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2846

YEA-AND-NAY

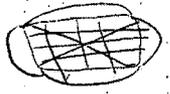
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On Passage

Edue -
Tests

Prohibition on Federal Education Funds on National Testing

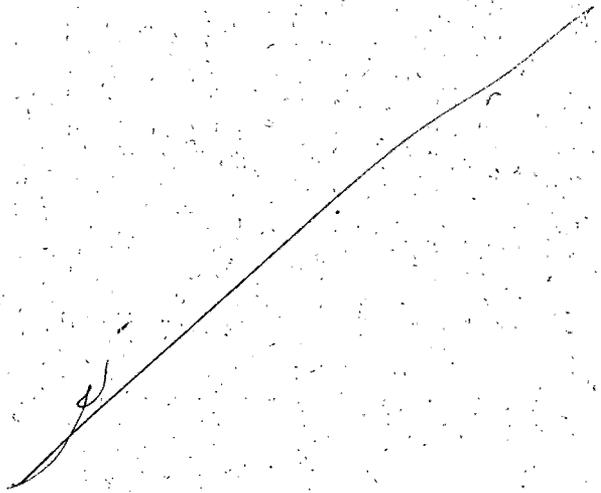
	YEAS	NAYS	PRES	NV
REPUBLICAN	217	2		7
DEMOCRATIC	25	171		7
INDEPENDENT		1		
TOTALS	242	174		14



2500/yr

48 or 10

cheaper preschool



CLOSED ... 5-FEB-1998 12:50:2

* * * REPUBLICAN YEAS - 217 * * *

Aderholt	DeLay	Hunter
Archer	Diaz-Balart	Hutchinson
Arney	Dickey	Hyde
Bachus	Doolittle	Inglis
Baker	Dreier	Jenkins
Ballenger	Duncan	Johnson, Sam
Barr	Dunn	Jones
Barrett (NE)	Ehlers	Kasich
Bartlett	Ehrlich	Kelly
Barton	Emerson	Kim
Bass	English	King (NY)
Bateman	Ensign	Kingston
Bereuter	Everett	Klug
Bilbray	Ewing	Knollenberg
Bilirakis	Fawell	Kolbe
Bliley	Foley	LaHood
Blunt	Fossella	Largent
Boehlert	Fowler	Latham
Boehner	Fox	LaTourette
Bonilla	Franks (NJ)	Lazio
Brady	Frelinghuysen	Leach
Bryant	Galleghy	Lewis (CA)
Bunning	Ganske	Lewis (KY)
Burr	Gekas	Linder
Buyer	Gibbons	Livingston
Callahan	Gilchrest	LoBiondo
Calvert	Gillmor	Lucas
Camp	Gilman	Manzullo
Campbell	Goodlatte	McCollum
Canady	Goodling	McCrery
Castle	Goss	McDade
Chabot	Graham	McHugh
Chambliss	Granger	McInnis
Chenoweth	Greenwood	McIntosh
Christensen	Gutknecht	Metcalf
Coble	Hansen	Mica
Coburn	Hastert	Miller (FL)
Collins	Hastings (WA)	Moran (KS)
Combest	Hayworth	Morella
Cook	Hefley	Myrick
Cooksey	Hill	Nethercutt
Cox	Hilleary	Neumann
Crane	Hobson	Ney
Crapo	Hoekstra	Northup
Cubin	Horn	Norwood
Cunningham	Hostettler	Nussle
Davis (VA)	Houghton	Oxley
Deal	Hulshof	Packard

CLOSED ... 5-FEB-1998 12:50:2

* * * REPUBLICAN YEAS - 217 * * *

Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce

Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns

Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

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* * * REPUBLICAN NAYS - 2 * * *

Forbes

Johnson (CT)

CLOSED ... 5-FEB-1998 12:50:2

* * * REPUBLICAN NOT VOTING - 7 * * *

Burton
Cannon
Herger

Istook
McKeon
Pickering

Schiff

CLOSED ... 5-FEB-1998 12:50:2

* * * DEMOCRATIC YEAS - 25 * * *

Boyd
Condit
Danner
DeFazio
Doyle
Evans
Goode
Hall (TX)
Hamilton

Holden
John
Kaptur
Kleczka
Lipinski
Mollohan
Pelosi
Peterson (MN)
Pickett

Roemer
Sisisky
Stenholm
Strickland
Taylor (MS)
Traficant
Turner

CLOSED ... 5-FEB-1998 12:50:2

* * * DEMOCRATIC NAYS - 171 * * *

Abercrombie	Fazio	McDermott
Ackerman	Filner	McGovern
Allen	Ford	McHale
Andrews	Frank (MA)	McIntyre
Baesler	Frost	McKinney
Baldacci	Furse	McNulty
Barcia	Gejdenson	Meehan
Barrett (WI)	Gephardt	Meek (FL)
Bentsen	Gordon	Menendez
Berman	Green	Millender-McDonald
Berry	Gutierrez	Miller (CA)
Bishop	Harman	Minge
Blagojevich	Hastings (FL)	Mink
Blumenauer	Hefner	Moakley
Bonior	Hilliard	Moran (VA)
Borski	Hinchey	Murtha
Boswell	Hinojosa	Nadler
Boucher	Hooley	Neal
Brown (CA)	Hoyer	Oberstar
Brown (FL)	Jackson (IL)	Obey
Brown (OH)	Jackson-Lee (TX)	Olver
Cardin	Jefferson	Ortiz
Carson	Johnson (WI)	Owens
Clay	Johnson, E. B.	Pallone
Clayton	Kanjorski	Pascrell
Clement	Kennedy (MA)	Pastor
Clyburn	Kennedy (RI)	Payne
Conyers	Kennelly	Pomeroy
Costello	Kildee	Poshard
Coyne	Kind (WI)	Price (NC)
Cramer	Kucinich	Rahall
Cummings	LaFalce	Rangel
Davis (FL)	Lampson	Reyes
Davis (IL)	Lantos	Rivers
DeGette	Levin	Rodriguez
Delahunt	Lewis (GA)	Rothman
DeLauro	Lofgren	Roybal-Allard
Deutsch	Lowey	Rush
Dicks	Luther	Sabo
Dingell	Maloney (CT)	Sanchez
Dixon	Maloney (NY)	Sandlin
Doggett	Manton	Sawyer
Dooley	Markey	Schumer
Edwards	Martinez	Scott
Engel	Mascara	Serrano
Etheridge	Matsui	Sherman
Farr	McCarthy (MO)	Skaggs
Fattah	McCarthy (NY)	Skelton

CLOSED ... 5-FEB-1998 12:50:2

* * * DEMOCRATIC NAYS - 171 * * *

Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Stupak
Tanner

Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky

Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

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* * * DEMOCRATIC NOT VOTING - 7 * * *

Becerra
Dellums
Eshoo

Gonzalez
Hall (OH)
Kilpatrick

Klink

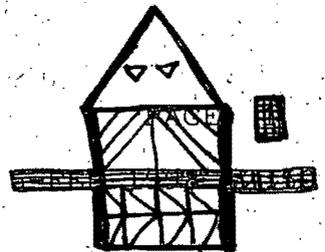
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* * * INDEPENDENT NAYS - 1 * * *

Sanders

VOTE RESULTS

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2846

~~RE AND WA~~

CLOSED

On Passage

Prohibition on Federal Education Funds on National Testing

	YEAS	NAYS	PRES	NV
REPUBLICAN	217	2		7
DEMOCRATIC	25	171		7
INDEPENDENT		1		
TOTALS	242	174		14

CLOSED ... 5-FEB-1998 12:50:2

* * * REPUBLICAN YEAS - 217 * * *

Aderholt	DeLay	Hunter
Archer	Diaz-Balart	Hutchinson
Armey	Dickey	Hyde
Bachus	Doolittle	Inglis
Baker	Dreier	Jenkins
Ballenger	Duncan	Johnson, Sam
Barr	Dunn	Jones
Barrett (NE)	Ehlers	Kasich
Bartlett	Ehrlich	Kelly
Barton	Emerson	Kim
Bass	English	King (NY)
Bateman	Ensign	Kingston
Bereuter	Everett	Klug
Bilbray	Ewing	Knollenberg
Bilirakis	Fawell	Kolbe
Bliley	Foley	LaHood
Blunt	Fossella	Largent
Boehlert	Fowler	Latham
Boehner	Fox	LaTourette
Bonilla	Franks (NJ)	Lazio
Brady	Frelinghuysen	Leach
Bryant	Gallegly	Lewis (CA)
Bunning	Ganske	Lewis (KY)
Burr	Gekas	Linder
Buyer	Gibbons	Livingston
Callahan	Gilchrest	LoBiondo
Calvert	Gillmor	Lucas
Camp	Gilman	Manzullo
Campbell	Goodlatte	McCollum
Canady	Goodling	McCrery
Castle	Goss	McDade
Chabot	Graham	McHugh
Chambliss	Granger	McInnis
Chenoweth	Greenwood	McIntosh
Christensen	Gutknecht	Metcalf
Coble	Hansen	Mica
Coburn	Hastert	Miller (FL)
Collins	Hastings (WA)	Moran (KS)
Combest	Hayworth	Morella
Cook	Hefley	Myrick
Cooksey	Hill	Nethercutt
Cox	Hilleary	Neumann
Crane	Hobson	Ney
Crapo	Hoekstra	Northup
Cubin	Horn	Norwood
Cunningham	Hostettler	Nussle
Davis (VA)	Houghton	Oxley
Deal	Hulshof	Packard

CLOSED ... 5-FEB-1998 12:50:2

* * * REPUBLICAN YEAS - 217 * * *

Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce

Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns

Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

CLOSED ... 5-FEB-1998 12:50:2

* * * REPUBLICAN NAYS - 2 * * *

Forbes

Johnson (CT)

CLOSED ... 5-FEB-1998 12:50:2

* * * REPUBLICAN NOT VOTING - 7 * * *

Burton
Cannon
Herger

Istook
McKeon
Pickering

Schiff

CLOSED ... 5-FEB-1998 12:50:2

* * * DEMOCRATIC YEAS - 25 * * *

Boyd
Condit
Danner
DeFazio
Doyle
Evans
Goode
Hall (TX)
Hamilton.

Holden
John
Kaptur
Kleczka
Lipinski
Mollohan
Pelosi
Peterson (MN)
Pickett

Roemer
Sisisky
Stenholm
Strickland
Taylor (MS)
Traficant
Turner

CLOSED ... 5-FEB-1998 12:50:2

* * * DEMOCRATIC NAYS - 171 * * *

Abercrombie	Fazio	McDermott
Ackerman	Filner	McGovern
Allen	Ford	McHale
Andrews	Frank (MA)	McIntyre
Baesler	Frost	McKinney
Baldacci	Furse	McNulty
Barcia	Gejdenson	Meehan
Barrett (WI)	Gephardt	Meek (FL)
Bentsen	Gordon	Menendez
Berman	Green	Millender-McDonald
Berry	Gutierrez	Miller (CA)
Bishop	Harman	Minge
Blagojevich	Hastings (FL)	Mink
Blumenauer	Hefner	Moakley
Bonior	Hilliard	Moran (VA)
Borski	Hinchev	Murtha
Boswell	Hinojosa	Nadler
Boucher	Hooley	Neal
Brown (CA)	Hoyer	Oberstar
Brown (FL)	Jackson (IL)	Obey
Brown (OH)	Jackson-Lee (TX)	Olver
Cardin	Jefferson	Ortiz
Carson	Johnson (WI)	Owens
Clay	Johnson, E. B.	Pallone
Clayton	Kanjorski	Pascrell
Clement	Kennedy (MA)	Pastor
Clyburn	Kennedy (RI)	Payne
Conyers	Kennelly	Pomeroy
Costello	Kildee	Poshard
Coyne	Kind (WI)	Price (NC)
Cramer	Kucinich	Rahall
Cummings	LaFalce	Rangel
Davis (FL)	Lampson	Reyes
Davis (IL)	Lantos	Rivers
DeGette	Levin	Rodriguez
Delahunt	Lewis (GA)	Rothman
DeLauro	Lofgren	Roybal-Allard
Deutsch	Lowey	Rush
Dicks	Luther	Sabo
Dingell	Maloney (CT)	Sanchez
Dixon	Maloney (NY)	Sandlin
Doggett	Manton	Sawyer
Dooley	Markey	Schumer
Edwards	Martinez	Scott
Engel	Mascara	Serrano
Etheridge	Matsui	Sherman
Farr	McCarthy (MO)	Skaggs
Fattah	McCarthy (NY)	Skelton

CLOSED ... 5-FEB-1998 12:50:2

* * * DEMOCRATIC NAYS - 171 * * *

Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Stupak
Tanner

Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky

Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

CLOSED ... 5-FEB-1998 12:50:2

* * * DEMOCRATIC NOT VOTING - 7 * * *

Becerra
Dellums
Eshoo

Gonzalez
Hall (OH)
Kilpatrick

Klink

CLOSED ... 5-FEB-1998 12:50:2

* * * INDEPENDENT NAYS - 1 * * *

Sanders

Author: Paul Riddle at WDCE04

Date: 1/20/98 12:14 PM

Priority: Normal

TO: Pauline Abernathy at WDCB01

CC: Sue Betka at WDCR02

CC: Patricia Brennan at WDCB03

CC: Carol Cichowski at WDCT02

CC: Susan Craig

CC: Jennifer Davis at WDCB03

CC: Scott Fleming at WDCB03

CC: Susan Frost at Wdcb04

CC: Julie Green at WDCB03

CC: Thomas Kelley at WDCB03

CC: Adina Kole

CC: Jack Kristy

CC: Christine Li at WDCB03

CC: Jeffrey Morhardt

CC: Terry Peterson at Wdcb04

CC: Lidice Rivas at Wdcb04

CC: Mike Smith at WDCT01

CC: Jamiene Studley

CC: Sarah Unruh at WDCB03

CC: Steve Winnick at WDCE01

CC: Charlotte Fraas at WDCB03

Subject: Re: Goodling test bill langague

----- Message Contents -----

Pauline: Goodling's "discussion draft" of the 16th would leave in place the provisions of the 1998 appropriations Act, but would prohibit any other work on the tests (no matter the source of funds) until explicit authorizing legislation is enacted. Thus, the work that is authorized (and paid for) by the 1998 appropriations Act could go forward, but nothing else could happen until explicit language permitting the tests is enacted. Like any other statute, this bill (if enacted) could be overridden or repealed by one enacted later, but that would certainly seem unlikely this year. Unlike the FY98 language, the bill would make a "permanent" amendment to the General Education Provisions Act, so it's applicability is not limited to a single fiscal year.

I wonder if the exception for TIMSS is adequate. The bill would exempt the Third TIMSS, as well as any other "international comparative assessment developed under authority of section 406(a)(6) ... and administered to only a representative sample of pupils in the United States and in foreign nations". Does this capture the 4th TIMSS (is one even planned?) or other tests that we know about?

Tom: If you haven't already done so, can you get copies of the discussion draft to the other interested offices? Thanks.

----- Reply Separator -----

Subject: Goodling test bill langague

Author: Pauline Abernathy at WDCB01

Date: 1/20/98 11:50 AM

01/16/98 FRI 11:08 FAX 202 228 1010

CMTX ON ED & WORKFORCE M

002

F:\MS\GOODLI\GOODLI.082

H.L.C.

[DISCUSSION DRAFT]**AMENDMENT IN THE NATURE OF A SUBSTITUTE****TO H.R. 2846****OFFERED BY _____***Edw
Tests*

Strike all after the enacting clause and insert the following:

1 SECTION 1. FINDINGS.

2 The Congress finds the following:

3 (1) High State and local standards in reading,
4 mathematics, and other core academic subjects are
5 essential to the future well-being of elementary and
6 secondary education in this country.

7 (2) State and local control of education is the
8 hallmark of education in the United States.

9 (3) Each of the 50 States already utilizes nu-
10 merous tests to measure student achievement, in-
11 cluding State and commercially available assess-
12 ments. State assessments are based primarily upon
13 State and locally developed academic standards.

14 (4) Public Law 105-78, the Labor, Health and
15 Human Services and Education Appropriations Act,
16 1998, ensures that Federal funds may not be used
17 to field test, pilot test, implement, administer, or
18 distribute in any way, any federally sponsored na-

*Assessment
fed
role?*

01/16/98 FRI 11:08 FAX 202 226 1010

CMTE ON ED & WORKFORCE M

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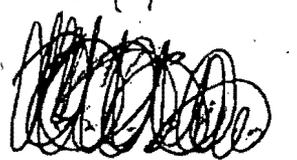
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H.L.C.

3

1 sections 305 through 311 of Public Law 105-78, the
2 Labor, Health and Human Services and Education Appro-
3 priations Act, 1998, funds provided to the Department of
4 Education or to an applicable program under this Act or
5 any other Act, may not be used to (develop, plan, imple-
6 ment (including pilot testing or field testing), or admin-
7 ister any federally sponsored national test in reading,
8 mathematics, or any other subject that is not specifically
9 and explicitly provided for in authorizing legislation en-
10 acted into law.

11 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
12 the Third International Math and Science Study or (other
13 international comparative assessments) developed under
14 authority of section 406(a)(6) of the National Education
15 Statistics Act of 1994, and administered to only a rep-
16 resentative sample of pupils in the United States and in
17 foreign nations.”

4th
Tim S?


01/16/98 FRI 11:08 FAX 202 228 1010

CKTE ON ED & WORKFORCE M

003

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H.L.O.

2

1 tional test in fiscal year 1998, requires the National
 2 Academy of Sciences to conduct a study to deter-
 3 mine whether an equivalency scale can be developed
 4 that would allow existing tests to be compared one
 5 to another, and permits very limited test develop-
 6 ment activities in fourth grade reading and eighth
 7 grade mathematics in fiscal year 1998.

*no mention
 of
 other
 two
 studies*

8 (5) There is no specific or explicit authority in
 9 current Federal law authorizing the proposed feder-
 10 ally sponsored national tests in fourth grade reading
 11 and eighth grade mathematics.

12 (6) The decision of whether or not this country
 13 implements, administers, disseminates, or otherwise
 14 has federally sponsored national tests in fourth
 15 grade reading and eighth grade mathematics or any
 16 other subject, will be determined primarily through
 17 the normal legislative process involving Congress and
 18 the respective authorizing committees.

*NAGB?
 GEC?
 STU?*

19 **SEC. 2. PROHIBITION ON FEDERALLY SPONSORED TEST-**
 20 **ING.**

21 Part C of the General Education Provisions Act is
 22 amended by adding at the end the following:

permanent

23 **"§447. Prohibition on federally sponsored testing**

24 **"(a) GENERAL PROHIBITION.—**Notwithstanding any
 25 other provision of Federal law and, except as provided in

THE WHITE HOUSE

WASHINGTON

January 22, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED
MIKE COHEN

SUBJECT: National Testing Strategy

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

I. Short Term Challenges

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

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

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

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

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

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

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

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

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

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

II. Long -Term Strategy

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

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

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

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

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

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

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

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

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

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

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



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

February 4, 1998
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

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

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

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

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

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

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



Michael Cohen
01/22/98 07:45:49 PM

Educ-Tests

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Janet Murguia/WHO/EOP
Subject: NAGB briefing

Got briefed by NAGB chair and staff this evening. A few interesting highlights:

1. We never had much of a chance to turn the decision to delay the test around, even with the intervention of Romer and Norma Paulus.
2. NAGB briefed Goodling before they briefed us. He was furious with them, because they are acting as though there will be a test. He wants everything they write about test development to be in the conditional. They won't do it.
3. Lindsey Graham was at the briefing as well. He told them he heard that NAGB was now promoting fuzzy math. They offered to walk him through the math specifications when NAGB completes reviewing/revising them.
4. Goodling also told them that "the Administration is buying off the Black and Hispanic Caucuses." I took that to be both a good sign and a complement.
5. NAGB has been and will continue to brief all the key players on the hill. They are briefing Jeffords, Kennedy and Bingaman next week, and Jeffords will arrange a larger bipartisan briefing a couple of weeks later. We asked them to make sure they get to Coats, either through Jeffords or on their own. They will.
6. The Washinton Times report about NAGB dropping a Spanish version of the math test is not accurate. What they did is postpone deciding what to do about bilingual math until a later meeting. Our good friend Diane Ravitch is pushing to drop it as soon as possible, but most members of the Board apparantly haven't begun to think through the bilingual issues. They will probably hold a hearing on this before they do anything, though they do not yet have a firm plan.
7. I urged them to reach out to Wade Henderson soon, listen to his concerns, and walk him through their process for taking public input and deciding the issues. They agreed, and I will follow up on this (and everything else above as well).

Bottom line here: for a while at least, they can help create a better climate on the hill.

Doc-Tests



Michael Cohen
01/22/98 12:37:48 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc:
Subject: Reaction to NAGB decision

Here is a draft all-purpose statement which could either be put out by WH or ED, with minor modifications. What do you think?

ED is getting a few more calls than we are, and feels that they will need to put something out by 3:00 if we don't.

Statement on National Assessment Governing Board Decision to Modify Contract for Developing National Tests

The Administration fought last year successfully to make sure that the independent, bipartisan National Assessment Governing Board (NAGB) was given responsibility for overseeing the development of voluntary national tests in 4th grade reading and 8th grade math. Today NAGB completed an important part of its work--to review and determine the modifications it deems necessary to the test development contract. We are pleased that NAGB is carrying out this responsibility in a serious and thoughtful manner.

We do not agree with NAGB that it is necessary to delay the initial administration of the tests for one year. However, most important is the fact that today's action by NAGB is another step in implementing legislation enacted by Congress last year, and another **step toward putting high standards in the classroom and keeping politics out. (POTUS Quote from NAGB radio address--can we use it again?)**



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

MICHAEL P. FORBES
FIRST DISTRICT
NEW YORK

cc Ralston
Hiley
Burr Keiser
M Waldman
Reed

January 7, 1998

Enskine,

Attached is copy of the
Op-Ed Newsday will be
running. I mentioned to
the President at the Christmas
Party I planned to write it.

He is right on target
on Education and I will
support him through "thick and
thin" on this.

Mike

Copied
Emanuel
Hiley
Lewis
Waldman
Reed
COS

cc: Ek/Mike C.
Take this Republic
out to dinner.
-BR

File:
Educ-Tests

The War on Ignorance Can Be This President's Legacy

by Michael P. Forbes

Some of my more partisan colleagues would like to think that President Clinton is a lame duck whose term in office will leave no lasting legacy. I say baloney.

The President appears to be embarking on a crusade to reform education. In this era of relative peace and prosperity, no issue is more critical than the future of our children. And no issue is fraught with more political pussyfooting and double-talk.

Both parties in Washington have avoided responsibility for improving education for too long. Democrats fear alienating the politically active teachers unions. Republicans sidestep the problem by saying education should be exclusively a state and local responsibility.

I agree that Washington has no business dictating what subjects are taught, or how they are presented in our classrooms but it is high time we played a substantial role in supporting K through 12 public education. There is no better investment in protecting our economic and security interests in the global marketplace.

Politics must stop, the President said, at the school house door. He's dead right on that. And the fact is, most non-politicians agree. Americans of all ethnic, socioeconomic, and cultural backgrounds see a critical need to improve educational opportunities for our children, particularly for the most disadvantaged families.

"Our K-12 education is among the least effective in the developed world," notes E.D. Hirsch, Jr., in The Schools We Need, Why We Don't Have Them.

Prof. Hirsch points out that the gap for educational opportunity between advantaged and disadvantaged students widens as they progress through the grades. This rift in educational opportunity contributes mightily to the continued divisions in our society, and to a growing disparity between the rich and the poor. Social justice can only come with equal access to educational excellence.

In last year's State of the Union message, the President urged Congress to provide additional aid for the construction and renovation of school facilities; to embrace initiatives that elevate student achievement, particularly in reading, math and science; to allow for voluntary national standards and testing to better assess the performance of our schools; to augment teacher training and professional certification; to expand choice in public education through additional charter schools, and to promote the use of computers in America's classrooms.

Just as John Kennedy challenged the nation to land a man on the moon, so too can a popular Bill Clinton use the Presidency — and his uncanny ability to communicate — to rally us behind the initiatives he proposed. With the people's support, I'm convinced he can put together a successful coalition of Democrats and Republicans in Congress, and in the state legislatures, to build a better life for every child.

There are reports that the President is preparing a package of incentives to bolster performance in the most-troubled urban schools. He may reveal this plan in his upcoming State of the Union address.

He must do this, and more. We need a national plan of action that improves all of our schools.

The President is correct to advocate voluntary national test standards so that parents, teachers, and administrators in our nation's 13,000 school districts can measure the performance of their children against other regions of the country. As one of only three Republicans to support the President on this initiative, I urge my colleagues to put the urgent need for improvement in education above philosophical roadblocks.

The G.I. Bill, which helped returning veterans attend the college of their choice after World War II, contributed significantly to our nation's post-war prosperity. President Clinton is promoting a voucher that works like the G.I. Bill to assist the unemployed with job training. He advocates innovative charter schools and choice in public schools. These deserve our support.

