

Re: ESEA - Early Childhood

Subcommittee on Children and Families
Committee on Labor and Human Resources
Senator Christopher J. Dodd
Ranking Member

Senate

FACSIMILE TRANSMITTAL FORM

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DATE: 4/27 TIME: _____ A.M.
P.M.

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NUMBER OF PAGES, including this form: 12

COMMENTS / MESSAGE: _____

Early Childhood Training
amendment to ESEA,
per your request

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for early childhood educator professional development.

IN THE SENATE OF THE UNITED STATES—106th Cong., 2d Sess.

S. 2

To extend programs and activities under the Elementary and Secondary Education Act of 1965.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DODD

Viz:

1 On page 248, line 9, strike the end quotation marks
2 and the second period.

3 On page 248, between lines 9 and 10, insert the fol-
4 lowing:

5 **“PART G—EARLY CHILDHOOD EDUCATOR**
6 **PROFESSIONAL DEVELOPMENT**

7 **“SEC. 2601. PURPOSE.**

8 “In support of the national effort to attain the first
9 of America’s Education Goals, the purpose of this part
10 is to enhance the school readiness of young children, par-

1 ticularly disadvantaged young children, and to prevent
2 them from encountering reading difficulties once they
3 enter school, by improving the knowledge and skills of
4 early childhood educators who work in communities that
5 have high concentrations of children living in poverty.

6 **"SEC. 2602. PROGRAM AUTHORIZED.**

7 “(a) GRANTS TO PARTNERSHIPS.—The Secretary
8 shall carry out the purpose of this part by awarding
9 grants, on a competitive basis, to partnerships consisting
10 of—

11 “(1)(A) one or more institutions of higher edu-
12 cation that provide professional development for
13 early childhood educators who work with children
14 from low-income families in high-need communities;
15 or

16 “(B) another public or private, nonprofit entity
17 that provides such professional development;

18 “(2) one or more public agencies (including
19 local educational agencies, State educational agen-
20 cies, State human services agencies, and State and
21 local agencies administering programs under the
22 Child Care and Development Block Grant Act of
23 1990), Head Start agencies, or private, nonprofit or-
24 ganizations; and

1 “(3) to the extent feasible, an entity with dem-
2 onstrated experience in providing violence prevention
3 education training to educators in early childhood
4 education programs.

5 “(b) PRIORITY.—In awarding grants under this part,
6 the Secretary shall give priority to partnerships that in-
7 clude 1 or more local educational agencies which operate
8 early childhood education programs for children from low-
9 income families in high-need communities.

10 “(c) DURATION AND NUMBER OF GRANTS.—

11 “(1) DURATION.—Each grant under this part
12 shall be awarded for not more than 4 years.

13 “(2) NUMBER.—No partnership may receive
14 more than 1 grant under this part.

15 **“SEC. 2803. APPLICATIONS.**

16 “(a) APPLICATIONS REQUIRED.—Any partnership
17 that desires to receive a grant under this part shall submit
18 an application to the Secretary at such time, in such man-
19 ner, and containing such information as the Secretary may
20 require.

21 “(b) CONTENTS.—Each such application shall
22 include—

23 “(1) a description of the high-need community
24 to be served by the project, including such demo-

1 graphic and socioeconomic information as the Sec-
2 retary may request;

3 “(2) information on the quality of the early
4 childhood educator professional development pro-
5 gram currently conducted by the institution of high-
6 er education or other provider in the partnership;

7 “(3) the results of the assessment that the enti-
8 ties in the partnership have undertaken to determine
9 the most critical professional development needs of
10 the early childhood educators to be served by the
11 partnership and in the broader community, and a
12 description of how the proposed project will address
13 those needs;

14 “(4) a description of how the proposed project
15 will be carried out, including—

16 “(A) how individuals will be selected to
17 participate;

18 “(B) the types of research-based profes-
19 sional development activities that will be carried
20 out;

21 “(C) how research on effective professional
22 development and on adult learning will be used
23 to design and deliver project activities;

24 “(D) how the project will coordinate with
25 and build on, and will not supplant or dupli-

1 cate, early childhood education professional de-
2 velopment activities that exist in the commu-
3 nity;

4 “(E) how the project will train early child-
5 hood educators to provide services that are
6 based on developmentally appropriate practices
7 and the best available research on child, lan-
8 guage, and literacy development and on early
9 childhood pedagogy;

10 “(F) how the program will train early
11 childhood educators to meet the diverse edu-
12 cational needs of children in the community, in-
13 cluding children who have limited English pro-
14 ficiency, disabilities, or other special needs; and

15 “(G) how the project will train early child-
16 hood educators in identifying and preventing
17 behavioral problems or violent behavior in chil-
18 dren;

19 “(5) a description of—

20 “(A) the specific objectives that the part-
21 nership will seek to attain through the project,
22 and how the partnership will measure progress
23 toward attainment of those objectives; and

24 “(B) how the objectives and the measure-
25 ment activities align with the performance indi-

1 cators established by the Secretary under sec-
2 tion 2606(a);

3 “(6) a description of the partnership’s plan for
4 institutionalizing the activities carried out under the
5 project, so that the activities continue once Federal
6 funding ceases;

7 “(7) an assurance that, where applicable, the
8 project will provide appropriate professional develop-
9 ment to volunteer staff, as well as to paid staff; and

10 “(8) an assurance that, in developing its appli-
11 cation and in carrying out its project, the partner-
12 ship has consulted with, and will consult with, rel-
13 evant agencies and early childhood educator organi-
14 zations described in section 2602(a)(2) that are not
15 members of the partnership.

16 **“SEC. 2604. SELECTION OF GRANTEES.**

17 “(a) **CRITERIA.**—The Secretary shall select partner-
18 ships to receive funding on the basis of the community’s
19 need for assistance and the quality of the applications.

20 “(b) **GEOGRAPHIC DISTRIBUTION.**—In selecting
21 partnerships, the Secretary shall seek to ensure that com-
22 munities in different regions of the Nation, as well as both
23 urban and rural communities, are served.

1 **"SEC. 2605. USES OF FUNDS.**

2 “(a) **IN GENERAL.**—Each partnership receiving a
3 grant under this part shall use the grant funds to carry
4 out activities that will improve the knowledge and skills
5 of early childhood educators who are working in early
6 childhood programs that are located in high-need commu-
7 nities and serve concentrations of children from low-in-
8 come families.

9 “(b) **ALLOWABLE ACTIVITIES.**—Such activities may
10 include—

11 “(1) professional development for individuals
12 working as early childhood educators, particularly to
13 familiarize those individuals with the application of
14 recent research on child, language, and literacy de-
15 velopment and on early childhood pedagogy;

16 “(2) professional development for early child-
17 hood educators in working with parents, based on
18 the best current research on child, language, and lit-
19 eracy development and parent involvement, so that
20 the educators can prepare their children to succeed
21 in school;

22 “(3) professional development for early child-
23 hood educators to work with children who have lim-
24 ited English proficiency, disabilities, and other spe-
25 cial needs;

1 “(4) professional development to train early
2 childhood educators in identifying and preventing
3 behavioral problems or violent behavior in children;

4 “(5) activities that assist and support early
5 childhood educators during their first three years in
6 the field;

7 “(6) development and implementation of early
8 childhood educator professional development pro-
9 grams that make use of distance learning and other
10 technologies;

11 “(7) professional development activities related
12 to the selection and use of diagnostic assessments to
13 improve teaching and learning; and

14 “(8) data collection, evaluation, and reporting
15 needed to meet the requirements of this part relat-
16 ing to accountability.

17 **“SEC. 2606. ACCOUNTABILITY.**

18 “(a) **PERFORMANCE INDICATORS.**—Simultaneously
19 with the publication of any application notice for grants
20 under this part, the Secretary shall announce performance
21 indicators for this part, which shall be designed to
22 measure—

23 “(1) the quality and assessability of the profes-
24 sional development provided;

1 “(2) the impact of that professional develop-
2 ment on the early childhood education provided by
3 the individuals who are trained; and

4 “(3) such other measures of program impact as
5 the Secretary determines appropriate.

6 “(b) ANNUAL REPORTS; TERMINATION.—

7 “(1) ANNUAL REPORTS.—Each partnership re-
8 ceiving a grant under this part shall report annually
9 to the Secretary on the partnership’s progress
10 against the performance indicators.

11 “(2) TERMINATION.—The Secretary may termi-
12 nate a grant under this part at any time if the Sec-
13 retary determines that the partnership is not making
14 satisfactory progress against the indicators.

15 “SEC. 2607. COST-SHARING.

16 “(a) IN GENERAL.—Each partnership shall provide,
17 from other sources, which may include other Federal
18 sources—

19 “(1) at least 50 percent of the total cost of its
20 project for the grant period; and

21 “(2) at least 20 percent of the project cost in
22 each year.

23 “(b) ACCEPTABLE CONTRIBUTIONS.—A partnership
24 may meet the requirement of subsection (a) through cash
25 or in-kind contributions, fairly valued.

1 “(c) **WAIVERS.**—The Secretary may waive or modify
2 the requirements of subsection (a) in cases of dem-
3 onstrated financial hardship.

4 **“SEC. 2608. DEFINITIONS.**

5 “**In this part:**

6 “**(1) HIGH-NEED COMMUNITY.**—

7 “(A) **IN GENERAL.**—The term ‘high-need
8 community’ means—

9 “(i) a municipality, or a portion of a
10 municipality, in which at least 50 percent
11 of the children are from low-income fami-
12 lies; or

13 “(ii) a municipality that is one of the
14 10 percent of municipalities within the
15 State having the greatest numbers of such
16 children.

17 “(B) **DETERMINATION.**—In determining
18 which communities are described in subpara-
19 graph (A), the Secretary shall use such data as
20 the Secretary determines are most accurate and
21 appropriate.

22 “**(2) LOW-INCOME FAMILY.**—The term ‘low-in-
23 come family’ means a family with an income below
24 the poverty line (as defined by the Office of Manage-
25 ment and Budget and revised annually in accordance

1 with section 673(2) of the Community Services
2 Block Grant Act (42 U.S.C. 9902(2))) applicable to
3 a family of the size involved for the most recent fis-
4 cal year for which satisfactory data are available.

5 “(3) EARLY CHILDHOOD EDUCATOR.—The
6 term ‘early childhood educator’ means a person who
7 provides care and education to children at any age
8 from birth through kindergarten.

9 **“SEC. 2609. FEDERAL COORDINATION.**

10 “The Secretary and the Secretary of Health and
11 Human Services shall coordinate activities under this part
12 and other early childhood programs administered by the
13 two Secretaries.

14 **“SEC. 2610. AUTHORIZATION OF APPROPRIATIONS.**

15 “For the purpose of carrying out this part, there are
16 authorized to be appropriated \$50,000,000 for fiscal year
17 2001 and such sums as may be necessary for each of the
18 4 succeeding fiscal years.”.

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we thought it appropriate they be here when the vote took place.

We are in a parliamentary position now where the leader, at any time he desires, can call this forward. It is a nondebatable motion to proceed. I hope, however, that the leader will continue the good faith that has been shown by all parties on this issue for many years, not only this year, and that if, in fact, something comes up because of travel or illness the leader will give us an opportunity to know when this matter will come forward.

Mr. LOTT. Will the Senator yield? Mr. President, I assure the Senators from Nevada that we have proceeded in good faith on both sides of the aisle on this issue from day one. I have always understood how important it is and how difficult it is for the Senators from Nevada. I also understand, on the other side, how important this issue is to Senators all across America who have nuclear waste in their respective States in cooling pools or in conditions of uncertainty where something needs to be done.

There will not be a surprise on this issue. If there is a decision made that we will need to reconsider, it will not be based on absentees or something of that nature. But I do think it is such an important issue and it is so close now—really I vote—keeping that option open for a while longer is worthwhile, but I will certainly notify Senator REID and Senator BRYAN, as I have in the past, before we proceed on it.

Mr. REID. I thank the leader.

Mr. BRYAN. Mr. President, will the leader yield for a moment?

Mr. LOTT. I will be glad to yield.

Mr. BRYAN. Mr. President, I express my appreciation for the leader's forthrightness in indicating that we have tried to accommodate each other in terms of the time. I recognize that, as the leader, he has a difficult schedule to maintain. This is an issue that for Senator REID, for me, and for Nevadans is of paramount importance. We think it is important for the country. I appreciate the spirit of the Senator's response. I appreciate the spirit in which the chairman of the Energy Committee has conducted this debate. We disagree, but he, as well, has been courteous and very responsible in the exchange.

I thank three members of my staff who have done an extraordinary job: Brock Richter, Brent Heberlee, Jean Neal, and previously Joe Barry; they have worked on this issue for many months, some for the past 12 years. I acknowledge and thank them for their efforts. Again, I thank the leader for his commitment. I yield the floor.

