mkennedy@sover.net
>From: mkennedy@sover.net
>To: haney@bc.edu,
> madaus@bc.edu,
> stemler@bc.edu,
> cawthorn@bc.edu,
> orfielga@hugsel.harvard.edu,
> edley@law.harvard.edu,
> khartkeft@aol.com,
> mneillft@aol.com,
> mhenzel@aol.com,
> jwkeenan@massed.net,
> dickasunya@aol.com,
> sartain@bc.edu,
> fierros@bc.edu,
> kornhaber@pz.harvard.edu,

> rlr@shore.net,
 > Thomas_mela@ed.gov,
 > ldh@leland.stanford.edu,
 > oakes@ucla.edu,
 > kevinw@gse.upenn.edu
 >Reply-To: mkennedy@sover.net
 >
 ><http://www.expressnews.com/pantheon/news-bus/education/0701btla.shtml>
 >[Image] [Image] [Image] [Image] [Image]
 >
 >[Image]
 >Education [Image] [Education] [Image]
 > Social promotion debate focusing on TAAS'
 >Class role
 >Reunions
 >Forum By Anastasia Cisneros-Lunsford
 >Graduation Express-News Staff Writer
 >Homework Help
 >School Links The goals sound simple all have Texas
 > children reading by the third grade and
 >Search stop promoting students who can't read on
 >Site Map grade level.
 >-----
 >
 > Reaching those goals will require passing
 > a political and possibly legal test.
 >
 > Gov. George W. Bush's plan to end social
 > promotion in public schools would be
 > backed with a \$203 million proposal to
 > start early intervention programs and
 > retrain teachers on effective, intensive
 > reading strategies.
 >
 > Bush campaigned for re-election on this
 > promise and attached a not- so-simple,
 > controversial mandate.
 >
 > If a bill banning social promotion passes
 > in the Legislature this spring,
 > third-graders in the spring of the year
 > 2003 must pass the reading portion of the
 > TAAS to be promoted to the next grade.
 >
 > When they reach the fifth grade, these
 > students must pass TAAS reading and math
 > exams. As eighth-graders, they would have
 > to pass reading, writing and math before
 > moving on to high school.
 >
 > For millions of Texas schoolchildren,
 > passing grades in core courses and good
 > attendance wouldn't be the measuring
 > tools anymore. TAAS would be the academic
 > barometer for promotion.
 >
 > No one is saying they oppose an end to
 > social promotion. Rather, some say Bush's
 > idea is a bad one because a child's
 > educational future would rely on one
 > test.
 >
 > A leading civil rights organization says
 > the plan discriminates against

> minorities. Statistics show average TAAS
> scores among Hispanics and
> African-Americans are significantly lower
> than those of Anglo students.

> "We do not feel (the state) should use
> the TAAS as the one indicator," said Al
> Kauffman, regional counsel for the
> Mexican American Legal Defense and
> Educational Fund.

> Last year, MALDEF filed a class-action
> lawsuit against the state for making high
> school graduation contingent on the TAAS.

> Texas public school students must pass
> the 10th-grade version of the exam before
> they can graduate.

> Texas Education Commissioner Mike Moses
> has proposed expanding the exit-level
> test to include science and social
> studies and moving administration of the
> exam from the 10th grade to grade 11.

> Kauffman said third-graders shouldn't be
> held back if they have some competency to
> read.

> "It's better for the student if they put
> them in the fourth grade, maybe in a
> smaller class with a 12-to-1
> (teacher-student) ratio with a highly
> skilled teacher," he said.

> He said retention has a rippling effect
> on students.

> "The consequences are so great. A
> decision should be made (to retain) after
> evaluation and all possibilities have
> been considered toward moving them on."

> If it takes children reading all day,
> Bush has said he is determined to have
> Texas schoolchildren achieve. But that
> achievement depends heavily on their
> performance on the TAAS.

> "Holding back a child is absolutely the
> last resort," Bush spokeswoman Karen
> Hughes said.

> State Sen. Teel Bivins, R-Amarillo, will
> introduce the social promotion bill in
> the Senate this session. As chairman of
> the Senate Education Committee, Bivins'
> proposals have a better-than-average
> chance of getting through the
> Legislature.

> "There are a myriad of hypotheticals such
> as what about the child who moved here

> from Ohio, or Mexico," Bivins said.
> "There is a mechanical press relief valve
> so children don't become victims."
>

> For students not reading on grade level,
> intervention will be key in getting them
> the necessary basic reading skills.
>

> Intensive reading remediation, an
> instructional program designed by the
> local school district, tutoring,
> after-school and summer school
> instruction all are part of the support
> system outlined by the governor to
> achieve the mission.
>

> But before his bill becomes a statewide
> policy, Bivins said several things have
> to happen.
>

> First, TAAS scores would have to be made
> available to teachers earlier so they
> could devise an immediate intervention
> plan for the child who fails. Next is
> remediation.
>

> Also, TAAS would have to be administered
> multiple times during the school year and
> during summer school.
>

> Bivins said parents, teachers and
> principals would play a major role in
> evaluating a child's progress and
> deciding on promotion.
>

> The key here is not failing to pass a
> test but learning to read, said John
> Cole, president of the Texas Federation
> of Teachers, one of the state's largest
> teachers unions.
>

> "The governor is absolutely right on this
> issue," Cole said. "Students who haven't
> learned to master the material early on
> shouldn't be moved on. . . . Twenty
> percent of students haven't learned to
> read enough to pass the TAAS. Right now
> school districts continue to ignore the
> problem. It constitutes a sort of fraud."
>

> For officials at the Texas State Teachers
> Association, another giant teachers
> union, emphasizing the TAAS in a
> "one-size fits all" measurement is not
> acceptable.
>

> No matter how many times the failing
> student takes the TAAS, "it's the same
> test," said association President Ignacio
> Salinas Jr., a Democrat recently elected
> to the House.
>

> "I have not heard Bush's remedial

> strategies, but there has to be
> alternative ways."

> For three years, Somerset School District
> officials in southern Bexar County have
> shared Bush's philosophy. Somerset's
> retention and promotion policy requires
> students to read on grade level before
> moving on to the next grade. If they fail
> the TAAS during the regular school year,
> summer school is the likely outcome. The
> Waco School District also has a similar
> plan.

> In 1997, 46 Somerset students were
> retained after failing reading assessment
> tests during the extended-year, or summer
> school program. This year, 55 students
> were retained.

> "The numbers have plateaued,"
> Superintendent Ann Dixon said. "We are
> pleased with the program and its safety
> nets."

> Retained students are assigned to
> different teachers and attend one-on-one
> tutoring sessions. Their reading levels
> are reassessed every six to eight weeks.

> Wednesday, Jan 6, 1999

>-----
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> Back to Top

> Feedback - Online: Linda Ash. Print: Robert Rivard. Letters to editor,
> reactions to editorials: letters.

>) 1999 San Antonio Express-News

January 13, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Mike Cohen

SUBJECT: Education Issues in Chris Edley's Memo

The attached memo from Chris Edley argues that our ESEA proposals do not go far enough in holding states and school districts accountable for results, while going too far in trying to end social promotion. We respectfully disagree with both criticisms, and believe that the alternative proposal Chris lays out is unlikely to achieve our policy objectives. Both the Department of Education and OMB share our views respecting these matters.

A. Ensuring Accountability

With all due respect to Chris, our ESEA proposal is simply not "too soft." The proposal requires all states -- on penalty of losing ESEA funds -- to identify and intervene in failing schools (including in appropriate cases by reconstituting or closing these school), prevent the use of unqualified teachers, end social promotion (more on this below), and issue school report cards. In short, our proposals require states to put into place the set of education reform measures that every recent study tells us works. In addition, our proposal includes specific, appropriate, and feasible bonuses and penalties for performance. At your request, we have developed a new mechanism for providing extra money to schools that make progress on state assessments over several consecutive years. Also in response to your concerns, we have developed a plan to deny administrative cost-sharing to school districts that do not make adequate progress.