A voucher program could also clear the way for low- and moderate income parents to send their children to whatever public or private school they choose. A voucher program will strengthen public education, not weaken it, as some advocates with vested interests suggest. It will put failing schools on notice that they must better educate our children, or risk losing them. The President must drop his opposition to such a voucher plan.

On the other hand, Congress must drop its opposition to the President's initiative to provide for construction and renovation of school buildings. Children, instinctively hungry to learn, must be able to do so in a safe and secure environment. Assisting the increasing number of districts that are plagued by deteriorating and overcrowded schools should be a federal priority.

How can we pay for all this?

I've long advocated a strong military. Reallocating \$20 billion annually from the

Department of Defense's \$ 255 billion budget, however, will do a lot more to protect our national security interests than will a few more bombers or a few more tanks.

We need to declare war on ignorance. We need to summon the resolve this nation always shows in times of crises. We need to improve poor performance and provide school choice to struggling families so their children won't be trapped in substandard schools.

I trust President Clinton will pursue educational reform and revitalization with the same tenacity that he has shown in winning his political races. If he does, his Presidency will earn an A+. And in this most important campaign of his career, he can count on my full support.

Michael P. Forbes (R-Suffolk County) is in his second term as a member of the U.S. House of Representatives and serves on the Committee on Appropriations.



Michael Cohen
08/02/97 09:26:41 PM

*Ed -
Blaker
Tests*

Record Type: Record

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

cc:

Subject: Polling questions

Friday evening we discussed getting some polling data that could help with the Hispanic testing issue and the Goodling battle. Here are my suggestions:

1. Would you like to know how well your child is doing in reading in English at the 4th grade and math at the 8th grade compared with national standards of excellence?
2. Would you like to know how well your local school is doing in reading in English at the 4th grade and math at the 8th grade compared with national standards of excellence?
3. Should the U.S. Congress prohibit your local school or state from having the opportunity to give a 4th grade national reading test and an 8th grade national math test, in order to tell if students are meeting national standards of excellence?
4. For students who have immigrated to the U.S. within the last (3 years? 2 years?), should they have the opportunity to show how well they can read in their native language, such as Spanish, as well as in English, since they haven't had the chance to learn English well?

I don't know if Penn usually does or can provide breakdowns by subgroups, but it would be great to see breakdowns by urban/suburban/rural; parents of school-age kids (and maybe grandparents); Hispanic, African-American, White; and something like fundamentalist Christians.

It will be especially helpful to see how Hispanics react to the last questions, and if white Americans care much one way or the other. It will also be helpful to see how fundamentalist Christians respond to the first three--it would be helpful if we can pass around some data that shows that even that group thinks the schools should have a right to use the test.

*Educ -
Tests*

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

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

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

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

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

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

A: The Academy will be asked to make an interim report by June 15, 1998 with a final report submitted by Sept. 1. Further development of the national tests

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

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

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

Q&A on Pilot Testing Date

- Q:** It sounds as if the Administration and Hill negotiators spent all day yesterday haggling over two dates: September 1 and September 30. What was at stake and were you satisfied with the resolution?
- A:** We had an agreement with Mr. Goodling to allow pilot testing to begin September 1. Mr. Goodling changed the date to September 30, but after reviewing the legislative language, we determined that this would not interfere with our plans in any way, because as a practical matter we would not have begun pilot testing in the first few weeks of the school year.

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

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

Ed-
Jude

'97 NOV 3 PM9:0

THE WHITE HOUSE
WASHINGTON

November 3, 1997

Copied
Read
Cohen
COS

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN

SUBJECT: Negotiating Options for National Testing

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

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

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

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

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

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

Not
good
approval
around

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

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

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

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

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

Negotiating Proposals

Educ-Tests

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

1. Prohibitions on:
 - Education Department or NAGB development of a national curriculum in reading or math
 - requiring the test as a condition of receiving federal education funds
 - Education Department and/or states requiring home schoolers to take the test
 - Federal mandates or control of state or local curriculum, instruction, or use of resources (already in Goals 2000)
2. Field Test in 1999 instead of implementation (with or without capped participation)
 - We should try to get funding for state/local participation in the field test
3. NAGB authorized to develop and implement a process for linking state or local tests to the national test
 - May need additional funds for this
4. No implementation for 90-days after delivering Congressionally mandated reports on pilot test (and field test, if included in compromise)
5. Requirement that test meet Title 1 reporting requirements (for Caucuses)

Second Tier: These would be tougher to live with

1. Funding for FY99 implementation only, with no implementation funding to be provided in future years
 - Should be coupled with making test administration an allowable use of Chapter 2 funds,
2. Prohibit high stakes use of test (most likely, for specified period of time)

Still Unacceptable

1. No implementation unless specifically authorized (including such limitation for FY98)
2. No implementation until jurisdictions with 51% of kids sign up
3. No implementation funding (even if test administration is made an allowable use under Chapter 2)

10/27

Talking Points on Goodling "Compromise" on National Tests

Background

Goodling's proposed "compromise" would:

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

Administration Talking Points

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

Proposal to Goodling:

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

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

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

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

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

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

proficient, or advanced). This process would work as follows:

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

LABOR-HHS OPTIONS

TESTING

1. Cap implementation at 50% of students in 1999 (and cap field test at 10% in 1998); cannot exceed cap in 1998-99 without Congressional authorization.
2. Cap implementation at 50% of students indefinitely -- cannot expand beyond 50% unless authorized by Congress.
3. Ban development of national tests in other subjects and other grades (limit to 4th grade reading and 8th grade math).
4. Stop development of national tests if three-quarters of the nation's governors request in writing by Oct. 1, 1998 (reverse of Goodling's latest amendment). OR: Direct ACHIEVE (bipartisan organization of governors and business leaders) to report to Congress on desirability of national tests.
5. Take \$5 million from Goals 2000 and give it to NAGB to develop equivalency scale for any state that wants to compare its existing tests to tests in other states or to NAEP, and authorize states to use Goals 2000 funds to administer their own state tests and pay for studies to link those tests to tests in other states or to NAEP.
6. Announce conservative appointments to NAGB: Engler, Ravitch, Bennett, John Saxton. (conservative math expert). Make Engler chair.
7. Implementation cannot go forward until jurisdictions with 25% of students have signed up.

OTHER POSSIBILITIES

1. One-year moratorium on needle exchange.
OR: White House letter pledging not to exercise Secretary's authority for 6-12 months.
OR: Repeal Secretary's authority.
2. Accept Goodling version of America Reads (his bill relies more on teacher training than on tutors; includes voucher-like program to pay for after-school tutoring).
3. Accept Coverdell amendment.
OR: Coverdell for D.C. OR: Coverdell for limited number of taxpayers (e.g., 250,000)
4. D.C. vouchers.
OR: Minimum competency teaching testing for D.C.
5. FLSA compromise.

**Updated Talking Points on Tentative Goodling Agreement
November 6, 1997**

- This is a win-win agreement -- a genuine bipartisan victory for ~~this debate~~. *high standards*
~~both sides of~~
- The agreement allows continued, timely development of new national tests in 4th grade reading and 8th grade math, as called for by the President in his State of the Union Address. As provided for by the Senate, control of test policies and development will be transferred to the National Assessment Governing Board (NAGB).
- At the same time, ~~as Mr. Goodling has advocated~~, the National Academy of Sciences, in consultation with NGA, NCSL, and NAGB, will study how tests already developed by commercial publishers and states may be used to measure student performance against each other and against national standards. In addition, the Academy will study the technical quality and other aspects of test item development.
- The Academy will be asked to make an interim report by June 15, 1998 with a final report submitted by September 1. Further development of the national tests is not dependent on the findings of the NAS study. NAGB can go forward with test development activities leading up to pilot testing right now. Pilot testing is postponed until ~~October 1, 1998~~ ^{after Sept 30} but does not depend on the completion or findings of the National Academy study. ~~We do expect, of course, that the NAS study will inform test planning and development.~~ This timeline represents a delay, but it's one we can live with. *of a few months*
- The compromise allows for test development in FY 98, and pilot testing ~~beginning October 1~~. It is silent on the subject of further congressional action. *after Sept 30*
- As a result of this ^{agreement} ~~compromise~~, we are now on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.

Questions and Answers on Tentative Agreement with Rep. Goodling on National Tests
November 6, 1997

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

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

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

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

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

A: The compromise allows for test development in FY 98, and pilot testing ~~beginning October 1~~. It is silent on the subject of further congressional action. ^{after Sept 30.}

**Questions and Answers on Agreement with Rep. Goodling on National Tests
November 6, 1997**

Q: Published reports this morning indicate that the compromise over the test has fallen apart? Is that accurate?

A: No. As is common in these kinds of negotiations, sometimes the last mile is the hardest to walk and last night there were some difficult discussions. But things are on track today and we expect to have a final resolution of this matter shortly.

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

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

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

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

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

A: The compromise provides for test development in FY 98, and pilot testing after September 1. It is silent on the subject of further congressional action.

**Updated Talking Points on Goodling Agreement
November 6, 1997**

- This is a win-win agreement -- a genuine bipartisan victory for both sides of this debate.
- The agreement allows continued, timely development of new national tests in 4th grade reading and 8th grade math, as called for by the President in his State of the Union Address. As provided for by the Senate, control of test policies and development will be transferred to the National Assessment Governing Board (NAGB).
- At the same time, as Mr. Goodling has advocated, the National Academy of Sciences, in consultation with NGA, NCSL, and NAGB, will study how tests already developed by commercial publishers and states may be used to measure student performance against each other and against national standards. In addition, the Academy will study the Department of Education's test development activities to date.
- The Academy will be asked to make an interim report by June 15, with a final report submitted by Sept. 1. Further development of the national tests is not dependent on the findings of the NAS study: NAGB can go forward with test development activities leading up to pilot testing right now. Pilot testing is postponed until Sept. 1, but does not depend on the completion or findings of the National Academy study. We do expect, of course, that the NAS study will inform test planning and development. This timeline represents a delay, but it's one we can live with.
- The compromise provides for test development in FY 98, and pilot testing after September 1. It is silent on the subject of further congressional action.
- As a result of this compromise, we are now on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.

THE WHITE HOUSE
WASHINGTON

November 4, 1997

THE PRESIDENT HAS SEEN

MR. PRESIDENT:

11/05/97

We understand these issues are still in flux as of this evening.

You will receive an up-to-date oral briefing in the morning.

Sean Maloney

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THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN
1105197

November 4, 1997

MEETING WITH REPRESENTATIVE WILLIAM GOODLING (R-PA)

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

I. PURPOSE

To discuss the national education test.

II. BACKGROUND

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

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

Goodling Views

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

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

Proposal to Goodling:

In flux, Hilley will brief in a.m.

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

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

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

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

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

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

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

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

III. PARTICIPANTS

Pre-Brief

President

Erskine Bowles

John Hilley

Bruce Reed

Mike Cohen

Barbara Chow

Andy Blocker

Meeting

President

Rep. William Goodling

Erskine Bowles

John Hilley

Bruce Reed

IV. PRESS PLAN

Closed Press.

V. SEQUENCE OF EVENTS

As Usual.

VI. REMARKS

None.

600
32

I'm st. Think about
This race means everything -
what you really want
to say to him about
what we should be
saying. Cheers.
Eve

THE WHITE HOUSE

WASHINGTON

November 3, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN

SUBJECT: Negotiating Options for National Testing

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

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

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

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

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

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

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

2. Direct the National Academy of Sciences to study the feasibility of linking state and commercial tests to each other and NAEP, with NAGB to review the study. Prohibit implementation of national tests without specific authorization if and only if the NAS and NAGB find that tests given to a majority of the nation's school children can be linked to NAEP. (We doubt that many tests can be linked in this way, but if we are wrong, we will have made progress toward a system of national standards and assessments by a different route!)
3. Cap participation in the test at 50% of the nation's fourth and eighth grade students indefinitely unless and until Congress specifically authorizes the tests.
4. Cap participation in the 1999 test at 50% of the nation's fourth and eighth grade students, and agree that Congress must specifically authorize the tests beyond 1999.
5. Require that NAGB take a fresh start at test development, rather than use the test specifications that have already been prepared, and the test development contract already awarded by the Education Department.

Staff Draft
November 5, 1997, 5:15 p.m.

Section 524. (a) Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(1) of the General Education Provisions Act (20 USC 1221(c)(1))), in this Act or in any other Act with respect to any fiscal year, shall not be used to field test or pilot test any national tests until the feasibility study (described in section 525 of this Act) is submitted to the Committee on Education and the Workforce in the House of Representatives and the Committee on Labor and Human Resources in the Senate.

(b) Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(1) of the General Education Provisions Act (20 USC 1221(c)(1))), in this Act or in any other Act with respect to any fiscal year, shall not be used to implement, administer or distribute in any way, any national tests that are not specifically and explicitly provided for in current or future authorizing legislation enacted into law.

(c) **Exception.**--- Subsection (b) shall not apply to the Third International Math and Science Study.

Section 525. (a) **Study**---The National Academy of Sciences, in consultation with the National Governor's Association, the National Conference of State Legislatures, the White House, the National Assessment Governing Board, and the Congress, shall, conduct a feasibility study to determine if an equivalency scale can be developed that

would allow test scores from commercially available standardized tests and State assessments to be compared.

(b) Report of Findings to Congress. The National Academy of Sciences shall submit a written report of its findings to the Committee on Education and the Workforce in the House of Representatives and the Committee on Labor and Human Resources in the Senate not later than September 30, 1998.

Section 526. National Assessment Governing Board. Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 USC 9011) (hereafter in this section referred to as the "Board") shall hereafter have exclusive authority over all policies, direction, and guidelines for developing voluntary national tests, except as otherwise indicated.

Section 527. Study. The National Academy of Sciences shall, not later than September 30, 1998, submit a written report to the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate that, ---

- (1) evaluates all test items developed or funded by the Department of Education or any other agency of the Federal government, in so far as such test items have been developed prior to enactment of this Act, for---

- (A) the technical quality of any test items for 4th grade reading and 8th grade mathematics;
 - (B) the validity, reliability, and adequacy of developed tests items;
 - (C) the validity of any developed design which links test results to student performance;
 - (D) the degree to which any developed test items provide valid and useful information to the public;
 - (E) whether the test items are free from racial, cultural, or gender bias; and
- (2) recommends appropriate safeguards to ensure that such tests are not used in a discriminatory manner, and recommends safeguards to ensure that such tests shall not be used for tracking of students.

Section 528. (a) The Federal Government shall not require any State or local educational agency or school to administer or implement any national test in any subject or grade, nor shall the Federal government require any student to take any national test in any subject or grade.

(b) Nothing in section 4(a) shall be construed as affecting the National Assessment of Educational Progress or the Third International Math and Science Study.

Section 528.



For Immediate Release
Wednesday, November 5, 1997

Contact: Steve Hilton (417) 881-7068
Greg Harris (202) 224-4589

**Statement by Senator John Ashcroft
Regarding National Testing
November 5, 1997**

"I will filibuster funding legislation for the Department of Education if it permits the Administration to move ahead unobstructed on its plan for federalized student testing. The Goodling agreement, as I understand it, may represent progress against the Clinton drive to create national tests which would lead directly to a de facto national curriculum and a 'national school board' located in Washington. I have learned to accept no deal until I have examined the legislative language and have assurances that all parties, particularly in the White House, will abide by the agreement. Senators should not pack their bags for recess yet. I do not intend to sacrifice the next generation's education for a few days more of test.

"Federal testing of students is a dangerous intrusion upon the role of parents, teachers, and local school boards. Schools will teach what is being tested, so curriculum and teaching methods will follow a dumbed-down federal test. The result will be a fad-laden, inferior national curriculum imposed from Washington, with parents and teachers replaced by a new layer of bureaucrats.

"We already know what causes children to succeed. The most important factor is the support and involvement of parents. Federal control of curriculum will shove parents and local boards to the side, to the detriment of our children. Another key concern is the federal government's record of serving intellectual junk food when it has meddled with education standards and curriculum. The new math test, for example, would be steeped in 'fuzzy math' that is associated with major declines in student computational skill in Defense Department schools."

-end-

Additions to Conference Agreement on National TestingPilot and Field Tests

1. Clarify that development activities include both pilot testing and field testing for the development of 4th grade reading and 8th grade math.
2. Define pilot testing to mean a preliminary process of determining the appropriateness of individual test items by trying them out with a diverse sample of students on a trial basis
3. Limit participation in pilot testing to no more than 1% of total number of 4th and 8th grade students or 1% of the total number of schools enrolling 4th and 8th graders.
4. Define field testing to mean a process of determining the appropriateness of individual test items that were modified during pilot testing, as well as the appropriateness of trial operational procedures, by trying them out with a scientifically drawn, nationally representative sample of students that will generate reliable national estimates of student achievement linked to NAEP performance levels.
5. Limit participation in pilot testing to no more than 2% of total number of 4th and 8th grade students or 2% of the total number of schools enrolling 4th and 8th graders.

Mika
COI
6-5581

Participation of Minority Students

6. Include language indicating that NAGB shall develop and implement the tests in such a way that shall ensure the equal participation of all children in those states and school districts that voluntarily participate in the testing program, if such a national testing program is authorized.
7. Include language indicating that ~~if an authorization~~ permitting a national testing program is enacted and a state, local educational agency or school voluntarily participates in the national testing program, the state, local educational agency or school shall ensure that the tests adequately assess student reading and math comprehension in the language and form most likely to yield accurate information to determine student mastery of reading and math skills, ~~if such a national testing program is authorized.~~

8. Include language indicating that the composition of the National Assessment Governing Board, and any expert panels or advisory committees established by the Board, should to the maximum extent feasible, reflect the racial and ethnic composition of the population.

already in law

9. Include language indicating that, with regard to the public hearings to be held by NAGB, that NAGB conduct outreach to effectively communicate with minority populations. ✓

10. Include language requiring NAGB to develop mechanisms to enforce the prohibition on the use of national tests for promotion, tracking or graduation, if a national testing program is authorized. ✓

11. Include language requiring NAGB to ensure that parents, guardians and students shall be appropriately informed about the content, purpose and use of the tests, if a national testing program is authorized.

Section 3 (a) Study. The National Academy of Sciences shall, not later than June 1, 1998, submit a report to the National Assessment Governing Board, Secretary of Education, and Congress that—

- (1) evaluates the development of the national tests for 4th grade reading and 8th grade mathematics, specifically —
 - (A) the technical quality of tests;
 - (B) the validity of the design for linking test results to student performance;
 - (C) the degree to which the tests will provide valid and useful information to the public; and
 - (D) the test items to determine whether the tests are free from racial, cultural, or gender bias; and
- (2) makes recommendations to the federal government, states, school districts and schools regarding tests for 4th grade reading and 8th grade math on appropriate methods, practices, safeguards and enforcement mechanisms to ensure that such tests are not used in a discriminatory manner or for student promotion, tracking or graduation, and to ensure that such tests adequately assess student reading and mathematics comprehension in the form most likely to yield accurate information regarding student mastery of reading and mathematics skills.

Section 4. (a)(1) Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) (hereafter in this section referred to as the "Board") shall hereafter have exclusive authority over all policies, direction, and guidelines for the development of voluntary national tests: Provided, That within 90 days after the date of enactment of this Act, the Board shall review the national test development contract in effect on the date of enactment of this Act, and modify the contract as the Board determines necessary: Provided further, That if the contract cannot be modified to the extent determined necessary by the Board, the contract shall be terminated and the Board shall negotiate a new contract, under the Board's exclusive control, for the test development.

- (2) In exercising the Board's responsibilities under subsection (1) regarding the national tests, and notwithstanding any action undertaken by the Department of Education or a person contracting with or providing services for the Department regarding the planning, or the development of specifications, for the tests, the Board shall—
 - (A) ensure that the content and standards for the tests are the same as the content and standards for the National Assessment;
 - (B) exercise exclusive authority over any expert panel or advisory committee that will be or is established with respect to the tests;

- (C) ensure that the tests are linked to the National Assessment to the maximum degree possible;
- (D) develop test objectives, test specifications, and test methodology;
- (E) have final authority over the appropriateness of all test items;
- (F) ensure that all items selected for use on the tests are free from racial, cultural, or gender bias;
- (G) ensure that reading and mathematics tests are developed in such a way as to assess student reading and math comprehension in the form most likely to yield accurate information regarding student mastery of reading and mathematics skills; and
- (H) take such actions and make such policies regarding test development as the Board determines necessary.

Section. 5. The National Assessment Governing Board shall hold public hearings on the test development activities and the recommendations of the National Academy of Sciences to ensure that the tests are developed in such a way as to provide for the equal participation of all children taking the tests. The Board shall ensure that such hearings are widely publicized, and that activities conducted to publicize such hearings communicate effectively with the broad and diverse populations that may be affected by national tests.

Section 3 (a) Study. The National Academy of Sciences shall, not later than June 1, 1998, submit a report to the National Assessment Governing Board, Secretary of Education, and Congress that—

- (1) evaluates the development of the national tests for 4th grade reading and 8th grade mathematics, specifically —
 - (A) the technical quality of tests;
 - (B) the validity of the design for linking test results to student performance;
 - (C) the degree to which the tests will provide valid and useful information to the public; and
 - (D) the test items to determine whether the tests are free from racial, cultural, or gender bias; and

- (2) makes recommendations to the federal government, states, school districts and schools regarding tests for 4th grade reading and 8th grade math on appropriate methods, practices, safeguards and enforcement mechanisms to ensure that such tests are not used in a discriminatory manner or for student promotion, tracking or graduation, and to ensure that such tests adequately assess student reading and mathematics comprehension in the form most likely to yield accurate information regarding student mastery of reading and mathematics skills.

Section 4. (a)(1) Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) (hereafter in this section referred to as the "Board") shall hereafter have exclusive authority over all policies, direction, and guidelines for the development of voluntary national tests: Provided, That within 90 days after the date of enactment of this Act, the Board shall review the national test development contract in effect on the date of enactment of this Act, and modify the contract as the Board determines necessary: Provided further, That if the contract cannot be modified to the extent determined necessary by the Board, the contract shall be terminated and the Board shall negotiate a new contract, under the Board's exclusive control, for the test development.

- (2) In exercising the Board's responsibilities under subsection (1) regarding the national tests, and notwithstanding any action undertaken by the Department of Education or a person contracting with or providing services for the Department regarding the planning, or the development of specifications, for the tests, the Board shall—
 - (A) ensure that the content and standards for the tests are the same as the content and standards for the National Assessment;
 - (B) exercise exclusive authority over any expert panel or advisory committee that will be or is established with respect to the tests;

- (C) ensure that the tests are linked to the National Assessment to the maximum degree possible;
- (D) develop test objectives, test specifications, and test methodology;
- (E) have final authority over the appropriateness of all test items;
- (F) ensure that all items selected for use on the tests are free from racial, cultural, or gender bias;
- (G) ensure that reading and mathematics tests are developed in such a way as to assess student reading and math comprehension in the form most likely to yield accurate information regarding student mastery of reading and mathematics skills; and
- (H) take such actions and make such policies regarding test development as the Board determines necessary.

Section. 5. The National Assessment Governing Board shall hold public hearings on the test development activities and the recommendations of the National Academy of Sciences to ensure that the tests are developed in such a way as to provide for the equal participation of all children taking the tests. The Board shall ensure that such hearings are widely publicized, and that activities conducted to publicize such hearings communicate effectively with the broad and diverse populations that may be affected by national tests.

CONFERENCE PROPOSAL FOR 2264 (Labor, HHS)

1 SEC. 524. None of the funds appropriated in this or
2 any other Act shall be used to implement, administer, or
3 disseminate for the purpose of national testing, national
4 tests, unless specifically authorized in statute: *Provided*,
5 That funds may be used for development activities (includ-
6 ing field-testing) that precede the implementation or ad-
7 ministration of such tests or to carry out the National As-
8 sessment of Educational Progress or the Third Inter-
9 national Math and Science Study (TIMSS).

10 [SEC. 525. (a)(1) Notwithstanding any other provision
11 of law, the National Assessment Governing Board estab-
12 lished under section 412 of the National Education Statis-
13 tics Act of 1994 (20 U.S.C. 9011) (hereafter in this sec-
14 tion referred to as the "Board") shall hereafter have ex-
15 clusive authority over all policies, direction, and guidelines
16 for establishing and implementing voluntary national
17 tests: *Provided*, That within 90 days after the date of en-
18 actment of this Act, the Board shall review the national
19 test development contract in effect on the date of enact-
20 ment of this Act, and modify the contract as the Board
21 determines necessary: *Provided further*, That if the con-
22 tract cannot be modified to the extent determined nec-
23 essary by the Board, the contract shall be terminated and

1 the Board shall negotiate a new contract, under the
2 Board's exclusive control, for the tests.