Mr. DORGAN. Mr. President, on February 10th of this year, the Senate passed S. 1287, the Nuclear Waste Policy Amendments of 2000. I commend the distinguished Chairman and Ranking Member of the Energy Committee for the time and effort they have dedicated to this issue. However, I did not vote for this bill, because it contains many of the same flaws as in past bills,

including safety and licensing issues, inadequate delivery schedules, and a failure to address specific storage problems of some companies.

One of the companies in our region of the country that has such a storage problem is Northern States Power, NSP. Minnesota state law prevents NSP from expanding its nuclear waste storage capacity. As a result, NSP will be forced to shut down its Prairie Island nuclear power plant when it runs out of storage space in January, 2007. Mr. President, this is an issue of critical concern. NSP serves 1.5 million electricity users in five states, including 84,000 customers in my own state of North Dakota. If NSP is forced to close its Prairie Island plant, the resulting impact on electricity customers in our region would be devastating. Grid reliability could be compromised, and the energy costs of many North Dakotans could increase substantially. In a cold-weather state such as mine, any increase in electricity costs is a matter of great concern. In short, this utility is caught between a state law and federal inaction—and we need to address the problem.

While I agree with the Administration's decision to veto the nuclear waste bill, I am also disappointed by its failure to proactively work with Congress to reach a compromise on nuclear waste storage, particularly in light of the fact that North Dakotans have invested nearly \$14 million to pay for the construction of a permanent waste storage facility with little to show for it.

In the coming weeks, I will be working with the Appropriations Committee to craft a solution to the problems brought on by state laws that limit or restrict the storage of spent nuclear fuel. I encourage the participation of the Administration and my colleagues in the Senate in this effort. I hope that this will be one of many efforts to address the outstanding issues that have, up to this point, prevented comprehensive nuclear waste legislation from becoming law.

EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER. The clerk will report S. 2.

The assistant legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I believe the pending business is the Educational Opportunities Act.

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Mr. President, as we get ready to resume general debate on this bill, let me say again how important this issue obviously is in America. People across this country in every State put the highest priority on the need to

improve the quality of our education to have safe and drug-free schools, to have accountability, to have rewards for good teachers, and have a way of making sure our education system is based on learning and that it is child centered. This legislation does that.

I listened yesterday and participated in the debate. I thought there was excellent debate. A number of Senators came to the floor and made statements. I do not know how many, but probably 12 to 15 Senators spoke yesterday. There are a number of Senators on both sides who wish to speak further today.

There are some legitimate disagreements about how to proceed on improving the quality of education in America and the accessibility of education. There are those who say the current system is working fine and we ought to keep it the way it is. I do not agree with that.

There are people who say the Federal Government must have control and dictate or the right things will not be done by the States, the local school districts, the administrators, and the teachers. I do not agree with that.

It is legitimate to have debate because we have spent billions of dollars since 1965 trying to improve the quality of education in America, and the test scores show we are, at best, holding our own and slipping in a number of critical areas. We need to think outside the box. We need to think of different and innovative ways to provide learning opportunities for our children in America.

I think it calls for flexibility as to how the funds are used at the local level. I think it calls for rewards for good teachers, but accountability for all teachers and for students. I think we need some evidence, with the flexibility, that our children are actually making progress.

So this is an important debate as we go forward. I am glad we are having it. We have spent a lot of our time on education this year in the Senate. We passed the education savings account bill earlier this year to allow parents to be able to save for their children's needs, with their own money, for their children K through 12. Now we are going to have this continued debate and amendments of the Elementary and Secondary Education Act.

Later on this year, when we get to the Labor-HHS and education appropriations bill, I am sure we are going to have some good discussion about the funding level for higher education—loans, grants, the work-study program. We need the whole package to improve education and to make our children capable of competing in the world market, to be trained to do the job they need to make a good living for their families.

So this is an important debate. I am glad we got an agreement to stay on general debate today. We are hoping to go forward tomorrow with the first four amendments on education, two on

each side, so that we can have some legitimate debate about how to best help education in America and help learning for our children in America.

But I am worried about a lot of what I am hearing. I am hearing there may be amendments to the education bill on everything from agriculture, to NCAA gambling, to campaign finance reform, to minimum wage, to guns. Where is the limit on all the subjects that could be raised on an issue that is No. 1 in the minds of the American people—education?

We are not starting off by saying we are not going to do this or not going to do that. We are starting. We are going forward. We are starting in kindergarten. We are going to go to the first grade. We are going to have general debate and education amendments and take stock of where we are.

If there is a center ground that must and should be found in America on any subject, it is education. What we have—the status quo—is not working well enough. The Federal Government has a role. We need for it to be a more positive role and a results-oriented role.

So let's have the debate. Let's have amendments on education. I hope my colleagues—on both sides of the aisle—will not make this important legislation a piece of flypaper to attract every amendment that is flying around in this Chamber. It would be a terrible discredit to a vital issue in the minds and hearts of the American people.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Vermont.

Mr. JEFFORDS. We are commencing further debate on the ESEA, the Elementary and Secondary Education Act. I think it is important that we do spend this time on general debate because it is a big bill. There are a number of very important problems to be discussed. Hopefully, we will reach a consensus at some point so that the bill will pass.

Mr. President, I would like to take a little bit of time today, until others arrive, to talk about the role of teachers in our efforts to improve educational opportunities for young people. S.2 includes some important changes related to the critical job of providing teachers with opportunities to enhance their professional skills. Supporting our Nation's teachers must be at the foundation of our education reform efforts because the better our Nation's teachers are—the better chance our Nation's students will have to "make the grade" in the 21st century.

A 1999 survey by the U.S. Department of Education on the preparation and qualifications of public school teachers reported that continued learning in the teaching profession is "key to building educators' capacity for effective teaching, particularly in a profession where the demands are changing and expanding." An investment in our Nation's teachers is a wise one. And we need to make wise investments with our Fed-

eral resources to ensure that the Federal dollars for professional development support activities that will foster improvements in teaching and learning that benefit students in the classroom.

Our Nation's classrooms are changing. All across this country, students are expected to learn to higher standards and perform at increasingly challenging levels. We will never get students to where they "need to be" unless our Nation's teachers have the knowledge base to teach to those demanding standards. While there is near total agreement that strong, capable teachers are the ones that will make the most significant, positive difference in the education of our nation's students, we have not done enough to help them be at the top of their game.

There are still too many educators teaching outside their field of expertise. Too often, teachers are offered one-shot, one-day workshops for professional development that do little to improve teaching and learning in the classroom. Professional development activities often lack the connection to the everyday challenges that teachers face in their classrooms. The most recent evaluation of the Eisenhower Professional Development program notes that "The need for high-quality professional development that focuses on subject-matter content and how students learn that content is all the more pressing in light of the many teachers who teach outside their areas of specialization."

Title II of this bill addresses these serious deficiencies in professional development "head on." S. 2 draws on the strongest elements of the Eisenhower program while including authority for other initiatives that have an impact on "teacher quality." The bill provides flexibility to school districts to address the specific needs of individual schools through programs such as: recruitment and hiring initiatives; teacher mentoring and retention initiatives and professional development activities.

It prohibits Federal dollars from being used for "one-shot" workshops that have been criticized for being relatively ineffective because they are usually short term; lacking in continuity; lacking in adequate followup; and typically isolated from the participants' classroom and school contexts.

The bill before the Senate provides significant resources—\$2 billion—to school districts to improve the quality of teaching in the classroom. It combines funds and authorities from the Eisenhower program and the class size reduction program in an effort to give school districts the flexibility that they need to make decisions about what investments in "teacher quality" will have the greatest impact on learning in their schools.

In an effort to set the record straight, I would like to clarify a point that has been made by my colleagues on the other side of the aisle with regard to hiring teachers. The language in Title II makes it very clear that

only certified or licensed teachers can be hired under this program. I would like to read from the text of the bill on page 210, Section 2031(b)(1):

Each Local Education Agency that receives a subgrant to carryout this subpart may use the funds made available through the subgrant to carryout the following activities: (1) Recruiting and hiring certified or licensed teachers, including teachers certified through State and local alternative routes, in order to reduce class size or hiring special education teachers.

This language is very straight forward and to the point—if you use Title II funds for hiring teachers—they must be certified or licensed.

There has also been some criticism about what kind of professional development programs can be supported under this bill. The language in S. 2 is very strong on this point. The bill ensures that professional development funded with Federal dollars be related to the curriculum and tied to the academic subject the teacher is responsible for teaching.

Professional development must be tied to challenging State or local standards; tied to strategies that demonstrate effectiveness in improving student academic achievement and student performance or be a project that will substantially increase the knowledge and teaching skills of the teacher. They must be developed with extensive participation of teachers and other educators and must be of sufficient intensity and duration to have a positive and lasting impact on the performance of a teacher in the classroom. It prohibits "one-shot, one-day" workshops unless they are part of a long-term comprehensive program.

This bill—for perhaps the first time in Federal law—makes it crystal clear that Federal funds must be used for activities that will improve teaching and learning in the classroom—not for fad-type activities that have no relationship to what teachers want and need to know to be better at their jobs.

The structure of title II makes a great deal of common sense and will result in a real improvement in teacher quality. My home State of Vermont serves as a good example of success through local decisionmaking. Vermont strongly supports the class size money. Yet, since the first dollar was appropriated for class-size reduction, Vermont sought greater flexibility to use that money for professional development activities that would improve the quality of the teacher in the classroom. Because Vermont already had small classes—sizes that happen to meet the Federally mandated standard of 18—those dollars were able to go for professional development.

I want other States to do what Vermont has done if that is what is in the best interest of their students. Reducing class size is important. Having a dynamic, qualified teacher at the head of the classroom is of equal or greater importance. Title II of this bill supports both efforts—high quality

professional development and hiring teachers to reduce class size—yet does it in a way that allows school districts to come up with their own recipe for improvement that will work for its students.

S. 2 has a new focus on the needs of other educators as well. In all the schools I have visited over the years, I can tell almost immediately if the school is a good one by meeting the principal. Principals have the ability to transform the environment at a school and make it a place where inquiry, collaboration, and learning flourish. That is why I am so pleased that Title II of this bill includes a new program to support professional development for school leaders. The program is based in large part on a Vermont model—the Snelling Center for School Leadership. It will support training in effective leadership, management and instructional skills and practice; enhancing and developing school management and business skills; improving the effective use of education technology; and encouraging highly qualified individuals to become school leaders.

In general, I am pleased that S. 2 makes a significant and thoughtful investment in programs that will give our nation's teachers the knowledge and "know-how" to educate our nation's young people. Supporting our nation's teachers is one of the best ways that we can invest in the future well-being of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Are we under time control?

The PRESIDING OFFICER. There is no control of time.

Mr. GREGG. I thank the Chair.

Mr. President, I rise to respond to some of the points made by some of our colleagues on the other side of the aisle during the debate yesterday because, unfortunately, they have attempted, I believe, to mischaracterize our bill as it comes forward. The reason for mischaracterizing it I don't understand. Maybe they are not fully informed about it or they simply believe the bill is so strong that they can't defend it when they talk about it in its real form; therefore, they must characterize it as a fantasy and then attack the fantasy as being inappropriate.

Let's begin with the Senator from Massachusetts who came to the floor yesterday and said that the flexibility we are suggesting to the States will just revisit the situation where States were spending education dollars on things such as uniforms and tubas. I must say, I think the Senator from Massachusetts is in a time warp on this point. That happened back when tubas and uniforms were bought, and I think one or two schools actually did that.

Title I was passed in 1965. That was 35 years ago. I think it is important that people catch up with today and the

events of today. It is important that people catch up with the events of today and the educational system of today. We have had 35 years of title I, the proposal as structured by a Democratic Congress for the purpose of addressing the issue of education of low-income children. That Congress was controlled by the Democrats for the vast majority of those 35 years.

What have we gotten as a result of that? We have spent \$120 billion to \$130 billion on title I, and the achievement level of low-income children has not improved; it has either decreased or it has stayed the same. We know low-income children in the fourth grade are reading at two grade levels lower than the other children in that grade level. We know the low-income children in our inner cities are reading at grade levels significantly lower, and some can't read at all as they head toward high school graduation.

We know, for example, as this chart shows, that 70 percent-plus of our students in high-poverty schools are below the basic levels in reading, 60 percent-plus are below the basic levels in math, and almost 70 percent are below the basic levels in science. We know the program has not worked. Yet Members from the other side decide to stroll onto the floor and start citing problems from 30 years ago and acting as if they have corrected those problems over the last 35 years.

They haven't corrected the problems in education. They have aggravated the problems in education. Generation after generation of children have been put through a system that has not allowed them to achieve. Low-income children have been denied the American dream because they haven't been educated to read and to write. They are complicit in this. They say the status quo works. They basically say they have the answers.

Let me quote from the President on this point. I like to hold up these charts myself, and I can read them. This is from the Washington Post in which the President is quoted. He told the reporters the Federal money for new teachers does not belong to the States and local school districts. "It is not their money," he said.