It is important to understand two ways in which this proposal diverges from Chris's. First, Chris's proposal would leave Title I and all other programs now authorized under ESEA completely untouched. His proposal relates only to a currently non-existent funding stream, which is unlikely for many years (if ever) to comprise a substantial percentage of federal education funding. Second, Chris's proposal includes no requirements for specific school reforms; it is instead a block grant -- albeit one that can be taken away in certain circumstances -- for a broadly defined educational purpose (reducing racial disparities). Chris would make a virtue of this approach, arguing that it is more "Presidential." But we have never accepted the view that the federal government should leave all education policy decisions to the states; to the contrary, we have tried to use our education dollars to get the states to adopt certain policies we believe will improve performance (for example, reducing class size and modernizing facilities). As Chris himself concedes, we increasingly know what works in this area -- and we know that

too few states are implementing these policies. To rely only on a far-off threat of removing federal money -- a threat that both past practice and common sense suggests is not altogether credible -- is to deprive the federal government of much of its leverage.

B. Ending Social Promotion

Our proposal to end social promotion is sound and will be effective. We do not share Chris's view that ending social promotion is "a distraction" from your education reform agenda. On the contrary, it is a central part of holding schools, teachers and students accountable for results, as you demonstrated in Arkansas and as Chicago, Boston, and other communities are demonstrating today. The policy focuses the attention of students, parents, teachers, schools, and entire school systems on getting students to meet standards, which is the core goal of our education policy. Recall that in Arkansas, passing rates on the eighth grade reading and math tests went from about 83 to about 96 percent once a no-social-promotion was put into effect.

We do not doubt that our proposal will be controversial in some quarters, particularly in the traditional civil rights community. Chris is right to note that some members of this community oppose the use of tests to hold students accountable for performance under almost any circumstance. They will not be happy with any policy to end social promotion that goes beyond paying lip-service to this goal.

We believe that the best way to respond to the concerns of the civil rights community is to insist that states and school districts end social promotion *the right way*. This means, as you have always said, coupling no-social-promotion policies with other steps to strengthen learning opportunities in the classroom, such as extended learning time for students who need it. It also means ensuring enforcement of the civil rights laws and putting in safeguards to prevent abuses. Our proposal that the Department of Education review and approve state plans to end social promotion -- as well as our proposal that states take up to five years to phase in these plans -- should help to ensure high-quality implementation. (By contrast, if we do nothing in this area, some states will adopt irresponsible ways of ending social promotion.) We may not be able entirely to persuade Chris and others, but we believe that our continued insistence on ending social promotion policy the right way will blunt their objections.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JAN-1999 20:24:38.00

SUBJECT: Needle exchange language

TO: Daniel N. Mendelson (CN=Daniel N. Mendelson/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Sylvia M. Mathews (CN=Sylvia M. Mathews/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TEXT:

as you know, we think this is the approach most consistent with
administration policy.

----- Forwarded by Elena Kagan/OPD/EOP on 01/14/99 08:24
PM -----

Daniel N. Mendelson

01/14/99 06:04:23 PM

Record Type: Record

To: Sylvia M. Mathews/OMB/EOP, Elena Kagan/OPD/EOP
cc:
Subject: Needle exchange language

We need to discuss this. I continue to think that the language represents
a good compromise. Janet is currently meeting with McCaffrey on this
issue. Dan.

----- Forwarded by Daniel N. Mendelson/OMB/EOP on
01/14/99 05:59 PM -----

Janet L. Crist

01/14/99 05:05:10 PM

Record Type: Record

To: Daniel N. Mendelson/OMB/EOP@EOP
cc: Gina C. Mooers/OMB/EOP@EOP
Subject: Needle exchange language

Dan -- Thanks for the opportunity to comment on the proposed language --
Have not yet taken this to Barry McCaffrey but in our view the new
language is contrary to Administration policy. It would appear to put the
President and BRM out on a limb. Understand that HHS has some concerns,
but have to ask if we really want to reopen this door now? Janet

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JAN-1999 15:34:00.00

SUBJECT: tobacco farmers in the sotu

TO: Lisa M. Kountoupes (CN=Lisa M. Kountoupes/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

yes, the President will do this. Thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 01/14/99 03:34
PM -----

Lisa M. Kountoupes

01/14/99 03:07:28 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Cynthia A. Rice/OPD/EOP, Thomas L. Freedman/OPD/EOP

Subject: tobacco farmers in the sotu

In the course of the calls last night, it was suggested to me by hill offices that the potus say something in the sotu, as he did last year, favorable about the tobacco farmers. (especially since we are not including funding for them in the budget this year) this may already be in there, but wanted to make a plut for it. it apparetly went a long way last year with the tobacco farmers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JAN-1999 11:56:32.00

SUBJECT: TV Meeting

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/14/99 11:57 AM -----

Heather M. Riley

01/14/99 10:26:27 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Jennifer M. Palmieri/WHO/EOP

Subject: TV Meeting

Can we try for 12:00 for this TV Meeting--Joe's office

Message Sent

To: _____
Mark D. Neschis/WHO/EOP
Beverly J. Barnes/WHO/EOP
Amy Weiss/WHO/EOP
Barry J. Toiv/WHO/EOP
Tracy Pakulniewicz/WHO/EOP
Ruby Shamir/WHO/EOP
Stacie Spector/WHO/EOP
Dominique L. Cano/WHO/EOP
Elena Kagan/OPD/EOP
Jake Siewert/OPD/EOP
Julie B. Goldberg/WHO/EOP
Sarah E. Gegenheimer/WHO/EOP
Roger V. Salazar/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JAN-1999 13:28:40.00

SUBJECT:

TO: Fred DuVal (CN=Fred DuVal/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

CC: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

If they're fine with this, we're fine with it (though if they would prefer to be briefed today, we might still be able to do it). Chris is the indispensable person, so you have to check his schedule. Thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 01/14/99 01:27 PM -----

Fred Duval 01/14/99 01:19:19 PM

Record Type: Record

To: Christopher C. Jennings/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP

cc:

Subject:

I have taken the liberty of taking a postponement from NGA. Mickey and I are scheduled for 45 minutes Tues am at 10:30 to do an overall SOTU briefing. Want to add one of you to join us and do tobacco at that time? Gives us a little more time. What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JAN-1999 09:56:35.00

SUBJECT: Re: NEC Edley memo

TO: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Here it is. I'm OK whichever way you go. If you put the memos together, just make the combined one from Bruce and Gene (i.e., take Mike's name off) and make clear somehow which part is primarily DPC and which part is primarily NEC,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JAN-1999 11:57:55.00

SUBJECT: Re:

TO: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Not that I ever think in terms of winning and losing. Especially when I had convinced myself that this really didn'tmatter either way. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:15-JAN-1999 10:17:22.00

SUBJECT: Re: Broder and Bennet for Education

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/15/99 10:18 AM -----

Barry J. Toiv

01/15/99 09:01:28 AM

Record Type: Record

To: Jennifer M. Palmieri/WHO/EOP

cc: Elena Kagan/OPD/EOP, Amy Weiss/WHO/EOP, Jake Siewert/OPD/EOP

bcc:

Subject: Re: Broder and Bennet for Education

I assume this is happening? Will Bruce or Elena talk to both Pear and Broder?

Jennifer M. Palmieri

01/14/99 04:27:28 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Barry J. Toiv/WHO/EOP, Amy Weiss/WHO/EOP, Jake Siewert/OPD/EOP

Subject: Broder and Bennet for Education

Joe told me that John Broder was doing a set up piece for Monday on the SOTU and is looking for a policy nugget. Joe would like to see if there's a way to link up Broder into the education piece.