3 (2) In exercising the Board's responsibilities under
4 paragraph (1) regarding the national tests, and notwith-
5 standing any action undertaken by the Department of
6 Education or a person contracting with or providing serv-
7 ices for the Department regarding the planning, or the
8 development of specifications, for the tests, the Board
9 shall—

10 (A) ensure that the content and standards for
11 the tests are the same as the content and standards
12 for the National Assessment;

13 (B) exercise exclusive authority over any expert
14 panel or advisory committee that will be or is estab-
15 lished with respect to the tests;

16 (C) ensure that the tests are linked to the Na-
17 tional Assessment to the maximum degree possible;

18 (D) develop test objectives, test specifications,
19 and test methodology;

20 (E) develop policies for test administration, in-
21 cluding guidelines for inclusion of, and accommoda-
22 tions for, students with disabilities and students
23 with limited English proficiency;

1 (F) develop policies for reporting test results,
2 including the use of standards or performance levels,
3 and for test use;

4 (G) have final authority over the appropriate-
5 ness of all test items;

6 (H) ensure that all items selected for use on the
7 tests are free from racial, cultural, or gender bias;
8 and

9 (I) take such actions and make such policies as
10 the Board determines necessary.

11 (3) The National Assessment Governing Board shall
12 hold public hearings at which interested parties may com-
13 ment on the testing program within 120 days after the
14 end of the test development period.

15 (b)(1) The National Academy of Sciences shall, not
16 later than September 30, 1998, submit a report to the
17 Board, the Secretary of Education, and Congress that—

18 (A) evaluates—

19 (i) the technical quality of the national
20 tests;

21 (ii) the validity, reliability, and adequacy of
22 the administration of the field tests;

23 (iii) the validity of the design for linking
24 test results to student performance; and

1 (iv) the degree to which the tests will pro-
2 vide valid and useful information to the public;
3 and

4 (B) recommends appropriate safeguards to en-
5 sure that such tests are not used—

6 (i) in a discriminatory manner; and

7 (ii) for student promotion, tracking, or
8 graduation, unless such tests have been prop-
9 erly validated for such purpose.

10 (2) The National Academy of Sciences, the National
11 Governor's Association, and the National Conference of
12 State Legislatures shall jointly conduct a feasibility study
13 to determine if an equivalency scale can be developed that
14 would allow test scores from commercially available stand-
15 ardized tests to be compared.

16 (3) The National Academy of Sciences, the National
17 Governor's Association, and the National Conference of
18 State Legislatures shall jointly report their findings to the
19 Committee on Education and the Workforce in the House
20 of Representatives and the Committee on Labor and
21 Human Resources in the Senate and the Committees on
22 Appropriations in the House of Representatives and the
23 Senate no later than March 31, 1998.

24 (c) Section 412 of the National Education Statistics
25 Act of 1994 (20 U.S.C. 9011) is amended—

1 (1) in subsection (b)(1)—

2 (A) by amending subparagraph (A) to read
3 as follows:

4 “(A) three Governors, or former Gov-
5 ernors, of whom not more than 1 shall be a
6 member of the same political party as the
7 President;”;

8 (B) by amending subparagraph (B) to read
9 as follows:

10 “(B) two State legislators, of whom not
11 more than 1 shall be a member of the same po-
12 litical party as the President;”;

13 (C) in subparagraph (H), by striking “one
14 representative” and inserting “three representa-
15 tives”;

16 (D) by amending subparagraph (I) to read
17 as follows:

18 “(I) two mayors, of whom not more than
19 1 shall be a member of the same political party
20 as the President;”;

21 (E) by striking subparagraph (J); and

22 (F) by redesignating subparagraphs (K),
23 (L), and (M) as subparagraphs (J), (K), and
24 (L), respectively;

25 (2) in subsection (c)—

1 (A) in paragraph (1), by striking "and
2 may not exceed a period of 3" and inserting
3 "and shall be for periods of 4"; and

4 (B) in paragraph (2); by inserting "con-
5 secutive" after "two";

6 (3) by amending subsection (d) to read as fol-
7 lows:

8 "(d) VACANCIES.—As vacancies on the Board occur,
9 new members of the Board shall be appointed by the Sec-
10 retary from among individuals who are nominated by the
11 Board after consultation with representatives of the indi-
12 viduals described in subsection (b)(1). For each vacancy,
13 the Board shall nominate at least 3 individuals who are
14 qualified by experience or training to fill the particular
15 Board vacancy."; and

16 (4) in subsection (e) by adding at the end the
17 following:

18 "(7) INDEPENDENCE.—In the exercise of its
19 functions, powers, and duties, the Board shall be
20 independent of the Secretary and the other offices
21 and officers of the Department. The Secretary shall,
22 by written delegation of authority, authorize the
23 Board to award grants and contracts, and otherwise
24 operate, to the maximum extent practicable, inde-
25 pendent of the Department."

1 (d) Not later than 30 days after the date of enact-
2 ment of this Act, the Secretary of Education, in consulta-
3 tion with the Speaker and Minority Leader of the House
4 of Representatives, and the Majority Leader and Minority
5 Leader of the Senate, shall appoint individuals to fill va-
6 cancies on the National Assessment Governing Board
7 caused by the expiration of the terms of members of the
8 Board, or the creation of new membership positions on
9 the Board pursuant to amendments made by this Act.

10 (e) In the event that an authorization permitting the
11 administration of a voluntary national test is enacted, the
12 test shall be administered in accordance with the following
13 provisions:

14 (1) The Federal Government may not require
15 any State or local educational agency to administer
16 or implement national tests.

17 (2) No State, local educational agency, or
18 school shall report, or be required to report, the
19 scores of individual students on any national tests to
20 any officer or employee of the Federal Government.

21 (3) No State, local educational agency, or
22 school may use national tests for student promotion,
23 tracking, or graduation.

24 (4) No State or local educational agency may
25 require any private or parochial school student, or

1 home-schooled individual, to take any test developed
2 under this Act without the written consent of the
3 parents or legal guardians of the student or individ-
4 ual.

5 (5) Nothing in this Act shall be construed to
6 mandate, direct, or require a State, local educational
7 agency, or school to change its curriculum, program
8 of instruction, or allocation of State or local re-
9 sources as a condition of participating in the na-
10 tional testing program under this Act.

CONFERENCE PROPOSAL FOR 2264 (Labor, HHS)

1 SEC. 524. None of the funds appropriated in this or
2 any other Act shall be used to implement, administer, or
3 disseminate for the purpose of national testing, national
4 tests, unless specifically authorized in statute: *Provided*,
5 That funds may be used for development activities (includ-
6 ing field-testing) that precede the implementation or ad-
7 ministration of such tests or to carry out the National As-
8 sessment of Educational Progress or the Third Inter-
9 national Math and Science Study (TIMSS).

10 SEC. 525. (a)(1) Notwithstanding any other provision
11 of law, the National Assessment Governing Board estab-
12 lished under section 412 of the National Education Statis-
13 tics Act of 1994 (20 U.S.C. 9011) (hereafter in this sec-
14 tion referred to as the "Board") shall hereafter have ex-
15 clusive authority over all policies, direction, and guidelines
16 for establishing and implementing voluntary national
17 tests: *Provided*, That within 90 days after the date of en-
18 actment of this Act, the Board shall review the national
19 test development contract in effect on the date of enact-
20 ment of this Act, and modify the contract as the Board
21 determines necessary: *Provided further*, That if the con-
22 tract cannot be modified to the extent determined nec-
23 essary by the Board, the contract shall be terminated and

1 the Board shall negotiate a new contract, under the
2 Board's exclusive control, for the tests.

3 (2) In exercising the Board's responsibilities under
4 paragraph (1) regarding the national tests, and notwith-
5 standing any action undertaken by the Department of
6 Education or a person contracting with or providing serv-
7 ices for the Department regarding the planning, or the
8 development of specifications, for the tests, the Board
9 shall—

10 (A) ensure that the content and standards for
11 the tests are the same as the content and standards
12 for the National Assessment;

13 (B) exercise exclusive authority over any expert
14 panel or advisory committee that will be or is estab-
15 lished with respect to the tests;

16 (C) ensure that the tests are linked to the Na-
17 tional Assessment to the maximum degree possible;

18 (D) develop test objectives, test specifications,
19 and test methodology;

20 (E) develop policies for test administration, in-
21 cluding guidelines for inclusion of, and accommoda-
22 tions for, students with disabilities and students
23 with limited English proficiency;

1 (F) develop policies for reporting test results,
2 including the use of standards or performance levels,
3 and for test use;

4 (G) have final authority over the appropriate-
5 ness of all test items;

6 (H) ensure that all items selected for use on the
7 tests are free from racial, cultural, or gender bias;
8 and

9 (I) take such actions and make such policies as
10 the Board determines necessary.

11 (3) The National Assessment Governing Board shall
12 hold public hearings at which interested parties may com-
13 ment on the testing program within 120 days after the
14 end of the test development period.

15 (b)(1) The National Academy of Sciences shall, not
16 later than September 30, 1998, submit a report to the
17 Board, the Secretary of Education, and Congress that—

18 (A) evaluates—

19 (i) the technical quality of the national
20 tests;

21 (ii) the validity, reliability, and adequacy of
22 the administration of the field tests;

23 (iii) the validity of the design for linking
24 test results to student performance; and

1 (iv) the degree to which the tests will pro-
2 vide valid and useful information to the public;
3 and

4 (B) recommends appropriate safeguards to en-
5 sure that such tests are not used—

6 (i) in a discriminatory manner; and

7 (ii) for student promotion, tracking, or
8 graduation, unless such tests have been prop-
9 erly validated for such purpose.

10 (2) The National Academy of Sciences, the National
11 Governor's Association, and the National Conference of
12 State Legislatures shall jointly conduct a feasibility study
13 to determine if an equivalency scale can be developed that
14 would allow test scores from commercially available stand-
15 ardized tests to be compared.

16 (3) The National Academy of Sciences, the National
17 Governor's Association, and the National Conference of
18 State Legislatures shall jointly report their findings to the
19 Committee on Education and the Workforce in the House
20 of Representatives and the Committee on Labor and
21 Human Resources in the Senate and the Committees on
22 Appropriations in the House of Representatives and the
23 Senate no later than March 31, 1998.

24 (c) Section 412 of the National Education Statistics
25 Act of 1994 (20 U.S.C. 9011) is amended—

1 (1) in subsection (b)(1)—

2 (A) by amending subparagraph (A) to read
3 as follows:

4 “(A) three Governors, or former Gov-
5 ernors, of whom not more than 1 shall be a
6 member of the same political party as the
7 President;”;

8 (B) by amending subparagraph (B) to read
9 as follows:

10 “(B) two State legislators, of whom not
11 more than 1 shall be a member of the same po-
12 litical party as the President;”;

13 (C) in subparagraph (H), by striking “one
14 representative” and inserting “three representa-
15 tives”;

16 (D) by amending subparagraph (I) to read
17 as follows:

18 “(I) two mayors, of whom not more than
19 1 shall be a member of the same political party
20 as the President;”;

21 (E) by striking subparagraph (J); and

22 (F) by redesignating subparagraphs (K),
23 (L), and (M) as subparagraphs (J), (K), and
24 (L), respectively;

25 (2) in subsection (c)—

1 (A) in paragraph (1), by striking "and
2 may not exceed a period of 3" and inserting
3 "and shall be for periods of 4"; and

4 (B) in paragraph (2), by inserting "con-
5 secutive" after "two";

6 (3) by amending subsection (d) to read as fol-
7 lows:

8 "(d) VACANCIES.—As vacancies on the Board occur,
9 new members of the Board shall be appointed by the Sec-
10 retary from among individuals who are nominated by the
11 Board after consultation with representatives of the indi-
12 viduals described in subsection (b)(1). For each vacancy,
13 the Board shall nominate at least 3 individuals who are
14 qualified by experience or training to fill the particular
15 Board vacancy."; and

16 (4) in subsection (e) by adding at the end the
17 following:

18 "(7) INDEPENDENCE.—In the exercise of its
19 functions, powers, and duties, the Board shall be
20 independent of the Secretary and the other offices
21 and officers of the Department. The Secretary shall,
22 by written delegation of authority, authorize the
23 Board to award grants and contracts, and otherwise
24 operate, to the maximum extent practicable, inde-
25 pendent of the Department."

1 (d) Not later than 30 days after the date of enact-
2 ment of this Act, the Secretary of Education, in consulta-
3 tion with the Speaker and Minority Leader of the House
4 of Representatives, and the Majority Leader and Minority
5 Leader of the Senate, shall appoint individuals to fill va-
6 cancies on the National Assessment Governing Board
7 caused by the expiration of the terms of members of the
8 Board, or the creation of new membership positions on
9 the Board pursuant to amendments made by this Act.

10 (e) In the event that an authorization permitting the
11 administration of a voluntary national test is enacted, the
12 test shall be administered in accordance with the following
13 provisions:

14 (1) The Federal Government may not require
15 any State or local educational agency to administer
16 or implement national tests.

17 (2) No State, local educational agency, or
18 school shall report, or be required to report, the
19 scores of individual students on any national tests to
20 any officer or employee of the Federal Government.

21 (3) No State, local educational agency, or
22 school may use national tests for student promotion,
23 tracking, or graduation.

24 (4) No State or local educational agency may
25 require any private or parochial school student, or

1 home-schooled individual, to take any test developed
2 under this Act without the written consent of the
3 parents or legal guardians of the student or individ-
4 ual.

5 (5) Nothing in this Act shall be construed to
6 mandate, direct, or require a State, local educational
7 agency, or school to change its curriculum, program
8 of instruction, or allocation of State or local re-
9 sources as a condition of participating in the na-
10 tional testing program under this Act.

Staff Draft
November 5, 1997, 5:15 p.m.

Section 524. (a) Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(1) of the General Education Provisions Act (20 USC 1221(c)(1))), in this Act or in any other Act with respect to any fiscal year, shall not be used to field test or pilot test any national tests until the feasibility study (described in section 525 of this Act) is submitted to the Committee on Education and the Workforce in the House of Representatives and the Committee on Labor and Human Resources in the Senate.

~~(b) Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(1) of the General Education Provisions Act (20 USC 1221(c)(1))), in this Act or in any other Act with respect to any fiscal year, shall not be used to implement, administer or distribute in any way, any national tests that are not specifically and explicitly provided for in current or future authorizing legislation enacted into law.~~

~~(c) Exception.--- Subsection (b) shall not apply to the Third International Math and Science Study.~~

Section 525. (a) Study---The National Academy of Sciences, in consultation with the National Governor's Association, the National Conference of State Legislatures, the White House, the National Assessment Governing Board, and the Congress, shall, conduct a feasibility study to determine if an equivalency scale can be developed that

NAE

would allow test scores from commercially available standardized tests and State assessments to be compared *with with each other + with*

(b) Report of Findings to Congress. The National Academy of Sciences shall submit a written report of its findings to the Committee on Education and the Workforce in the House of Representatives and the Committee on Labor and Human Resources in the Senate not later than September 30, 1998.

June 1

Section 526. National Assessment Governing Board. Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 USC 9011) (hereafter in this section referred to as the "Board") shall hereafter have exclusive authority over all policies, direction, and guidelines for developing voluntary national tests, except as otherwise indicated.

use old language to ensure NAGB really in charge

Section 527. Study. The National Academy of Sciences shall, not later than September 30, 1998, submit a written report to the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate that, ---

June 1

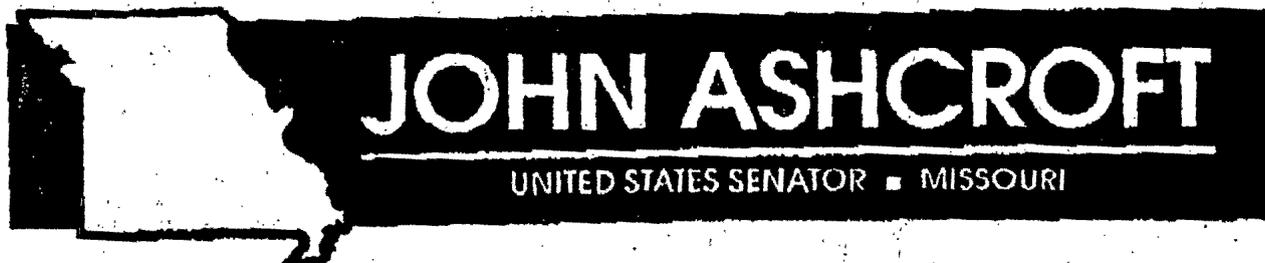
- (1) evaluates all test items developed or funded by the Department of Education or any other agency of the Federal government, in so far as such test items have been developed prior to enactment of this Act, for---

- (A) the technical quality of any test items for 4th grade reading and 8th grade mathematics;
 - (B) the validity, reliability, and adequacy of developed test items;
 - (C) the validity of any developed design which links test results to student performance;
 - (D) the degree to which any developed test items provide valid and useful information to the public;
 - (E) whether the test items are free from racial, cultural, or gender bias; and
- (2) recommends appropriate safeguards to ensure that such tests are not used in a discriminatory manner, and recommends safeguards to ensure that such tests shall not be used for tracking of students.

Section 528. (a) The Federal Government shall not require any State or local educational agency or school to administer or implement any national test in any subject or grade, nor shall the Federal government require any student to take any national test in any subject or grade.

528a
(b) Nothing in section 4(a) shall be construed as affecting the National Assessment of Educational Progress or the Third International Math and Science Study

~~Section 528.~~



For Immediate Release
Wednesday, November 5, 1997

Contact: Steve Hilton (417) 881-7068
Greg Harris (202) 224-4589

**Statement by Senator John Ashcroft
Regarding National Testing
November 5, 1997**

"I will filibuster funding legislation for the Department of Education if it permits the Administration to move ahead unobstructed on its plan for federalized student testing. The Goodling agreement, as I understand it, may represent progress against the Clinton drive to create national tests which would lead directly to a de facto national curriculum and a 'national school board' located in Washington. I have learned to accept no deal until I have examined the legislative language and have assurances that all parties, particularly in the White House, will abide by the agreement. Senators should not pack their bags for recess yet. I do not intend to sacrifice the next generation's education for a few days more of test.

"Federal testing of students is a dangerous intrusion upon the role of parents, teachers, and local school boards. Schools will teach what is being tested, so curriculum and teaching methods will follow a dumbed-down federal test. The result will be a fad-laden, inferior national curriculum imposed from Washington, with parents and teachers replaced by a new layer of bureaucrats.

"We already know what causes children to succeed. The most important factor is the support and involvement of parents. Federal control of curriculum will shove parents and local boards to the side, to the detriment of our children. Another key concern is the federal government's record of serving intellectual junk food when it has meddled with education standards and curriculum. The new math test, for example, would be steeped in 'fuzzy math' that is associated with major declines in student computational skill in Defense Department schools."

-end-

Staff Draft
November 5, 1997, 5:15 p.m.

Section 524. (a) Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(1) of the General Education Provisions Act (20 USC 1221(c)(1))), in this Act or in any other Act with respect to any fiscal year, shall not be used to field test or pilot test any national tests until the feasibility study (described in section 525 of this Act) is submitted to the Committee on Education and the Workforce in the House of Representatives and the Committee on Labor and Human Resources in the Senate.

(b) Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(1) of the General Education Provisions Act (20 USC 1221(c)(1))), in this Act or in any other Act with respect to any fiscal year, shall not be used to implement, administer or distribute in any way, any national tests that are not specifically and explicitly provided for in current or future authorizing legislation enacted into law.

(c) **Exception.**--- Subsection (b) shall not apply to the Third International Math and Science Study.

Section 525. (a) Study---The National Academy of Sciences, in consultation with the National Governor's Association, the National Conference of State Legislatures, the White House, the National Assessment Governing Board, and the Congress, shall, conduct a feasibility study to determine if an equivalency scale can be developed that

would allow test scores from commercially available standardized tests and State assessments to be compared.

(b) Report of Findings to Congress. The National Academy of Sciences shall submit a written report of its findings to the Committee on Education and the Workforce in the House of Representatives and the Committee on Labor and Human Resources in the Senate not later than September 30, 1998.

Section 526. National Assessment Governing Board. Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 USC 9011) (hereafter in this section referred to as the "Board") shall hereafter have exclusive authority over all policies, direction, and guidelines for developing voluntary national tests, except as otherwise indicated.

Section 527. Study. The National Academy of Sciences shall, not later than September 30, 1998, submit a written report to the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate that, ---

- (1) evaluates all test items developed or funded by the Department of Education or any other agency of the Federal government, in so far as such test items have been developed prior to enactment of this Act, for---

- (A) the technical quality of any test items for 4th grade reading and 8th grade mathematics;
 - (B) the validity, reliability, and adequacy of developed tests items;
 - (C) the validity of any developed design which links test results to student performance;
 - (D) the degree to which any developed test items provide valid and useful information to the public;
 - (E) whether the test items are free from racial, cultural, or gender bias; and
- (2) recommends appropriate safeguards to ensure that such tests are not used in a discriminatory manner, and recommends safeguards to ensure that such tests shall not be used for tracking of students.

Section 528. (a) The Federal Government shall not require any State or local educational agency or school to administer or implement any national test in any subject or grade, nor shall the Federal government require any student to take any national test in any subject or grade.

(b) Nothing in section 4(a) shall be construed as affecting the National Assessment of Educational Progress or the Third International Math and Science Study.

Section 528.

7:20 PM JMA

Goodling Proposal
October 30, 1997, 7.00 p.m.

Section 1. (a) Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(1) of the General Education Provisions Act (20 USC 1221(c)(1))), shall not be used to develop, implement, administer, field test, pilot test, or distribute in any way, any national tests that are not specifically and explicitly provided for in current or future authorizing legislation enacted into law.

(b) Exceptions. --- Subsection (a) shall not apply to

(1) the Third International Math and Science Study.

(2) test development contract RJ97153001 (between the United States Department of Education and the American Institutes for Research executed on August 15, 1997) if ^{but} and only if three fourths of the Governors agree in writing that national test development shall continue ~~before Oct. 1, 1998~~ before Oct. 1, 1998

Section 2. (a) Study--The National Academy of Sciences, in consultation with the National Governor's Association and the National Conference of State Legislatures, shall conduct a feasibility study to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests and State assessments to be compared.

(b) Report of Findings to Congress. The National Academy of Sciences shall report its findings to the Committee on Education and the Workforce in the House of

Representatives and the Committee on Labor and Human Resources in the Senate not later than March 31, 1998.

Section 3 (a) Study. The National Academy of Sciences shall, not later than September 30, 1998, submit a report to the Board, the Secretary of Education, the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate that---

(1) evaluates---

(A) the technical quality of the national tests for 4th grade reading and 8th grade mathematics;

(B) the validity, reliability, and adequacy of developed tests;

(C) the validity of the design for linking test results to student performance; and

(D) the degree to which the tests will provide valid and useful information to the public;

(E) the test items in the developed tests to determine whether the tests are free from racial, cultural, or gender bias; and

(2) recommends appropriate safeguards to ensure that such tests are not used in a discriminatory manner.

Section 4. The Federal Government shall not require any State or local educational agency or school to administer or implement any national test in any subject or grade, nor shall any student be required to take any national test in any subject or grade.

Nothing herein shall be construed as affecting the National Assessment of Educational Progress or the Third International Math and Science Study.

- Provides that no funds in this Act or any other Act shall be used to implement, administer, or disseminate for the purposes of national testing, national tests, unless specifically authorized in statute, except that funds may be used for development activities that precede the implementation or administration of such tests or to carry out the National Assessment of Educational Progress (NAEP) and the Third International Math and Science Study (TIMSS).
- Gives the National Assessment Governing Board (NAGB) the exclusive authority over all policies, direction and guidelines for establishing voluntary national tests.
- Directs NAGB to ensure that the content and standards for the test shall be the same as the current National Assessment of Educational Progress Test.
- Directs NAGB to ensure that all items selected for use on the tests are free from racial, cultural, or gender bias.
- Changes the composition of the 25 member NAGB to ensure that it is a bi-partisan and independent board and gives NAGB the authority to nominate individuals to that board.
- Requires NAGB to hold public hearings within 120 days after the test development period in which interested parties may comment on the testing program.
- Requires the National Academy of Sciences to submit a report to Congress no later than September 30, 1998 that (1) evaluates the technical quality of the test development, the adequacy of the administration of the field tests, the validity and reliability of the field tests, the validity of the design for linking test results to student performance, and the degree to which the tests provide valid and useful information to the public, and (2) recommends appropriate safeguards to ensure that such tests are not used in a discriminatory manner, and for student promotion, tracking or graduation.
- Requires the National Academy of Sciences, National Governor's Association and National Conference of State Legislatures to jointly conduct a feasibility study to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests to be compared, and to submit a report to the authorizing and appropriations committees no later than March 31, 1998.
- Provides that the following shall apply to national tests if authorized:
 1. The federal government may not require any state or local educational agency to administer or implement national tests.
 2. No state, local educational agency, or school shall report, or be required to report, the scores of individual students on any national tests to any officer or employee of the Federal government.
 3. No state, local educational agency, or school may use national tests for student promotion, tracking or graduation.
 4. No state or local educational agency may require any private, parochial or home-schooled student or individual to take any test developed under this Act without the written consent of the parents or legal guardians of the student or individual.
 5. Nothing in this Act shall be construed to mandate, direct, or require that a state, local educational agency, or school change its curriculum, program of instruction, or allocation of state or local resources as a condition of participating in national testing program.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL		# of pages ▶
To	From	
<i>Mike Cohen</i>		
Dept./Agency	Phone #	
Fax #	Fax #	
<i>456-5581</i>		
GENERAL SERVICES ADMINISTRATION		
5089-101		
NSN 7540-01-317-7388		

CONFERENCE PROPOSAL FOR 2264 (Labor, HHS)

1 SEC. 524. None of the funds appropriated in this or
2 any other Act shall be used to implement, administer, or
3 disseminate for the purpose of national testing, national
4 tests, unless specifically authorized in statute: *Provided*,
5 That funds may be used for development activities (includ-
6 ing field-testing) that precede the implementation or ad-
7 ministration of such tests or to carry out the National As-
8 sessment of Educational Progress or the Third Inter-
9 national Math and Science Study (TIMSS).