That is the attitude on the other side, that it is not their money. Well, whose money is it? Where does this money come from? It is obviously the taxpayers' money, and it obviously is coming out of the local school districts and States. It comes to Washington. But for some reason, the mentality on the other side is that we then capture this money here in Washington, send it back to the States, and tell the States exactly what to do with it—categorical, targeted, and straitjacketed programs; programs after programs, regulations after regulations, 900 pages of new law. What do they get for it? What have we gotten for it after 35 years? Very little. Our low-income kids have gotten even less—virtually no improvement in their academic efforts.

So the Members on the other side come to the floor and they say things such as, "This money will be spent, once again, as it was 35 years ago, if flexibility is given to the States, on tubas and football uniforms."

I guess they didn't read the bill because it is very specific. For the first time, we are expecting achievement in exchange for giving the States these flexibility opportunities with these funds. This bill, as a result of the Republican initiative, says there must be academic achievement. It must be provable. It must be academic achievement which can be shown to have occurred through tests that have been given at the local level. The academic achievement must occur amongst our low-income kids so they are not left behind.

We are not suggesting dumbing down, as has occurred, regrettably, in too many school systems. We are not suggesting lowering the average so that it looks as if the low-income child is getting closer to the norm. No, we are saying low-income children's achievement must improve as a result of low-income kids actually doing better in math and science and reading in relationship to their peers.

Equally important is that the achievement accountability standards in this bill are very specific in saying they will be disaggregated. What does that mean? That means they are not going to be able to hide the performance of low-income kids behind throwing them in with the average; you will have to look at groups on the basis of their abilities and their classification so we will know whether poor children from the inner city are actually improving in their educational efforts, and we won't have a poor child being claimed to have improved because he or she is put in a pool with kids who have higher incomes and who are attending different school systems.

So we have very specific achievement requirements in this bill. You cannot, in any way, come down here and, in fairness, or with objectivity, or, in my opinion, with an accurate reading of our bill, claim this is the type of program that occurred 30 or 35 years ago and it is, therefore, not going to work today.

This is entirely different. It is an attempt to acknowledge what study after study has shown. Study after study has shown it is not Federal programs and title I that have worked to help kids; local communities and States focusing on kids' education have helped kids. In those States that have actually seen an increase in the achievement levels of low-income kids, such as Texas and North Carolina, success has been specifically achieved because the local schools had flexibility and control over the State money. It wasn't because of Federal dollars. In fact, a NEPA study by the National Education Goals Panel reported that "the study concludes that the most plausible explanation for test score gains are found in the policy

environment established in each State"—not in any policies that came out of Washington.

The point is this: The other side is trying to mislead us. It is making representations which are totally inaccurate on the issue of how these dollars, which are put into more flexible arenas such as Straight A's portability, will be used.

There is specific accountability. Straight A's requires that States establish annual numeric goals for increasing the percentage of economically disadvantaged students, of minority students, and of students with limited English proficiency. It requires that those kids meet higher abilities of proficiency and that they advance in their ability in math, science, and English.

This representation, which we have now heard for at least a day and we have heard in the press for numerous days, about the ability to just simply throw money in the school systems and allow them to spend it for whatever they want—tubas, footballs, or uniforms—is a fantasy being made by people who are living in a time warp, not only a time warp relevant to that fantasy, but it is a time warp about what is the proper way to approach education. They are unwilling to look at any change. They are so mired in the status quo that they are unwilling to consider any change—even one such as we put forward as an options approach versus an approach which requires the States to do something. We say the States should have the option to try these new ideas. We don't say they must try the ideas.

Another area: There was a representation that Straight A's would end up undermining the ability of kids to achieve in the sense that the school will get the money, that the money won't flow to the low-income child, and that it will be used on some other activity within the school system. They are not talking here about tubas and uniforms. They are talking about another school activity which might end up benefiting the average-income student versus the low-income student. That may be.

But the point is, of course, that at end of the day the school system must prove the academic achievement of the low-income child has increased to get the money. However they spend the money, the results of spending the money must be that the academic achievement of the low-income child must improve. This is the new trust we put into this bill. We are concerned about the achievement of the low-income child, and we are not willing to spend another 35 years throwing money at a problem and creating a status quo in education that loses another generation or two of kids.

Senator MURRAY came to the floor. She said this is a block grant. First, it is not a block grant because it has all of the categorical programs still in place. The money flows into the States.

The States still have the categorical programs. They can spend it on any one of those programs. But they will have the ability to move it amongst those programs. They have the accountability standard which we put in place.

But, more important than that, she goes on and says block grant programs are always easy to cut and therefore we shouldn't do this because the programs might get cut and might end up reducing funding.

I point out that it is this Republican Congress that has significantly increased funding for education over the last 4 years. We have increased Federal funding for K through 12 by 67 percent. That is a big improvement.

Equally important, it is this administration—and specifically on the other side of the aisle—that has suggested cutting block grant programs. Title VI, which is the only true block grant under ESEA, has been put in for zeroing out and for cutting in every Clinton/Core budget. That is a block grant program that has been proposed as zeroing out.

There is a certain disingenuousness when Members on the other side of the aisle come down here and give us crocodile tears about cutting educational spending—especially block grant educational spending—when it is their side that has proposed time and time again in their budgets that we do exactly that.

It is our side that has proposed and has succeeded in significantly increasing funding for the various functions of education—elementary and secondary specifically—and this bill does the same.

It is an important debate we are pursuing right now because it is a debate over the fundamental question of how we improve education for our children, and specifically for our low-income children. It does none of us any good to have a mischaracterization and a misrepresentation of the proposals that are brought to the floor.

Regrettably, the other side has participated in hyperbole of a rather aggressive nature. I suggest if they really wanted to debate the issue of education, they would turn from hyperbole to getting into substance.

Explain to us why we shouldn't put pressure on the local school districts to require that low-income children succeed.

Explain to us why we should not empower parents, teachers, principals, and school board members to make the decisions as to how to better educate low-income children.

Explain to us why they believe—by "they" I mean the people here in Washington who represent the educational establishment in Washington—they know more about educating a child, a low-income child specifically, in the town of Rye, or the town of Epping, or the town of Grantham, NH, than the people who spend their whole life in Rye, in Epping, and in Grantham, NH.

working to educate that child, and the parents of that child who happen to be totally committed to its education.

Why do we believe we know more and can do a better job?

We have put forward a series of proposals which say to the States: You do not have to take any of them. You can continue this program called title I exactly as it is, if that is what you desire. But if you want to try something more creative, we are going to give you four or five really good options that have worked in other States such as Arizona, or in other cities such as Seattle. And you can undertake those proposals. But it is up to you to make that choice.

The other side needs to come down here and explain to us substantively why it is inappropriate to give States those options when we don't deny that there is a chance to use title I. They refuse to do that. They refuse to address the substance of the issue. Instead, they use hyperbole and go back 56 years to find a problem that has no relationship to today. It is a meager response to this bill coming from the other side of the aisle. Regrettably, it does not do them a service and it doesn't do this debate a great deal of service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I will propound a unanimous consent that the other speakers be Senator SESSIONS of Alabama, Senator HUTCHINSON of Arkansas, and Senator GRAMS of Minnesota, which I think is in keeping with our normal protocol of those who have arrived in the order in which they arrived.

I propound that unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the unanimous consent agreement, the Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from New Hampshire. He served on the Education Committee for a number of years. You can see the passion, the conviction, and the knowledge he brings to bear on this issue, as the Chair himself has done over the years.

It is time for some changes. The Elementary and Secondary Education Act was passed as part of President Lyndon Johnson's Great Society in 1965.

I have been in schools in Alabama. I have talked to teachers. I have been in 18 schools in Alabama since January 1 of this year.

I was in Selma, AL, just Friday afternoon and spent some time with the new and innovative school they have created. All of the sixth grade is in one building. They call it a "discovery school." They emphasize art, music, and special programs that give the kids electives. But the faculty has gotten together and created a system in which those electives are very substantive.

One of the classes was sports math for kids who like sports. There is a lot of useful mathematics in sports. They are teaching them batting averages and how to calculate all sorts of factors relating to sports programs. That was their idea.

The faculty of that school got together with the principal in the town of Selma to create a better way to educate sixth graders in that community.

We are not capable of doing that here. We will have to vote one day on the defense budget.

We have never been elected to run education in America. We were not elected to do that. The same people who elect us, as the Senator from Washington many times has eloquently said, elected our school board leaders to run education in our communities. They didn't elect us to run education. They elect them to run education. Education is fundamentally a local State community project. It needs to be done by people who know our children's names, who care about them, who know the school buildings, who know the offices.

We are not doing that. We are trying to micromanage education from Washington. We have 700 Federal Government education programs in this country. Imagine that, 700. We talk about empowering schools to develop plans of excellence, and some of our friends from the Democratic side say we don't believe in accountability.

It finally dawned on me, their definition of "accountability" is a Federal mandate stating precisely how the money has to be spent in their school system. They define that as accountability. That is not accountability. We are pouring millions of dollars into schools in which learning is not occurring. Under all these programs and all the grants and the 700 programs, nobody knows whether or not learning is occurring.

That is not exactly so. We are beginning to understand that learning is not occurring in many of the schools. Children are operating far below their grade level. That is no longer acceptable.

We need a system of real accountability, a system that tells the American people and parents whether or not learning is occurring. We don't want some national test that will be pushed on every school. In Alabama, we have a very tough new testing system in the 4th, 8th and 12th grade. Students do not get their diploma if they do not take the test and pass. Kids are getting worried. I asked a teacher in Selma the other day did they think kids were actually wising up and were their parents getting more energized and were they aware they were not going to get their diploma unless they met certain minimum standards. The teacher said teachers and parents understand it, children understand it, and they are doing a better job of doing their homework and taking learning more seriously instead of just going through the

motions of going to school every day and expecting the diploma to be handed to them when they finish school.

I remember somebody talked about textbooks and how good our textbooks ought to be. What good is a \$500 textbook, the best words ever written, if the child is not going to read and is not motivated to read it and the parents are not engaged in helping them read it and there is no sense of urgency or motivation in learning?

Obviously, that is the key to education in America. We will not mandate from Washington, DC. It has to come from the local communities. That is consistent with what modern management is all about.

The Senator from New Hampshire indicated this is old thinking: Run any business from the top down. Every good CEO knows, that all the new management techniques are to empower people at the lowest level who are actually doing the job that is necessary for success. You empower them, motivate them, and encourage them to use their creative power to do that job better every day. That is what we ought to do with an education bill. That is so fundamental to me as to be without dispute.

I taught 1 year in the sixth grade in the public school. My wife taught a number of years. It was a great time but challenging. Our teachers are working desperately to try to educate on a daily basis. Sometimes our regulations and paperwork are unnecessarily adding to their daily burdens. They complain to me about it at every school I visit. I always try to visit classrooms, talk to the principal and try to have an hour or so with a teacher just to talk to them about what they think is important. They are complaining to me about Federal paperwork on a regular basis at every school. They say it is much too burdensome and unnecessary, and it keeps them from doing what they would like to do to improve education in their school.

I am excited about this legislation. We have, in this Congress, increased funding for education every year. We spent more last year on education than the President asked for. We believe in education. We want children to learn. We are not here to feather the nests of bureaucrats. I know people get scared when we talk about a system that doesn't guarantee this program will continue as it has for 35 years. It scares people. The people who are working in those programs are talented and they will be needed in our school system. People are not going to be fired. But we need changes. Every business, every government agency needs to make some changes. Thirty-five years is enough. After 35 years, it is time we re-evaluate what we are doing and make some decisions.

We want to see education improve. What does that mean? That means learning is occurring. When children go to class in September and come out in

May, they have learned something. The more they have learned during that time, the better we are as a nation. This is critical. We have to figure out how to do that. We will not do it by polling data from Washington setting up 701 Government programs. That is not the way to do it. We have to, with humility, recognize our limits as a Senate and as a Congress. We have to trust the people we have elected in our local communities to run our education systems. We have to encourage parents to be involved in education, both in the schools and in their children's homework and learning. We have to insist local schools have testing programs that actually determine whether or not they are getting better in their mathematics, reading, English, and science.

We want them to improve. We don't want to be at the bottom of the world in test scores in science and mathematics. That is not acceptable in the greatest nation the world has ever known. We cannot allow that to continue. But it will not be business as usual. There will have to be some changes. This legislation will give States an option, a chance to say to the Federal Government, let us try, give us the free reign to run. Let us present to you a program of excellence. Our teachers have signed on, our principals have signed on, the community has signed on. We will have the special sixth grade, this discovery school for sixth graders, and they will learn a lot of different things, including, as they did in Selma, dance, ballet, tap, and music as part of their education curriculum. We believe children will learn better. We know these children. We love this community. We love this school. Give us a chance to do some of these things and inculcate that as part of their schooling.

