

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Charles Ruff to POTUS re: Proposition 209 Litigation (3 pages)	9/24/97	P5

COLLECTION:

Clinton Presidential Records
 Domestic Policy Council
 Bruce Reed (Subject File)
 OA/Box Number: 21208

FOLDER TITLE:

Race-Education

rs71

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]
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- 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).
- RR. Document will be reviewed upon request.

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

Pluse
-edw - cc: Sylvia
Maria
Bruce

09/04/97 16:33

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Leadership Conference on Civil Rights

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September 4, 1997

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The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

The undersigned members of the Leadership Conference on Civil Rights write to urge you to adopt several important changes in your plan for voluntary national tests in reading and mathematics. If these changes are made, it would enable many of our member organizations to support implementation of the national test proposal.

At the outset we wish to express our appreciation for the attention you have given to the improvement of public education and our support for the broad goals contained in the proposals you have made. Our organizations oppose discrimination in the schools based on race, national origin, sex or condition of disability. We represent many children of color, children with limited proficiency in English and children with disabilities and girls — all of whom have suffered discrimination and stereotyping in the public schools, have been denied critical teaching resources and have had their life chances impaired by the failure of the schools to offer them a chance to succeed.

Thus, we feel we have much at stake in the battle to make the public schools responsive to the children with the greatest needs. And we agree with what we understand to be the central tenets of the Administration's proposal: 1) that all children can learn and that high standards should be established for all children; 2) that schools, school districts and states should be held accountable for children achieving these standards; and 3) that active, well-informed parents are key actors in achieving accountability.

Our concern then is not with the Administration's goals but with whether your testing proposal will help achieve these goals. For the major reasons we will now set forth, we are convinced that in its present form, the national test proposal

"Equality In a Free, Plural, Democratic Society"



will not serve the children most in need of educational opportunity:

1) The Administration's Proposal Allows School Authorities to Exclude or Refuse to Accommodate Students Who Have Limited English Proficiency or Have Disabilities.

With respect to children with limited proficiency in English, the most serious failure is the Administration's refusal thus far to require that the fourth grade reading assessment be given in languages other than English. Much research informs us that children who are able to read in a foreign language will soon be able to read in English. Similarly the math test should be given in languages other than English and Spanish.

Similarly, large numbers of children with disabilities are likely to be excluded based on inappropriately low expectations in their education plans. Nor for that matter does anything appear to prevent school authorities from inducing minority or children from low-income families to stay home on the day of the assessment. If the purpose of the Administration's proposal is to assure accountability, it must come to grips with the fact that children who are not permitted to participate will become non-persons with no accountability by school authorities for their progress. These accommodations will in no way compromise the high standards that should be expected of all students.

2) The Administration's Proposal Fails to Provide Safeguards Against the Invalid and Inappropriate Use of Test Results. Absent firm action by the Administration, there is every reason to believe that the results of the national test will be used by many school officials for high-stakes purposes such as ability grouping, tracking, retention in grade and graduation. Any such use would be harmful to the children we represent and would be totally inappropriate since the tests have not been and will not be validated for any of these purposes. One among many inappropriate uses would be the use of tests for high stakes purposes where children have not had an opportunity to learn the skills and knowledge being tested. The Administration must take steps to prohibit these harmful and inappropriate uses.

3) The Administration's Proposal Fails to Hold School Authorities Accountable by Requiring Public Reporting of Results so that Parents and Others can Take Informed Action. Administration officials have told us on numerous occasions that the most important rationale for testing all students in a participating district is to galvanize parents into action. But the current proposal will not achieve that result. A parent will know the scores of her own child, but will not know how her child's school is performing compared to other schools or how her school district is doing compared to other districts. Unless school authorities choose voluntarily to disclose this information, parents will be left in the dark and without the facts that would enable them to secure accountability. Many of our groups have worked for years to empower parents to compel responsiveness from public officials. We believe we speak from experience in advising you that in its current form, your proposal will not achieve its objective. And, as noted later, this is a problem that is correctable.

4) The Administration's Proposal Does Not Take Even Modest Steps to Identify Denials of Critical Educational Resources that Have a Significant Impact on Test Results. We recognize that the Administration's test proposal cannot realistically serve as the vehicle for redressing the vast inequities in the distribution of education resources that deny the opportunity to learn to millions of poor and minority children throughout the nation. At the same time the Administration must recognize that unless these resource barriers facing so many poor and minority children are recognized, identified and ultimately addressed, the national test will fail to improve educational opportunity for the children who are most in need of assistance. One modest step would be to include with the test some basic questions—concerning the teacher's certification and other qualifications in mathematics and reading, class size and the availability of books in the classroom—that licensees would be required to answer. Such information is now collected on a sample basis by the National Assessment of Educational Progress. While modest, gathering this data would be consistent with provisions of the Title I reform that the Administration sponsored calling on school districts to deliver such critical resources to poor children and calling upon states to assure that local districts have the capacity to meet the responsibility.

5) The Administration Must Take the Necessary Steps to Assure that the Laws and Policies According Rights to Equal Educational Opportunity Will Be Effectively Enforced. As presently proposed, the Administration's plan will be implemented by a complex and interlocking network of largely private test developers, management contractors and licensees. It does not appear that the Administration has thought through how it will assure that civil rights, often spottily enforced even when only government agencies are involved, will not be denied and that where violations occur there will be prompt redress. The Administration must develop a plan for enforcement. It will not suffice to leave this problem in the hands of private civil rights groups which do not have adequate resources to cope with the violations that are likely to occur.

If you agree that fundamental guarantees of fairness and equality of opportunity should be part of any plan for a national test, it will not be difficult to devise appropriate language to accomplish the task. Indeed, specific provisions of the Improving America's Schools Act of 1994 deal with many of the same issues of inclusion and accommodation of limited English proficient and disabled students and with the public reporting of the results of assessments. And, as noted, NAEP already has some experience in gathering basic information about the distribution of vital educational resources. Our organizations would be willing and eager to work with your Administration in developing suitable language to carry out these basic ground rules.

We recognize that there will be some elected officials and school authorities who will view the steps we have called for as the intrusive hand of the federal government interfering with state and local control. There may even be a few states or districts that will base their refusal to participate on the existence of

these requirements. But such opposition is not different in character from the resistance over the years by some to any step to implement the equal protection clause of the Fourteenth Amendment and the Supreme Court's decision in *Brown v. Board of Education*. Where Presidents have stood firm, such resistance has ultimately melted away.

We believe that if you are prepared to fight to assure that the least advantaged and most discriminated against children in the nation reap the benefits of your national test and other education proposals you will prevail and leave a legacy of which we can all be proud.

We of course stand ready to meet with you or your designees at your convenience to pursue these matters further.

Sincerely yours,

Antonia Hernández
President and General Counsel
Mexican American Legal Defense
& Education Fund

Elaine Jones
Director Counsel
NAACP- Legal Defense & Education Fund, Inc.

Raul Yzaguirre
President
National Council of LaRaza

Barbara Arnwine, Director
Thomas Henderson
Deputy Director, Director of Litigation
Lawyers Committee for Civil Rights

Marcia Greenberger
Co-President
National Womens Law Center

Mike Lux
Senior Vice President
People For the American Way

Nancy Zirkin
Director of Government Relations
American Association of University Women

Paul Weckstein
Co-director
Center for Law and Education

by: Wade Henderson *Wade Henderson/te*
Executive Director
William L. Taylor *Bill Taylor*
Vice Chair
Leadership Conference on Civil Rights

cc: Secretary Riley

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