10 SEC. 525. (a)(1) Notwithstanding any other provision
11 of law, the National Assessment Governing Board estab-
12 lished under section 412 of the National Education Statis-
13 tics Act of 1994 (20 U.S.C. 9011) (hereafter in this sec-
14 tion referred to as the "Board") shall hereafter have ex-
15 clusive authority over all policies, direction, and guidelines
16 for establishing and implementing voluntary national
17 tests: *Provided*, That within 90 days after the date of en-
18 actment of this Act, the Board shall review the national
19 test development contract in effect on the date of enact-
20 ment of this Act, and modify the contract as the Board
21 determines necessary: *Provided further*, That if the con-
22 tract cannot be modified to the extent determined nec-
23 essary by the Board, the contract shall be terminated and

1 the Board shall negotiate a new contract, under the
2 Board's exclusive control, for the tests.

3 (2) In exercising the Board's responsibilities under
4 paragraph (1) regarding the national tests, and notwith-
5 standing any action undertaken by the Department of
6 Education or a person contracting with or providing serv-
7 ices for the Department regarding the planning, or the
8 development of specifications, for the tests, the Board
9 shall—

10 (A) ensure that the content and standards for
11 the tests are the same as the content and standards
12 for the National Assessment;

13 (B) exercise exclusive authority over any expert
14 panel or advisory committee that will be or is estab-
15 lished with respect to the tests;

16 (C) ensure that the tests are linked to the Na-
17 tional Assessment to the maximum degree possible;

18 (D) develop test objectives, test specifications,
19 and test methodology;

20 (E) develop policies for test administration, in-
21 cluding guidelines for inclusion of, and accommoda-
22 tions for, students with disabilities and students
23 with limited English proficiency;

1 (F) develop policies for reporting test results,
2 including the use of standards or performance levels,
3 and for test use;

4 (G) have final authority over the appropriate-
5 ness of all test items;

6 (H) ensure that all items selected for use on the
7 tests are free from racial, cultural, or gender bias;
8 and

9 (I) take such actions and make such policies as
10 the Board determines necessary.

11 (3) The National Assessment Governing Board shall
12 hold public hearings at which interested parties may com-
13 ment on the testing program within 120 days after the
14 end of the test development period.

15 (b)(1) The National Academy of Sciences shall, not
16 later than September 30, 1998, submit a report to the
17 Board, the Secretary of Education, and Congress that—

18 (A) evaluates—

19 (i) the technical quality of the national
20 tests;

21 (ii) the validity, reliability, and adequacy of
22 the administration of the field tests;

23 (iii) the validity of the design for linking
24 test results to student performance; and

1 (iv) the degree to which the tests will pro-
2 vide valid and useful information to the public;
3 and

4 (B) recommends appropriate safeguards to en-
5 sure that such tests are not used—

6 (i) in a discriminatory manner; and

7 (ii) for student promotion, tracking, or
8 graduation, unless such tests have been prop-
9 erly validated for such purpose.

10 (2) The National Academy of Sciences, the National
11 Governor's Association, and the National Conference of
12 State Legislatures shall jointly conduct a feasibility study
13 to determine if an equivalency scale can be developed that
14 would allow test scores from commercially available stand-
15 ardized tests to be compared.

16 (3) The National Academy of Sciences, the National
17 Governor's Association, and the National Conference of
18 State Legislatures shall jointly report their findings to the
19 Committee on Education and the Workforce in the House
20 of Representatives and the Committee on Labor and
21 Human Resources in the Senate and the Committees on
22 Appropriations in the House of Representatives and the
23 Senate no later than March 31, 1998.

24 (c) Section 412 of the National Education Statistics
25 Act of 1994 (20 U.S.C. 9011) is amended—

1 (1) in subsection (b)(1)—

2 (A) by amending subparagraph (A) to read
3 as follows:

4 “(A) three Governors, or former Gov-
5 ernors, of whom not more than 1 shall be a
6 member of the same political party as the
7 President;”;

8 (B) by amending subparagraph (B) to read
9 as follows:

10 “(B) two State legislators, of whom not
11 more than 1 shall be a member of the same po-
12 litical party as the President;”;

13 (C) in subparagraph (H), by striking “one
14 representative” and inserting “three representa-
15 tives”;

16 (D) by amending subparagraph (I) to read
17 as follows:

18 “(I) two mayors, of whom not more than
19 1 shall be a member of the same political party
20 as the President;”;

21 (E) by striking subparagraph (J); and

22 (F) by redesignating subparagraphs (K),
23 (L), and (M) as subparagraphs (J), (K), and
24 (L), respectively;

25 (2) in subsection (c)—

1 (A) in paragraph (1), by striking "and
2 may not exceed a period of 3" and inserting
3 "and shall be for periods of 4"; and

4 (B) in paragraph (2), by inserting "con-
5 secutive" after "two";

6 (3) by amending subsection (d) to read as fol-
7 lows:

8 "(d) VACANCIES.—As vacancies on the Board occur,
9 new members of the Board shall be appointed by the Sec-
10 retary from among individuals who are nominated by the
11 Board after consultation with representatives of the indi-
12 viduals described in subsection (b)(1). For each vacancy,
13 the Board shall nominate at least 3 individuals who are
14 qualified by experience or training to fill the particular
15 Board vacancy."; and

16 (4) in subsection (e) by adding at the end the
17 following:

18 "(7) INDEPENDENCE.—In the exercise of its
19 functions, powers, and duties, the Board shall be
20 independent of the Secretary and the other offices
21 and officers of the Department. The Secretary shall,
22 by written delegation of authority, authorize the
23 Board to award grants and contracts, and otherwise
24 operate, to the maximum extent practicable, inde-
25 pendent of the Department."

1 (d) Not later than 30 days after the date of enact-
 2 ment of this Act, the Secretary of Education, in consulta-
 3 tion with the Speaker and Minority Leader of the House
 4 of Representatives, and the Majority Leader and Minority
 5 Leader of the Senate, shall appoint individuals to fill va-
 6 cancies on the National Assessment Governing Board
 7 caused by the expiration of the terms of members of the
 8 Board, or the creation of new membership positions on
 9 the Board pursuant to amendments made by this Act.

10 (e) In the event that an authorization permitting the
 11 administration of a voluntary national test is enacted, the
 12 test shall be administered in accordance with the following
 13 provisions:

14 (1) The Federal Government may not require
 15 any State or local educational agency to administer
 16 or implement national tests.

17 (2) No State, local educational agency, or
 18 school shall report, or be required to report, the
 19 scores of individual students on any national tests to
 20 any officer or employee of the Federal Government.

21 (3) No State, local educational agency, or
 22 school may use national tests for student promotion,
 23 tracking, or graduation.

24 (4) No State or local educational agency may
 25 require any private or parochial school student, or

1 home-schooled individual, to take any test developed
2 under this Act without the written consent of the
3 parents or legal guardians of the student or individ-
4 ual.

5 (5) Nothing in this Act shall be construed to
6 mandate, direct, or require a State, local educational
7 agency, or school to change its curriculum, program
8 of instruction, or allocation of State or local re-
9 sources as a condition of participating in the na-
10 tional testing program under this Act.

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H.L.C.

CONFERENCE PROPOSAL FOR 2264 (Labor, HHS)

1 SEC. 524. (a) Notwithstanding any other provision
2 of law, the Office of Educational Research and Improve-
3 ment shall submit to the Committee on Appropriations of
4 the House of Representatives and the Senate a spending
5 plan for activities funded under this title under the head-
6 ing "EDUCATION RESEARCH, STATISTICS, AND IMPROVE-
7 MENT", prior to the obligation of the funds.

8 (b)(1) Notwithstanding any other provision of law,
9 the National Assessment Governing Board established
10 under section 412 of the National Education Statistics Act
11 of 1994 (20 U.S.C. 9011) (hereafter in this section re-
12 ferred to as the "Board") shall hereafter have exclusive
13 authority over all policies, direction, and guidelines for es-
14 tablishing and implementing voluntary national tests for
15 4th grade English reading and 8th grade mathematics:
16 *Provided*, That the tests shall be made available to a State,
17 local educational agency, or private or parochial school,
18 upon the request of the State, agency, or school, and the
19 use of the tests shall not be a condition for receiving any
20 Federal funds: *Provided further*, That within 90 days after
21 the date of enactment of this Act, the Board shall review
22 the national test development contract in effect on the
23 date of enactment of this Act, and modify the contract
24 as the Board determines necessary: *Provided further*, That

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1 if the contract cannot be modified to the extent deter-
2 mined necessary by the Board, the contract shall be termi-
3 nated and the Board shall negotiate a new contract, under
4 the Board's exclusive control, for the tests.

5 (2) In exercising the Board's responsibilities under
6 paragraph (1) regarding the national tests, and notwith-
7 standing any action undertaken by the Department of
8 Education or a person contracting with or providing serv-
9 ices for the Department regarding the planning, or the
10 development of specifications, for the tests, the Board
11 shall—

12 (A) ensure that the content and standards for
13 the tests are the same as the content and standards
14 for the National Assessment;

15 (B) exercise exclusive authority over any expert
16 panel or advisory committee that will be or is estab-
17 lished with respect to the tests;

18 (C) ensure that the tests are linked to the Na-
19 tional Assessment to the maximum degree possible;

20 (D) develop test objectives, test specifications,
21 and test methodology;

22 (E) develop policies for test administration, in-
23 cluding guidelines for inclusion of, and accommoda-
24 tions for, students with disabilities and students
25 with limited English proficiency;

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3

1 (F) develop policies for reporting test results,
2 including the use of standards or performance levels,
3 and for test use;

4 (G) have final authority over the appropriate-
5 ness of all test items;

6 (H) ensure that all items selected for use on the
7 tests are free from racial, cultural, or gender bias;
8 and

9 (I) take such actions and make such policies as
10 the Board determines necessary.

11 (3) No voluntary national tests for 4th grade reading
12 and 8th grade mathematics shall be implemented or ad-
13 ministered until the end of the 60-day period following the
14 development and field-testing of such tests, during which
15 period the National Assessment Governing Board shall
16 hold public hearings at which interested parties may com-
17 ment on the testing program.

18 (e) The Federal Government may not require any
19 State or local educational agency to administer or imple-
20 ment national tests for 4th grade reading and 8th grade
21 mathematics.

22 (d) No State, local educational agency, or school shall
23 report, or be required to report, the scores of individual
24 students on any tests described in this section to any offi-
25 cer or employee of the Federal Government.

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1 (e) No State, local educational agency, or school may
2 use national tests for 4th grade reading and 8th grade
3 mathematics for student promotion, tracking, graduation,
4 or any other purpose unless such tests have been properly
5 validated for such purpose.

6 (f) No State or local educational agency may require
7 any private or parochial school student, or home-schooled
8 individual, to take any test developed under this section
9 without the written consent of the parents or legal guard-
10 ians of the student or individual.

11 (g) The National Academy of Sciences shall, not later
12 than September 30, 1998, submit a report to the Board,
13 the Secretary of Education, and Congress that—

14 (1) evaluates—

15 (A) the technical quality of the national
16 tests for 4th grade reading and 8th grade
17 mathematics;

18 (B) the validity, reliability, and adequacy
19 of the administration of the field tests;

20 (C) the validity of the design for linking
21 test results to student performance; and

22 (D) the degree to which the tests will pro-
23 vide valid and useful information to the public;
24 and

1 (2) recommends appropriate safeguards to en-
2 sure that such tests are not used—

3 (A) in a discriminatory manner; and

4 (B) for any purpose, including student pro-
5 motion, tracking, or graduation, unless such
6 tests have been properly validated for such pur-
7 pose.

8 (h) Nothing in this section is, or shall be construed
9 to mandate, direct, or require a State, local educational
10 agency, or school to change its curriculum, program of in-
11 struction, or allocation of State or local resources as a con-
12 dition of participating in the national testing program
13 under this section.

14 (i) Section 412 of the National Education Statistics
15 Act of 1994 (20 U.S.C. 9011) is amended—

16 (1) in subsection (b)(1)—

17 (A) by amending subparagraph (A) to read
18 as follows:

19 “(A) three Governors, or former Gov-
20 ernors, of whom not more than 1 shall be a
21 member of the same political party as the
22 President;”;

23 (B) by amending subparagraph (B) to read
24 as follows:

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1 “(B) two State legislators, of whom not
2 more than 1 shall be a member of the same po-
3 litical party as the President;”;

4 (C) in subparagraph (H), by striking “one
5 representative” and inserting “three representa-
6 tives”;

7 (D) by amending subparagraph (I) to read
8 as follows:

9 “(I) two mayors, of whom not more than
10 1 shall be a member of the same political party
11 as the President;”;

12 (E) by striking subparagraph (J); and

13 (F) by redesignating subparagraphs (K),
14 (L), and (M) as subparagraphs (J), (K), and
15 (L), respectively;

16 (2) in subsection (c)—

17 (A) in paragraph (1), by striking “and
18 may not exceed a period of 3” and inserting
19 “and shall be for periods of 4”; and

20 (B) in paragraph (2), by inserting “con-
21 secutive” after “two”;

22 (3) by amending subsection (d) to read as fol-
23 lows:

24 “(d) VACANCIES.—As vacancies on the Board occur,
25 new members of the Board shall be appointed by the Sec-

1 retary from among individuals who are nominated by the
2 Board after consultation with representatives of the indi-
3 viduals described in subsection (b)(1). For each vacancy,
4 the Board shall nominate at least 3 individuals who are
5 qualified by experience or training to fill the particular
6 Board vacancy.”; and

7 (4) in subsection (c) by adding at the end the
8 following:

9 “(7) INDEPENDENCE.—In the exercise of its
10 functions, powers, and duties, the Board shall be
11 independent of the Secretary and the other offices
12 and officers of the Department. The Secretary shall,
13 by written delegation of authority, authorize the
14 Board to award grants and contracts, and otherwise
15 operate, to the maximum extent practicable, inde-
16 pendent of the Department.”.

17 (j) Not later than 30 days after the date of enactment
18 of this Act, the Secretary of Education, in consultation
19 with the Speaker and Minority Leader of the House of
20 Representatives, and the Majority Leader and Minority
21 Leader of the Senate, shall appoint individuals to fill va-
22 ncancies on the National Assessment Governing Board
23 caused by the expiration of the terms of members of the
24 Board, or the creation of new membership positions on
25 the Board pursuant to amendments made by this Act.

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H.L.C.

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1 SEC. 525. Notwithstanding any other provision of
2 this Act, none of the funds appropriated in this or any
3 other Act shall be used to implement or administer any
4 national testing program in 4th grade reading or 8th
5 grade mathematics, unless specifically authorized in stat-
6 ute, *Provided*, That funds may be used for development
7 and field-testing activities that precede the implementa-
8 tion or administration of such tests or to carry out the
9 National Assessment of Educational Progress or the Third
10 International Math and Science Study (TIMSS).

THE WHITE HOUSE
WASHINGTON

OPTIONS

1. Needles
2. Subjects/grades
3. Cap - 50% or 59 - or permanent w/o authoriz.
4. NAAB report - 60 day review
5. NAEP benchmark - w/\$
6. Stack NAAB board
7. ACHIEVE report
8. Amer Reads (TAG vouchers)
9. Reverse Goodling - 3/4 yrs.
10. More benchmarking - ACHIEVE \$

DC Corenell/vouchers
Brownback

ENDORSEMENTS

CEOs/BRT/Gestner
AFT
Bennett/Raitch
Achieve? NGA?

Newt asked for letter
not to exercise before
April 1

No file till Tues. / deal on Monday
Change the equation
Prohibition on all but the 2 - check Deans
Riley: we'd be willing to have testing provision authorized & approved
if he agree to take floor

Parental Choice in Tutoring

Chairman Goodling's version of the America Reads legislation includes a requirement that States provide grants to high-poverty schools (in empowerment zones, etc.) for programs in which the parent chooses from a list of approved tutors (this is known as TAG, or "tuition assistance grants"). This was a provision that the conservative wing of his Committee insisted on. In moving the bill out of his Committee, he agreed to work with the Democrats to make it a bipartisan provision. There is no deal yet.

We have objected to the provision as "unnecessarily costly" and "disconnected" from the regular school program. We have already gone a long way in their direction: On Thursday, the Education Department provided language that would allow a State to use up to 20 percent of its funds for a program that requires the school to "make reasonable efforts to accommodate the parents' request" for a particular tutoring provider. **Possible further concessions:** In the context of the design that Education has put forward, we could increase or eliminate the percentage cap, and/or could strengthen the "choice" language so that parents have a clear right to choose from among the providers that have been approved by the school district.

Nov. 3, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN

SUBJECT: Negotiating Options for National Testing

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

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

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

1. Cap implementation to jurisdictions serving 50% of the students in 1999. In addition, if necessary, cap the 1998 field test to 10% of the students.

Last resort 2. Cap implementation at jurisdictions with 50% of the students indefinitely; expansion beyond 50% would be prohibited unless authorized by Congress.

3. Move \$3-4 million from Goals 2000 and give it to NAGB to develop an equivalency scale for any state that wants to compare its existing tests to tests in other states or to NAEP, and authorize states to use Goals 2000 funds to administer their own tests and to pay for studies to link state tests to tests in other states or to NAEP (Goals 2000 funds can already be used for these purposes.)

4. Announce conservative appointments to NAGB, including Gov. Engler, Diane Ravitch, John Saxton (a conservative math expert) and Bill Bennett. *Make Engler chair*

5. *Direct ACHIEVE to report to Congress on the desirability and feasibility of national tests.*

6. *Prohibit implementation of the national tests unless the Goodling-proposed National Academy of Sciences study of the feasibility of linking state and commercial tests to each other shows that this approach is unworkable for the tests used by a majority of states. We are confident that this will turn out to be the case if the study is conducted responsibly.*

7. *Proceed with development, field testing and linking studies; cap implementation in 1999 to jurisdictions with 50% of the students, and agree that specific implementation will be needed for*

Scrap bilingual educ. / Safety by force

implementation beyond 1999.

In addition, we are prepared to offer several compromises unrelated to the design of the testing initiative. These are:

1. Agree to a one-year moratorium on needle exchange. Alternatively, provide a White House letter pledging not to exercise the Secretary's authority for 6-12 months, or agree to repeal the Secretary's authority.
2. Accept Goodling's proposal for an early reading (America Reads) bill, as currently under negotiation with the Education Department. Goodling's proposal provides for both extra tutoring help for kids and additional teacher training. It does not require volunteer tutors, and it requires high-poverty schools to reimburse parents for the expense of private tutors. While many of the education groups view this as a voucher-like program, the Education Department is working to develop language that minimize the similarities between vouchers and this after-school tutoring program.

8TH STORY of Level 1 printed in FULL format.

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FDCH Political Transcripts

November 1, 1997, Saturday

TYPE: RADIO ADDRESS

LENGTH: 859 words

HEADLINE: WEBWIRE-DELIVERS REPUBLICAN RESPONSE TO THE PRESIDENT'S RADIO ADDRESS; WASHINGTON, D.C.

SPEAKER:

U.S. SENATOR TRENT LOTT (R-MS), SENATE MAJORITY LEADER

BODY:

REPUBLICAN RADIO RESPONSE

NOVEMBER 1, 1997

SPEAKER: U.S. SENATOR TRENT LOTT (R-MS), MAJORITY LEADER

*

LOTT: Hello. This is Trent Lott. It's no accident that the Congress has spent so much time this year working on issues related to education. The American people are deeply concerned about the quality of education, and not only for their own children but also for the youngsters who are now trapped in dead-end, dangerous schools.

Your Republican Congress shares that concern. Every Member of the House and Senate knows the problems that parents, teachers, and students are facing back home in our own states and communities.

On the brighter side, we also know how much progress is being made -- in classrooms, at PTA meetings, in partnerships between schools and local businesses. After all, when the American people set their mind to something, nothing can keep them from their goal.

Nothing, that is, except Washington government working against their wishes. On Capitol Hill, we're going to make sure that doesn't happen.

We've all had the experience, in our own school days, of rushing through a test because the answers seemed so easy -- only to find out, when we got a poor grade, that we should have been more careful about the fine print.

I don't want the Congress to make that same mistake when it deals with matters that are important to your family and your schools. Let me give you a few examples.

Every community should be able to measure the success -- or the failure -- of its school system. One important way to do that is by testing students. Every conscientious parent wants to know how well Sally or Jimmy is doing in class, and whether they need extra help in particular subjects.

But most parents -- and I count myself among them -- do not want agents of the federal government devising those tests, making all students take them, or passing judgment on the results.

that's why congressional Republicans are resisting President Clinton's plan for national testing. We need to know how the students are learning. We do not need the educational equivalent of an IRS for the classroom.

And by the way, when it comes to testing, congressional Republicans want to start with the teachers. The very first step in improving our schools is to make sure teachers are qualified to teach.

That's accountability, and accountability is what education reform is all about.

My own mother spent many years teaching in public schools, and I'm particularly proud of the dedicated women and men who teach at Trent Lott Middle School in Pascagoula, Mississippi.

They, and others like them across America, deserve our support -- and local teacher testing, not dictated by Washington, D.C., will make sure that every school has first-rate teachers -- because every American child is a first-rate child.

That's why the top Republican education priority is to secure parental rights -- and consumer choice -- in schooling. We want to apply to education the same forces of competition and quality that operate in every other part of the economy.

That means assuring families -- especially poor families -- the right to choose the best available school for their children. No boy or girl in America should be forced to attend a drug-infested, rat-plagued, violence-ridden school. And yet, millions of our young people are expected to learn in such places, when it's hard enough merely to survive in them.

Tragically, President Clinton disagrees. He has threatened to veto our attempts to establish school choice in the District of Columbia, where the government schools are among the worst in the country.

And he has opposed Senator Coverdell's A+ plan -- to let parents use their tax-free savings accounts (like IRAs for education) to cover the costs of elementary and secondary schooling.

But this reform -- which would be especially helpful for families with special-needs children -- is too important for any one person to stand in the way. So we're going to keep trying, to help parents save for the kind of schooling that best suits their children.

We're tired of asking why Johnny can't read, or Joanie can't count, or why their teenage brothers and sisters aren't prepared for college or good jobs. The problems, over the last 20 years, have been studied to death -- and literally billions of dollars have been spent on them.

FDCH Political Transcripts, November 1, 1997

Now it's time for answers. And believe me, we have some of those answers.

Accountability for students, teachers, and administrators; active involvement by parents and the community, especially local businesses; protecting family rights, especially school choice. And last, but certainly not least, redirecting billions of federal dollars away from programs that have failed students and into local programs that actually improve our schools.

It all comes down to trusting the American people to decide what's best for their children. Congressional Republicans trust parents, good teachers, and local education leaders. Don't you wish everybody did?

END

NOTES:

???? - Indicates Speaker Unkown

- Could not make out what was being said.

off mike - Indicates Could not make out what was being said.

LANGUAGE: ENGLISH

LOAD-DATE: November 2, 1997

LABOR-HHS OPTIONS

TESTING

1. Cap implementation at 50% of students in 1999 (and cap field test at 10% in 1998); cannot exceed cap in 1998-99 without Congressional authorization. *NAGB recomm.*
2. Cap implementation at 50% of students indefinitely -- cannot expand beyond 50% unless authorized by Congress.
3. Ban development of national tests in other subjects and other grades (limit to 4th grade reading and 8th grade math).
4. Stop development of national tests if three-quarters of the nation's governors request in writing by Oct. 1, 1998 (reverse of Goodling's latest amendment). OR: Direct ACHIEVE (bipartisan organization of governors and business leaders) to report to Congress on desirability of national tests.
5. Take \$5 million from Goals 2000 and give it to NAGB to develop equivalency scale for any state that wants to compare its existing tests to tests in other states or to NAEP; and authorize states to use Goals 2000 funds to administer their own state tests and pay for studies to link those tests to tests in other states or to NAEP.
6. Announce conservative appointments to NAGB: Engler, Ravitch, Bennett, John Saxton (conservative math expert). Make Engler chair.
7. Implementation cannot go forward until jurisdictions with 25% of students have signed up.

OTHER POSSIBILITIES

1. One-year moratorium on needle exchange.
OR: White House letter pledging not to exercise Secretary's authority for 6-12 months.
OR: Repeal Secretary's authority.

2. Accept Goodling version of America Reads (his bill relies more on teacher training than on tutors; includes voucher-like program to pay for after-school tutoring).