I believe we will see progress. I believe that is the only way we will see progress. I am excited that what has been produced by this Committee on Health, Education, Labor and Pensions—and this is my first year serving on that committee. I believe this is a good step in the right direction. We will be sending more Federal dollars than ever before to our classroom. We will be sending it down to the classroom, to the principals and teachers who know our children's names. We will be challenging them to provide programs of excellence in which actual learning occurs. That is what we should do. I thank Chairman JEFFORDS and the others who have worked on it.

I see Senator HUTCHINSON, who has been such an outstanding champion of these values. We have worked together on a number of issues. He shares our concerns about empowering our teachers and helping them as they teach in the classroom. We can do better, and this bill is a step in that direction.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I commend Senator SESSIONS from Alabama. The Senator from Alabama has been a strong voice for change on the HELP Committee. He has been a very influential member in the writing and offering of this legislation, as has the Senator from Washington, who has been one of the outstanding leaders in this Nation. He returns periodically from our recesses and reports on his visits to the schools in Washington State. He made a conscientious effort to gain the input of local educators, the ones to whom we ought to be listening. I commend his great efforts in this debate.

This is an important debate. As I said yesterday, I believe this is the most important issue and the most important debate the Senate will have in this Congress. It is important, as Senator GREGG said, for us to have this debate on the substantive issues. There are very real, philosophical issues as to what should be the Federal role in education. It is that philosophical difference that should be debated. I am afraid, as I listened to the other side yesterday during their speeches, that what I saw was a straw man being erected and knocked down. That is a very common practice in debate but not very illuminating when it comes to what ought to be the public policy of the United States regarding our public schools.

During the 35 years of the Elementary and Secondary Education Act, Washington made its imprint very deeply; it engraved it into the status quo. The "status quo," that is what Ronald Reagan used to say is Latin for "the mess we are in." If you look at the statistics and studies and reports, you cannot help but conclude that American education is a mess today.

American 12th graders rank 19th out of 21 industrialized nations in mathematics. Only Cyprus and South Africa fared worse. You can take a whole smorgasbord of studies and facts and statistics to indicate the status quo is not sufficient.

The Democratic side, the other side in this debate, has clearly aligned themselves with the status quo. They said it explicitly. They said it forthrightly. They said it candidly. Senator KENNEDY, who is always very articulate and succinct in the way he expresses himself, said we should stick with the tried and the tested. That is an honorable position to take. It is a position we deserve to debate on the floor of the Senate, not misrepresenting or mischaracterizing the bill the committee has presented.

If you want to preserve the status quo, if you want to stay with the tried and the tested, then clearly the bill the HELP Committee has produced is not the bill for you. This is a bill that takes a dramatically new approach. It is a bill that says the past may have been tried and tested, but it is also a past that has clearly been flawed. While American 12th graders have been

ranked 19th and 21st among industrialized nations in mathematics since 1993, 10 million American kids reach 12th grade without having learned to read at the basic level.

Senator GREGG said it very well: That is the problem in American education today. We have young people who are reaching 12th grade, preparing to graduate from high school, who cannot read and write. It is not sufficient. It is irresponsible, and it is reprehensible for this Senate to defend that kind of status quo.

Twenty million high school seniors cannot do basic math, and 25 million are illiterate in American history. That should embarrass us as Americans. It certainly ought to embarrass us as U.S. Senators.

What about middle school test scores? Two-thirds of American eighth graders are still performing below the proficiency level in reading. But it is not only high school and middle school students being shortchanged by our Washington cubical-based system; over three-quarters of fourth grade children in urban high-poverty schools are reading below basic on the National Assessment of Education Progress. Those kids, in particular, are the ones title I was intended to help most.

The Elementary and Secondary Education Act, as it originated 35 years ago, was created to help those disadvantaged children who were from distressed urban schools. Yet it is these very children, three-quarters of whom are in the fourth grade, who are reading below the basic level. Those are the children we are failing, those we had promised we were going to help when we established the ESEA 35 years ago.

Last year—and I think this will demonstrate the tragic failure of America today—when the Children's Scholarship Foundation, a private scholarship fund—no public dollars, no Federal dollars, no ESEA dollars; private dollars, a private scholarship fund—offered 40,000 scholarships for tuition, 1.25 million applications were received. Even though families were required to make a matching contribution from their own pockets of \$1,000, 1.25 million applications were received for 40,000 scholarships from the Children's Scholarship Foundation.

Does that not tell us that the status quo has tragically failed American families and American children? In urban districts, the Children's Scholarship Foundation demand was high. A staggering 44 percent of eligible parents in Baltimore applied; 33 percent of the parents in Washington, DC, applied for these scholarships. In the poorest communities, parents simply are not satisfied with their schools.

So I say to my colleagues, one could make the argument our country's education system is in a state of emergency, and you would have compelling data to back up that claim. Clearly, the "tried and tested programs" are flat busted. They even say that expanding Washington control would fix the

multitude of programs. That is nothing more than robbing our kids of their future.

I mentioned yesterday that the President a year ago, as quoted in the New York Times, said he wanted Washington to have more control over education. I will say again, we have too much Washington control. Just last week, back in the State of Arkansas during our recess, I visited an elementary school in North Little Rock. I spoke to a very, very impressive class of fourth graders. I had been invited to come and talk to them about government. They were seated around. For 45 minutes we did a give-and-take. They asked me questions and I asked them questions. I asked them questions to try to get an idea of where they were in their understanding of American government. It was inspirational. Frankly, they knew more than many civics classes and government classes in high schools that I had visited and to whom I had spoken.

The key wasn't any ESEA program. Frankly, it wasn't any title I program. It was that they had a tremendous teacher. I am convinced more and more as I visit schools, the key to good education is good principals and good teachers who are excited about their job and want to communicate facts and information and truth to children.

So I went to this school. While I was at the school, after I made my presentation, the principal, who sat through the 45-minute session with the fourth graders, half jokingly—I say, only half jokingly—introduced me to one whom he described as "his boss." He said, "Meet my boss, the title I coordinator for our schools."

I thought in that little joking comment there was a real truth that was being communicated. The other side has said that title I is only 7 percent of the local school district's budget, it is only 7 percent of their funds, but I think when a principal says, "Meet my boss, this is the title I coordinator," it says that while it may only be 7 percent, it wields tremendous influence on the decisions made by local educators. It is a revealing comment, indicative of the extent to which our Federal bureaucracy has assumed control of our local schools. While 7 percent of the education dollars come from the Federal Government, I am repeatedly told by educators, half of all the paperwork is done to obtain Federal grants and comply with Federal regulations.

Child-based education is the focus of the bill the HELP Committee has produced. The pending legislation before us is based upon children; not systems and bureaucracies, but what is best for the children. Make no mistake about it, we have a bill that is about educating America's children, not keeping a failing, dilapidated system on life support.

The bill before us pioneers a new direction for the Federal Government's role in education. It includes four student-focused initiatives, including the

Straight A's program, which we have heard a lot about and which I think is the heartbeat of this legislation. It is a 15-State demonstration program. As Senator GREGG said, no State has to do it. No State is compelled to do it. No State is required to get into the Straight A's program.

If they want to continue with the calcified system of bureaucracy that we have created over the last 35 years, they can do it, but 15 States will be given the opportunity to exchange the mandates, the regulations, the prescriptive formulas from Washington, DC, for freedom to mingle and merge those funds and use them as they deem most important for those children. The bill before us moves us in that direction.

It also has a Teacher Empowerment Act. It has child-centered funding, and it has public school choice, all geared to students, under the premise that no child ought to be chained in a school that has failed year after year. The Department of Education tells us there are literally hundreds of schools that have been adjudged failing schools in which children are trapped. No child ought to be trapped in those schools.

I have listened carefully to the bill's opponents who claim our legislation is nothing more than a blank check to the States. Having served in the State legislature in Arkansas and worked with local school boards, I do not subscribe to the notion that Washington is somehow omniscient. It is not. Nor do I subscribe to the notion that the States are incompetent or uncaring.

Beyond that, this bill is not a blank check. It requires accountability and student performance measures in exchange for flexibility and discretion by States and local schools. That is something the current system does not have and opponents fail to mention.

I say to all my colleagues, when they listen to the eloquent speeches on the other side of the aisle and when they speak about blank checks and lack of accountability, ask yourselves what kind of accountability exists in the current system. I will tell you what accountability means under the current ESEA. It means: Did you fill out the grant application correctly? Did you get the "i's" dotted and the "t's" crossed? Did you fill it out in the correct manner?

The second thing accountability means under the current system is: Did you spend the money in the prescribed way? That is all accountability means. There is no accountability as to whether kids are learning. There is no accountability as to whether academic progress is being attained. In fact, if you fail, the likelihood is we will just fund your failure at a higher level.

That is not real accountability. Rather than cubical-based bureaucrats in Washington pulling the funding strings, funding will be allocated directly to the States and based on how well each school's students are performing.

Let me illustrate what is happening under the current Washington-based, top-down system.

School districts currently receive funds under more than a dozen Federal categorical grant programs. The only accountability for many of these programs lies in how the money is spent, not in improving student achievement. Washington requires schools to spend money on technology, but there are no requirements for what matters most: Are the kids learning?

Officials in an elementary school in my home State think that one of their greatest needs is to remediate children early. This is referring to a principal whom I talked with last night and again today in a situation that arose in her elementary school.

She thought the greatest need was to begin remediation early, as soon as the deficiency could be identified, rather than waiting until the end of the school year and sending the children to summer school. To achieve this, the principal wanted to implement a concept known as point-in-time remediation, which is designed to help under-achieving students before they fall irreversibly behind.

This principal needed to hire a new teacher who would spend time each day working in different classrooms throughout the school assisting students who were struggling below grade level. In her desire to do what she believed was best for her children and to utilize this point-in-time remediation, she made an application for a Federal grant. Her title I coordinator rewrote her grant application as a request for funding to hire a teacher to reduce class size, and the application was then approved.

She now had an approved grant for class size reduction, which has been one of the hallmarks of what the other side said we needed to be doing: provide 100,000 teachers from the Federal level to reduce class size. That is what this title I coordinator did. She rewrote the principal's application so it would comply with the program that was most likely to get approved—class size reduction. The application was approved.

Here is the problem: The school does not have a class size problem. They do have a desire to work with students to keep them from falling behind. Unfortunately, for many of the children of this Arkansas elementary school, under our current one-size-fits-all, overly prescriptive Federal education system, arbitrarily lowering class size is more important than meeting the real needs of children. This principal is faced with the alternative: I either fudge, I cheat, I do not follow the prescription of the grant application and what the grant was given for or I cheat my children whom I care about, for whom I want to do point-in-time remediation.

That was the choice this principal was facing. That is the choice our one-size-fits-all approach to education from the Federal level gives educators over and over.

The arguments I have heard repeatedly from the other side echo the arguments we heard a few years ago when we sought to reform welfare: block grants, blank checks, cannot trust the States; they are going to hurt people; they are not compassionate.

What happened is, nationwide welfare caseloads have fallen in half since we passed welfare reform and gave the States the same kind of latitude that we now would like to give them in regard to education. The sky did not fall. Disaster did not occur. The States did not turn their backs upon the needy. But hope and opportunity and a way up and out was created for millions of Americans who had been trapped in a welfare system that did not do anyone justice.

Now we are hearing the same arguments regarding education: You cannot trust the States; they will build swimming pools; it is a blank check; they are not compassionate; they do not care; they are not going to do what is right for the children.

I reject that, and I think the American people reject the notion that wisdom flows out of the beltway in Washington, DC.

Under the Straight A's Program, States do not receive a blank check. Before a State is even eligible to participate in the optional demonstration program, it must have a rigorous accountability system in place. It must establish specific numeric performance goals for student achievement in every subject and grade in which students are assessed. It must establish specific numeric goals to reduce the achievement gap and to increase student achievement for all children. No more averaging. No more aggregating the test results so as to conceal the failure of the current system. They must establish numeric goals reducing the achievement gap, which is still all too real between the disadvantaged students and those who have more advantages.

Under our bill, it must establish an accountability system to ensure schools are held accountable for substantially increasing student performance for all children, regardless of income, race, or ethnicity. That is far from a blank check. That is not the end.

Then a State signs a performance contract with the Secretary setting forth the performance goals by which the State's progress will be measured and describing how the State intends to improve achievement for all students and narrow that achievement gap. Unlike current law, Straight A's forces States to measure the progress of all children by requiring States to take into account the progress of students from every school district and school in the State so that no community is left behind.

States must make improvements in the proportion of students at proficient and advanced levels of performance from year to year so that no child is left behind.

Most importantly, States must include annual numerical goals for improving student achievement for specific groups of children, including disadvantaged students, so that no child is left behind.