Withdrawal/Redaction Marker

Clinton Library

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002. email	Elena Kagan to Christopher Edley, Jr. re: personal (1 page)	01/15/1999	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[1/14/1999 - 1/29/1999]

2009-1006-F

kh573

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Elena Kagan to Richard Socarides re: Wednesday (1 page)	01/15/1999	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[1/14/1999 - 1/29/1999]

2009-1006-F

kh573

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:15-JAN-1999 17:10:47.00

SUBJECT: RECEIVED: language

TO: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

language

was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

01/15/99 05:05:36 PM

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Elena Kagan to Christopher Edley, Jr. re: personal (1 page)	01/16/1999	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[1/14/1999 - 1/29/1999]

2009-1006-F
kh573

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-JAN-1999 17:35:46.00

SUBJECT: Re: Education update

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

superb.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-JAN-1999 17:39:13.00

SUBJECT: Re: Updated Legs. Affairs SOTU Roll Out

TO: Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

DPC (Mike Cohen) will also be along in the Education sub-briefs. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-JAN-1999 18:53:00.00

SUBJECT: Re: nbc/bloom piece was fine.

TO: Amy Weiss (CN=Amy Weiss/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

yes, i thought so.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-JAN-1999 15:29:03.00

SUBJECT: Re: op-eds on our stuff

TO: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

make sure ravitch knows we're still considering a range of head start proposals.

PRESIDENT CLINTON'S PLAN TO STRENGTHEN ACCOUNTABILITY FOR RESULTS IN EDUCATION

In his State of the Union Address, President Clinton will announce a package of accountability measures designed to hold students, teachers, and schools to high standards, and to ensure that school districts and states provide students with a high quality education. These proposals will help to lift student achievement in every public school and close the opportunity gap by giving special attention to disadvantaged students in low-performing schools.

The President's plan marks a sea change in national education policy -- for the first time holding states and school districts accountable for progress and rewarding them for results. While insisting that states and local governments retain primary responsibility for education, President Clinton will call on Congress to make sure federal dollars support what works and not what doesn't. His proposal emphasizes reforms that a growing number of states, cities, and schools across the nation are implementing and that are producing clear results.

Specifically, the President will announce that he will send Congress legislation to reauthorize the Elementary and Secondary Education Act to ensure that schools end social promotion; teachers are qualified to teach the subjects they are assigned; states turn around their lowest-performing schools; parents get annual report cards on school performance; and schools institute effective discipline policies.

End Social Promotion. The President's proposal will require states and school districts to end social promotion -- the practice of promoting students from grade to grade regardless of whether they have mastered the appropriate material and are academically prepared to do the work at the next level. Students who are promoted without regard to their achievement fall even further behind their classmates, and are more likely to lack basic skills upon graduating from high school.

To ensure that this requirement helps more students succeed, rather than simply increasing the number held back, states and school districts would have to show how they will help students meet promotion standards on time by (1) strengthening learning opportunities in the classroom with clear standards, small classes with well-prepared teachers, high quality professional development, and use of proven instructional practices; (2) identifying students who need help at the earliest possible moment; (3) providing extended learning time, including after-school and summer school for students who need extra help; and (4) developing an effective remedial plan, with intensive intervention, for students who still do not meet the standards, so they can get back on track in their schooling.

In 1996 President Clinton challenged every state and school district to **adopt policies to end social promotion and require students to pass high school graduation exams. Twenty six states now have high school exit exams, and last year four states adopted policies to stop promoting unprepared students from grade to grade. A growing number of urban school districts, including Boston, Philadelphia, New York City, and Washington D.C. are**

adopting similar policies. In Chicago, which three years ago ended the practice of social promotion in a way that gives students who need it substantial extended learning time, citywide math and reading scores have gone up every year, with the largest gains among the most disadvantaged students. President Clinton's FY 2000 budget proposes to triple federal funding for after-school and summer school programs (from \$200 million to \$600 million) to help schools ending social promotion give students the extra help they need to succeed.

Put Qualified Teachers in the Classroom. According to the National Commission on Teaching and America's Future, one of the most important factors in improving student achievement is the knowledge and skills teachers bring to the classroom. Yet every year, approximately 50,000 individuals teach on "emergency" certificates, which means they do not meet the standards the state has set for certification. In addition, numerous teachers teach subjects for which they lack adequate preparation, with fully one quarter of secondary school teachers lacking even a minor in their main teaching field. Students in schools with the highest concentrations of poverty -- those who often need the most help from the best teachers -- are most likely to be in classrooms with teachers who are not fully qualified: for example, in schools with the highest minority enrollment, students have a less than 50 percent chance of having a math or science teacher with a license and degree in the field.

The President's proposal will require states to adopt performance examinations for all new teachers, requiring them to demonstrate both subject-matter knowledge and teaching expertise. The proposal also will require states and school districts to phase out, over five years, the use of teachers with emergency certificates and the practice of assigning teachers to subjects for which they lack adequate preparation. To support these new teacher quality standards, the proposal will provide resources to help states strengthen teacher certification standards, test new teachers, provide training to current teachers, and give incentives to recruit more highly qualified teachers.

Turn Around Low Performing Schools. The President's proposal will require states to identify the schools with the lowest achievement levels and least improvement and take corrective action to turn them around. These corrective actions, based on a careful assessment of each school's needs, would include steps such as intensive teacher training, support to improve school discipline, and the implementation of proven approaches to school reform. If these actions do not result in improved student achievement within two years, the proposal would require states to take additional corrective actions, such as permitting students to attend other public schools; reconstituting the school, by fairly evaluating the staff and making staff changes as appropriate; or closing the school and reopening it as a charter school or with an entirely new staff. Nineteen states currently take similar actions to help improve low-performing schools, and experience demonstrates that when these interventions carefully implemented and accompanied by the resources to support change, schools improve and student achievement increases. The President's FY 2000 budget contains \$200 million to help states begin taking these steps immediately.

Issue School Report Cards. The President's proposal will require states to distribute to all parents annual report cards for each school and school district, as well as the state as a whole.

The report cards will include information on student achievement, teacher professional qualifications, class size, school safety, and other factors that will help parents to judge the performance of the schools. Where appropriate, the report cards also will show the academic achievement of ethnic and racial subgroups, to ensure accountability for helping all students achieve. Thirty-six states currently publish or require local school districts to publish school report cards, and five additional states will begin the practice in the next two years. A recent report by Public Agenda, however, shows that only 31 percent of parents had seen these report cards. The President's proposal will help ensure that all parents in all states have access to the information they need to evaluate the quality of their schools and identify the areas in which improvement is needed.

Adopt Discipline Policies. Schools must be a place of learning. President Clinton already has challenged states, communities, and schools to take a number of steps to restore order and safety, such as adopting school uniforms, enforcing truancy laws, and imposing curfews. But in some schools, the breakdown of classroom discipline remains one of the biggest obstacles to learning and one of the greatest concerns for teachers, students, and parents alike. The President's proposal will require states and school districts to adopt discipline policies to make sure students have the chance to learn and teachers have the chance to teach.

Talking Points on New York Times Education Article

- The New York Times headline writer got the President's proposal wrong. The President isn't going to be proposing a national superintendent of education. He is going to be proposing significant education reforms to promote accountability for results in public schools across the nation.
- The President believes that states and localities should continue to have primary responsibility for education and should have flexibility to decide what to teach and how to teach it.
- But the President also believes that we should hold schools accountable for results. For our children's sake, we should invest in what works and not in what doesn't. We should put into place the accountability measures that study after study shows produce results and increase student achievement.
- Here's what we're saying:
 - Schools should end social promotion -- the practice of moving children from grade to grade regardless whether they've learned the subject;
 - Teachers should be qualified to teach the subjects they are assigned to teach, and new teachers should have to pass performance and subject matter tests to show they can do so;
 - States have a responsibility to turn around their lowest-performing schools through intensive intervention, and if necessary by making significant staff changes and/or closing the school and reopening it as a charter school;
 - Parents should get annual report cards for every school and school district so they can see how well the schools are working and be able to make informed choices; and
 - Schools should institute strict discipline codes so that they can be places of learning.
- A growing number of states, cities, and schools are implementing these reforms. They are, almost without exception, the places making the biggest student achievement gains. The President wants to ensure that all our children reap the rewards of these accountability measures.
- The President is determined to stand for these common-sense principles -- to demand accountability and to make sure that taxpayers' money is used wisely and well, rather than to subsidize educational failure. He believes these principles will benefit our children. And he will be glad to debate anyone who thinks that they are the wrong principles for a 21st century American education.