3. Accept Coverdell amendment.
OR: Coverdell for D.C. OR: Coverdell for limited number of taxpayers (e.g., 250,000)

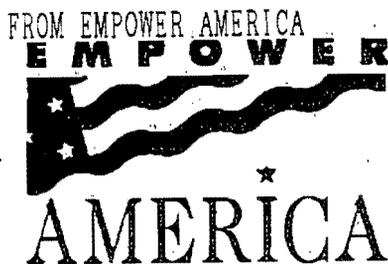
4. D.C. vouchers.

OR: Minimum competency teaching testing for D.C. (Hoppe)

5. FLSA compromise.

Goals 2000

Graham allowable for child care
\$2500 max.
2000
90,000/160,000
demo?



MEMORANDUM

1776 I Street, NW, Suite 890
Washington, DC 20006
(202) 452-8200

To: The Honorable Newt Gingrich and the Honorable Trent Lott
From: William J. Bennett *WJB*
Date: November 3, 1997
Re: National Testing Impasse: One Last Chance.

Below is a slightly different approach to national testing:

- 1) Scrap the Clinton tests and the work done so far on them.
- 2) Authorize the National Assessment Governing Board (NAGB) to take the existing "NAEP" tests and develop an individual version for states, communities and schools. (Perhaps limit initial authorization to fourth-grade reading -- and to a three-year period followed by Congressional review.)
- 3) Authorize the Board to "license" that individual test to interested states, test publishers and tutoring firms, perhaps to make a form of it available (via Internet) directly to schools and parents.
- 4) Strengthen the Board's independence (as the Senate amendment would do), give it full control of NAEP, and give it the necessary resources.
- 5) Beef up the Board's membership (and conservatism) by appointing people like John Engler, Lynne Cheney, E.D. Hirsch, Diane Ravitch, Checker Finn.

Background: the NAEP student tests are generally respected. However, no student takes the entire NAEP test (because it is such a large test) and students are given the test only on a "sample" basis. They are presently given to the whole country and to states that choose to participate (most states do.) Creating a "mini-NAEP" that would yield individual scores was more-or-less what the President set out to do, before his Education Department messed it up.

Politics: my hunch is that the White House would agree to this plan, and it's consistent with what the Senate voted for. The House might view it as a "pilot" project -- one subject, one grade level, voluntary participation, separated from the Education Department -- with expansion dependent on subsequent decisions by Congress.

Given the controversy surrounding this issue, I think this approach is substantively sound and politically smart. Call me if you would like to discuss it in more detail.

Founding Chairman
Theodore J. Forstmann

Co-Directors
Lamar Alexander
William J. Bennett
Jack Kemp
Jeane J. Kirkpatrick
Vin Weber

Chairman
Thomas W. Weisel

Vice Chairman
Nicholas C. Forstmann

Directors
Joseph A. Cannon
Jamie B. Coulter
Steve Forbes
Congressman Newt Gingrich
E. Floyd Kvamme
Senator Trent Lott
Michael Novak
Dennis Prager
Julian H. Robertson, Jr.
Donald H. Rumsfeld
Judy Shelton
John Skcen
Ward W. Woods

President and CEO
Josette Shiner

6TH STORY of Level 1 printed in FULL format.

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Federal News Service

NOVEMBER 1, 1997, SATURDAY

SECTION: MAJOR LEADER SPECIAL TRANSCRIPT

LENGTH: 1131 words

HEADLINE: GOP RESPONSE TO PRESIDENT CLINTON'S
WEEKLY RADIO ADDRESS

BY:
SENATE MAJORITY LEADER TRENT LOTT (R-MS)

BODY:

SEN. LOTT: Hello, this is Trent Lott. It's no accident that the Congress has spent so much time this year working on issues related to education. The American people are deeply concerned about the quality of education, and not only for their own children, but also for the youngsters who are now trapped in dead-end dangerous schools. Your Republican Congress shares that concern. Every member of the House and Senate knows the problems that parents, teachers and students are facing back home in our own states and communities. On the brighter side, we also know how much progress is being made in classrooms, at PTA meetings, in partnerships between schools and local businesses. After all, when the American people set their mind to something, nothing can keep them from their goal -- nothing that is except Washington government working against their wishes.

On Capitol Hill we are going to make sure that doesn't happen. We have all had the experience in our own schooldays of rushing through a test because the answers seem so easy only to find out when we got a poorer grade that we should have been more careful about the fine print. I don't want the Congress to make that same mistake when it deals with matters that are important to your family and your schools. Let me give you a few examples.

Every community should be able to measure the success or the failure of its school system. One important way to do that is by testing students. Every conscientious parent wants to know how well Sally or Jimmy is doing in class, and whether they need extra help in particular subjects. But both parents, and I count myself among them, do not want agents from the federal government devising those tests, making all the students take them, or passing judgment on the results. That's why congressional Republicans are resisting President Clinton's plan for national testing. We need to know how the students are learning. We do not need the educational equivalent of an IRS for the classroom.

And, by the way, when it comes to testing, congressional Republicans want to start with the teachers. The very first step in improving our schools is to make sure teachers are qualified to teach. That's accountability, and accountability is what education reform is all about. My own mother spent many years teaching in public schools, and I'm particularly proud of the dedicated women and men who teach at Trent Lott Middle School in Pascagoula, Mississippi. They and others like them across America deserve our support, and local teacher testing not dictated by Washington, D.C., will make sure that every school has first-rate teachers, because every American child is a first-rate child.

That's why the top Republican education priority is to secure parental rights.

Federal News Service, NOVEMBER 1, 1997

and consumer choice in schooling. We want to apply to education the same forces of competition and quality that operate in every other part of the economy. That means assuring families, especially poor families, the right to choose the best available school for their children. No boy or girl in America should be forced to attend a drug infested, rats plagued, violence ridden school. And yet millions of our young people are expected to learn in such places, when it's hard enough merely to survive in them.

Tragically, President Clinton disagrees. He has threatened to veto our attempts to establish school choice in the District of Columbia, where the government schools are among the worst in the country. And he has opposed Senator Coverdell's A-Plus plan to let parents use their tax-free savings accounts, like IRAs for education, to cover the cost of elementary and secondary schooling. But this reform, which would be especially helpful for families with special needs children, is too important for any one person to stand in the way. So we are going to keep trying to help parents save for the kind of schooling that best suits their children. We are tired of asking why Johnny can't read or Joanie can't count, or why their teenage brothers and sisters aren't prepared for college or good jobs. The problems over the last 20 years have been studied to death, and literally billions of dollars have been spent on them.

Now it's time for answers. And, believe me, we have some of those answers -- accountability for students, teachers and administrators; active involvement by parents and community -- especially local businesses; protecting family rights, especially school choice; and, last, but certainly not least, redirecting billions of federal dollars away from programs that have failed students and into local programs that actually improve our schools. It all comes down to trusting the American people to decide what's best for their children. Congressional Republicans trust parents, good teachers and local education leaders. Don't you wish everybody did?

END

LANGUAGE: ENGLISH

LOAD-DATE: November 2, 1997

LEVEL 1 - 13 OF 25 REFERENCES

FULL TEXT OF BILLS

105TH CONGRESS; 1ST SESSION
IN THE HOUSE OF REPRESENTATIVES
AS REPORTED IN THE HOUSE

H. R. 2614

1997 H.R. 2614; 105 H.R. 2614

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes.

DATE OF INTRODUCTION: OCTOBER 6, 1997

DATE OF VERSION: OCTOBER 27, 1997 -- VERSION: 2

SPONSOR(S):

Mr. GOODLING introduced the following bill; which was referred to the
Committee on Education and the Workforce

TEXT:

H. R. 2614

Report No. 105-348

A BILL

To improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes.

OCTOBER 24, 1997

Reported with an amendment, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

Union Calendar No. 202

105TH CONGRESS

H. R. 2614 OCTOBER 27, 1997 -- VERSION: 2

1ST SESSION

H. R. 2614

Report No. 105-348

To improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 1997

Mr. GOODLING introduced the following bill; which was referred to the Committee on Education and the Workforce

OCTOBER 24, 1997

Additional sponsors: Mrs. ROUKEMA, Mr. MCKEON, Mr. RIGGS, Mr. GREENWOOD, Mr. NORWOOD, and Ms. DANNER

OCTOBER 24, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Strike out all after the enacting clause and insert the part printed in italic

For text of introduced bill, see copy of bill as introduced on October 6, 1997

A BILL

To improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes.

* Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, *

*SECTION 1. SHORT TITLE. *

* This Act may be cited as the "Reading Excellence Act". *

*TITLE I-READING GRANTS *

*SEC. 101. AMENDMENT TO ESEA FOR READING GRANTS. *

* The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding at the end the following: *

*"TITLE XV-READING GRANTS *

*"SEC. 15101. PURPOSE. *

* "The purposes of this title are as follows: *

* "(1) To teach every child to read in their early childhood years- *

* "(A) as soon as they are ready to read; or *

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"(B) as soon as possible once they enter school, but not later than 3d grade.

"(2) To improve the reading skills of students, and the in-service instructional practices for teachers who teach reading, through the use of findings from reliable, replicable research on reading, including phonics.

"(3) To expand the number of high-quality family literacy programs.

"(4) To reduce the number of children who are inappropriately referred to special education due to reading difficulties.

*"SEC. 15102. DEFINITIONS.

* "For purposes of this title:

* "(1) ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER.--THE TERM 'ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER' MEANS A PROVIDER OF PROFESSIONAL DEVELOPMENT IN READING INSTRUCTION TO TEACHERS THAT IS BASED ON RELIABLE, REPLICABLE RESEARCH ON READING.

* "(2) ELIGIBLE RESEARCH INSTITUTION.--THE TERM 'ELIGIBLE RESEARCH INSTITUTION' MEANS AN INSTITUTION OF HIGHER EDUCATION AT WHICH RELIABLE, REPLICABLE RESEARCH ON READING HAS BEEN CONDUCTED.

* "(3) FAMILY LITERACY SERVICES.--THE TERM 'FAMILY LITERACY SERVICES' MEANS SERVICES PROVIDED TO PARTICIPANTS ON A VOLUNTARY BASIS THAT ARE OF SUFFICIENT INTENSITY IN TERMS OF HOURS, AND OF SUFFICIENT DURATION, TO MAKE SUSTAINABLE CHANGES IN A FAMILY (SUCH AS ELIMINATING OR REDUCING WELFARE DEPENDENCY) AND THAT INTEGRATE ALL OF THE FOLLOWING ACTIVITIES:

* "(A) INTERACTIVE LITERACY ACTIVITIES BETWEEN PARENTS AND THEIR CHILDREN.

* "(B) EQUIPPING PARENTS TO PARTNER WITH THEIR CHILDREN IN LEARNING.

* "(C) Parent literacy training, including training that contributes to economic self-sufficiency.

* "(D) Appropriate instruction for children of parents receiving parent literacy services.

* "(4) READING.--THE TERM 'READING' MEANS THE PROCESS OF COMPREHENDING THE MEANING OF WRITTEN TEXT BY DEPENDING ON--

* "(A) THE ABILITY TO USE PHONICS SKILLS, THAT IS, KNOWLEDGE OF LETTERS AND SOUNDS, TO DECODE PRINTED WORDS QUICKLY AND EFFORTLESSLY, BOTH SILENTLY AND ALOUD;

* "(B) THE ABILITY TO USE PREVIOUSLY LEARNED STRATEGIES FOR READING COMPREHENSION; AND

* "(C) THE ABILITY TO THINK CRITICALLY ABOUT THE MEANING, MESSAGE, AND AESTHETIC VALUE OF THE TEXT.

* "(5) READING READINESS.--THE TERM 'READING READINESS' MEANS ACTIVITIES THAT--

* "(A) PROVIDE EXPERIENCE AND OPPORTUNITY FOR LANGUAGE DEVELOPMENT;

* "(B) CREATE APPRECIATION OF THE WRITTEN WORD;

* "(C) DEVELOP AN AWARENESS OF PRINTED LANGUAGE, THE ALPHABET, AND PHONEMIC AWARENESS; AND

* "(D) DEVELOP AN UNDERSTANDING THAT SPOKEN AND WRITTEN LANGUAGE IS MADE UP OF PHONEMES, SYLLABLES, AND WORDS.

* "(6) RELIABLE, REPLICABLE RESEARCH.--THE TERM 'RELIABLE, REPLICABLE RESEARCH' MEANS OBJECTIVE, VALID, SCIENTIFIC STUDIES THAT--

* "(A) INCLUDE RIGOROUSLY DEFINED SAMPLES OF SUBJECTS THAT ARE

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* SUFFICIENTLY LARGE AND REPRESENTATIVE TO SUPPORT THE GENERAL *
 * CONCLUSIONS DRAWN; *
 *

* "(B) RELY ON MEASUREMENTS THAT MEET ESTABLISHED STANDARDS OF *
 * RELIABILITY AND VALIDITY; *
 *

* "(C) TEST COMPETING THEORIES, WHERE MULTIPLE THEORIES EXIST; *
 *

* "(D) ARE SUBJECTED TO PEER REVIEW BEFORE THEIR RESULTS ARE *
 * PUBLISHED; AND *
 *

* "(E) DISCOVER EFFECTIVE STRATEGIES FOR IMPROVING READING *
 * SKILLS. *
 *

* "SEC. 15103. GRANTS TO READING AND LITERACY PARTNERSHIPS. *
 *

* "(a) PROGRAM AUTHORIZED.-THE SECRETARY MAY MAKE GRANTS ON A *
 * COMPETITIVE BASIS TO READING AND LITERACY PARTNERSHIPS FOR THE PURPOSE *
 * OF PERMITTING SUCH PARTNERSHIPS TO MAKE SUBGRANTS UNDER SECTIONS 15104 *
 * AND 15105. *
 *

* "(B) READING AND LITERACY PARTNERSHIPS.- *
 *

* "(1) COMPOSITION.- *
 *

* "(A) REQUIRED PARTICIPANTS.-IN ORDER TO RECEIVE A GRANT UNDER *
 * THIS SECTION, A STATE SHALL ESTABLISH A READING AND LITERACY *
 * PARTNERSHIP CONSISTING OF AT LEAST THE FOLLOWING PARTICIPANTS: *
 *

* "(I) THE GOVERNOR OF THE STATE. *
 *

* "(II) THE CHIEF STATE SCHOOL OFFICER. *
 *

* "(III) THE CHAIRMAN AND THE RANKING MEMBER OF EACH *
 * COMMITTEE OF THE STATE LEGISLATURE THAT IS RESPONSIBLE FOR *
 * EDUCATION POLICY. *
 *

* "(IV) A REPRESENTATIVE, SELECTED JOINTLY BY THE GOVERNOR *
 * AND THE CHIEF STATE SCHOOL OFFICER, OF AT LEAST 1 LOCAL *
 * EDUCATIONAL AGENCY THAT HAS AT LEAST 1 SCHOOL THAT IS *
 * IDENTIFIED FOR SCHOOL IMPROVEMENT UNDER SECTION 1116(C) IN *
 * THE GEOGRAPHIC AREA SERVED BY THE AGENCY. *
 *

* "(V) A REPRESENTATIVE, SELECTED JOINTLY BY THE GOVERNOR *
 * AND THE CHIEF STATE SCHOOL OFFICER, OF A COMMUNITY-BASED *
 * ORGANIZATION WORKING WITH CHILDREN TO IMPROVE THEIR READING *
 * SKILLS, PARTICULARLY A COMMUNITY-BASED ORGANIZATION USING *
 * VOLUNTEERS. *
 *

* "(B) OPTIONAL PARTICIPANTS.-A READING AND LITERACY PARTNERSHIP *
 * MAY INCLUDE ADDITIONAL PARTICIPANTS, WHO SHALL BE SELECTED *
 * JOINTLY BY THE GOVERNOR AND THE CHIEF STATE SCHOOL OFFICER, *
 * WHICH MAY INCLUDE- *
 *

* "(I) STATE DIRECTORS OF APPROPRIATE FEDERAL OR STATE *
 * PROGRAMS WITH A STRONG READING COMPONENT; *
 *

* "(II) A PARENT OF A PUBLIC OR PRIVATE SCHOOL STUDENT OR A *
 * PARENT WHO EDUCATES THEIR CHILD OR CHILDREN IN THEIR HOME; *
 *

* "(III) A TEACHER WHO TEACHES READING; OR *
 *

* "(IV) A REPRESENTATIVE OF (I) AN INSTITUTION OF HIGHER *
 * EDUCATION OPERATING A PROGRAM OF TEACHER PREPARATION IN THE *
 * STATE; (II) A LOCAL EDUCATIONAL AGENCY; (III) AN ELIGIBLE *
 * RESEARCH INSTITUTION; (IV) A PRIVATE NONPROFIT OR FOR-PROFIT *
 * ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER PROVIDING *
 * INSTRUCTION BASED ON RELIABLE, REPLICABLE RESEARCH ON *
 * READING; (V) A FAMILY LITERACY SERVICE PROVIDER; (VI) AN *
 * ADULT EDUCATION PROVIDER; (VII) A VOLUNTEER ORGANIZATION *
 * THAT IS INVOLVED IN READING PROGRAMS; OR (VIII) A SCHOOL OR *
 * A PUBLIC LIBRARY THAT OFFERS READING OR LITERACY PROGRAMS *
 * FOR CHILDREN OR FAMILIES. *
 *

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* "(2) AGREEMENT.--THE CONTRACTUAL AGREEMENT THAT ESTABLISHES A *
* READING AND LITERACY PARTNERSHIP- *
*

* "(A) SHALL SPECIFY- *

* "(I) THE NATURE AND EXTENT OF THE ASSOCIATION AMONG THE *
* PARTICIPANTS REFERRED TO IN PARAGRAPH (1); AND *

* "(II) THE ROLES AND DUTIES OF EACH SUCH PARTICIPANT; AND *

* "(B) SHALL REMAIN IN EFFECT DURING THE ENTIRE GRANT PERIOD *
* PROPOSED IN THE PARTNERSHIP'S GRANT APPLICATION UNDER SUBSECTION *
* (E). *

* "(3) FUNCTIONS.--EACH READING AND LITERACY PARTNERSHIP FOR A STATE *
* SHALL PREPARE AND SUBMIT AN APPLICATION UNDER SUBSECTION (E) AND, IF *
* THE PARTNERSHIP RECEIVES A GRANT UNDER THIS SECTION- *

* "(A) SHALL SOLICIT APPLICATIONS FOR, AND AWARD, SUBGRANTS *
* UNDER SECTIONS 15104 AND 15105; *

* "(B) SHALL OVERSEE THE PERFORMANCE OF THE SUBGRANTS AND SUBMIT *
* PERFORMANCE REPORTS IN ACCORDANCE WITH SUBSECTION (H); *

* "(C) IF SUFFICIENT GRANT FUNDS ARE AVAILABLE UNDER THIS TITLE-*

* "(I) WORK TO ENHANCE THE CAPACITY OF AGENCIES IN THE STATE *
* TO DISSEMINATE RELIABLE, REPLICABLE RESEARCH ON READING TO *
* SCHOOLS, CLASSROOMS, AND PROVIDERS OF EARLY EDUCATION AND *
* CHILD CARE; *

* "(II) FACILITATE THE PROVISION OF TECHNICAL ASSISTANCE TO *
* SUBGRANTEES UNDER SECTIONS 15104 AND 15105 BY PROVIDING THEM *
* INFORMATION ABOUT TECHNICAL ASSISTANCE PROVIDERS; AND *

* "(III) BUILD ON, AND PROMOTE COORDINATION AMONG, LITERACY *
* PROGRAMS IN THE STATE, IN ORDER TO INCREASE THEIR *
* EFFECTIVENESS AND TO AVOID DUPLICATION OF THEIR EFFORTS; AND *

* "(D) SHALL ENSURE THAT EACH LOCAL EDUCATIONAL AGENCY TO WHICH *
* THE PARTNERSHIP MAKES A SUBGRANT UNDER SECTION 15104 MAKES *
* AVAILABLE, UPON REQUEST AND IN AN UNDERSTANDABLE AND UNIFORM *
* FORMAT, TO ANY PARENT OF A STUDENT ATTENDING ANY SCHOOL SELECTED *
* UNDER SECTION 15104(A)(2) IN THE GEOGRAPHIC AREA SERVED BY THE *
* AGENCY, INFORMATION REGARDING THE QUALIFICATIONS OF THE *
* STUDENT'S CLASSROOM TEACHER TO PROVIDE INSTRUCTION IN READING. *

* "(4) FISCAL AGENT.--THE STATE EDUCATIONAL AGENCY SHALL ACT AS THE *
* FISCAL AGENT FOR THE READING AND LITERACY PARTNERSHIP FOR THE *
* PURPOSES OF RECEIPT OF FUNDS FROM THE SECRETARY, DISBURSEMENT OF *
* FUNDS TO SUBGRANTEES UNDER SECTIONS 15104 AND 15105, AND ACCOUNTING *
* FOR SUCH FUNDS. *

* "(C) PRE-EXISTING PARTNERSHIP.--IF, BEFORE THE DATE OF THE ENACTMENT OF *
* THE READING EXCELLENCE ACT, A STATE ESTABLISHED A CONSORTIUM, *
* PARTNERSHIP, OR ANY OTHER SIMILAR BODY, THAT INCLUDES THE GOVERNOR AND *
* THE CHIEF STATE SCHOOL OFFICER AND HAS, AS A CENTRAL PART OF ITS *
* MISSION, THE PROMOTION OF LITERACY FOR CHILDREN IN THEIR EARLY CHILDHOOD *
* YEARS THROUGH THE 3D GRADE, BUT THAT DOES NOT SATISFY THE REQUIREMENTS *
* OF SUBSECTION (B)(1), THE STATE MAY ELECT TO TREAT THAT CONSORTIUM, *
* PARTNERSHIP, OR BODY AS THE READING AND LITERACY PARTNERSHIP FOR THE *
* STATE NOTWITHSTANDING SUCH SUBSECTION, AND IT SHALL BE CONSIDERED A *
* READING AND LITERACY PARTNERSHIP FOR PURPOSES OF THE OTHER PROVISIONS OF *
* THIS TITLE. *

* "(D) MULTI-STATE PARTNERSHIP ARRANGEMENTS.--A READING AND LITERACY *
* PARTNERSHIP THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (B) MAY JOIN *
* WITH OTHER SUCH PARTNERSHIPS IN OTHER STATES TO DEVELOP A SINGLE *
* APPLICATION THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (E) AND *

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* IDENTIFIES WHICH STATE EDUCATIONAL AGENCY, FROM AMONG THE STATES *
* JOINING, SHALL ACT AS THE FISCAL AGENT FOR THE MULTI-STATE ARRANGEMENT. *
* FOR PURPOSES OF THE OTHER PROVISIONS OF THIS TITLE, ANY SUCH MULTI-STATE *
* ARRANGEMENT SHALL BE CONSIDERED TO BE A READING AND LITERACY *
* PARTNERSHIP. *

* "(E) APPLICATIONS.--A READING AND LITERACY PARTNERSHIP THAT DESIRES TO *
* RECEIVE A GRANT UNDER THIS SECTION SHALL SUBMIT AN APPLICATION TO THE *
* SECRETARY AT SUCH TIME, IN SUCH MANNER, AND INCLUDING SUCH INFORMATION *
* AS THE SECRETARY MAY REQUIRE. THE APPLICATION-- *

* "(1) SHALL DESCRIBE HOW THE PARTNERSHIP WILL ENSURE THAT 95 *
* PERCENT OF THE GRANT FUNDS ARE USED TO MAKE SUBGRANTS UNDER SECTIONS *
* 15104 AND 15105; *

* "(2) SHALL BE INTEGRATED, TO THE MAXIMUM EXTENT POSSIBLE, WITH *
* STATE PLANS AND PROGRAMS UNDER THIS ACT, THE INDIVIDUALS WITH *
* DISABILITIES EDUCATION ACT, AND, TO THE EXTENT APPROPRIATE, THE *
* ADULT EDUCATION ACT; *

* "(3) SHALL DESCRIBE HOW THE PARTNERSHIP WILL ENSURE THAT *
* PROFESSIONAL DEVELOPMENT FUNDS AVAILABLE AT THE STATE AND LOCAL *
* LEVELS ARE USED EFFECTIVELY TO IMPROVE INSTRUCTIONAL PRACTICES FOR *
* READING AND ARE BASED ON RELIABLE, REPLICABLE RESEARCH ON READING; *

* "(4) SHALL DESCRIBE-- *

* "(A) THE CONTRACTUAL AGREEMENT THAT ESTABLISHES THE *
* PARTNERSHIP, INCLUDING AT LEAST THE ELEMENTS OF THE AGREEMENT *
* REFERRED TO IN SUBSECTION (B) (2); *

* "(B) HOW THE PARTNERSHIP WILL ASSESS, ON A REGULAR BASIS, THE *
* EXTENT TO WHICH THE ACTIVITIES UNDERTAKEN BY THE PARTNERSHIP AND *
* THE PARTNERSHIP'S SUBGRANTEES UNDER THIS TITLE HAVE BEEN *
* EFFECTIVE IN ACHIEVING THE PURPOSES OF THIS TITLE; *