Right now, title I—I know my good friend, the distinguished Senator from Minnesota, cares about disadvantaged children—only serves two-thirds of the eligible children. That is a tragedy. That is a disgrace. Under the bill our committee has produced, every title I eligible child will be assured of being served.

For the first time, the Federal Government will not make schools fill out paperwork to show us what they are spending their money on, but we will make States show us that every child in every school in every school district is learning.

Block grants. I heard Senator KENNEDY say this yesterday, and I think some others on the other side of the aisle also said this: Block grants will surely result in abuses.

We are, of course, investigating this, but let me point back to the example of a school building a swimming pool with a block grant. First of all, I do not know if that is accurate, and I do not know if they were violating the law at the time, if it did occur. But beyond that, there is no honest way to compare the block grant experience of the 1960s with the accountability provisions that are required in the Straight A's proposal in the legislation before the Senate. It is apples and oranges. It is not even fair to make such a comparison. But they do so.

In that allegation, in that attack upon this bill, there is the insinuation or the suggestion that currently, under the status quo—which is so roundly defended—there is somehow accountability and those abuses do not occur. On that, I know they are wrong.

Let me give you an example. I want to show some pictures.

Last August, during a recess, I toured a lot of the Delta area in Arkansas, which is the poorest area in the State of Arkansas. It is also the poorest area in the United States. We hear about Appalachia. Today, the Delta of the Mississippi River is the poorest area in this Nation. So I spent almost 2 weeks in the Delta area of Arkansas.

During that time, I visited the rural health clinics, I visited the hospitals, and I visited schools. But one I will never forget—I had staff go down this past week to verify that I had my facts straight—was the Holly Grove school in southern Arkansas in the Delta.

It is about 95 percent minority—95 percent African American. They are in a 50-year-old building. The building is older than the Elementary and Secondary Education Act. They have a very low property tax base, so they have very little funding. Frankly, it is an issue the State needs to address in the equitable distribution of State funds. But that is not my point at this moment.

So I went into the building. It is 50 years old. It is dilapidated, falling down. We hear about inner-city schools falling down. This rural school surely is as bad as any inner-city school I have ever visited or seen or heard about.

The ceilings are 12 feet high, so it is very difficult to heat. That in itself makes it a very bad learning environment. The lighting is very poor. Then, worse yet, the ceiling is collapsing. Tiles are falling down, tiles are missing. There are big water stains. You can see it in this picture. These are the water stains in the tile of the ceiling. There are missing tiles in the ceiling. This picture gives you an idea of the conditions in the building.

This picture shows the outside of the school, the school door. This one school building, by the way, houses Head Start through the 12th grade. As you can see from the picture, the paint is in very poor condition. The building itself, while brick, is 50 years old.

I want to show you an amazing thing. I toured the school. The principal took me through the school. There were broken windows. The ceiling was, as I said, collapsing. We opened this one door, and I had the most amazing sight. I saw state-of-the-art exercise equipment.

Here is a picture of it. This was taken last week. These are treadmills—I suspect better than what we have in the Senate gym. There were a number of treadmills. And then, if you don't like treadmills, they had Stairmasters, a number of Stairmasters. This is brand new equipment. This was all purchased last year. If you want to go beyond the Stairmasters and the treadmills, there is Nautilus equipment, state-of-the-art, brand new Nautilus equipment, a big room full of this equipment.

Mr. HARKIN. Will the Senator yield for a question?

Mr. HUTCHINSON. Let me finish my story. Then maybe I will answer the question and be glad to yield.

After having looked at the terrible conditions in the building, the conditions to which the students were being exposed every day, I asked the principal: Where did you get the money? Where did you get the money to buy all of this state-of-the-art equipment? And he said, rather sheepishly: This was a Federal grant.

We went back and talked about it. He applied for this grant. The school applied for the grant. This was the way they could spend the money. Then he said: I would much rather have spent the money on improving my facilities. I would much rather have lowered the ceiling, put good lighting in, painted the rooms. I would much rather have had some resources to do that.

The answer on the other side is: Well, we will just start a school construction program from up here. Do you know what will happen then? We will spend school construction money where they don't need school construction. What

we had here was a typical Federal Government approach, a prescriptive categorical grant. Do you know how much money they got? They got \$239,000 for the Holly Grove school to buy athletic equipment.

To my colleagues, I say that is the insanity we must end. I am not saying that is not good. I am glad they have the equipment. I am sure the community can come in and use it in the evening. There is probably some good coming out of this state-of-the-art athletic equipment. But that is not what they needed, and the principal knew it.

Under our legislation, that principal and the school district, working together with the school board, would be able to decide what was needed most.

For a lot of schools, maybe it would be nice. I don't know. For an after-school learning program, maybe they could use the equipment. Or maybe a school could use computers, or maybe they could use tutors, or maybe they could use new textbooks. But when they talk about swimming pools from block grants, I want you to remember this picture because that is the current system.

I am not shy about how I feel about education. As is Senator SESSIONS, I am excited about the legislation this committee has produced. This is a debate about education, not elections. It is a debate about student achievement, not bureaucratic preservation.

If the underlying bill is passed and signed into law, the American people will be the beneficiaries, the American children will know they have a better opportunity in the future, and we will know we did our job.

I think this bill is so good and the facts so clear and the message so strong that proponents of the status quo are worried this could actually happen. In fact, some colleagues have already stated their intentions to offer amendments that they know darn good and well will kill this bill—kill it.

I am elated that so far the debate has been about educating our kids. I hope it continues. However, I understand a gun and gun violence debate is coming. Who knows? Possibly campaign finance, maybe prescription drugs, too—all important issues in their own place, to be sure. But there isn't any American who follows this debate who does not understand what that would do to this bill. It would kill it. That is what they want to do.

I respect any Member's right to have their amendment debated on the floor of the Senate. I, too, have that right. I want to preserve it. But the Senate has already debated a juvenile crime bill. Members have stated their positions, and they have taken tough votes. What we need to do is ensure that this debate remains on education.

I implore my colleagues on the other side to reject the temptation to offer extraneous, unrelated, nongermane amendments to this bill. Let's have an honest debate on education. We can disagree and disagree vehemently. We

can have an honest philosophical difference over what the role of the Federal Government ought to be. Let's have that debate and take those arguments to the American people. But let's not clutter this up with extraneous, nongermane issues.

With millions of American students struggling to read, millions of American students who don't know the basics of U.S. history or don't exhibit basic mathematic skills, you would think we could collectively improve student performance by passing the pending legislation. We will soon see if we can bring our children to the halls of learning or keep them outside spinning endlessly on the merry-go-round of Washington politics.

I will conclude by quoting a former Secretary of Education, Bill Bennett. He used this analogy, and it is appropriate in our debate on the floor of the Senate. This was back in 1988, and it is true today under the ESEA:

If you serve a child a rotten hamburger in America, Federal, State and local agencies will investigate you, summon you, close you down, whatever. But if you provide a child with a rotten education, nothing happens, except that you're likely to be given more money to do it with.

That is the current system. That is the status quo. I won't defend it. We want to change it. This legislation does that. I hope as this debate goes forward we will have an opportunity to vote on the substance of the Educational Opportunities Act.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Senator from Minnesota, Mr. GRAMS, is recognized.

Mr. WELLSTONE. Will the Senator yield for 10 seconds?

Mr. GRAMS. Yes.

Mr. WELLSTONE. A number of Republicans have spoken, four or five in a row. I ask unanimous consent that Senator HARKIN follow the Senator from Minnesota, Mr. GRAMS, and that I be allowed to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator DOMENICI be added to the end of that list.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I come to the floor this afternoon to discuss an amendment that I hope to offer later to the proposed Educational Opportunities Act. To get right to the needs of this amendment, it would permit States to fulfill the assessment requirements of this bill by testing students at the local district level, or at the classroom level, and with a nationally recognized academic test, such as the Iowa Test of Basic Skills, and also to provide school districts a choice of State-approved standards from which to teach their students.

This is an amendment that seeks to maintain more authority at the local level where decisions are best made. It would provide more flexibility for schools to choose their own assessments to meet State standards without losing any of the accountability needed to ensure students are achieving. Basically, it would offer schools an option on how they want to measure the academic standards for achievements of their students—not to have this cookie-cutter-type proposal out of Washington that says this is the only way it can be done but to allow some flexibility for States that might want to use a different measuring stick.

In Minnesota, the Federal requirements to implement a set of State standards and accompanying State assessments have resulted in a highly controversial State content standard called the "profile of learning." Many parents in Minnesota have expressed to me their concern about the vague and indefinite nature of the profile standards and also the consequential decline of academic rigor in the classroom. Parents also object to some of the intrusive test questions that have been asked of the students. A poll taken a few months ago showed that only 9 percent of public school teachers support continuation of the profile as it is currently written in the State of Minnesota.

The students who visit my Washington office on school trips almost universally believe the time spent on fulfilling the profile requirements has shortchanged them from obtaining real academic instruction. Some of the assessments, entitled "performance packages" in Minnesota, can take from 3 to 6 weeks to complete, sacrificing some very valuable class time for students. The performance packages required under the profile are often assigned to groups of students, and inevitably some students end up pulling more of the weight than others. It is hard to see how this group system ensures that each student is assessed based upon his or her individual performance or effort.

I won't get into many particulars of the profile standards, but they, unfortunately, focus too much on politically fashionable outcomes and not enough on transmitting to students a core body of knowledge. For instance, one of the profile "performance packages"—let me explain this to you—was for a student to "violate a folkway," which means to do something odd or unexpected in a public place; and then they would have their partner come along with them who, in the background, would watch how people reacted and write down that reaction. I think it would be an understatement to say that a school project such as that would be of extremely questionable value, just as an example.

The Thomas P. Fordham Foundation, which publishes a review of State standards nationwide, stated that in the English portion of the profile "a

large number of standards are not specific, measurable, or demanding."

We have another expert, a standards expert, Dianne Ravitch, who wrote the following about the profile:

I will be candid because I don't have time to be diplomatic. In the area of social studies, the Minnesota standards are among the worst in the Nation. They are vague. They are not testable. I advise you to toss them out and start over.

A professor at one of the Minnesota State universities describing the profile wrote:

The detail, the record keeping, the assessment for each individual is enough to make one's head spin. The time that will be devoted to paperwork will, of necessity, distract teachers from planning, preparation, reflection, working with students, and other essential tasks. I pity the poor teacher who tries to bring it off and any nonlinear-thinking student who falls victim to Minnesota-style results-based learning.

It is obvious that in Minnesota we have a real problem with education standards. In fact, the Minnesota House of Representatives voted last year to scrap the profiles completely, but unfortunately that bill was not adopted by the full legislature.

Our children's education is too important to be the subject of experimentation with the latest politically correct instructional fad. I want Minnesota students to excel, and I want to make sure Minnesota school districts have a choice of standards—again, not a cookie-cutter model from Washington or imposed by Washington to qualify for any funding. I believe Minnesota will adopt new standards and assessments, if not this year, then in the near future. I want to help ensure school districts are not forced to follow a fad, but that they have some options in how to assess their students' education.

Though the profile has not been replaced, there is a strong grassroots movement toward rigorous academic standards in Minnesota which has been embodied in legislation that creates an alternative academic standard that emphasizes very clear, rigorous standards, local control, and accountability to parents.

This State legislation has been entitled the "North Star Standard," and it is the intent of the bill's sponsors to implement this standard as a local option so that local school districts can choose between the North Star Standard or the profile. They can stick with the new politically correct system or they can go to an academically rigorous system that allows students to learn more.

My amendment would clarify that there can be two sets of standards and assessments from which local school districts can choose. Again, that is all my amendment asks for. It says it would clarify that there could be two sets of standards and assessments from which local school districts could choose—again, not the one dictated standard of how to get it done but leaving some options and allowing at least

a second set of standards that parents and teachers could choose.

For districts choosing the North Star Standard, students may be assessed at the classroom or local district level, not the State level. To ensure true accountability, the North Star Standard sets up strict reporting requirements. Teachers would have to provide parents a complete syllabus, information on the curriculum, homework assignments, and testing. Thus, the parents would know what their students are learning and what their children are being tested on, protecting against the temptation to "dumb down" any of the tests to make things look better.

While academic rigor is currently being compromised in Minnesota through a system of standards and assessments that aren't challenging and involve time-consuming projects that take valuable time away from classroom instruction, it would be returned through local "full disclosure" requirements to parents. Local testing would be tied to the curriculum, and the testing would also include a nationally recognized test such as the Iowa Test of Basic Skills.

The North Star Standard would also create an alternative, State-level set of academic standards that are clear, unambiguous, and present what a student should know, without dictating a specific curriculum or how teachers are to teach that body of information. In other words, we don't want tests written and then teachers teaching to the tests. I believe this standard is closer to what was intended under the ESEA of 1994.

The theme of this reauthorization bill has been more State and local flexibility in exchange for accountability. I believe we can maximize that accountability if we leave it to local school boards and parents. The North Star Standard is an appropriate response to the shortcomings of the State-level standards and assessments experiment in Minnesota.