Education Accountability Q's and A's

Q. Why is the President proposing these new accountability requirements now?

- A. Later this Spring the President will send to Congress his proposal to reauthorize the Elementary and Secondary Education Act. This is the right time to make changes in federal education policy.

In preparation for this, the Education Department has undertaken a review of education policy and performance nationwide, and of the ways in which federal education programs can be strengthened. Based on this analysis--confirmed by an independent report released last week by the trade publication Education Week -- we know that states and school districts have made great progress in raising academic standards for students, but have not made the same progress in making these standards count, for students, schools or educators.

For example, only 26 states require students to pass high school graduation exams, and far fewer have policies preventing unprepared students from being promoted. Only nineteen states have policies in place to intervene in low performing schools, and take responsibility for turning them around. Every year, approximately 50,000 individuals teach on "emergency" certificates, which means that they do not meet the standards states themselves have set for beginning teachers. The vast majority of these individuals wind up teaching in our schools with the largest concentrations of poverty, so that the most disadvantaged students, who need the best teachers, are instead more likely to have the least well prepared teachers.

The President is convinced that the only way that students will be able to meet the higher standards that have been set for them is if educators, schools, school systems, states and the students themselves are held accountable. That is why he is proposing these requirements now.

Q. Does this proposal mean that states that do not adopt these policies will lose their share of federal education funds?

- A. By making these accountability mechanisms -- providing school report cards, ending social promotions, ensuring that teachers meet state standards and intervening in failing schools -- a requirement of receiving funds under the Elementary and Secondary Education Act, we fully expect that states will adopt them, just as states have complied with the accountability requirements in Goals 2000 and the current ESEA to adopt academic standards and measure student performance in meeting the standards. Governors of both parties, state and local school superintendents, and other educators are actively pursuing these throughout the country. Many states are already implementing these policies, and our proposals, if enacted into law, will speed up that process and spread it to all states.

Q. But what if they don't comply? What will you do then? Will the Education Department withhold federal education funds?

A. Again, we think these are reasonable requirements, and we expect states to comply. As with any other domestic grant program, the federal government is able to, and must, attach conditions to the grant to ensure that the funds are spent effectively and achieve the intended results. These accountability requirements are intended to do just that.

As in other domestic grant programs, there are a range of options available to the Secretary of Education to ensure compliance with these requirements. Often working with state officials or using the bully pulpit is an effective way to gain compliance. In addition, the Secretary always has the ability to deploy a graduated series of sanctions, consistent with procedural safeguards [including specifically the right of states or districts to appeal], including withholding funds the state or school system uses for administering these programs, withholding a portion of the program funds, or, ultimately, withholding all of the funds.

Q. Isn't this exactly the kind of "federal power grab" that Republican's in Congress complain about with regard to the federal role in education. Doesn't this amount to a federal takeover of education?

A. No. These are accountability requirements--many of which state and local school systems are already implementing or considering--that are necessary to ensure that federal funds have their intended effect. After all, Title 1 funds, targeted to disadvantaged schools, can't provide the full measure of help if states permit unqualified candidates to become teachers.

Q. Are you concerned that the requirement to end social promotion will lead to an increase in retention rates, especially for minority youngsters? Won't you have a problem with the civil rights community on this?

A. If all we did was wave a magic wand and say "don't promote anyone who doesn't meet the standards" this fear would be warranted. But our policy will require that states and school districts phase in this requirement over time and use that time to reduce class size, provide more training to teachers, and provide extra help to students who need it. The President's FY 2000 budget will help, by tripling funding (from \$200 to \$600 million) for after-school and summer-school programs that can provide extra help to students who need it.

Q. Many of the school systems that hire teachers on emergency credentials are big cities--which have a hard time attracting more qualified teachers. What will they do to find teachers if you end that practice?

A. First, our biggest cities--and our poorest rural areas--have the greatest difficulty attracting

fully qualified teachers, and are therefore most likely to hire teachers on emergency credential. Our most disadvantaged students suffer the most from this practice, because they get the least qualified teachers. That is why it is so important to end this practice.

It is not feasible to end it immediately. That is why we would require that the practice be phased out over five years.

We also provide help for school districts to phase out this practice. For example, the President's proposal to reduce class size allows school systems to use up to 15% of the funds to recruit and better train teachers--so they can hire fully certified teachers in the first place, or give them the training to bring them up to standards after they are hired. And creating smaller, more manageable classes will make it easier to attract good people into teaching. The President's budget will contain an increase in funding for teacher recruitment programs included in last year's Higher Education Act, a program that provides scholarships to prospective teachers who commit to teach in high poverty communities.

Ultimately, though, while the federal government can and will help, this is a state and local responsibility. They set the standards for entering the profession, and they hire the teachers. By hiring teachers who don't meet the standards, our most disadvantaged students are hurt the most. States and local school systems will have to find additional ways to make it more attractive for good teachers, with salary increases, better working conditions, or whatever it takes. When there is difficulty getting qualified doctors to urban or poor rural hospitals, no one accepts the idea of hiring unqualified doctors. We shouldn't accept that practice for education.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:19-JAN-1999 13:21:40.00

SUBJECT: RECEIVED: Welfare changes to SOU book

TO: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Welfare changes to SOU book
was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

01/19/99 01:21:10 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:20-JAN-1999 19:10:20.00

SUBJECT: RECEIVED: \$240 million in competitive Welfare-to-Work funds

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

\$240 million in competitive Welfare-to-Work funds
was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

01/20/99 07:07:11 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:20-JAN-1999 12:59:22.00

SUBJECT: What's the welfare event monday?

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

could you give barry a quick summary?

----- Forwarded by Elena Kagan/OPD/EOP on 01/20/99 01:00
PM -----

Barry J. Toiv

01/20/99 12:45:58 PM

Record Type: Record

To: Jennifer M. Palmieri/WHO/EOP, Elena Kagan/OPD/EOP

cc:

Subject: What's the welfare event monday?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:20-JAN-1999 12:16:42.00

SUBJECT: stem cell research

TO: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Dan Marcus (CN=Dan Marcus/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Chris -- were we ever given this???