* "(C) WHAT EVALUATION INSTRUMENTS THE PARTNERSHIP WILL USE TO *
* DETERMINE THE SUCCESS OF LOCAL EDUCATIONAL AGENCIES TO WHOM *
* SUBGRANTS UNDER SECTIONS 15104 AND 15105 ARE MADE IN ACHIEVING *
* THE PURPOSES OF THIS TITLE; *

* "(D) HOW SUBGRANTS MADE BY THE PARTNERSHIP UNDER SUCH SECTIONS *
* WILL MEET THE REQUIREMENTS OF THIS TITLE, INCLUDING HOW THE *
* PARTNERSHIP WILL ENSURE THAT SUBGRANTEES WILL USE PRACTICES *
* BASED ON RELIABLE, REPLICABLE RESEARCH ON READING; AND *

* "(E) HOW THE PARTNERSHIP WILL, TO THE EXTENT PRACTICABLE, MAKE *
* GRANTS TO SUBGRANTEES IN BOTH RURAL AND URBAN AREAS; *

* "(5) SHALL INCLUDE AN ASSURANCE THAT EACH LOCAL EDUCATIONAL AGENCY *
* TO WHOM THE PARTNERSHIP MAKES A SUBGRANT UNDER SECTION 15104-- *

* "(A) WILL CARRY OUT FAMILY LITERACY PROGRAMS BASED ON THE EVEN *
* START FAMILY LITERACY MODEL AUTHORIZED UNDER PART B OF TITLE I *
* TO ENABLE PARENTS TO BE THEIR CHILD'S FIRST AND MOST IMPORTANT *
* TEACHER, AND WILL MAKE PAYMENTS FOR THE RECEIPT OF TECHNICAL *
* ASSISTANCE FOR THE DEVELOPMENT OF SUCH PROGRAMS; *

* "(B) WILL CARRY OUT PROGRAMS TO ASSIST THOSE KINDERGARTEN *
* STUDENTS WHO ARE NOT READY FOR THE TRANSITION TO 1ST GRADE, *
* PARTICULARLY STUDENTS EXPERIENCING DIFFICULTY WITH READING *
* SKILLS; *

* "(C) WILL USE SUPERVISED INDIVIDUALS (INCLUDING TUTORS), WHO *
* HAVE BEEN APPROPRIATELY TRAINED USING RELIABLE, REPLICABLE *
* RESEARCH ON READING, TO PROVIDE ADDITIONAL SUPPORT, BEFORE *
* SCHOOL, AFTER SCHOOL, ON WEEKENDS, DURING NON-INSTRUCTIONAL *
* PERIODS OF THE SCHOOL DAY, OR DURING THE SUMMER, FOR STUDENTS IN *

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* GRADES 1 THROUGH 3 WHO ARE EXPERIENCING DIFFICULTY READING; AND *

* "(D) WILL CARRY OUT PROFESSIONAL DEVELOPMENT FOR THE CLASSROOM*
* TEACHER AND OTHER APPROPRIATE TEACHING STAFF ON THE TEACHING OF *
* READING BASED ON RELIABLE, REPLICABLE RESEARCH ON READING; AND *

* "(6) shall describe how the partnership will ensure that a portion*
* of the grant funds that the partnership receives in each fiscal year*
* will be used to make subgrants under section 15105. *

* "(f) PEER REVIEW PANEL.- *

* "(1) COMPOSITION OF PEER REVIEW PANEL.- *

* "(A) IN GENERAL.-THE NATIONAL INSTITUTE FOR LITERACY, IN *
* CONSULTATION WITH THE NATIONAL RESEARCH COUNCIL OF THE NATIONAL *
* ACADEMY OF SCIENCES, THE NATIONAL INSTITUTE OF CHILD HEALTH AND *
* HUMAN DEVELOPMENT, AND THE SECRETARY, SHALL CONVENE A PANEL TO *
* EVALUATE APPLICATIONS UNDER THIS SECTION. AT A MINIMUM THE PANEL *
* SHALL INCLUDE REPRESENTATIVES OF THE NATIONAL INSTITUTE FOR *
* LITERACY, THE NATIONAL RESEARCH COUNCIL OF THE NATIONAL ACADEMY *
* OF SCIENCES; THE NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN *
* DEVELOPMENT, AND THE SECRETARY. *

* "(B) EXPERTS.-THE PANEL SHALL INCLUDE EXPERTS WHO ARE *
* COMPETENT, BY VIRTUE OF THEIR TRAINING, EXPERTISE, OR *
* EXPERIENCE, TO EVALUATE APPLICATIONS UNDER THIS SECTION, AND *
* EXPERTS WHO PROVIDE PROFESSIONAL DEVELOPMENT TO TEACHERS OF *
* READING TO CHILDREN AND ADULTS, BASED ON RELIABLE, REPLICABLE *
* RESEARCH ON READING. *

* "(C) LIMITATION.-NOT MORE THAN 1/3 OF THE PANEL MAY BE *
* COMPOSED OF INDIVIDUALS WHO ARE EMPLOYEES OF THE FEDERAL *
* GOVERNMENT. *

* "(2) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.-THE *
* SECRETARY SHALL USE FUNDS RESERVED UNDER SECTION 15109(B)(2) TO PAY *
* THE EXPENSES AND FEES OF PANEL MEMBERS WHO ARE NOT EMPLOYEES OF THE *
* FEDERAL GOVERNMENT. *

* "(3) DUTIES OF PANEL.- *

* "(A) MODEL APPLICATION FORMS.-THE PEER REVIEW PANEL SHALL *
* DEVELOP A MODEL APPLICATION FORM FOR READING AND LITERACY *
* PARTNERSHIPS DESIRING TO APPLY FOR A GRANT UNDER THIS SECTION. *
* THE PEER REVIEW PANEL SHALL SUBMIT THE MODEL APPLICATION FORM TO *
* THE SECRETARY FOR FINAL APPROVAL. *

* "(B) SELECTION OF APPLICATIONS.- *

* "(I) RECOMMENDATIONS OF PANEL.- *

* "(I) IN GENERAL.-THE SECRETARY SHALL RECEIVE GRANT *
* APPLICATIONS FROM READING AND LITERACY PARTNERSHIPS *
* UNDER THIS SECTION AND SHALL PROVIDE THE APPLICATIONS TO *
* THE PEER REVIEW PANEL FOR EVALUATION. WITH RESPECT TO *
* EACH APPLICATION, THE PEER REVIEW PANEL SHALL INITIALLY *
* RECOMMEND THE APPLICATION FOR FUNDING OR FOR *
* DISAPPROVAL. *

* "(II) PRIORITY.-IN RECOMMENDING APPLICATIONS TO THE *
* SECRETARY, THE PANEL SHALL GIVE PRIORITY TO APPLICATIONS *
* FROM STATES THAT HAVE MODIFIED, ARE MODIFYING, OR *
* PROVIDE AN ASSURANCE THAT NOT LATER THAN 1 YEAR AFTER *
* RECEIVING A GRANT UNDER THIS SECTION THE STATE WILL *
* MODIFY, STATE TEACHER CERTIFICATION IN THE AREA OF *
* READING TO REFLECT RELIABLE, REPLICABLE RESEARCH, EXCEPT *
* THAT NOTHING IN THIS ACT SHALL BE CONSTRUED TO ESTABLISH *

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A NATIONAL SYSTEM OF TEACHER CERTIFICATION.

"(III) RANKING OF APPLICATIONS.--WITH RESPECT TO EACH APPLICATION RECOMMENDED FOR FUNDING, THE PANEL SHALL ASSIGN THE APPLICATION A RANK, RELATIVE TO OTHER RECOMMENDED APPLICATIONS, BASED ON THE PRIORITY DESCRIBED IN SUBCLAUSE (II), THE EXTENT TO WHICH THE APPLICATION FURTHERS THE PURPOSES OF THIS PART, AND THE OVERALL QUALITY OF THE APPLICATION.

"(IV) RECOMMENDATION OF AMOUNT.--WITH RESPECT TO EACH APPLICATION RECOMMENDED FOR FUNDING, THE PANEL SHALL MAKE A RECOMMENDATION TO THE SECRETARY WITH RESPECT TO THE AMOUNT OF THE GRANT THAT SHOULD BE MADE.

"(II) SECRETARIAL SELECTION.--

"(I) IN GENERAL.--SUBJECT TO CLAUSE (III), THE SECRETARY SHALL DETERMINE, BASED ON THE PEER REVIEW PANEL'S RECOMMENDATIONS, WHICH APPLICATIONS FROM READING AND LITERACY PARTNERSHIPS SHALL RECEIVE FUNDING AND THE AMOUNTS OF SUCH GRANTS. IN DETERMINING GRANT AMOUNTS, THE SECRETARY SHALL TAKE INTO ACCOUNT THE TOTAL AMOUNT OF FUNDS AVAILABLE FOR ALL GRANTS UNDER THIS SECTION AND THE TYPES OF ACTIVITIES PROPOSED TO BE CARRIED OUT BY THE PARTNERSHIP.

"(II) EFFECT OF RANKING BY PANEL.--IN MAKING GRANTS UNDER THIS SECTION, THE SECRETARY SHALL SELECT APPLICATIONS ACCORDING TO THE RANKING OF THE APPLICATIONS BY THE PEER REVIEW PANEL, EXCEPT IN CASES WHERE THE SECRETARY DETERMINES, FOR GOOD CAUSE, THAT A VARIATION FROM THAT ORDER IS APPROPRIATE.

"(III) MINIMUM GRANT AMOUNTS.--EACH READING AND LITERACY PARTNERSHIP SELECTED TO RECEIVE A GRANT UNDER THIS SECTION SHALL RECEIVE AN AMOUNT FOR EACH FISCAL YEAR THAT IS NOT LESS THAN \$100,000.

"(G) LIMITATION ON ADMINISTRATIVE EXPENSES.--A READING AND LITERACY PARTNERSHIP THAT RECEIVES A GRANT UNDER THIS SECTION MAY USE NOT MORE THAN 3 PERCENT OF THE GRANT FUNDS FOR ADMINISTRATIVE COSTS.

"(H) REPORTING.--

"(1) IN GENERAL.--A READING AND LITERACY PARTNERSHIP THAT RECEIVES A GRANT UNDER THIS SECTION SHALL SUBMIT PERFORMANCE REPORTS TO THE SECRETARY PURSUANT TO A SCHEDULE TO BE DETERMINED BY THE SECRETARY, BUT NOT MORE FREQUENTLY THAN ANNUALLY. SUCH REPORTS SHALL INCLUDE--

"(A) THE RESULTS OF USE OF THE EVALUATION INSTRUMENTS REFERRED TO IN SUBSECTION (E), (4) (C);

"(B) THE PROCESS USED TO SELECT SUBGRANTEES;

"(C) A DESCRIPTION OF THE SUBGRANTEES RECEIVING FUNDS UNDER THIS TITLE; AND

"(D) with respect to subgrants under section 15104, the model or models of reading instruction, based on reliable, replicable research on reading, selected by subgrantees.

"(2) PROVISION TO PEER REVIEW PANEL.--THE SECRETARY SHALL PROVIDE THE REPORTS SUBMITTED UNDER PARAGRAPH (1) TO THE PEER REVIEW PANEL CONVENED UNDER SUBSECTION (F). THE PANEL SHALL USE SUCH REPORTS IN RECOMMENDING APPLICATIONS FOR FUNDING UNDER THIS SECTION.

"SEC. 15104. LOCAL READING IMPROVEMENT SUBGRANTS.

"(a) IN GENERAL.--

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* "(1) SUBGRANTS.-A READING AND LITERACY PARTNERSHIP THAT RECEIVES A*
* GRANT UNDER SECTION 15103 SHALL MAKE SUBGRANTS, ON A COMPETITIVE *
* BASIS, TO LOCAL EDUCATIONAL AGENCIES THAT HAVE AT LEAST 1 SCHOOL *
* THAT IS IDENTIFIED FOR SCHOOL IMPROVEMENT UNDER SECTION 1116(C) IN *
* THE GEOGRAPHIC AREA SERVED BY THE AGENCY. *

* "(2) ROLE OF LOCAL EDUCATIONAL AGENCIES.-A LOCAL EDUCATIONAL *
* AGENCY THAT RECEIVES A SUBGRANT UNDER THIS SECTION SHALL USE THE *
* SUBGRANT IN A MANNER CONSISTENT WITH THIS SECTION TO ADVANCE REFORM *
* OF READING INSTRUCTION IN ANY SCHOOL SELECTED BY THE AGENCY THAT-

* "(A) IS IDENTIFIED FOR SCHOOL IMPROVEMENT UNDER SECTION *
* 1116(C) AT THE TIME THE AGENCY RECEIVES THE SUBGRANT; AND *

* "(B) HAS A CONTRACTUAL ASSOCIATION WITH 1 OR MORE *
* COMMUNITY-BASED ORGANIZATIONS THAT HAVE ESTABLISHED A RECORD OF *
* EFFECTIVENESS WITH RESPECT TO READING READINESS, READING *
* INSTRUCTION FOR CHILDREN IN KINDERGARTEN THROUGH 3D GRADE, AND *
* EARLY CHILDHOOD LITERACY. *

* "(B) GRANT PERIOD.-A SUBGRANT UNDER THIS SECTION SHALL BE FOR A PERIOD*
* OF 3 YEARS AND MAY NOT BE REVOKED OR TERMINATED ON THE GROUND THAT A *
* SCHOOL CEASES, DURING THE GRANT PERIOD, TO BE IDENTIFIED FOR SCHOOL *
* IMPROVEMENT UNDER SECTION 1116(C). *

* "(C) APPLICATIONS.-A LOCAL EDUCATIONAL AGENCY THAT DESIRES TO RECEIVE *
* A SUBGRANT UNDER THIS SECTION SHALL SUBMIT AN APPLICATION TO THE READING*
* AND LITERACY PARTNERSHIP AT SUCH TIME, IN SUCH MANNER, AND INCLUDING *
* SUCH INFORMATION AS THE PARTNERSHIP MAY REQUIRE. THE APPLICATION-

* "(1) SHALL SELECT 1 OR MORE MODELS OF READING INSTRUCTION, *
* DEVELOPED USING RELIABLE, REPLICABLE RESEARCH ON READING, AS A MODEL*
* FOR IMPLEMENTING AND IMPROVING READING INSTRUCTION BY ALL TEACHERS *
* AND FOR ALL CHILDREN IN EACH OF THE SCHOOLS SELECTED BY THE AGENCY *
* UNDER SUBSECTION (A)(2) AND, WHERE APPROPRIATE, THEIR PARENTS; *

* "(2) SHALL DESCRIBE EACH SUCH MODEL; *

* "(3) SHALL DEMONSTRATE THAT A PERSON RESPONSIBLE FOR THE *
* DEVELOPMENT OF EACH SUCH MODEL, OR A PERSON WITH EXPERIENCE OR *
* EXPERTISE ABOUT SUCH MODEL AND ITS IMPLEMENTATION, HAS AGREED TO *
* WORK WITH THE APPLICANT IN CONNECTION WITH SUCH IMPLEMENTATION AND *
* IMPROVEMENT EFFORTS; *

* "(4) SHALL DESCRIBE-

* "(A) HOW THE APPLICANT WILL ENSURE THAT FUNDS AVAILABLE UNDER *
* THIS TITLE, AND FUNDS AVAILABLE FOR READING FOR GRADES *
* KINDERGARTEN THROUGH GRADE 6 FROM OTHER APPROPRIATE SOURCES, ARE*
* EFFECTIVELY COORDINATED AND, WHERE APPROPRIATE, INTEGRATED, WITH*
* FUNDS UNDER THIS ACT IN ORDER TO IMPROVE EXISTING ACTIVITIES IN *
* THE AREAS OF READING INSTRUCTION, PROFESSIONAL DEVELOPMENT, *
* PROGRAM IMPROVEMENT, PARENTAL INVOLVEMENT, TECHNICAL ASSISTANCE, *
* AND OTHER ACTIVITIES THAT CAN HELP MEET THE PURPOSES OF THIS *
* TITLE; AND *

* "(B) THE AMOUNT OF FUNDS AVAILABLE FOR READING FOR GRADES *
* KINDERGARTEN THROUGH GRADE 6 FROM APPROPRIATE SOURCES OTHER THAN*
* THIS TITLE, INCLUDING TITLE I OF THIS ACT (EXCEPT THAT SUCH *
* DESCRIPTION SHALL NOT BE REQUIRED TO INCLUDE FUNDS MADE *
* AVAILABLE UNDER PART B OF TITLE I OF THIS ACT UNLESS THE *
* APPLICANT HAS ESTABLISHED A CONTRACTUAL ASSOCIATION IN *
* ACCORDANCE WITH SUBSECTION (D)(2) WITH AN ELIGIBLE ENTITY UNDER *
* SUCH PART B), THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, *
* AND ANY OTHER LAW PROVIDING FEDERAL FINANCIAL ASSISTANCE FOR *

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* PROFESSIONAL DEVELOPMENT FOR TEACHERS OF SUCH GRADES WHO TEACH *
 * READING, WHICH WILL BE USED TO HELP ACHIEVE THE PURPOSES OF THIS *
 * TITLE; *

* "(5) SHALL DESCRIBE THE AMOUNT AND NATURE OF FUNDS FROM ANY OTHER *
 * PUBLIC OR PRIVATE SOURCES, INCLUDING FUNDS RECEIVED UNDER THIS ACT *
 * AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, THAT WILL BE *
 * COMBINED WITH FUNDS RECEIVED UNDER THE SUBGRANT; *

* "(6) SHALL INCLUDE AN ASSURANCE THAT THE APPLICANT- *

* "(A) WILL CARRY OUT FAMILY LITERACY PROGRAMS BASED ON THE EVEN *
 * START FAMILY LITERACY MODEL AUTHORIZED UNDER PART B OF TITLE I *
 * TO ENABLE PARENTS TO BE THEIR CHILD'S FIRST AND MOST IMPORTANT *
 * TEACHER, WILL MAKE PAYMENTS FOR THE RECEIPT OF TECHNICAL *
 * ASSISTANCE FOR THE DEVELOPMENT OF SUCH PROGRAMS; *

* "(B) will carry out programs to assist those kindergarten *
 * students who are not ready for the transition to 1st grade, *
 * particularly students experiencing difficulty with reading, *
 * skills; *

* "(C) will use supervised individuals (including tutors), who *
 * have been appropriately trained using reliable, replicable *
 * research on reading, to provide additional support, before *
 * school, after school, on weekends, during non-instructional *
 * periods of the school day, or during the summer, for students in *
 * grades 1 through 3 who are experiencing difficulty reading; and *

* "(D) will carry out professional development for the classroom *
 * teacher and other teaching staff on the teaching of reading *
 * based on reliable, replicable research on reading; *

* "(7) shall describe how the local educational agency provides *
 * instruction in reading to children who have not been determined to *
 * be a child with a disability (as defined in section 602 of the *
 * Individuals with Disabilities Education Act), pursuant to section *
 * 614(b)(5) of such Act, because of a lack of instruction in reading; *
 * and *

* "(8) shall indicate the amount of the subgrant funds (if any) that *
 * the applicant will use to carry out the duties described in section *
 * 15105(b)(2). *

* "(d) PRIORITY.-IN APPROVING APPLICATIONS UNDER THIS SECTION, A READING *
 * AND LITERACY PARTNERSHIP SHALL GIVE PRIORITY TO APPLICATIONS SUBMITTED *
 * BY APPLICANTS WHO DEMONSTRATE THAT THEY HAVE ESTABLISHED- *

* "(1) A CONTRACTUAL ASSOCIATION WITH 1 OR MORE HEAD START PROGRAMS *
 * UNDER THE HEAD START ACT UNDER WHICH- *

* "(A) THE HEAD START PROGRAMS AGREE TO SELECT THE SAME MODEL OR *
 * MODELS OF READING INSTRUCTION, AS A MODEL FOR IMPLEMENTING AND *
 * IMPROVING THE READING READINESS OF CHILDREN PARTICIPATING IN THE *
 * PROGRAM, AS WAS SELECTED BY THE APPLICANT; AND *

* "(B) THE APPLICANT AGREES-

* "(I) TO SHARE WITH THE HEAD START PROGRAMS AN APPROPRIATE *
 * AMOUNT OF THEIR INFORMATION RESOURCES WITH RESPECT TO THE *
 * MODEL, SUCH AS CURRICULA MATERIALS; AND *

* "(II) TO TRAIN PERSONNEL FROM THE HEAD START PROGRAMS; *

* "(2) A CONTRACTUAL ASSOCIATION WITH 1 OR MORE STATE- OR *
 * FEDERALLY-FUNDED PRESCHOOL PROGRAMS, OR FAMILY LITERACY PROGRAMS, *
 * UNDER WHICH- *

* "(A) THE PROGRAMS AGREE TO SELECT THE SAME MODEL OR MODELS OF *
 * READING INSTRUCTION, AS A MODEL FOR IMPLEMENTING AND IMPROVING *

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* READING INSTRUCTION IN THE PROGRAM'S PROGRAMS, AS WAS SELECTED *
* BY THE APPLICANT; AND *

* "(B) THE APPLICANT AGREES TO TRAIN PERSONNEL FROM THE PROGRAMS *
* WHO WORK WITH CHILDREN AND PARENTS IN SCHOOLS RECEIVING FUNDS *
* UNDER THE SUBGRANT; OR *

* (3) A CONTRACTUAL ASSOCIATION WITH 1 OR MORE PUBLIC LIBRARIES *
* PROVIDING READING OR LITERACY SERVICES TO PRESCHOOL CHILDREN, OR *
* PRESCHOOL CHILDREN AND THEIR FAMILIES, UNDER WHICH- *

* "(A) THE LIBRARIES AGREE TO SELECT THE SAME MODEL OR MODELS OF *
* READING INSTRUCTION, AS A MODEL FOR IMPLEMENTING AND IMPROVING *
* READING INSTRUCTION IN THE LIBRARY'S READING OR LITERACY *
* PROGRAMS, AS WAS SELECTED BY THE APPLICANT; AND *

* "(B) THE APPLICANT AGREES TO TRAIN PERSONNEL, INCLUDING *
* VOLUNTEERS, FROM SUCH PROGRAMS WHO WORK WITH PRESCHOOL CHILDREN, *
* OR PRESCHOOL CHILDREN AND THEIR FAMILIES, IN SCHOOLS RECEIVING *
* FUNDS UNDER THE SUBGRANT. *

* "(E) USE OF FUNDS.- *

* "(1) IN GENERAL.-SUBJECT TO PARAGRAPH (2), AN APPLICANT WHO *
* RECEIVES A SUBGRANT UNDER THIS SECTION MAY USE THE SUBGRANT FUNDS TO *
* CARRY OUT ACTIVITIES THAT ARE AUTHORIZED BY THIS TITLE AND DESCRIBED *
* IN THE SUBGRANT APPLICATION, INCLUDING THE FOLLOWING: *

* "(A) MAKING REASONABLE PAYMENTS FOR TECHNICAL AND OTHER *
* ASSISTANCE TO A PERSON RESPONSIBLE FOR THE DEVELOPMENT OF A *
* MODEL OF READING INSTRUCTION, OR A PERSON WITH EXPERIENCE OR *
* EXPERTISE ABOUT SUCH MODEL AND ITS IMPLEMENTATION, WHO HAS *
* AGREED TO WORK WITH THE RECIPIENT IN CONNECTION WITH THE *
* IMPLEMENTATION OF THE MODEL. *

* "(B) CARRYING OUT A CONTRACTUAL AGREEMENT DESCRIBED IN *
* SUBSECTION (D). *

* "(C) PROFESSIONAL DEVELOPMENT (INCLUDING TRAINING OF *
* VOLUNTEERS), PURCHASE OF CURRICULAR AND OTHER SUPPORTING *
* MATERIALS, AND TECHNICAL ASSISTANCE. *

* "(D) PROVIDING, ON A VOLUNTARY BASIS, TRAINING TO PARENTS OF *
* CHILDREN ENROLLED IN A SCHOOL SELECTED UNDER SUBSECTION (A)(2) *
* ON HOW TO HELP THEIR CHILDREN WITH SCHOOL WORK, PARTICULARLY IN *
* THE DEVELOPMENT OF READING SKILLS. SUCH TRAINING MAY BE PROVIDED *
* DIRECTLY BY THE SUBGRANT RECIPIENT, OR THROUGH A GRANT OR *
* CONTRACT WITH ANOTHER PERSON. SUCH TRAINING SHALL BE CONSISTENT *
* WITH READING REFORMS TAKING PLACE IN THE SCHOOL SETTING. *

* "(E) CARRYING OUT FAMILY LITERACY PROGRAMS BASED ON THE EVEN *
* START FAMILY LITERACY MODEL AUTHORIZED UNDER PART B OF TITLE I *
* TO ENABLE PARENTS TO BE THEIR CHILD'S FIRST AND MOST IMPORTANT *
* TEACHER, AND MAKING PAYMENTS FOR THE RECEIPT OF TECHNICAL *
* ASSISTANCE FOR THE DEVELOPMENT OF SUCH PROGRAMS. *