I firmly believe that nothing we do here in Congress should inhibit the efforts of citizens to reform their school systems in a manner they choose, and that they know what is best for their children.

Parents are the moving force behind development of the North Star Standard. These parents, some of which are current and former local school board members, feel passionately about the education of all children, and have carefully crafted a standard and assessment structure that they believe, and I believe, will improve the education of Minnesota students.

Again, this amendment is designed not to create a mold for one size fits all, but to allow states to have two sets of standards and assessments and to allow a local school district and teachers the opportunity to choose their own assessment that meets the outcomes we all want. I urge my colleagues to help my constituents restore the proud history of excellent edu-

cational achievement in the Minnesota public schools by supporting this amendment when I have the opportunity to offer it later this week.

Thank you very much, Mr. President. I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator GORTON be added to the list of Republicans who are to speak.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The Senator from Iowa is recognized. Mr. HARKIN. Mr. President, as we enter the 21st century, the American people have their eyes firmly focused on the future, and they know education is the key to that future. This morning's USA Today newspaper reported that of all the issues the American people care about or they want their Presidential candidate speaking about, education is No. 1. Eighty-nine percent rank it as the most important issue in determining their vote for President.

That is why this debate is so important. It has been 6 years since we had the elementary and secondary education bill on the floor and I am delighted that we are finally having this debate. I am hopeful it will be a full and open debate with amendments that address the broader issue of education in this country.

Yesterday, there was a lot of discussion about the failure of Federal education programs. We heard a lot of talk yesterday about how the achievement gap has widened and U.S. students are near the bottom of international assessments, teachers are not qualified, too many students can't read, and on and on. We heard all of these horror stories yesterday.

I wish to state at the outset, first of all, that, like so many of my colleagues, I have traveled around the world. I have visited education systems in other parts of the globe. I wouldn't trade one education system anywhere in the world for the public education system we have in America. I wouldn't trade this public education system we have in America for anything anywhere else in the world because we invest in public education so that every child, regardless of how rich, or how poor, no matter where that child is born or raised, has a chance to fulfill his or her dreams. It is not so in other countries.

You might say the math scores are higher here or there. But, then again, in some other education systems they take the brightest kids through testing and put them in mainstream schools. They may take other kids who maybe don't test as well and put them in technical schools. When it comes to some of these international assessments, some countries are only testing the kids who are the brightest.

We don't believe in that kind of a structured education system in America. We don't have one set of kids here, another set of kids here, and another set of kids here. We believe in uni-

versal education so that every child has the ability to learn, to grow, and to develop. Yet even kids with disabilities have the ability to learn, to grow, and to develop. We have expanded the concept of public education time and time again to include more under that umbrella.

When I was a kid growing up and going to public schools, you would never see a kid in a wheelchair in school, or a kid on a respirator, or someone who had a mental disability in a school, or a kid with Down's syndrome, for example. But today it is commonplace. And I say we are a better country because of it.

When my daughter was in public grade school recently there were kids in school with disabilities right in the classroom. I used to visit her in the classroom. I thought it was good for the kids with disabilities, and it is good for the kids without disabilities. It brings people together. You won't find that in very many foreign countries. Why don't talk about that as a source of pride in this country, and what we do for all of our kids in this country? Listening to the speakers yesterday you would think we had the worst education system in the world; that it is just the pits. I beg to differ.

We have great teachers, we have great schools, and we have great kids. We have come a long way in this country in making sure that universal education is the right for all.

Does that mean we don't have problems? Of course, we have problems to fix. Just as we opened the doors with kids with disabilities and said that you can't keep kids out of school because of race, you can't keep kids out of school because of sex.

Again, I hear these terrible stories about schools. I wonder where the people are coming from who I heard speak so much yesterday. What do they want? Do they want to privatize all of American education? Do they want to have a system of education as some foreign countries have where the brightest kids at an early age when they are tested get put into special schools, and maybe kids who don't have the intellectual capacity of others are put in technical schools? They just learn a trade, and that is all they do. Is that what people want around here? If so, why don't they have the guts to get up and say so if they want our education system to be like some foreign countries, where their national governments, not local school districts control education.

After listening to the debate yesterday, you come to the conclusion that the Federal Government is solely responsible for public education in this country, and it is the Federal Government that is solely responsible for the failure of our schools.

Let's set the record straight. Right now, of all of the money that goes to elementary and secondary education in America, only 6 percent comes from the Federal Government.

That 6 percent of the money that comes to the Federal Government has ruined all of the kids in America, has ruined our schools. Forget that a lot goes for Title I reading and math programs, forget a lot of the Federal help goes to IDEA, Individuals with Disabilities Education Act, and other programs such as that. For some reason, that small amount, 6 percent, has ruined our schools. That is an odd case to make for those arguing that the Federal Government is to blame for this.

Second, education is only 2.3 percent of the Federal budget. Out of every \$1 the Federal Government spends, only 2.3 cents goes for education.

I make the opposite argument. I think it ought to be more than that. I think on a national level we need more of a national commitment to our public schools. Because our investment in public education is so small—only 6 cents out of every dollar—we have to be careful where it goes.

First, we ought to make sure every child is educated in modern public schools connected to the Internet. Schools that have the best technology.

Second, we must make sure every child has an up-to-date teacher who is an expert in the subjects he or she is teaching.

Third, we must make sure every child has a chance to learn and be heard. You cannot do that in overcrowded classrooms. We need to make our class sizes smaller.

Fourth, we have to make sure children have a safe place to go during the hours between the end of the school day and the time their parents come home from work.

People talk about safety in schools. We are all concerned about safety in schools. However, we need to keep our focus on where the problem is. Schools are one of the safest places for our children, most of the problems happen after they leave school in the afternoon, in the evening, and on weekends.

We all decry the tragedy at Columbine, and tragedies at other schools. Those incidents capture our attention; they cry out for some kind of involvement and some kind of a solution. But keep in mind that only 1 percent of the violence done to kids is in school. We need to make sure we have an after school program to help keep these kids safe and secure.

Fifth, we have to continue to expand our help to local school districts to help kids with special needs in special education and for Title I reading and math programs so that students can master the basics.

Finally, we must demand accountability for our investments.

I think this is a clear, comprehensive, and accountable national education agenda.

But the pending legislation before the Senate does not establish this clear agenda. In fact, the bill retreats on our national commitment to education. It does not answer the tough questions. It simply says we are going to throw it

back to the States; we will not provide any kind of leadership on the national level.

Finally, as has been said before by Senator KENNEDY, Senator DASCHLE, and others, this is the first time this reauthorization is coming to the floor as a partisan bill. The first time since the Elementary and Secondary Education Act was passed in the 1960s that we have not had a bipartisan bill on the floor. It came out of committee on a straight party line vote.

This bill gets an A for partisanship, but it gets an F for educational progress. The centerpiece is the Straight A block grant. It sends the dollars back to the States for any educational purpose they see fit.

As was stated in the committee, one of our Senators, Mr. GREGG on the other side, admitted this could mean private school voucher programs if the State has such a program. In return for the blank check, the State has to show improvements in student achievement after 5 long years. It is a risky proposal and will not guarantee any improvements in education.

We heard a lot of talk yesterday about the burden of filling out all these forms that schools have to fill out to get Federal grants. First we are told the Federal grants are not any good. Then we are told it is too burdensome. Do they want to make it easier or cut it out? We don't know the answer to that.

I have a Federal Class-Size Reduction Program application from the Marion Independent School District in Marion, IA. This is for class-size reduction. It is one page, two pages, three pages. Three pages is burdensome? Anyone could fill this thing out in no time flat. To hear some people on the other side talk, one would think it necessary to sit down for a whole week and hire consultants to complete this paperwork.

This administration, under the leadership of President Clinton and Vice President CORE, in reinventing government, have simplified and clarified a lot of the processes. To hear some of my colleagues talk about it, you would think we were back 20 or 30 years ago under the Reagan administration, or even before that, when you did have to fill out volumes and volumes of material.

Here is the bill, S. 2. We hear the talk on the Republican side about all the mandates, local control, and the reporting requirements. Here is an amendment that takes up a page, section 4304: Disclaimer On Materials Produced, Procured Or Distributed From Funding Authorized By This Act.

All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act shall have printed thereon—

(1) the following statement: "This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including

objections related to this material's characterization or religious beliefs, are encouraged to direct their comments to the Office of the United States Secretary of Education; (2) the complete address of an office designated by the Secretary to receive comments from members of the public.

And it goes on. Every 6 months they have to prepare a summary of all of this.

And the Republicans are talking about simplifying? This requirement will be burdensome.

I want to talk about one issue on which I will offer an amendment, providing authorization for the national effort to modernize and make emergency repairs to our Nation's public schools. The conditions of our schools are well known.

In 1998, the American Society of Civil Engineers—not a political group the last time I checked—did a report card on the Nation's physical infrastructure, covering roads, bridges, mass transit, water, dams, solid waste, hazardous waste, and schools. The only subject to receive an F in their quality in terms of our national infrastructure were our schools. That is from the American Society of Civil Engineers.

We know that 74 percent of our schools, three out of four schools, were built before 1970 and they are over 30 years old. The average age is about 42 years right now. I was on the floor when the Senator from Arkansas was discussing the school he visited. The ceiling was falling in, rain was coming in, insulation was peeling off. It looks dismal. He talked about how there was exercise equipment in the school. I don't know about the exercise equipment, but I do know about the infrastructure, and he is right. There are schools like that in Arkansas and Iowa and all across this country. Many of these schools are in low-income areas where they do not have a very large property tax base so they are unable to generate the revenue they need to fix up their schools. This is a national problem, and it requires a national effort and a national solution.

It is a national disgrace that the nicest things our kids see as they are growing up are shopping malls, movie theaters, and sports arenas and some of the most run down things they see are the public schools they attend. What kind of message are we sending to our kids about how much we believe in their public education?

In 1994, there was a title XII that was added to the Elementary and Secondary Education Act in that reauthorization. I had been instrumental in that, both from the authorizing end and also from the appropriation end, because I have long believed this is a national problem. Just as our roads and our bridges, our dams, and our water systems are all constructed, built, and maintained locally, we still provide a national input into those facilities.

I then tried, on the Appropriations Committee, to get money for Title XII. I have not been all that successful, I

must admit. I did get a pilot program which is showing that a federal investment in school facilities can make a big difference. A modest federal investment can make school safer by bringing them up to state and local fire codes. A modest federal investment can spur new construction projects as well.

Here is that report card that says our schools rate F in infrastructure. We know there are some \$268 billion needed to modernize school facilities all over America. We know our local property taxpayers are hard pressed in many areas to increase their property taxes to pay for this. So that is why we need a national effort.

But this bill, S. 2—I can hardly lift it, it weighs so much—S. 2, the reauthorization, strikes out title XII. We put it in, in 1994. I remember it was not objected to on the Republican side. It was not objected to on the Democratic side. It had broad support in committee. It had broad support in the Congress. Now, for some reason, 6 years later when we have not even taken the first baby step to help modernize our schools on a national basis, the Republicans have taken it out—just excised it. I offered an amendment in committee to restore this important program, and I lost on a straight party line vote.

In the next day or so, whenever I have the opportunity, I will be offering an amendment to restore title XII. My amendment will reauthorize \$1.3 billion to make grants and zero interest loans to enable public schools to make the urgent repairs they need so public schools such as the one talked about by my friend from Arkansas could use that money to fix the leaking roof, repair the electrical wiring, fix fire code violations.

From my own State, the Iowa State Fire Marshal reported that fires in Iowa schools have increased fivefold over the past several years, from an average of 20 in the previous decades to over 100 in the 1990s. Why is that? It is because these old schools, 31 percent of them built before World War II, have bad wiring. After all these years, they are getting short-circuits. Maybe they have tried to air-condition; they got a bigger load factor, and they are getting more and more fires all the time in our public schools.

This is something you will not believe, but 25 percent, one out of every four public schools in New York City, are still heated by coal. One out of every four public schools in the city of New York is heated by coal. Talk about pre-World War II.

I think there is a clear national need to help our school districts improve the condition of their schools for the health, the safety, and the education of our children. I hope the Republicans will do what they did in 1994 and support it again, broadly based, so we can have a national effort to provide funds. The President put \$1.3 billion in his budget that would go out under title XII. Yet the Republicans have taken

title XII completely out of the bill. So I am hopeful in the next day or two we can put it back in and authorize this money.

Having said all that, is everything in this bill absolutely bad? Not by a long shot. There are some really good things in that bill, and I want to talk about one of those. Right now, children, especially little kids, are subject to unprecedented social stresses coming about from the fragmentation of families, drug and alcohol abuse, violence they see every day either in person in the home or on the streets or on television or in movies, child abuse, and of course grinding poverty.