----- Forwarded by Elena Kagan/OPD/EOP on 01/20/99 12:17
PM -----

Dan Marcus
01/20/99 11:12:19 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: stem cell research

Could you send me a copy of the HHS legal opinion, cited in today's
NYTimes? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:20-JAN-1999 16:28:13.00

SUBJECT: RECEIVED: Reminder--comments on Child Labor Reform Act (LRM MNB2) ARE DUE

TO: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Reminder--comments on Child Labor Reform Act (LRM MNB2) ARE DUE

was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

01/20/99 03:25:55 PM

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Elena Kagan to June Turner re: "The Crucible" (1 page)	01/20/1999	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[1/14/1999 - 1/29/1999]

2009-1006-F
kh573

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	Elena Kagan to Richard Socarides re: Invitation (1 page)	01/20/1999	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[1/14/1999 - 1/29/1999]

2009-1006-F

kh573

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:20-JAN-1999 00:08:37.00

SUBJECT: Change of time

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/20/99 12:09
AM -----

Rebecca L. Walldorff
01/19/99 02:42:44 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Change of time

The "tax roll out" meeting has been changed to 1PM on Thursday Jan 21 in the Ward Room. This meeting is something Steve is leading to put together legislative, message and budget strategies. The list of participants is as follows:

Linda Robertson
Gene Sperling/Chuck Marr
Sylvia Mathews
Larry Stein (or representative)
Goody Marshall
Bruce Reid/Elena Kagan
Ann Lewis
Doug Sosnik
Karen Tramontano

Thank you for your patience on scheduling this meeting and feel free to call me if you have any questions (6-7288).
Rebecca

Message Sent

To: _____
Janet L. Graves/OMB/EOP
Sylvia M. Mathews/OMB/EOP
Jessica L. Gibson/WHO/EOP
Thurgood Marshall Jr/WHO/EOP
Maya Seiden/WHO/EOP
Cathy R. Mays/OPD/EOP
Ruby Shamir/WHO/EOP
Dominique L. Cano/WHO/EOP
Charles R. Marr/OPD/EOP
Peter A. Weissman/OPD/EOP
Elena Kagan/OPD/EOP
Karen Tramontano/WHO/EOP

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File Name: p_x2211148_opd_html_1.xls

Attachment Number: [ATTACH.D52]MAIL45511122Y.036

Question: The President has repeatedly stated his goal of reducing class size in the early grades by helping schools hire 100,000 teachers by 2005. Does this budget support funding levels in the outyears to meet that goal?

Answer: Yes. The President remains fully committed, as his FY 2000 budget will reiterate, to helping hire 100,000 new teachers by 2005. In response to the President's request, the FY 1999 appropriations act provided the first installment of the necessary funding, \$1.2 billion to help hire more than 30,000 new teachers. The FY 2000 budget surpasses the previously articulated policy path with a \$200 million increase over FY 1999, providing \$1.4 billion to continue financing the 30,000 teachers hired with FY 1999 funds, and to add roughly 8,000 more teachers for a total of over 38,000. The Administration is confident and strongly committed to reaching this goal by 2005.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-JAN-1999 11:42:41.00

SUBJECT: Re: Meeting 1pm today in Ward Room

TO: Rebecca L. Walldorff (CN=Rebecca L. Walldorff/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

can you cc; me too from now on for Elena's schedule. Thanks. -Laura Emmett

Rebecca L. Walldorff
01/21/99 11:35:02 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting 1pm today in Ward Room

Hello everyone-

The 1pm meeting in the Ward Room is still on. I've let Steve know that several of you have meetings at 1:30 - and so this meeting will be quick.

Thanks!

Rebecca

Message Sent

To: _____
Janet L. Graves/OMB/EOP
Sylvia M. Mathews/OMB/EOP
Jessica L. Gibson/WHO/EOP
Thurgood Marshall Jr/WHO/EOP
Maya Seiden/WHO/EOP
Cathy R. Mays/OPD/EOP
Ruby Shamir/WHO/EOP
Dominique L. Cano/WHO/EOP
Charles R. Marr/OPD/EOP
Peter A. Weissman/OPD/EOP
Elena Kagan/OPD/EOP
Karen Tramontano/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-JAN-1999 19:24:50.00

SUBJECT: RECEIVED: Question re: DOJ lawsuit

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Question re: DOJ lawsuit

was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

01/21/99 07:25:35 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-JAN-1999 12:41:47.00

SUBJECT: Race Book

TO: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

could you do a draft? You should be able to use the memo we sent to the President in responding to his central proposal, but we should say some nice things about the rest.----- Forwarded by Elena Kagan/OPD/EOP on 01/21/99 12:41 PM -----

Clara J. Shin

01/21/99 12:12:44 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Race Book

Please forward your comments and edits re: the Introduction and education portion of the workplan chapter of the President's Race Book to Maria E. by tomorrow (Friday) 5:00 pm. Thank you.

Message Sent

To: _____
John Podesta/WHO/EOP
Bruce N. Reed/OPD/EOP
Gene B. Sperling/OPD/EOP
Minyon Moore/WHO/EOP
Ann F. Lewis/WHO/EOP
Paul E. Begala/WHO/EOP
Sidney Blumenthal/WHO/EOP
Michael Waldman/WHO/EOP
Elena Kagan/OPD/EOP
Shirley S. Sagawa/WHO/EOP

Message Copied

To: _____
Sara M. Latham/WHO/EOP
Cathy R. Mays/OPD/EOP
Peter A. Weissman/OPD/EOP
Melissa G. Green/OPD/EOP
Jocelyn A. Bucaro/WHO/EOP
Ruby Shamir/WHO/EOP
Tracy Pakulniewicz/WHO/EOP
Joshua Gotbaum/OMB/EOP
Laura Emmett/WHO/EOP
Katharine Button/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-JAN-1999 09:44:04.00

SUBJECT: Re:

TO: Fred DuVal (CN=Fred DuVal/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

It went OK. She knows where we are; we know where she is. We both claim to want the same kind of compromise, and she promised to try to work toward it (even as she is endorsing a no-strings approach). All in all, it was friendly.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-JAN-1999 09:44:36.00

SUBJECT: Re: Senate tobacco staff mtg Monday

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
I think that's a good idea.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-JAN-1999 16:08:21.00

SUBJECT: Re: Feb. 2nd

TO: Lynn G. Cutler (CN=Lynn G. Cutler/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

bruce, mike and I are still discussing this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-JAN-1999 12:03:21.00

SUBJECT: Re: Tobacco Strategy Meeting

TO: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

we should invite omb as well -- jack, sylvia, josh, and dan

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-JAN-1999 09:45:19.00

SUBJECT: In Chicago, the Story Behind the Rising Test Scores

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/22/99 09:46 AM -----

"Christopher Edley, Jr." <edley @ law.harvard.edu>

01/22/99 09:41:19 AM

Record Type: Record

To: Maria Echaveste/WHO/EOP, Michael Cohen/OPD/EOP, Elena Kagan/OPD/EOP

cc: Scott R. Palmer/PIR/EOP

Subject: In Chicago, the Story Behind the Rising Test Scores

Maria --

The news analysis below raises very important questions about chicago example, as I have told you. See also the front page NYT story today by Ethan, pointing out that the strong weight of the research evidence is

Of course, DPC insists it will be done the right way, like Chicago does.

But look at the chicago practice as described below. This is bad for kids of color and that's why it is so important for those discussions with the Leadership Conference to be undertaken in good faith. (The meeting Bruce and Mike had was, I understand, terrific, but didn't cover the issue of social promotions.)

Finally, I respectfully request a copy of whatever has been given to POTUS describing the evidence on the Chicago experience, and characterizing the state of research and professional opinion on retention. I'm trying to figure out what he has been told about the civil rights objections, which are based on the social science evidence, rather than anecdote.

Thanks.

>Date: Thu, 21 Jan 1999 19:28:51 -0500

>Subject: Education Programs: In Chicago, the Story Behind the Rising Test
>Scores

>Sender: mkennedy@sover.net

>From: mkennedy@sover.net

>To: dfcl@aol.com,

> rlr@shore.net,

> kboundy@cleweb.org,
 > nfl@is1.nyu.edu,
 > ldh@leland.stanford.edu,
 > peggy.wiesenberg@state.ma.us,
 > khartkeft@aol.com,
 > mneillft@aol.com,
 > orfielga@hugsel.harvard.edu,
 > edley@law.harvard.edu,
 > abackler@aol.com,
 > kornhaber@pz.harvard.edu,
 > rriordan@bpic.org

>Reply-To: mkennedy@sover.net

>
 ><http://www.nytimes.com/library/politics/012199sou-chicago.html>

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>
 > January 21, 1999

> EDUCATION PROGRAMS

> In Chicago, the Story Behind the Rising Test Scores

> -----

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> * The Future: Greenspan Sees Harm in Proposal

> Forum

> * Join a Discussion on The Clinton Presidency

> -----
 > By PAM BELLUCK

> [C] HICAGO -- Not so long ago, Chicago's public schools
 > were considered the worst in the nation. But in his
 > State of the Union Message on Tuesday, President Clinton
 > held them up as a model.