* "(F) PROVIDING INSTRUCTION FOR PARENTS OF CHILDREN ENROLLED IN *
* A SCHOOL SELECTED UNDER SUBSECTION (A)(2), AND OTHERS WHO *
* VOLUNTEER TO BE READING TUTORS FOR SUCH CHILDREN, IN THE *
* INSTRUCTIONAL PRACTICES BASED ON RELIABLE, REPLICABLE RESEARCH *
* ON READING USED BY THE APPLICANT. *

* "(G) PROGRAMS TO ASSIST THOSE KINDERGARTEN STUDENTS ENROLLED *
* IN A SCHOOL SELECTED UNDER SUBSECTION (A)(2) WHO ARE NOT READY *
* FOR THE TRANSITION TO 1ST GRADE, PARTICULARLY STUDENTS *
* EXPERIENCING DIFFICULTY WITH READING SKILLS. *

* "(H) Providing additional support for students, enrolled in a *

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* school selected under subsection (a)(2), in grades 1 through 3, *
 * who are experiencing difficulty reading, before school, after *
 * school, on weekends, during non-instructional periods of the *
 * school day, or during the summer using supervised individuals *
 * (including tutors), who have been appropriately trained using *
 * reliable, replicable research on reading. *

* "(I) Carrying out the duties described in section 15105(b)(2) *
 * for children enrolled in a school selected under subsection *
 * (a)(2). *

* "(J) Providing reading assistance to children who have not *
 * been determined to be a child with a disability (as defined in *
 * section 602 of the Individuals with Disabilities Education Act), *
 * pursuant to section 614(b)(5) of such Act, because of a lack of *
 * instruction in reading. *

* "(2) LIMITATION ON ADMINISTRATIVE EXPENSES.--A RECIPIENT OF A *
 * SUBGRANT UNDER THIS SECTION MAY USE NOT MORE THAN 3 PERCENT OF THE *
 * SUBGRANT FUNDS FOR ADMINISTRATIVE COSTS. *

* "(F) TRAINING NON-RECIPIENTS.--A RECIPIENT OF A SUBGRANT UNDER THIS *
 * SECTION MAY TRAIN, ON A FEE-FOR-SERVICE BASIS, PERSONNEL ARE FROM *
 * SCHOOLS, OR LOCAL EDUCATIONAL AGENCIES, THAT ARE NOT RECEIVING SUCH A *
 * SUBGRANT IN THE INSTRUCTIONAL PRACTICES BASED ON RELIABLE, REPLICABLE *
 * RESEARCH ON READING USED BY THE RECIPIENT. SUCH A NON-RECIPIENT SCHOOL *
 * MAY USE FUNDS RECEIVED UNDER TITLE I OF THIS ACT, AND OTHER APPROPRIATE *
 * FEDERAL FUNDS USED FOR READING INSTRUCTION, TO PAY FOR SUCH TRAINING, TO *
 * THE EXTENT CONSISTENT WITH THE LAW UNDER WHICH SUCH FUNDS WERE RECEIVED. *
 * "SEC. 15105. TUTORIAL ASSISTANCE SUBGRANTS. *

* "(a) IN GENERAL.-- *

* "(1) SUBGRANTS.--A READING AND LITERACY PARTNERSHIP THAT RECEIVES A *
 * GRANT UNDER SECTION 15103 SHALL MAKE SUBGRANTS ON A COMPETITIVE *
 * BASIS TO- *

* "(A) LOCAL EDUCATIONAL AGENCIES THAT HAVE AT LEAST 1 SCHOOL IN *
 * THE GEOGRAPHIC AREA SERVED BY THE AGENCY THAT- *

* "(I) IS LOCATED IN AN AREA DESIGNATED AS AN EMPOWERMENT *
 * ZONE UNDER PART I OF SUBCHAPTER U OF CHAPTER 1 OF THE *
 * INTERNAL REVENUE CODE OF 1986; OR *

* "(II) IS LOCATED IN AN AREA DESIGNATED AS AN ENTERPRISE *
 * COMMUNITY UNDER PART I OF SUBCHAPTER U OF CHAPTER 1 OF THE *
 * INTERNAL REVENUE CODE OF 1986; OR *

* "(B) IN THE CASE OF LOCAL EDUCATIONAL AGENCIES THAT DO NOT *
 * HAVE ANY SUCH EMPOWERMENT ZONE OR ENTERPRISE COMMUNITY IN THE *
 * STATE IN WHICH THE AGENCY IS LOCATED, LOCAL EDUCATIONAL AGENCIES *
 * THAT HAVE AT LEAST 1 SCHOOL THAT IS IDENTIFIED FOR SCHOOL *
 * IMPROVEMENT UNDER SECTION 1116(C) IN THE GEOGRAPHIC AREA SERVED *
 * BY THE AGENCY. *

* "(2) APPLICATIONS.--A LOCAL EDUCATIONAL AGENCY THAT DESIRES TO *
 * RECEIVE A SUBGRANT UNDER THIS SECTION SHALL SUBMIT AN APPLICATION TO *
 * THE READING AND LITERACY PARTNERSHIP AT SUCH TIME, IN SUCH MANNER, *
 * AND INCLUDING SUCH INFORMATION AS THE PARTNERSHIP MAY REQUIRE. THE *
 * APPLICATION SHALL INCLUDE AN ASSURANCE THAT THE AGENCY WILL USE THE *
 * SUBGRANT FUNDS TO CARRY OUT THE DUTIES DESCRIBED IN SUBSECTION (B) *
 * FOR CHILDREN ENROLLED IN 1 OR MORE SCHOOLS SELECTED BY THE AGENCY *
 * AND DESCRIBED IN PARAGRAPH (1). *

* "(B) USE OF FUNDS.-- *

* "(1) IN GENERAL.--A LOCAL EDUCATIONAL AGENCY THAT RECEIVES A *

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* SUBGRANT UNDER THIS SECTION SHALL CARRY OUT, USING THE FUNDS *
 * PROVIDED UNDER THE SUBGRANT, EACH OF THE DUTIES DESCRIBED IN *
 * PARAGRAPH (2). *

* "(2) DUTIES.--THE DUTIES DESCRIBED IN THIS PARAGRAPH ARE THE *
 * PROVISION OF TUTORIAL ASSISTANCE IN READING TO CHILDREN WHO HAVE *
 * DIFFICULTY READING, USING INSTRUCTIONAL PRACTICES BASED ON THE *
 * PRINCIPLES OF RELIABLE, REPLICABLE RESEARCH, THROUGH THE FOLLOWING: *

* "(A) THE PROMULGATION, MAINTENANCE, AND APPROVAL OF A LIST OF *
 * TUTORIAL ASSISTANCE PROVIDERS WHO-

* "(I) HAVE ESTABLISHED A RECORD OF EFFECTIVENESS WITH *
 * RESPECT TO READING READINESS, READING INSTRUCTION FOR *
 * CHILDREN IN KINDERGARTEN THROUGH 3D GRADE, AND EARLY *
 * CHILDHOOD LITERACY;

* "(II) ARE LOCATED IN A GEOGRAPHIC AREA CONVENIENT TO THE *
 * SCHOOL; AND

* "(III) ARE CAPABLE OF PROVIDING TUTORING IN READING TO *
 * CHILDREN WHO HAVE DIFFICULTY READING, USING INSTRUCTIONAL *
 * PRACTICES BASED ON THE PRINCIPLES OF RELIABLE, REPLICABLE *
 * RESEARCH AND CONSISTENT WITH THE INSTRUCTIONAL METHODS USED *
 * BY THE SCHOOL THE CHILD ATTENDS.

* "(B) THE DEVELOPMENT OF PROCEDURES FOR THE RECEIPT OF *
 * APPLICATIONS FOR TUTORIAL ASSISTANCE, FROM PARENTS WHO ARE *
 * SEEKING SUCH ASSISTANCE FOR THEIR CHILD OR CHILDREN, THAT SELECT *
 * A TUTORIAL ASSISTANCE PROVIDER FROM THE LIST REFERRED TO IN *
 * SUBPARAGRAPH (A) WITH WHOM THE CHILD OR CHILDREN ARE ENROLLED, *
 * OR WILL ENROLL, FOR TUTORING IN READING.

* "(C) THE DEVELOPMENT OF A SELECTION PROCESS FOR FUNDING *
 * APPLICATIONS UNDER SUBPARAGRAPH (B) THAT LIMITS THE PROVISION OF *
 * ASSISTANCE TO CHILDREN WHO HAVE DIFFICULTY READING, INCLUDING *
 * DIFFICULTY MASTERING ESSENTIAL PHONIC, DECODING, OR VOCABULARY *
 * SKILLS.

* "(D) THE DEVELOPMENT OF PROCEDURES FOR FUNDING APPLICATIONS *
 * UNDER SUBPARAGRAPH (B), TO BE USED IN CASES WHERE INSUFFICIENT *
 * FUNDS ARE AVAILABLE TO PROVIDE ASSISTANCE WITH RESPECT TO ALL *
 * COMPLETE APPLICATIONS RECEIVED FROM ELIGIBLE PARENTS OF CHILDREN *
 * DESCRIBED IN SUBPARAGRAPH (C), THAT-

* "(I) GIVES PRIORITY TO CHILDREN WHO ARE DETERMINED, *
 * THROUGH STATE OR LOCAL READING ASSESSMENTS, TO BE MOST IN *
 * NEED OF TUTORIAL ASSISTANCE; AND

* "(II) GIVES PRIORITY, IN CASES WHERE CHILDREN ARE *
 * DETERMINED, THROUGH STATE OR LOCAL READING ASSESSMENTS, TO *
 * BE EQUALLY IN NEED OF TUTORIAL ASSISTANCE, BASED ON A RANDOM *
 * SELECTION PRINCIPLE.

* "(E) The development of a methodology by which payments are *
 * made directly to tutorial assistance providers identified in *
 * applications under subparagraph (B) that are selected for *
 * funding, and the making of such payments.

* "SEC. 15106. PROGRAM EVALUATION.

* "(a) IN GENERAL.--FROM FUNDS RESERVED UNDER SECTION 15109(B)(1), THE *
 * SECRETARY SHALL CONDUCT A NATIONAL ASSESSMENT OF THE PROGRAMS UNDER THIS *
 * TITLE. IN DEVELOPING THE CRITERIA FOR THE ASSESSMENT, THE SECRETARY *
 * SHALL RECEIVE RECOMMENDATIONS FROM THE PEER REVIEW PANEL CONVENED UNDER *
 * SECTION 15103(F).

* "(B) SUBMISSION TO PEER REVIEW PANEL.--THE SECRETARY SHALL SUBMIT THE *

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*FINDINGS FROM THE ASSESSMENT UNDER SUBSECTION (A) TO THE PEER REVIEW. *

*PANEL CONVENED UNDER SECTION 15103(F). *

*"SEC. 15107. INFORMATION DISSEMINATION. *

* "(a) IN GENERAL.--FROM FUNDS RESERVED UNDER SECTION 15109(B)(2), THE *

*NATIONAL INSTITUTE FOR LITERACY SHALL DISSEMINATE INFORMATION ON *

*RELIABLE, REPLICABLE RESEARCH ON READING AND INFORMATION ON SUBGRANTEE *

*PROJECTS UNDER SECTION 15104 OR 15105 THAT HAVE PROVEN EFFECTIVE. AT A *

*MINIMUM, THE INSTITUTE SHALL DISSEMINATE SUCH INFORMATION TO ALL *

*RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE UNDER TITLES I AND VII OF *

*THIS ACT, THE HEAD START ACT, THE INDIVIDUALS WITH DISABILITIES *

*EDUCATION ACT, AND THE ADULT EDUCATION ACT. *

* "(B) COORDINATION.--IN CARRYING OUT THIS SECTION, THE NATIONAL *

*INSTITUTE FOR LITERACY-- *

* "(1) SHALL USE, TO THE EXTENT PRACTICABLE, INFORMATION NETWORKS *

* DEVELOPED AND MAINTAINED THROUGH OTHER PUBLIC AND PRIVATE PERSONS, *

* INCLUDING THE SECRETARY, THE NATIONAL CENTER FOR FAMILY LITERACY, *

* AND THE READLINE PROGRAM; *

* "(2) SHALL WORK IN CONJUNCTION WITH ANY PANEL CONVENED BY THE *

* NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT AND THE *

* SECRETARY AND ANY PANEL CONVENED BY THE OFFICE OF EDUCATIONAL *

* RESEARCH AND IMPROVEMENT TO ASSESS THE CURRENT STATUS OF *

* RESEARCH-BASED KNOWLEDGE ON READING DEVELOPMENT, INCLUDING THE *

* EFFECTIVENESS OF VARIOUS APPROACHES TO TEACHING CHILDREN TO READ, *

* WITH RESPECT TO DETERMINING THE CRITERIA BY WHICH THE NATIONAL *

* INSTITUTE FOR LITERACY JUDGES RELIABLE, REPLICABLE RESEARCH AND THE *

* DESIGN OF STRATEGIES TO DISSEMINATE SUCH INFORMATION; AND *

* "(3) SHALL ASSIST ANY READING AND LITERACY PARTNERSHIP SELECTED TO *

* RECEIVE A GRANT UNDER SECTION 15103, AND THAT REQUESTS SUCH *

* ASSISTANCE-- *

* "(A) IN DETERMINING WHETHER APPLICATIONS FOR SUBGRANTS *

* SUBMITTED TO THE PARTNERSHIP MEET THE REQUIREMENTS OF THIS TITLE *

* RELATING TO RELIABLE, REPLICABLE RESEARCH ON READING; AND *

* "(B) IN THE DEVELOPMENT OF SUBGRANT APPLICATION FORMS. *

*"SEC. 15108. STATE EVALUATIONS. *

* "(a) IN GENERAL.--EACH READING AND LITERACY PARTNERSHIP THAT RECEIVES A *

*GRANT UNDER THIS TITLE SHALL RESERVE NOT MORE THAN 2 PERCENT OF SUCH */p>

*GRANT FUNDS FOR THE PURPOSE OF EVALUATING THE SUCCESS OF THE *

*PARTNERSHIP'S SUBGRANTEES IN MEETING THE PURPOSES OF THIS TITLE. AT A *

*MINIMUM, THE EVALUATION SHALL MEASURE THE EXTENT TO WHICH STUDENTS WHO *

*ARE THE INTENDED BENEFICIARIES OF THE SUBGRANTS MADE BY THE PARTNERSHIP *

*HAVE IMPROVED THEIR READING. *

* "(B) CONTRACT.--A READING AND LITERACY PARTNERSHIP SHALL CARRY OUT THE *

*EVALUATION UNDER THIS SECTION BY ENTERING INTO A CONTRACT WITH AN *

*ELIGIBLE RESEARCH INSTITUTION UNDER WHICH THE INSTITUTION WILL PERFORM *

*THE EVALUATION. *

* "(C) SUBMISSION.--A READING AND LITERACY PARTNERSHIP SHALL SUBMIT THE *

*FINDINGS FROM THE EVALUATION UNDER THIS SECTION TO THE SECRETARY AND THE *

*PEER REVIEW PANEL CONVENED UNDER SECTION 15103(F). THE SECRETARY AND THE *

*PEER REVIEW PANEL SHALL SUBMIT A SUMMARY OF THE FINDINGS FROM THE *

*EVALUATIONS UNDER THIS SUBSECTION TO THE APPROPRIATE COMMITTEES OF THE *

*CONGRESS, INCLUDING THE EDUCATION AND THE WORKFORCE COMMITTEE OF THE *

*HOUSE OF REPRESENTATIVES. *

*"SEC. 15109. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS FROM *

*APPROPRIATIONS; SUNSET. *

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* "(a) AUTHORIZATION.-THERE ARE AUTHORIZED TO BE APPROPRIATED TO CARRY *
*OUT THIS TITLE \$260,000,000 FOR FISCAL YEARS 1998, 1999, AND 2000. *

* "(B) RESERVATIONS.-FROM AMOUNT APPROPRIATED UNDER SUBSECTION (A), THE *
*SECRETARY-

* "(1) SHALL RESERVE 1.5 PERCENT OF THE AMOUNT APPROPRIATED UNDER *
* SUBSECTION (A) FOR EACH FISCAL YEAR TO CARRY OUT SECTION 15106(A); *

* "(2) SHALL RESERVE \$5,075,000 TO CARRY OUT SECTIONS 15103(F)(2) *
* AND 15107, OF WHICH \$5,000,000 SHALL BE RESERVED FOR SECTION 15107; *
* AND *

* "(3) SHALL RESERVE \$10,000,000 TO CARRY OUT SECTION 1202(C). *

* "(C) SUNSET.-NOTWITHSTANDING SECTION 422(A) OF THE GENERAL EDUCATION *
*PROVISIONS ACT, THIS TITLE IS REPEALED, EFFECTIVE SEPTEMBER 30, 2000, *
*AND IS NOT SUBJECT TO EXTENSION UNDER SUCH SECTION." *

*TITLE II-AMENDMENTS TO EVEN START FAMILY LITERACY PROGRAMS. *

*SEC. 201. RESERVATION FOR GRANTS. *

* Section 1202(c) of the Elementary and Secondary Education Act of 1965 *
*(20 U.S.C. 6362(c)) is amended to read as follows: *

* "(c) RESERVATION FOR GRANTS.- *

* "(1) GRANTS AUTHORIZED.-FROM FUNDS RESERVED UNDER SECTION *
* 15109(B)(3), THE SECRETARY SHALL AWARD GRANTS, ON A COMPETITIVE *
* BASIS, TO STATES TO ENABLE SUCH STATES TO PLAN AND IMPLEMENT, *
* STATEWIDE FAMILY LITERACY INITIATIVES TO COORDINATE AND INTEGRATE *
* EXISTING FEDERAL, STATE, AND LOCAL LITERACY RESOURCES CONSISTENT *
* WITH THE PURPOSES OF THIS PART. SUCH COORDINATION AND INTEGRATION *
* SHALL INCLUDE FUNDS AVAILABLE UNDER THE ADULT EDUCATION ACT, HEAD *
* START, THIS PART, PART A OF THIS TITLE, AND PART A OF TITLE IV OF *
* THE SOCIAL SECURITY ACT. *

* "(2) CONSORTIA.- *

* "(A) ESTABLISHMENT.-TO RECEIVE A GRANT UNDER THIS SUBSECTION, *
* A STATE SHALL ESTABLISH A CONSORTIUM OF STATE-LEVEL PROGRAMS *
* UNDER THE FOLLOWING LAWS: *

* "(I) THIS TITLE. *

* "(II) THE HEAD START ACT. *

* "(III) THE ADULT EDUCATION ACT. *

* "(IV) ALL OTHER STATE-FUNDED PRESCHOOL PROGRAMS AND *
* PROGRAMS PROVIDING LITERACY SERVICES TO ADULTS. *

* "(B) PLAN.-TO RECEIVE A GRANT UNDER THIS SUBSECTION, THE *
* CONSORTIUM ESTABLISHED BY A STATE SHALL CREATE A PLAN TO USE A *
* PORTION OF THE STATE'S RESOURCES, DERIVED FROM THE PROGRAMS *
* REFERRED TO IN SUBPARAGRAPH (A), TO STRENGTHEN AND EXPAND FAMILY *
* LITERACY SERVICES IN SUCH STATE. *

* "(C) COORDINATION WITH TITLE XV.-THE CONSORTIUM SHALL *
* COORDINATE ITS ACTIVITIES WITH THE ACTIVITIES OF THE READING AND *
* LITERACY PARTNERSHIP FOR THE STATE ESTABLISHED UNDER SECTION *
* 15103, IF THE STATE RECEIVES A GRANT UNDER SUCH SECTION. *

* "(3) READING INSTRUCTION.-STATEWIDE FAMILY LITERACY INITIATIVES *
* IMPLEMENTED UNDER THIS SUBSECTION SHALL BASE READING INSTRUCTION ON *
* RELIABLE, REPLICABLE RESEARCH ON READING (AS SUCH TERMS ARE DEFINED *
* IN SECTION 15102). *

* "(4) TECHNICAL ASSISTANCE.-THE SECRETARY SHALL PROVIDE, DIRECTLY *
* OR THROUGH A GRANT OR CONTRACT WITH AN ORGANIZATION WITH EXPERIENCE *
* IN THE DEVELOPMENT AND OPERATION OF SUCCESSFUL FAMILY LITERACY *
* SERVICES, TECHNICAL ASSISTANCE TO STATES RECEIVING A GRANT UNDER *
* THIS SUBSECTION. *

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* (5) MATCHING REQUIREMENT.--THE SECRETARY SHALL NOT MAKE A GRANT TO*
 * A STATE UNDER THIS SUBSECTION UNLESS THE STATE AGREES THAT, WITH *
 * RESPECT TO THE COSTS TO BE INCURRED BY THE ELIGIBLE CONSORTIUM IN *
 * CARRYING OUT THE ACTIVITIES FOR WHICH THE GRANT WAS AWARDED, THE *
 * STATE WILL MAKE AVAILABLE NON-FEDERAL CONTRIBUTIONS IN AN AMOUNT *
 * EQUAL TO NOT LESS THAN THE FEDERAL FUNDS PROVIDED UNDER THE GRANT."*

*SEC. 202. DEFINITIONS.

* Section 1202(e) of the Elementary and Secondary Education Act of 1965 *
 *(20 U.S.C. 6362(e)) is amended--

* (1) by redesignating paragraphs (3) and (4) as paragraphs (4) and *
 * (5), respectively; and

* (2) by inserting after paragraph (2) the following:

* "(3) the term 'family literacy services' means services provided *
 * to participants on a voluntary basis that are of sufficient *
 * intensity in terms of hours, and of sufficient duration, to make *
 * sustainable changes in a family (such as eliminating or reducing *
 * welfare dependency) and that integrate all of the following *
 * activities:

* (A) Interactive literacy activities between parents and their *
 * children.

* (B) Equipping parents to partner with their children in *
 * learning.

* (C) Parent literacy training, including training that *
 * contributes to economic self-sufficiency.

* (D) Appropriate instruction for children of parents receiving *
 * parent literacy services."

*SEC. 203. EVALUATION.

* Section 1209 of the Elementary and Secondary Education Act of 1965 (20 *
 *U.S.C. 6369) is amended--

* (1) in paragraph (1), by striking "and" at the end;

* (2) in paragraph (2), by striking the period at the end and *
 * inserting "; and"; and

* (3) by adding at the end the following:

* "(3) to provide States and eligible entities receiving a subgrant *
 * under this part, directly or through a grant or contract with an *
 * organization with experience in the development and operation of *
 * successful family literacy services, technical assistance to ensure *
 * local evaluations undertaken under section 1205(10) provide accurate *
 * information on the effectiveness of programs assisted under this *
 * part."

*SEC. 204. INDICATORS OF PROGRAM QUALITY.

* (a) IN GENERAL.--THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 IS *
 *AMENDED--

* (1) BY REDESIGNATING SECTION 1210 AS SECTION 1212; AND

* (2) BY INSERTING AFTER SECTION 1209 THE FOLLOWING:

*"SEC. 1210. INDICATORS OF PROGRAM QUALITY.

* "Each State receiving funds under this part shall develop, based on *
 *the best available research and evaluation data, indicators of program *
 *quality for programs assisted under this part. Such indicators shall be *
 *used to monitor, evaluate, and improve such programs within the State. *
 *Such indicators shall include the following:

* (1) With respect to eligible participants in a program who are *
 * adults--

* (A) achievement in the areas of reading, writing, English *

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* language acquisition, problem solving, and numeracy; *

* "(B) receipt of a high school diploma or a general equivalency *

* diploma; *

* "(C) entry into a postsecondary school, job retraining *

* program, or employment or career advancement, including the *

* military; and *

* "(D) such other indicators as the State may develop. *

* "(2) With respect to eligible participants in a program who are *

* children- *

* "(A) improvement in ability to read on grade level or reading *

* readiness; *

* "(B) school attendance; *

* "(C) grade retention and promotion; and *

* "(D) such other indicators as the State may develop." *

* (b) STATE LEVEL ACTIVITIES.-SECTION 1203(A) OF THE ELEMENTARY AND *

* SECONDARY EDUCATION ACT OF 1965 (20 U.S.C. 6363(A)) IS AMENDED-

* (1) IN PARAGRAPH (1), BY STRIKING "AND" AT THE END;

* (2) IN PARAGRAPH (2), BY STRIKING THE PERIOD AT THE END AND *

* INSERTING "; AND"; AND *

* (3) BY ADDING AT THE END THE FOLLOWING:

* "(3) CARRYING OUT SECTION 1210."