In 1988, 12 years ago, the Des Moines, IA, Independent School District recognized the situation and they began a program of expanded counseling services in elementary schools. They called it "Smoother Sailing," and it operates on the simple premise: Get the kids early to prevent problems rather than waiting for a crisis.

As a result, the Des Moines School District more than tripled the number of elementary school counselors to make sure there is at least one well-trained professional guidance counselor in every single elementary school building in the Des Moines School District. In some there is more than one, but no school is without one. It started in 10 elementary schools. Forty-two elementary schools now have this program. The ratio is 1 counselor for every 250 students, as recommended by experts. The national figure for counselors for students in elementary school is one counselor for every 1,000 students—1 counselor for every 1,000 kids. There is no way 1 counselor can get to 1,000 kids. In Des Moines, we went down to 1 for every 250.

It is working. It has been a great success. Assessments of fourth- and fifth-grade students show they are better at solving problems, and the teachers tell us there are fewer fights and there is less violence on the playgrounds. It has worked. Smoother Sailing was a model for the Elementary School Counseling Demonstration Program, and I am pleased the program is reauthorized in S. 2.

We are discussing the reauthorization of the Elementary and Secondary Education Act and I am hopeful we can make some changes in S. 2 to reflect our national priorities. I just spoke about one. I also serve on the Appropriations Committee, and my question is: How are we going to fund it? Mr. President, the budget resolution we adopted cuts nondefense discretionary spending by \$7 billion.

I am working with Senator SPECTER, chairman of the education appropriations subcommittee, to find the money and do more than talk about these problems. We are going to have a lot of debate on it. The President submitted a budget that I think makes a good start at funding these programs—title I, after school programs, class-size reduction, school modernization, school

technology. All of these are vitally important. But where is the money when the budget resolution cut our non-defense discretionary spending by \$7 billion?

We will have more debate about that in the future. I thought I might give a heads up to my fellow Senators and say, it is all fine to authorize this, but when the crunch comes on money, let's step up to the bar and vote because we may need 60 votes. There will probably be a point of order, and we will need 60 votes. We will see then if Senators really want to invest in public education in this country. It is one thing to authorize it, but then sometime later this year we are going to have to step up and vote the money to solve these problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank Senator HARKIN for his statement. I am going to build on a couple points he has made.

I ask unanimous consent that Senator JOHN KERRY—in the order that has already been established—follow Senator GORTON. I believe Senator GORTON is last on the list, and Senator KERRY wants to be included in that list of speakers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I have a sequence of thoughts I want to put forward, and I will not do this, hopefully, in a haphazard way. I say to Senator HARKIN, since he talked about appropriations, I want to talk about my State of Minnesota and the need for investment in some of these crumbling schools. He is right on the mark. I hear about that all the time.

I also want to talk about a wonderful book by Mike Rose called "Possible Lives" based upon his experience in classrooms and all the goodness he sees.

I agree with the very first point Senator HARKIN made today about what is going on makes sense. But on the appropriations, the Senator from Iowa is right on the mark. Every breed of politician likes to have their picture taken with children. Everybody is for education. Everybody is for the children. Everybody is for the young. They are the future. But it has become symbolic politics.

Frankly, I hear a lot of concern about children and education, but the question is whether or not we will dig into our pockets and make some investment. The Senator from Iowa is right on the mark.

When I listen to some of my colleagues, I hear them talk about a couple different points. First, I hear them say this piece of legislation represents a step forward and Senator TED KENNEDY somehow represents the past. I thought we were going to have a bipartisan bill, but this piece of legislation before us represents a great step backward. This is not about a step forward;

this is a great step backward. This legislation turns the clock back several decades and basically says no longer do we, as a nation, say we have a commitment to making sure vulnerable children—namely, homeless children; namely, migrant children—will, in fact, get a good education, or that we at least enunciate that as a national goal. We retreat from that in this legislation.

With all due respect, there is a reason that we, as the Senate and House of Representatives—the Congress—said we are going to make sure there are some standards, we are going to make sure we live up to this commitment, and that is because, prior to targeting this money with some clear guidance, these children, the most vulnerable children, were left behind.

Second, my understanding is the National Governors' Association has said, when it comes to title I, they want to keep it targeted. This particular piece of legislation is so extreme that it even gets away from the targeting of title I money.

Third, to go to Senator HARKIN's point about appropriations, when I hear my colleagues on the other side talk about how we want change, we want to close the learning gap, we want to make sure poor children do as well, that children of color do as well, this piece of legislation is the agent of change, and we are for change, change, change, the question I ask is: If that is the case, then—I said this the other day—why don't we get serious about being a player in prekindergarten?

With all due respect, most of K-12 is at the State level. As a matter of fact, if we are going to say—Senator HARKIN made this point—that education is not doing well and they are going to present this indictment of teachers and our educational system, remember that about 93, 94 percent of the investment is at the State level.

With all due respect to some colleagues on the floor, when I hear some of the bashing, either explicit or implicit, of education and teachers, I say to myself that some of the harshest critics of public education could not last 1 hour in the classrooms they condemn.

If we are serious about this, then why don't we make a real investment in pre-K? It is pathetic what is in this budget when it comes to investing in children before kindergarten. The learning gap is wide by kindergarten, and then those children fall further behind. We could make such a difference. We could decentralize it and get it down to the community level, and we could make a real difference. But no, that is not in this bill or any piece of legislation from my colleagues on the other side of the aisle.

Senator HUTCHINSON, a friend—we disagree, but we like each other—talked about how the bill, S. 2, provides title I money for all the children in the country. I do not get that. I do not know how it can. Right now, we

have an appropriation that provides funding for—what, I ask Senator HARKIN—about 30 percent of the children that will be available? Fifty percent? I do not see in the budget proposal or in any appropriations bills that are coming from the Republican majority a dramatic or significant increase in that investment at all.

If my colleagues want to present a critique of what is going on, let me just give you some figures from my friend Jonathan Kozol who just sent me the Chancellor's 60-day report on New York City Public Schools. It is pretty interesting. In New York City, they are able to spend per year, per pupil, on average, \$8,171. Fishers Island is \$24,000, rounding this up; Great Neck, \$17,000; White Plains, \$16,000; Roslyn, \$16,000; and other communities, \$20,000, \$21,000.

Mr. HARKIN. Is that per student? Mr. WELLSTONE. Per student, two times and three times the amount.

Here is another interesting figure. This is median teacher salaries. In the Democratic proposal—I will be honest about it, I cannot help it. I do not think the administration's proposal is great. I do not think we should be talking about their proposal when it comes to early childhood development. I would like to see much more in education. But I think with what we have heard on the floor, I say to Senator HARKIN, is that the investment in rebuilding our crumbling schools, the focus on lowering class size, the focus on having good teachers and making sure we put money into professional development basically is eliminated.

I hear some of my colleagues—I think the Senator from Alabama—talking about how poor we are performing in mathematics. The Eisenhower program, a great professional development program—teachers in Minnesota love this program—is eliminated.

This is pretty interesting. For New York City and in surrounding counties: The median teacher salary in New York City is \$47,345; the median teacher salary in Nassau County is \$66,000; in County, it is \$67,000; in Westchester, it is \$68,400.

Jonathan Kozol can send me these figures because he wrote the book "Savage Inequalities." But with all due respect to my colleagues, if you are concerned about the learning gap, if you are concerned about the tremendous disparity in opportunities of students in our country—and all too often students are able to do well or not do well because of income or race—then we would want to make sure we live up to the opportunity-to-learn standard, where every child has an opportunity to learn and do well.

If that was the case, we would be talking about the whole problem of financing, which is based so much on the wealth of the school district; we would be talking about incentives for the best students, and incentives for executives and people in other areas of life who are in their 50s who want to go into

teaching, all of whom can go into teaching; we would be talking about a massive investment, the equivalent of a national defense act, when it comes to child care; we would be talking about afterschool programs; we would be talking about investing in the crumbling infrastructure of our schools.

I do not see it in this piece of legislation. I said it yesterday, and I will say it one more time: I do not see it in the Ed-Flex bill.

I said it last time, and I will say it again, that when I am in Minnesota and I am in cafes and I am talking to people, nobody has ever come running up to me saying: I need Ed-Flex. They do not even know what it is. But they sure talk about the holes in the ceilings or the inadequate wiring or the schools that do not have heating. They talk about how terrible it is that kids go into those schools. It tells those kids that we do not care about them. They sure talk about all these other issues.

I will conclude in a moment, but this is for the sake of further debate.

Mr. HARKIN. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to.

Mr. HARKIN. The Senator pointed out the disparity in teacher salaries and the amount of money spent per student. It raises in my mind this question, again, of why that is. Why is it? I ask the Senator, where is it in the Constitution of the United States that public education in America is to be funded by property taxes? Why is this so? I asked a rhetorical question. Obviously it is not in the Constitution of the United States.

Mr. WELLSTONE. I say to my colleague, we have had some important litigation that I know he is familiar with, some really important Supreme Court decisions in the past on this question.

The challenge is this. The 14th amendment talks about equal protection under the law. I think many of us believe that when the education a child receives is so dependent upon the wealth or lack of wealth of the community he or she lives in, that that isn't equal protection under the law because a good education is so important to be able to do well and to fully participate in the economic and political life of our country.

So the answer is, it is extremely unfortunate that we rely so much on the property tax system. If my colleagues want to present a critique of public education, they ought to look back to the States.

I say to my colleague from Iowa, I love being a Senator. I do not mean this in a bashing way. But Washington, DC and the Senate is the only place I have ever been where when people talk about grassroots, they say: Let's hear from the Governors. They say: The grassroots is here. The Governors' Association has just issued a statement.

Boy, I tell you, I don't hear that in Minnesota or in any other State I have

been in. People tend to view the grass-roots as a little bit more down to the neighborhood, the community level.

Mr. HARKIN. I thank the Senator for bringing up these points again. We tend to get into these debates, and we really forget what is at essence here. What is at the essence of our problem is the big disparity, as Jonathan Kozol has pointed out time and time again, between those who happen to be born and live in a wealthy area and those who are born and live in a poor area.

Mr. WELLSTONE. That is right.

Mr. HARKIN. It should not depend on the roll of the dice of where you were born as to what kind of school you attend.

Mr. WELLSTONE. I say to my colleague, I thank him for mentioning Jonathan Kozol because I love him. I believe in him. The last book he wrote—although he has another book that is now coming out—that was published—and my colleague may very well have read it—is called "Amazing Grace: Poor Children and the Conscience of America."

If you read that book, the sum total of that book is that any country that loved and cared about children would never let children grow up under these conditions and never abandon these children in all the ways we have. I say to my colleagues on the other side of the aisle, there is precious little, if anything—precious little; I do not want to overstate the case—in S. 2 that speaks to that question.

When you get to where the rubber meets the road, and the budget proposal we have and, therefore, the appropriations bills we will have, are we going to see any of the kind of investment that deals with any of these conditions which are so important in assuring that all the children in this country have a chance to succeed? The answer is no. The answer is no, no, no.

I will finish up because I see my colleague from New Mexico is on the floor. I know others want to speak.

Two final, very quick points. One, I want to speak to Senator HUTCHINSON's example. Again, he is not here. He is very good at making his arguments. I know he will have a counterpoint, so I am not going to present this as: You are wrong; you were inaccurate. But Senator HUTCHINSON came out with graphics about gym facilities, workout equipment. It looked like a Cybex system. He was basically saying: Here you have, in a school that has a decaying infrastructure, this beautiful workout facility; this is an outrage because basically this is what we have right now with this Federal bureaucracy which dictates, hey, this is where you can get the money.

I say that I know of no Federal grant program that requires any school to purchase exercise equipment. I do not know whether this was a part of an afterschool program or part of another program in which perhaps the school officials decided this is what they needed for the community. But that is a very different point.

But I want to make it clear—and Senator HUTCHINSON may be able to add to the RECORD and make it perfectly clear that what I have said is not perfectly clear—I do not have any knowledge—I wanted to ask him about this—of any Federal grant program that would require a school to purchase this equipment. I think that is important.

Finally, I have heard my colleagues talk about bureaucracy and all of the rest. I find it interesting that when I look at the opposition, and I see the National Association of Elementary School Principals or the National Association of Secondary School Principals, much less the American Federation of Teachers, the National Education Association, the Council of the Great City Schools—these people do not work at the Federal level; these people are down there in the trenches—the National Association of Secondary School Principals or the National Association of Elementary School Principals—we are talking about men and women who have a great deal of knowledge about what is working and what isn't working. I think that we might want to take heed of their opposition to this bill because we are not talking about bureaucrats; we are talking about teachers, about principals. I don't know where the PTA is. I think they are also in opposition.