> Specifically, Clinton singled out the Chicago system's
 > eliminating the practice of promoting students even if
 > they did not meet their grade's academic standards, just
 > so they could stay with their age, or social, group. He
 > praised Chicago's decision three years ago to force
 > students who do not have basic math and English skills
 > to attend summer school, and to make them repeat a grade
 > if they do no better by the end of the summer.

> Clinton seemed to suggest that these policies accounted
 > for the fact that student test scores in the Chicago
 > school system have been rising for the last three years.
 > But, as with most issues in education, the reality is
 > more complex.

> Chicago's ending of the schools' so-called social
 > promotion is only one part of a major overhaul of the
 > country's third-largest school system, something the
 > city has been able to accomplish largely because the
 > Illinois Legislature in 1995 gave Mayor Richard M. Daley
 > extensive control over the schools. He appointed his
 > budget director, Paul Vallas, as the school system's new
 > chief executive officer, and Vallas has set about trying

> to make the public schools work with the efficacy of a
> business.

> Among other things, Vallas and a school board, also
> appointed by the Mayor, have revamped the school
> system's budget, removed principals from some failing
> schools and put more resources into programs like early
> childhood education. More than 100 schools were put on
> academic probation and told to improve; now only 58
> remain on the list.

> Vallas, a former teacher, believes that the elimination
> of social promotion is another important part of the
> package.

> "Social promotion kills an educational system," he said.
> "When we came in, 9,700 of the previous year's 27,000
> graduates were reading at sixth-grade level or below. If
> you're a teacher, what are you to do? You have to lower
> your standards. You have to dummy down the curriculum.
> The children who are behind never get caught up. The
> children at grade level get taught to inferior
> standards."

> Yet, as other cities follow Chicago's example, experts
> say it is still too early to rate the effectiveness of
> the policy against social promotion.

> Begun with just eighth graders in 1996, it now applies
> to third, sixth and ninth graders as well. If students
> do not score above a cutoff on the Iowa Test of Basic
> Skills or, in ninth grade, if they fail subjects like
> math and reading, they are required to go to summer
> school. If they still do not pass, they must repeat the
> grade and receive at least an hour of extra instruction
> each day.

> About a quarter of the students in these grades were
> required to attend summer school last year -- about the
> same percentage as in previous years. The results were
> not universally encouraging.

> Of the 10,000 third graders who attended mandatory
> summer school, 5,500 are now repeating third grade, said
> Blondean Davis, the school system's Chief of Operations.
> Of those, 964 are repeating third grade for a second
> time.

> In the sixth and eighth grades, the results were a
> little better, with just under 40 percent of the
> mandatory summer-school students held back a grade. Dr.
> Davis said the eighth-grade results were not quite as
> disappointing, however, because eighth-graders had a
> higher minimum test score this year.

> Still, "the hopes have been that far larger numbers of
> kids going through the summer school would move from
> scores that weren't adequate up to the promotion level,"
> said G. Alfred Hess, the director of Center for Urban
> School Policy at Northwestern University.

> Professor Hess said that while the program seemed to
> have helped many students, "larger proportions than any

> of us had hoped have not made it to that level."

> He said it was not yet clear whether the policy had
> yielded another hoped-for benefit: that the threat of
> going to summer classes and being held back would force
> students to take school more seriously.

> The Chicago policy has its critics.

> "It's a grossly unsuccessful policy," said Suzanne
> Davenport, the acting executive director of Designs for
> Change, a school reform, research and advocacy
> organization in Chicago. "Of all the things to quote
> about improvements in the Chicago school system, this is
> not what we would pick out."

> Ms. Davenport said her organization did not advocate
> social promotion. But she said some studies showed that
> holding students back a grade did not help.

> "Even if kids show any short-term gains, they don't last
> very long," she said. "And secondly, students are much
> more likely to drop out if they are held back."

> The solution, she said, was significantly improving
> other aspects of the schools, like curriculum, teaching,
> class size. Struggling students should be promoted, she
> said, but given extra help in their new grade.

> At one Chicago school today, teachers said they
> supported mandatory summer school and the end of social
> promotion.

> "A lot of older kids see retention as a reality, all of
> a sudden, and it has lit a fire under a lot of them,"
> said Julie Hines, a computer teacher at Louis J. Agassiz
> Elementary School on the North Side.

> James Starzynski, a reading specialist and curriculum
> coordinator at the school, said: "I think it took a lot
> of courage to do such a thing, but the alternative is
> awful. You can't have 16-, 17-, 18-year-old social and
> economic liabilities walking around the streets of
> Chicago."

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007. email	Elena Kagan to Christopher Jennings re: Gov Patton [partial] (1 page)	01/25/1999	P6/b(6)

COLLECTION:

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[1/14/1999 - 1/29/1999]

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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-JAN-1999 13:18:38.00

SUBJECT: Gov Patton

TO: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

as i said, this seems a bit ridiculous -- but let me know.
----- Forwarded by Elena Kagan/OPD/EOP on 01/25/99 01:18 PM -----

Mickey Ibarra
01/13/99 09:47:01 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc:
Subject: Gov Patton

----- Forwarded by Mickey Ibarra/WHO/EOP on 01/13/99 09:48 PM -----

Fred Duval 01/13/99 09:43:45 PM
Record Type: Record

To: Ron Klain/OVP @ OVP
cc: See the distribution list at the bottom of this message
Subject: Gov Patton

I understand that you have been made aware that Gov Paul Patton is quite upset with the Administration over a number of recent events and policy announcements.

[REDACTED] P6/(b)(6)
[REDACTED] P6/(b)(6)
[REDACTED] P6/(b)(6) A brief synopsis:

[007]

1. Kentucky CHIP. Kentucky recently had its state CHIP plan approved but the plan did not include coverage of the dependents of Kentucky state employees. The state originally believed it had been assured by HCFA that the children of state employees would receive coverage and had represented that widely in state legislative hearings when Kentucky passed its plan. When it was learned that this assumption was wrong, the Kentucky legislature and the Kentucky Teachers Assoc. went nuts. This is the pressure Patton is reacting to.

The federal law says that the federal govt. cannot cover the dependents of state employees where the state already does so or provides a benefit to the employee that can be used to cover their dependents. In Kentucky the state provides a cash stipend that is used by the employee to cover the cost of insurance. The weighted average cost of a state employees insurance package is \$199 and the state employee subsidy is \$203. (So the average net subsidy "benefit" is \$4) All of the printed

materials given to employees are drafted to assume this stipend covers only the employee. But, since it is possible for a state employee to opt for one of the less expensive plans and then have a cash/stipend balance which could be used for additional coverage for kids, HCFA concludes that a dependent benefit has been achieved and therefore the feds cannot cover the kids. The goal of the law was to prevent the states from using federal money to replace pre-existing state commitments.

Kentucky points out that only a small minority of the 160,000 state employees buy a smaller policy than what the stipend covers, and those that do usually first add spousal coverage not dependent coverage. So, if in fact there are cases where state money is being used by individual employees to buy dependent coverage, it is very few and the dollars used to do so are tiny. Of particular frustration is that HCFA has approved two state plans (NC and Mississippi) which are similar except they provide their employees a plan itself rather than a subsidy to pay for the plan. The Governor sees HCFA as turning him - and the kids of Kentucky - down for coverage over the \$4 difference.

The two obvious remedies are (1) Kentucky can change its state law, and (2) the Congress can change the federal law. Neither are likely to be achieved before Governor Patton's 1999 election date.