* (C) AWARD OF SUBGRANTS.-PARAGRAPHS (3) AND (4) OF SECTION 1208(B) OF *

* THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (20 U.S.C. 6368) ARE *

* AMENDED TO READ AS FOLLOWS:

* "(3) CONTINUING ELIGIBILITY.-IN AWARDING SUBGRANT FUNDS TO *

* CONTINUE A PROGRAM UNDER THIS PART FOR THE SECOND, THIRD, OR FOURTH *

* YEAR, THE STATE EDUCATIONAL AGENCY SHALL EVALUATE THE PROGRAM BASED *

* ON THE INDICATORS OF PROGRAM QUALITY DEVELOPED BY THE STATE UNDER *

* SECTION 1210. SUCH EVALUATION SHALL TAKE PLACE AFTER THE CONCLUSION *

* OF THE STARTUP PERIOD, IF ANY. *

* "(4) INSUFFICIENT PROGRESS.-THE STATE EDUCATIONAL AGENCY MAY *

* REFUSE TO AWARD SUBGRANT FUNDS IF SUCH AGENCY FINDS THAT THE *

* ELIGIBLE ENTITY HAS NOT SUFFICIENTLY IMPROVED THE PERFORMANCE OF THE *

* PROGRAM, AS EVALUATED BASED ON THE INDICATORS OF PROGRAM QUALITY *

* DEVELOPED BY THE STATE UNDER SECTION 1210, AFTER-

* "(A) PROVIDING TECHNICAL ASSISTANCE TO THE ELIGIBLE ENTITY; *

* AND *

* "(B) AFFORDING THE ELIGIBLE ENTITY NOTICE AND AN OPPORTUNITY *

* FOR A HEARING."

* SEC. 205. RESEARCH.

* The Elementary and Secondary Education Act of 1965, as amended by *

* section 204 of this Act, is further amended by inserting after section *

* 1210 the following:

* SEC. 1211. RESEARCH.

* "(a) IN GENERAL.-THE SECRETARY SHALL CARRY OUT, THROUGH GRANT OR *

* CONTRACT, RESEARCH INTO THE COMPONENTS OF SUCCESSFUL FAMILY LITERACY *

* SERVICES, TO USE-

* "(1) TO IMPROVE THE QUALITY OF EXISTING PROGRAMS ASSISTED UNDER *

* THIS PART OR OTHER FAMILY LITERACY PROGRAMS CARRIED OUT UNDER THIS *

* ACT OR THE ADULT EDUCATION ACT; AND *

* "(2) TO DEVELOP MODELS FOR NEW PROGRAMS TO BE CARRIED OUT UNDER *

* THIS ACT OR THE ADULT EDUCATION ACT.

* "(B) DISSEMINATION.-THE NATIONAL INSTITUTE FOR LITERACY SHALL *

* DISSEMINATE, PURSUANT TO SECTION 15107, THE RESULTS OF THE RESEARCH *

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*DESCRIBED IN SUBSECTION (A) TO STATES AND RECIPIENTS OF SUBGRANTS UNDER *
 THIS PART.

*TITLE III-FUNDS FOR FEDERAL WORK-STUDY PROGRAMS

*SEC. 301. USE OF WORK-STUDY FUNDS FOR TUTORING AND LITERACY.

* Section 443 of the Higher Education Act of 1965 (42 U.S.C. 2753) is *
 *amended-

(1) in subsection (b)(2)-

(A) by striking "and" at the end of subparagraph (A)

(B) by redesignating subparagraph (B) as subparagraph (C); and*

(C) by inserting after subparagraph (A) the following new

subparagraph:

"(B) in academic year 1998 and succeeding academic years, an *
 * institution shall use at least 2 percent of the total amount of *
 * funds granted to such institution under this section for such *
 * academic year in accordance with subsection (d); and"; and

(2) by adding at the end the following new subsection:

"(d) TUTORING AND LITERACY ACTIVITIES.-

"(1) USE OF FUNDS.-IN ANY ACADEMIC YEAR TO WHICH SUBSECTION *
 * (B)(2)(B) APPLIES, AN INSTITUTION SHALL USE THE AMOUNT REQUIRED TO *
 * BE USED IN ACCORDANCE WITH THIS SUBSECTION TO COMPENSATE (INCLUDING *
 * COMPENSATION FOR TIME SPENT IN DIRECTLY RELATED TRAINING AND TRAVEL) *
 * STUDENTS-

"(A) EMPLOYED AS A READING TUTOR FOR CHILDREN WHO ARE IN *
 * PRESCHOOL THROUGH ELEMENTARY SCHOOL; OR

"(B) EMPLOYED IN FAMILY LITERACY PROJECTS.

"(2) PRIORITY FOR SCHOOLS.-AN INSTITUTION SHALL-

"(A) GIVE PRIORITY, IN USING SUCH FUNDS, TO THE EMPLOYMENT OF *
 * STUDENTS IN THE PROVISION OF TUTORING SERVICES IN SCHOOLS THAT-

"(i) ARE IDENTIFIED FOR SCHOOL IMPROVEMENT UNDER SECTION *
 * 1116(C) OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF *
 * 1965; OR

"(ii) are selected by a local educational agency under *
 * section 15104(a)(2) of such Act; and

"(B) ensure that any student compensated with such funds who *
 * is employed in a school selected under section 15104(a)(2) of *
 * the Elementary and Secondary Education Act of 1965 is trained in *
 * the instructional practices based on reliable, replicable *
 * research on reading used by the school pursuant to such section *
 * 15104.

"(3) FEDERAL SHARE.-THE FEDERAL SHARE OF THE COMPENSATION OF WORK *
 * STUDY STUDENTS COMPENSATED UNDER THIS SUBSECTION MAY EXCEED 75 *
 * PERCENT.

"(4) WAIVER.-THE SECRETARY MAY WAIVE THE REQUIREMENTS OF THIS *
 * SUBSECTION IF THE SECRETARY DETERMINES THAT ENFORCING SUCH *
 * REQUIREMENTS WOULD CAUSE A HARDSHIP FOR STUDENTS AT THE *
 * INSTITUTION."

*TITLE IV-REPEALS

*SEC. 401. REPEAL OF CERTAIN UNFUNDED EDUCATION PROGRAMS.

(a) ADULT EDUCATION ACT.-THE FOLLOWING PROVISIONS ARE REPEALED:

(1) BUSINESS, INDUSTRY, LABOR, AND EDUCATION PARTNERSHIPS FOR *
 * WORKPLACE LITERACY.-SECTION 371 OF THE ADULT EDUCATION ACT (20 *
 * U.S.C. 1211).

(2) ENGLISH LITERACY GRANTS.-SECTION 372 OF THE ADULT EDUCATION *
 * ACT (20 U.S.C. 1211A).

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- * (3) EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.--SECTION 373 OF THE *
 * ADULT EDUCATION ACT (20 U.S.C. 1211B). *
- * (4) ADULT LITERACY VOLUNTEER TRAINING.--SECTION 382 OF THE ADULT *
 * EDUCATION ACT (20 U.S.C. 1213A). *
- * (B) CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION *
 *ACT.--THE FOLLOWING PROVISIONS ARE REPEALED: *
- * (1) BUSINESS-LABOR-EDUCATION PARTNERSHIP FOR TRAINING.--PART D OF *
 * TITLE III OF THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY *
 * EDUCATION ACT (20 U.S.C. 2391 ET SEQ.). *
- * (2) SUPPLEMENTARY STATE GRANTS FOR FACILITIES AND EQUIPMENT AND *
 * OTHER PROGRAM IMPROVEMENT ACTIVITIES.--PART F OF TITLE III OF THE *
 * CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT (20 *
 * U.S.C. 2395 ET SEQ.). *
- * (3) COMMUNITY EDUCATION EMPLOYMENT CENTERS AND VOCATIONAL *
 * EDUCATION LIGHTHOUSE SCHOOLS.--PART G OF TITLE III OF THE CARL D. *
 * PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT (20 U.S.C. *
 * 2396 ET SEQ.). *
- * (4) DEMONSTRATION PROGRAMS.--PART B OF TITLE IV OF THE CARL D. *
 * PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT (20 U.S.C. *
 * 2411 ET SEQ.). *
- * (5) CERTAIN BILINGUAL PROGRAMS.--SUBSECTIONS (B) AND (C) OF SECTION *
 * 441 OF THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY *
 * EDUCATION ACT (20 U.S.C. 2441). *
- * (C) COMMUNITY SCHOOL PARTNERSHIPS.--THE COMMUNITY SCHOOL PARTNERSHIP *
 *ACT (CONTAINED IN PART B OF TITLE V OF THE IMPROVING AMERICA'S SCHOOLS *
 *ACT OF 1994 (20 U.S.C. 1070 NOTE) IS REPEALED. *
- * (D) EDUCATIONAL RESEARCH, DEVELOPMENT, DISSEMINATION, AND IMPROVEMENT *
 *ACT OF 1994.--SECTION 941(J) OF THE EDUCATIONAL RESEARCH, DEVELOPMENT, *
 *DISSEMINATION, AND IMPROVEMENT ACT OF 1994 (20 U.S.C. 6041(J)) IS *
 *REPEALED. *
- * (E) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.--THE FOLLOWING *
 *PROVISIONS ARE REPEALED: *
- * (1) INNOVATIVE ELEMENTARY SCHOOL TRANSITION PROJECTS.--SECTION 1503 *
 * OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (20 U.S.C. *
 * 6493). *
- * (2) SCHOOL DROPOUT ASSISTANCE.--PART C OF TITLE V OF THE ELEMENTARY *
 * AND SECONDARY EDUCATION ACT OF 1965 (20 U.S.C. 7261 ET SEQ.). *
- * (3) IMPACT AID PROGRAM.--SECTION 8006 OF THE ELEMENTARY AND *
 * SECONDARY EDUCATION ACT OF 1965 (20 U.S.C. 7706) IS REPEALED. *
- * (4) SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL *
 * OPPORTUNITIES FOR INDIAN CHILDREN.--SUBPART 2 OF PART A OF TITLE IX *
 * OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (20 U.S.C. *
 * 7831 ET SEQ.). *
- * (5) SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR *
 * INDIANS.--SUBPART 3 OF PART A OF TITLE IX OF THE ELEMENTARY AND *
 * SECONDARY EDUCATION ACT OF 1965 (20 U.S.C. 7851 ET SEQ.). *
- * (6) FEDERAL ADMINISTRATION.--SUBPART 5 OF PART A OF TITLE IX OF THE *
 * ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (20 U.S.C. 7871 ET *
 * SEQ.). *
- * (7) AUTHORIZATION OF APPROPRIATIONS.--SUBSECTIONS (B) AND (C) OF *
 * SECTION 9162 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 *
 * (20 U.S.C. 7882). *
- * (8) DE LUGO TERRITORIAL EDUCATION IMPROVEMENT PROGRAM.--PART H OF *
 * TITLE X OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (20 *

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* U.S.C. 8221 ET SEQ.). *

* (9) EXTENDED TIME FOR LEARNING AND LONGER SCHOOL YEAR.--PART L OF *

* TITLE X OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (20 *

* U.S.C. 8351). *

* (10) TERRITORIAL ASSISTANCE.--PART M OF TITLE X OF THE ELEMENTARY *

* AND SECONDARY EDUCATION ACT OF 1965 (20 U.S.C. 8371). *

* (F) FAMILY AND COMMUNITY ENDEAVOR SCHOOLS.--THE FAMILY AND COMMUNITY *

* ENDEAVOR SCHOOLS ACT (42 U.S.C. 13792) IS REPEALED. *

* (G) GOALS 2000: EDUCATE AMERICA ACT.--SECTION 601(B) OF THE GOALS 2000: *

* EDUCATE AMERICA ACT (20 U.S.C. 5951(B)) IS REPEALED. *

* (H) HIGHER EDUCATION ACT OF 1965.--THE FOLLOWING PROVISIONS ARE *

* REPEALED: *

* (1) STATE AND LOCAL PROGRAMS FOR TEACHER EXCELLENCE.--PART A OF *

* TITLE V OF THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C. 1102 ET *

* SEQ.). *

* (2) NATIONAL TEACHER ACADEMIES.--PART B OF TITLE V OF THE HIGHER *

* EDUCATION ACT OF 1965 (20 U.S.C. 1103 ET SEQ.). *

* (3) CLASS SIZE DEMONSTRATION GRANT.--SUBPART 3 OF PART D OF TITLE V *

* OF THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C. 1109 ET SEQ.). *

* (4) MIDDLE SCHOOL TEACHING DEMONSTRATION PROGRAMS.--SUBPART 4 OF *

* PART D OF TITLE V OF THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C. *

* 1110 ET SEQ.). *

* (5) SMALL STATE TEACHING INITIATIVE.--SUBPART 3 OF PART F OF TITLE *

* V OF THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C. 1115). *

* (6) EARLY CHILDHOOD EDUCATION TRAINING.--SUBPART 5 OF PART F OF *

* TITLE V OF THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C. 1117 ET *

* SEQ.). *

* (7) GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION *

* TRAINING FOR INCARCERATED YOUTH OFFENDERS.--PART E OF TITLE X OF THE *

* HIGHER EDUCATION ACT OF 1965 (20 U.S.C. 1135G). *

* (I) HIGHER EDUCATION AMENDMENTS OF 1992.--PART E OF TITLE XV OF THE *

* HIGHER EDUCATION AMENDMENTS OF 1992 (20 U.S.C. 1070 NOTE) IS REPEALED. *

* (J) REHABILITATION ACT OF 1973.--The following provisions are repealed: *

* (1) CAREER ADVANCEMENT TRAINING CONSORTIA.--SUBSECTION (E) OF *

* SECTION 302 OF SUCH ACT (29 U.S.C. 771A(E)). *

* (2) VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS WITH *

* DISABILITIES.--SECTION 303 OF SUCH ACT (29 U.S.C. 772). *

* (3) LOAN GUARANTEES FOR COMMUNITY REHABILITATION PROGRAMS.--SECTION *

* 304 OF SUCH ACT (29 U.S.C. 773). *

* (4) COMPREHENSIVE REHABILITATION CENTERS.--SECTION 305 OF SUCH ACT *

* (29 U.S.C. 775). *

* (5) SPECIAL DEMONSTRATION PROGRAMS.--SUBSECTIONS (B) AND (E) OF *

* SECTION 311 OF SUCH ACT (29 U.S.C. 777A(B) AND (E)). *

* (6) READER SERVICES FOR INDIVIDUALS WHO ARE BLIND.--SECTION 314 OF *

* SUCH ACT (29 U.S.C. 777D). *

* (7) INTERPRETER SERVICES FOR INDIVIDUALS WHO ARE DEAF.--SECTION 315 *

* OF SUCH ACT (29 U.S.C. 777E). *

* (8) COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS FOR INDIVIDUALS *

* WITH DISABILITIES.--SECTION 611 OF SUCH ACT (29 U.S.C. 795). *

* (9) BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.--PART *

* D OF TITLE VI OF THE REHABILITATION ACT OF 1973 (29 U.S.C. 795R). *

* (10) CERTAIN DEMONSTRATION ACTIVITIES.-- *

* (A) TRANSPORTATION SERVICES GRANTS.--SUBSECTION (A) OF SECTION *

* 802 OF SUCH ACT (29 U.S.C. 797A(A)). *



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

October 28, 1997

Telefax Transmittal Sheet

TO: Bruce Reed, the White House

FAX NO: 456-5542

FROM: Jack Kristy, Assistant General Counsel for Legislation
Phone: (202) 401-6267 Fax: (202) 401-5391

TIME: 11:32 am

PAGES (including this sheet): 3

COMMENTS: At Mike Smith's request, here is a list of possible conditions/restrictions/prohibitions relating to the voluntary national tests. The Department could accept any of these without jeopardizing its plans for those tests.

Limitations/prohibitions/requirements relating to national tests

High-stakes use

1. Tests may not be used for--
 - tracking
 - promotion
 - graduation
 - some combination of the above.
2. Tests may not be used by themselves for one or more of the above purposes.
3. No high-stakes use until [insert date] or [x] years after tests are first administered.
4. No use for any purpose for which not validated.
5. National Academy of Science to advise NAGB on appropriate uses of tests (ED is drafting bill language at Obey's request)

Schedule

1. Require NAGB to pilot test [no later than/in?] spring of 98; field test in spring of 99; and implement in 2000.
2. Prohibit NAGB from going faster than above schedule.

Expansion

1. No expansion to other grades or subject matters [ever or until specified date/event]
2. No expansion until NAS (or other body) reviews/reports on implementation
3. Cap (or make NAGB cap) the percentage of kids in the Nation who take the tests in any year. Limit growth in future years.

Reporting

1. Require States and LEAs to provide detailed, understandable information to principals, teachers, and parents along the lines of Title I (disaggregation, etc.)
2. Require NAGB to adopt "guidelines" for reporting, which could be in consultation with NAS

3. Prohibit reporting of individual scores to Federal Government.

LEP students

1. NAGB to develop (or work with States and school districts to develop) supplementary tests in Spanish.
2. Tests to be available by _____.
3. Spanish-language tests to be voluntary with parents of LEP kids.
4. Use only for diagnostic purposes.
5. Students who have been in the US at least 3 years would have to take tests in English.

Federal intrusion

1. Prohibit Secretary and NAGB from asserting any control over curriculum or teaching or from making use of the tests a condition of receiving Federal funds
2. Nothing in this legislation shall be deemed to extend authority of Federal Govt. over K-12 education.

Appointments Clause fixes

1. Fix appointments procedures for NAGB members.
2. Revise Senate language to:
 - (A) appropriate funds to Secretary;
 - (B) direct Secretary to award grant to NAGB; and
 - (C) specifically authorize NAGB, exclusive of Secretarial control, to develop and implement tests

Other

Protections for home schoolers and private and parochial schools (i.e., their participation is voluntary)

Link to NAEP

10/28/98
11:30 AM

THE WHITE HOUSE
WASHINGTON

DAVE HOPPE

Flexible
Assess indiv. performance, state by state
No nat. curriculum
Teaching to the test

NAS w/ Cong. Admin. - gov. to do study whether
to do statistical analysis of whether we can compare
- student by student, state by state comparisons

Link them all to NAEP, which 40 states use
- if that works, don't need
- continue devel. of our test as fallback

Don't link to each other - link to NAEP

JOHN BRONER

→ Goodling's voucher
Chicago social promotion

Guidelines:

Chicago, SF, NYC shut down failing schools
- turnaround
- remove principal, etc.
- what works

States/

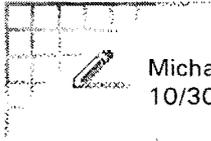
- state cannot be

Trigger vs. Cap
Completely voluntary
Govt may not
encourage test

- No funds in this or any other Act shall be used exclusively to develop, upgrade, implement or administer any voluntary national testing program in reading or mathematics without specific authorization, except for activities necessary to administer the National Assessment of Educational Progress (NAEP) and the Third International Math and Science Study (TIMSS): Provided, That notwithstanding any other provision in this or any other Act, up to \$17,250,000 of the funds in this Act may be used in fiscal year 1998 to pilot and field test voluntary national reading and mathematics in those states that elect to participate in such field testing: Provided further, That nothing in this Act or any other Act shall be interpreted to preclude states and local educational agencies from using federal assistance provided under ESEA, Goals 2000 Act, and IDEA for the costs of administering state, local or voluntary national reading and mathematics tests where those expenses are eligible expenses under the purposes of such Acts.

And

- The use of the tests shall be completely voluntary and the federal government shall not require any state or school district to administer such tests.
- Nothing in this Act shall be construed as a mandate, directive, or requirement that a state, school district, or school alter its curriculum, program of instruction, or allocation of state or local resources as a condition of participating in the 4th grade reading and 8th grade math national testing program.
- No individual student test scores shall be reported to the Federal government.
- No tests may be implemented or administered until the completion of a sixty (60) day comment period to begin after the tests have been developed and field tested; during such sixty day period the National Assessment Governing Board shall hold public hearings in which key stakeholders may comment on the testing program.
- No tests may be implemented or administered until such time as a final National Academy of Sciences report is completed that evaluates the technical quality of the test development, the adequacy of the administration of the field tests, the validity and reliability of the field tests, the validity of the design for linking test results to student performance, and the degree to which the tests provide valid and useful information to the public, provided that such report shall be completed by September 30, 1998.
(House bill language)



Michael Cohen
10/30/97 11:31:47 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc:

Subject: Language for Rahm

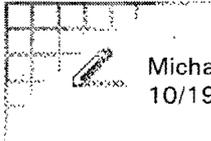
What do you think?

For the first time in our Nation's history:

our nation will have national tests in the basic skills tied to high national standards

an independent, bipartisan board will be in charge of developing national tests that can be given in every school in the country

Congress has responded to the President's Call to Action with bipartisan support for the development of national tests



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

Record Type: Record

To: Bruce N. Reed/OPD/EOP

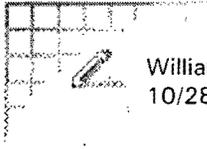
cc: Michelle Crisci/WHO/EOP, William R. Kincaid/OPD/EOP, Elena Kagan/OPD/EOP

Subject: Re: Testing vote

Here is the list Rahm requested:

Non-Caucus Democrats Supporting Goodling Amendment on National Testing

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



William R. Kincaid
10/28/97 02:40:57 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Michael Cohen/OPD/EOP
cc: Tanya E. Martin/OPD/EOP
Subject: Bingaman floor statement on national tests

FLOOR STATEMENT ON VOLUNTARY NATIONAL TESTING

October 28, 1997

I would like to take a few minutes this morning to 'debunk' several of the myths that are being spread about how the Senate voluntary national testing plan works and explain why a so-called 'compromise' that's been touted misses the mark almost entirely.

As many of my colleagues already know, opponents of a voluntary national test are blocking what is in reality a reasonable, carefully crafted proposal to improve our schools. Over a month ago, the Senate voted 87-13 in support of this proposal and since then testing opponents have refused to even sit down at the table and talk about this issue. In fact, they threaten to shut down the federal government again rather than let states and districts and parents decide

for themselves whether to use these new tests.

MYTHS ABOUT THE SENATE PROPOSAL

In recent weeks, opponents of voluntary national testing have tried to spread a series of myths about the proposal that was passed by the Senate. Many of these are described on these charts. For example:

- They say it's just another test, when in reality voluntary national tests would provide essential information that no other test, commercial or otherwise, can provide, student by student.
- They say the national tests aren't voluntary and would undercut local control, when in reality they are as voluntary as can be --explicitly prohibiting any forced participation by a state, district, or community.
- They say the new tests won't do anything, when in reality communities around the nation are showing that high standards and uniform measures of achievement can engage and empower a community to increase learning.

WHAT THE 'FRONT LINES' WANT

Despite these efforts to misrepresent the voluntary testing proposal, I am glad to report that educators, business leaders, and the American public supports the proposal overwhelmingly. I know this from having heard from the people on the front lines this past Friday:

- Elementary school parent and PTA member Laura Scott told me about how important independent tests were for parents who are handing over their children to schools and need all the leverage they can get to make sure the education is adequate.
- Colorado and North Carolina Governors Roy Romer and Jim Hunt talked about how well the new tests would help the state reform efforts to raise academic standards, ensure educational accountability, and save states the costs of having to reinvent the wheel 50 times over.
- From a business perspective, Alan Wurtzel of the National Alliance of Business and Chris Larsen of the Technology Network described how important uniform measures of achievement are to preparing a qualified workforce for the 21st century.

-- Representing large urban school districts, Philadelphia Schools Superintendent David Hornbeck said that the tests would be a “sword of equality” for poor and minority students in Philadelphia and elsewhere who are receiving an inferior education.

THE ‘LAKE WOEBEGONE’ PROPOSAL

Most recently, opponents of a voluntary national test came up with a so-called ‘compromise’ proposal that, to my view, reveals a basic misunderstanding about what the voluntary national testing proposal is supposed to do. Because it preserves the status quo and relies on a type of test that creates the impression that students are doing better than they really are, I would have to call this a ‘Lake Woebegone’ Proposal.

First off, the compromise they are proposing is not much different from an outright prohibition on development of any new tests. Further development of a voluntary national test would be immediately and completely prohibited. That’s just protecting the status quo, and denying states and districts the choice to participate in a national measure of student achievement (which 7 states and 15 districts have already opted to do).

Secondly, the proposed compromise wouldn't really accomplish anything useful in terms of focusing more attention on world-class standards for all children. That's because, instead of developing new national tests in 4th grade reading and 8th grade math, the anti-testing proposal would fund a \$3 million study of the feasibility of linking various commercial tests to each other.

However, the commercial tests that would be linked under this study do not conform with the rigorous academic standards of the National Assessment of Educational Progress. In addition, the tests that would be studied are all 'norm-referenced' tests, which means that their scores are all reported as percentiles that show how you score compared to others --but not whether that's good enough.

In so many ways, this proposal misses the point --suggesting that the current hodge-podge of commercial tests can solve the problem, preserving the status quo rather than allowing states and districts to make their own choices, and undercutting the National Assessment of Progress which is our most rigorous national measure of student achievement.

BUILDING ON THE SENATE PROPOSAL

This proposal is completely unsatisfactory and would be blocked here in the Senate or vetoed by the President if it was the proposal in the Labor-HHS conference report.

The Senate compromise should be the basis for any action by the conferees. It was negotiated and supported overwhelmingly by a bipartisan group of 87 Senators. Even conservatives like Checker Finn and Bill Bennett supported it. Since then, 43 Senators have pledged to block the bill or uphold a veto if the original compromise is not maintained.

If testing opponents want the National Academy of Sciences to study whether commercial or even state-developed tests are as rigorous as the National Assessment of Educational Progress, that's fine with me. But until it's clear that state and commercial tests are up to the task, I think that a voluntary national test should be made available as soon as possible.