If you want more, Chris Jennings and I will come up and brief you.

2. Kentucky Locks. The Governor has asked for our commitment to allocate \$20 million in FY 2000 for the replacement of the 60 year old lock on the Tennessee River at the Kentucky Dam which is the linchpin for Commerce moving between the Ohio River and the Tennessee River. In the last two years he made a similar request but we did not include this in our 98 or 99 budget. Sen. McConnell inserted approx. 8.4 million in last years budget and 4.2 mil in the 98 budget. Elgie Holstein informs us that this year we will include between 8 and 10 million for the lock. This is less than what the Gov is seeking, but is very helpful, and I suspect a smart hedge against another McConnell budget addition.

3. Transportation money. Last year, DOT awarded discretionary grants under section 1101 of the TEA-21 Act to all but three states. Kentucky was one of the 3 states. (I can give you DOT's individual justifications for each proposed project denial if you need them) Unfortunately this was more painful because Gov Patton was the lead Governor on Transportation and was very active in the lobbying for TEA 21. DOT is currently looking at the next batch of awards for next year.

4. EPA Air regs. As the Governor of a coal state, Patton lobbied hard against the recently promulgated rule on NOX emissions. He argued for less stringent standards, and was frustrated that the decision process did not permit him to make his case directly to the President. His industry feels as though he was unable to use his "clout" with the democratic administration to adequately convey the economic harm the new regs will do to his energy producers.

As you can see, we have had a string of bad luck. In addition, of course he hasn't been thrilled with much of our position on tobacco.

Now, all of this is not to say that we haven't had successes. We have worked with him successfully on federal funding for his home visitation project and early childhood development proposal, for his VINE program on sex offenders, Appalachian Regional Council (ARC) reform, etc. and he has been included in a number of high profile events at the White House. We have a warm personal relationship, and Audrey's joining MEGs staff has assured that good relations remain. But he is hoppin' mad on the "big" issues and is seeking our help.

Message Copied

To: _____

John Podesta/WHO/EOP

Mickey Ibarra/WHO/EOP

Audrey T. Haynes/OVP @ OVP

Lynn G. Cutler/WHO/EOP

Christopher C. Jennings/OPD/EOP

William H. White Jr./WHO/EOP

Elwood Holstein/OMB/EOP

Minyon Moore/WHO/EOP

Linda L. Moore/WHO/EOP

Emory L. Mayfield/WHO/EOP

Jeanne Lambrew/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-JAN-1999 10:51:53.00

SUBJECT: Re: tobacco Q&A

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
OK -- send it in.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-JAN-1999 18:51:42.00

SUBJECT: Re: Our list of Deliverbles

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Nicole R. Rabner (CN=Nicole R. Rabner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

CC: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TEXT:

The VP's office told us at 4:30 that they wanted to leak something on this, and we (DPC/First Lady's Office) got them paper (approved by HHS, OMB, etc.) within 30-45 minutes. I'm not sure how we could have been more responsive.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-JAN-1999 18:55:26.00

SUBJECT: Re: Our list of Deliverbles

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Also, I think you might check with the press office to figure out whether/how leaking the other events fits into their overall strategy on getting things out this week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-JAN-1999 10:49:22.00

SUBJECT: Re:

TO: Fred DuVal (CN=Fred DuVal/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

we sent it over to DOJ -- I'll check in today.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-JAN-1999 12:55:53.00

SUBJECT: Re: comments on education section of Edley's book

TO: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Bruce wants you to take out (4). Our only other suggestion is for you to say "so obviously that piece can't stay in here as is" instead of "so I can't imagine that piece staying in here as is." Once you make these changes, just send the comments to Maria and Clara Shin, with a not that Bruce and I have reviewed. (You should also cc us.) Many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-JAN-1999 18:44:36.00

SUBJECT: Re: Our list of Deliverbles

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by Elena Kagan/OPD/EOP on 01/25/99 06:45 PM -----

Maria Echaveste

01/25/99 06:39:13 PM

Record Type: Record

To: Patricia M. Ewing/OVP @ OVP, Thurgood Marshall Jr/WHO/EOP
cc: Robert B. Johnson/WHO/EOP, Elena Kagan/OPD/EOP, MELANNE (Pager)
#VERVEER, Ellen M. Lovell/WHO/EOP
bcc:
Subject: Re: Our list of Deliverbles

Pat--thanks for the list; I understand that you had wanted to do the Head Start today for tomorrow but that OPL(?) didn't get you what you needed, is that right? Was it OPL or DPC; please advise. Also, Goody, Melanne--will you help us get the cabinet to release the three things that Gore can't do--please advise--Perhaps, the digital library, which is part of Smithsonian is something the First Lady would like to do? Let's figure this out. Thanks.

Patricia M. Ewing @ OVP

01/25/99 11:21:12 AM

Record Type: Record

To: Maria Echaveste/WHO/EOP, Steve Ricchetti/WHO/EOP, Douglas B. Sosnik/WHO/EOP
cc:
Subject: Our list of Deliverbles

We would like to develop events around the following list of deliverables:

1. Head Start
2. Student Loan Interest Deduction
3. Pension package

What we do not plan on doing:

1. Digital Library
2. Computing Technology Centers
3. Low income Housing Centers

I need to hear back from MEG's office on the Central Am package and will

send that info along.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:26-JAN-1999 11:19:11.00

SUBJECT: Re: FMLA and other budget events

TO: Jennifer M. Luray (CN=Jennifer M. Luray/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Nicole R. Rabner (CN=Nicole R. Rabner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

CC: Neera Tanden (CN=Neera Tanden/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Shirley S. Sagawa (CN=Shirley S. Sagawa/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
right now we're doing the radio address on equal pay.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:26-JAN-1999 11:17:41.00

SUBJECT: Follow Up Meeting

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/26/99 11:18
AM -----

James T. Heimbach

01/26/99 08:27:12 AM

Record Type: Record

To: Sylvia M. Mathews/OMB/EOP, Elena Kagan/OPD/EOP, Thurgood Marshall
Jr/WHO/EOP, Lawrence J. Stein/WHO/EOP
cc: Janet L. Graves/OMB/EOP, Jessica L. Gibson/WHO/EOP, Maya Seiden/WHO/EOP
Subject: Follow Up Meeting

Steve Ricchetti would like to do a one-on-one meeting with each of you
later this afternoon as a follow up to yesterday's strategy meeting. He
anticipates each lasting about 30 minutes. Could you let me know what
times work for you, and e-mail me your priority lists? Thank you.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. email	Elena Kagan to Laura Emmett re: farewell (2 pages)	01/26/1999	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[1/14/1999 - 1/29/1999]

2009-1006-F
kh573

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-JAN-1999 14:06:28.00

SUBJECT:

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

the vp is looking for events between the 10th and the 12th (when the President is away). what do you think we can/should give them?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:26-JAN-1999 13:18:51.00

SUBJECT: Re: Welfare Debate, Redux

TO: Ron Klain (CN=Ron Klain/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

CC: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

Good response from Chris. Even in the Democratic primaries . . . if
that's the best he can do . . .

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-JAN-1999 14:21:39.00

SUBJECT: Re:

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

do you think it's too late for them to roll out budget stuff? I was thinking we should do some of that via leaks this weekend.

Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. email	Elena Kagan to Bruce Reed re: Higher Ed Craziiness (1 page)	01/27/1999	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[1/14/1999 - 1/29/1999]

2009-1006-F

kh573

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Freedom of Information Act - [5 U.S.C. 552(b)]

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- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-JAN-1999 18:16:16.00

SUBJECT: Re: Event Options

TO: Karin Kullman (CN=Karin Kullman/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

That was it. We also have plans to do a gun tracing event (ask Jose), but we shouldn't try to push that until our gun shows event is over.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-JAN-1999 09:56:31.00

SUBJECT: Re: Latest Coordinated Press Plan for this week is attached

TO: Jennifer M. Palmieri (CN=Jennifer M. Palmieri/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Remember, too, that we're advancing a foster care stroy to the time tomorrow for Friday.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-JAN-1999 15:21:11.00

SUBJECT: Re:

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

I don' t think you answered my question (perhaps I didn't state it clearly). Would you rather leak these things this weekend or offer them up to the vp for a couple of weeks from now?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-JAN-1999 15:22:17.00

SUBJECT:

TO: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

I've read the grmialva brief. let's talk when you have a chance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-JAN-1999 15:39:09.00

SUBJECT: Re: Desperately seeking deliverables...

TO: Eli G. Attie (CN=Eli G. Attie/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TEXT:

Two ideas:

1. Announce the budget increase for Americorps
2. Announce the budget increase for charter schools and other public school choice programs, including a \$10 million appropriation for interdistrict magnet schools (good for racial and other integration) and a \$10 million appropriation for worksite schools (covenient for parents, etc.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JAN-1999 14:48:40.00

SUBJECT: Re: AmeriCorps

TO: Tanya E. Martin (CN=Tanya E. Martin/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

I think the kickoff etc. is being saved for the President for the 17rth.
But because budget numbers will be old by then, we thought the Vice
President could make that announcement the previousl week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JAN-1999 10:34:24.00

SUBJECT: Interviews

TO: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

what in the world is this?

----- Forwarded by Elena Kagan/OPD/EOP on 01/28/99 10:35 AM -----

Jennifer M. Palmieri
01/28/99 10:15:59 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Interviews

fyi
----- Forwarded by Jennifer M. Palmieri/WHO/EOP on 01/28/99 10:17 AM -----

Mark D. Neschis
01/27/99 06:28:02 PM
Record Type: Record

To: Joseph P. Lockhart/WHO/EOP, Jennifer M. Palmieri/WHO/EOP
cc: Heather M. Riley/WHO/EOP
Subject: Interviews

NHTSA's Ricardo Martinez is doing Fox News tomorrow and GMA Thursday morning on seat belt safety.

thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JAN-1999 12:58:54.00

SUBJECT: Re: what do you think? I haven't sent yet

TO: Michael Waldman (CN=Michael Waldman/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

looks good. the tone is absolutely fine.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JAN-1999 11:13:58.00

SUBJECT: Americorps

TO: Sarah A. Bianchi (CN=Sarah A. Bianchi/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TEXT:

I just said that the President could (1) announce our budget increase for Americorps and/or (2) our budget increase for charter schools and other public school choice programs, including interdistrict magnet schools (which are good for racial and other kinds of integration) and worksite schools (which are family-friendly, convenient for parents, etc.)

----- Forwarded by Elena Kagan/OPD/EOP on 01/28/99 11:13 AM -----

Laura Emmett

01/28/99 11:03:04 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Americorps

do you still have this or should I get it from someone else?

----- Forwarded by Laura Emmett/WHO/EOP on 01/28/99 11:04 AM -----

Sarah A. Bianchi @ OVP

01/28/99 10:58:25 AM

Record Type: Record

To: Laura Emmett/WHO/EOP

cc:

Subject: Americorps

Elena mentioned that she forwarded to Eli Attie a description of an Americorp announcement that the VP could do as the President does not have time -- However, Eli is in davos with the VVP so wondering if you could forward it to me so I can get it on the radar screen down there.

sb

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JAN-1999 11:09:20.00

SUBJECT: House ed-flex

TO: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

let's add this to the weekly.

----- Forwarded by Elena Kagan/OPD/EOP on 01/28/99 11:10
AM -----

Bruce N. Reed

01/28/99 10:51:18 AM

Record Type: Record

To: Michael Cohen/OPD/EOP, Tanya E. Martin/OPD/EOP

cc: Elena Kagan/OPD/EOP

Subject: House ed-flex

Congress Daily says Hastert announced yesterday that H.2, the House GOP education bill, will include 3 proposals: block granting 31 education programs, changing tax laws on arbitrage for school construction bonds, and ed-flex. Do we know anything more?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JAN-1999 19:28:01.00

SUBJECT: Next steps on ESEA/Compact

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/28/99 07:29
PM -----

"Christopher Edley, Jr." <edley @ law.harvard.edu>

01/28/99 06:52:15 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP

cc: See the distribution list at the bottom of this message

Subject: Next steps on ESEA/Compact

[I would have cc'd Bruce, but don't have his email address]

Lots of good input. Thanks. I take to heart Bruce's comment about how close we are and the "sea change" implicit in the ESEA ideas. Indeed, things really are in such a better place than they seemed in October.

I see two central options as of now. First is to, in essence, make the ESEA approach the mountain top, and talk about how it advances the vision of accountability and gap-closing as a non-trivial first step. [Like the space station as a step towards Mars.] The second option is to do option one PLUS a discrete program within ESEA that provides a supercharger for districts that, with state support, want to move on a faster, bolder track, with higher risks and rewards, etc.

I'd like to flesh out these possibilities further, but don't quite know how given time constraints, etc. I've asked Scott and Felicia Wong to try to arrange for us (me by speaker phone from Cambridge) to pursue this with Mike Cohen, or whomever, as early as possible next week. Or we could do it tomorrow (Friday).

Part of the background we need is to resolve what seems to us a disconnect between the WH description of the ESEA revolution and the Department's take on things. And second, where you are on Ed Flex these days, especially in relation to the Frist bill in the Senate.

Ciao

Message Copied

To:

Maria Echaveste/WHO/EOP

Scott R. Palmer/PIR/EOP

felicia.wong @ npr.gov

Clara J. Shin/WHO/EOP

aedmonds1 @ home.com
terry.edmonds @ ssa.gov
James T. Edmonds/PIR/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JAN-1999 10:39:35.00

SUBJECT: Re: phone msg for Ellen Lovell

TO: Virginia L. Cearley (CN=Virginia L. Cearley/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Too late. Natalie Zemon Davis was a professor of mine, and I was just wondering whether there was a time before the millenium event that I could stop by and say hello to her. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JAN-1999 07:49:28.00

SUBJECT: Re: Budget Roll-Out

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

sure, whatever yiu want.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-JAN-1999 13:25:48.00

SUBJECT: Re: Sat, Feb 6th

TO: Ron Klain (CN=Ron Klain/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TEXT:

I'd love to. Many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-JAN-1999 13:25:26.00

SUBJECT: Race Report: Crime Section

TO: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

jose -- you're working on this, yes?

----- Forwarded by Elena Kagan/OPD/EOP on 01/29/99 01:26
PM -----

Clara J. Shin

01/29/99 12:55:55 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: Race Report: Crime Section

A reminder that we would like to get your comments on the crime section of the President's race report by Monday cob. Please forward them to me.

Thank you.

Message Sent

To: _____

Bruce N. Reed/OPD/EOP

Gene B. Sperling/OPD/EOP

Minyon Moore/WHO/EOP

Ann F. Lewis/WHO/EOP

Shirley S. Sagawa/WHO/EOP

Paul E. Begala/WHO/EOP

Sidney Blumenthal/WHO/EOP

Michael Waldman/WHO/EOP

Elena Kagan/OPD/EOP

Sylvia M. Mathews/OMB/EOP

Joshua Gotbaum/OMB/EOP

Message Copied

To: _____

Cathy R. Mays/OPD/EOP

Melissa G. Green/OPD/EOP

Peter A. Weissman/OPD/EOP

Jocelyn A. Bucaro/WHO/EOP

Ruby Shamir/WHO/EOP

Tracy Pakulniewicz/WHO/EOP

Joshua S. Gottheimer/WHO/EOP

Laura Emmett/WHO/EOP

Adrienne C. Erbach/OMB/EOP

Dawn V. Woollen/OMB/EOP