So for the record, I will concede—and Senator DOMENICI is great in debate, and he will jump up and debate me—that the National PTA—and he says I am right—doesn't represent all the parents, and I concede that the teachers unions don't represent all the teachers, and I concede the Association of Secondary School Principals, or Elementary School Principals, don't represent all the principals at either level; but you have to admit that these people, these organizations, do represent a considerable number of principals. They do represent a lot of teachers. They do represent a lot of people who work there at the school level. I find it interesting that they oppose this bill. They don't see this bill as a great step forward for education or for the children they represent.

So for my colleague from New Mexico, after 30 seconds I will yield the floor. In that 30 seconds, I say to the majority leader, let's have at it. Let's have the amendments out here and let's have a good debate. Let's not fold after 2 or 3 days. This is a major bill. I remember, when I first came here, we had major bills out on the floor and we took 2 weeks, and we might have 60, 70, or 80 amendments. We worked from the morning until the evening. Let's do it.

I have a number of amendments that I think would make a difference for the children in my State and in other States. Other Senators have amendments. But, for gosh sakes, let's allow the Senate to be at its best and not insist that we have only a few amendments and that will be it, and then we basically shut this down. The people in

the country want us to have the debate. I think it is important to do so. People also want to see some good legislation. This bill, in its present form, is not good legislation, in my view. I think it is fundamentally flawed. I don't think it represents anywhere close to the best of what we can do as a Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, before the Senator leaves the floor, I will say this on a subject we will be together on. I understand that the parity for insurance purposes for the mentally ill in America bill—the Domenici-Wellstone bill for total parity—not some piece of parity, no discrimination of outreach, we are going to have a hearing soon, right?

Mr. WELLSTONE. Mr. President, we are going to have a hearing before the health committee. I think we both thank Senator JEFFORDS and we are ready to move it forward. It is great to have a chance to work with the Senator on this. I wish he wasn't wrong on every other issue.

Mr. DOMENICI. Some people will recognize that, even according to WELLSTONE, DOMENICI is right sometimes. I thank the Senator very much.

I wish to take a few minutes to speak now because I am not at all sure that tomorrow, or even the next day, I could speak to this issue, so I am going to do it tonight. I want to start by saying that it is really good for Americans— whoever watches C-SPAN, or whoever pays attention to what we are saying on the floor—to hear speeches about how we are going to improve education for every child in America, or even to hear speeches about the Federal Government needing to do more of what it has been doing, or speeches saying if we just paid attention and took care of things, all these children in America the education system would improve.

Let's be realistic, for starters. We don't pay for much of public education. Now, considering the tone of the arguments about what we ought to be doing for education and for all our children, one would never believe that we only pay for about 7 to 8 percent of what it costs to educate a child in the public schools of Pennsylvania, Minnesota, Iowa—I won't say New Mexico because we get about 9 percent, because we have a lot more children who are dependent upon the Federal Government in terms of military establishments, plus our Indian children. But let's make sure everybody knows that this great national debate on education is talking about 7 percent of what is used to fund the public schools of America in the 50 sovereign States.

Let's make sure we understand fundamentally the States—in some places counties, in other places cities—collect local taxes, in some cases property taxes, in other cases sales taxes, in other cases income taxes—not here in

Washington, but in the capital of Santa Fe, NM, or in the great State of Pennsylvania, or the State of Oregon or Washington—they collect the money, they have the programs, and they decide between the State, the legislature, the school districts, and in many places, commissioners of education, what to do with all the real money that is applied to the public education system and, thus, the students of America.

So it may shock some to know that education reform is occurring in the State capitals, at the education departments across America, and our debate is about a little, tiny margin of 7 to 8 or 8½ percent of what goes into each student. We are doing this in the context of trying to improve and help our public schools, because we have been greatly enhanced, as a nation, during past generations, when the public education system of America was the model for the world. What many of us are trying to do is take it back to the glory days when every student received a better education and the manifold problems that teachers experienced in the classrooms today were, in some way, alleviated so more of our children can learn.

In doing that, the issue is, for this little share that the Federal Government sends down to our school districts by way of special grants, hundreds of categorical programs, title I programs, which is \$8 billion or \$9 billion, all of those programs go down and help in some way in the total mix of dollars and programs that the cities and counties and States and commissioners of education put together.

The question is, Can we do better with our small amount of money than we have been doing? Let me assure the Senators that whichever side they are on on this bill, to reform the education system, which is reported out by our Committee on Health, Education, Labor, and Pensions, that this is one of their education functions—this bill, in essence—and it may shock people to know this—provides an opportunity to leave things just as they are. So for those on that side of the aisle, or perhaps one or two on our side of the aisle—I don't know—that say they want the Federal Government to continue to be involved in all these programs and to be telling everybody how to run them, so that 7 or 8 percent of the money generates 50 percent of the paperwork, we want that to continue. Just wait and read the bill in its entirety and if that is what you like, the school boards, the commissioners of education, or the Governors who run education in our States can decide to leave it just as it is.

Now, I can't understand how schoolteachers can be against an approach that says this is not working as well as it should. But if you like it, please understand this bill says you can keep having it like it is. That is why we call it a menu.

You get to look at a menu. If you went out to eat, you wouldn't like to

have in front of you three items we have been having for 15 years. And our nutrition isn't working well, and our bodies aren't feeling well, but we get the same restaurant menu of the same three things. Wouldn't we like it if the menu added a few other things just to try?

This is a new approach only in that you can keep it as it is or you have another couple of choices.

What is wrong with some choice which might bring some innovation, which might cause us to do better with our 7 or 8 percent of education than we are doing, because it might let the States, the school districts, the education commissioners, and the principals meld our dollars into their needs in a better way.

If you want to keep it as it is, you can come down here and say: That is what I want; I am voting for this bill; and I sure hope my State keeps it as it is. Right? We sure hope whoever wants to say that, that we will keep the same menu we have been having, and we don't want to add to the menu, we don't want to add to the choice.

It is wonderful to be a Republican who can come to the floor and say: We don't think the menu we have been delivering to the schools of America with our 8 percent is a very good menu. It is not the best menu, and we are going to provide some additional items of choice.

I want to thank a few Senators for taking the early lead on this.

In that regard, I want to recognize Senator SLADE GORTON because he is the first one who came up with the idea, albeit it was a piece of education, to say let them choose down there, but if they don't want to choose, let them keep on doing what they are doing, but here is a new opportunity to handle those Federal dollars differently.

That imaginary, innovative, visionary idea has been expanded so now there are a number of really interesting choices that those who educate our children in our sovereign States can choose.

Essentially, if I went no further and did not explain the choices on this menu, I think I might have performed a minor service for those who are interested to find out that the bill we are talking about says the old menu doesn't work, let's try a new menu and put some new items on it—not mandatory, but that you can choose.

Let me tell you how poorly we do our job at the national level when we decide we are going to do more than that and we are going to put a little bit of money in and tell everybody what to do. Let me talk about special education for a minute.

Special education is an admirable commitment—in fact, some would think one of the greatest civil commitments that could be made in the field of education. The National Government began not many years ago to say you are going to educate children who are hard to educate, who are special

education children, and special needs children. And we came along and said exactly how you should do it; if you want our money, you do it this way. The courts interpreted and told you in even more detail how you are going to do it. Lo and behold, we said we will pay for 40 percent and the States and localities will pay for 60 percent.

Is anyone interested tonight? Take out a piece of paper and write down your guess of this year as to how much we are paying of the 40 percent. If you think we must be paying 35 or 38, you are desperately wrong. We are currently paying 11 percent instead of the 40 percent to which we committed, and the years have passed us by.

If you run the school and you get Federal money, don't you think you would be a little bit upset if we came along and told you how to do it, and then we didn't give you the money but our law said we would give you the money?

I have to compliment a couple of Senators who have said the best thing we could do is put more money in special education so the schools wouldn't be paying so much for it, and that would loosen up money for them to do other things with. In particular, Senator JUDD GREGG has been a leader on that initiative.

It goes unnoticed because it is not very politically sexy, at least to the general public, to say we have increased the funding for special education by 4 or 5 percent in the last 3 or 4 years. That doesn't sound like coming to the floor and giving a speech about how we want to take care of every child in America, when we are only paying for 8 percent of the bill, and how we ought to be taking care of all those needs out there when the Government doesn't even try to take care of most of them.

We still have a commitment to 40 percent. We are only paying for 11 percent of that. We come along and have a bill, and people want more of the same. I think educators would like to try something different.

I congratulate the committee because they reported out a bill that has some very exciting items added to the menu. I suggest people can call it what they like in terms of trying to describe the new items on the menu. But I see it as an opportunity on the part of the constitutionally enfranchised leader in a State, whether it is a commissioner of education, or the legislature, or the Governor. This bill says you can collapse the strings, you can collapse the rigid boundaries in two different ways—at least two. One is an approach that is called Straight A's.

The Straight A's Program says there is an option for 15 States—not all of them, and they don't need to take it. But 15 States can opt for a State demonstration program. It will be for at least a 5-year commitment on the part of the Federal Government and up to—isn't that interesting?—13 big grant programs and little grant programs can be collapsed.

The thing that makes them rigid and makes them kind of a one-shoe-fits-all concept on education is that up to 13 can be collapsed. They can collapse five of them, if they choose, and leave the other eight as being as rigid as they currently are.

In that ability to collapse under Straight A's is an option to use title I money—our biggest program—in that manner along with other programs.

That is not going to be free to the school districts of America, nor to the principals and teachers, because commensurate with it is going to be an agreement on the part of the States. The States are going to agree, if they take this option, this added menu item, to a significant new standard of student achievement within their schools.

They are going to figure out a way locally to see if collapsing these programs and administering them differently helps the schools. We are going to say you can continue to do this if you have a plan to improve student achievement, which we choose to call accountability.

We also talk about the collapsing of the rigidity of the program—the rigid boundaries. We call that flexibility.

I think it is kind of better to say you are permitted to collapse the programs, administer them less rigidly, and require student achievement, and in return measure student achievement. But if you want to choose the Straight A's Program, my guess is that 15 States are going to run quickly to get it and it will be used by 15 States. In the end, they are going to be saying: Let's try this new thing. Let's see if we can collapse these programs and do a better job. The agreement with the Government will require that achievement occur at every level, including those covered by the current Title I program.

We have said if you do not want that menu item, because it is a pretty big step away from what we have, there is another one called Performance Partnerships which the Government permitted. You can collapse up to 13 programs, but that cannot include Title I, the program whereby we measure aid to schools based upon the number of poor children in the school.

What we are saying there is the Secretary of Education will still be able to determine the boundary and use of Title I money. That is a second option—collapsing up to 13. But the Secretary still keeps his finger on the Title I money. The Governors thought that would be a very good option, and we put that in. I don't see anything wrong with that.

Then we say for 10 States and 20 school districts, in exchange for new accountability, new agreements on student achievement, you can switch the current Title I funding from school based to a child-centered approach. Isn't that interesting? We are not interested in school-based education programs. That is just a mechanism for talking about an institution that educates children.

It seems to me what we are talking about is that all the programs should be child centered and we are going to give 10 States and 20 school districts the option to choose a new funding mechanism for Title I. Eight billion dollars is my recollection of the \$14.6 billion we spend on elementary and secondary education. It is more than half. We are going to say for these few States and few school districts, you want to be bold? Want to enter into a student achievement agreement? In exchange for that, you get the opportunity to have Title I money follow the students.

I close by saying that the committee did another exciting thing. We are all concerned about improving teacher quality. Whether we have excellent teachers or not, I don't think we ought to pass judgment on the floor. We hear many of the schools are worried that teachers are not necessarily as highly qualified as the principals, the superintendents, the school boards, and the parents want them to be. We understand that is a major, major concern. We think part of it is because we don't have an adequate way of helping develop better teachers.

We have decided to have a new State teacher development grant program, with a substantially larger amount of money, about \$2 billion for fiscal year 2001, that focuses on the long term and sustained development of teachers, and includes professional development for administrators and principals. There will be some who will come to the floor and say right now that we don't have all this in one pot of money. We have some very special programs—one is the Eisenhower program—that we want to leave alone. Why do we want to leave them alone? Shouldn't we give the States an option to say they don't need all that preciseness, if they want to use it in their school districts in their State to produce long-term benefits by way of teachers being better equipped to teach their subject matter?

There is much more to say and I will have printed the 13 programs that can be collapsed and made less than 13 in either the Straight A's or the performance partnership. I will include that list in the RECORD to be attached to my comments. Some of the attached lists are technical, but those in the education community who would be interested will know what the programs are.

Let me summarize. For those on the other side of the aisle who want to talk about education as if we are debating the funding of public schools in America, let's put it back where it belongs. We are debating funding 7 to 8 percent of the public education in America. That is all we provide. One would not guess it from the rhetoric about what we ought to get done with that 7 or 8 percent.

We will hear speeches that we ought to totally perfect the education system and take care of every child in America. What is the responsibility for the 93 percent of the dollars that come

from the State or the county? They are doing that with that money.

First, we will say, if you want to keep the system, keep it. It is almost hard to understand how the other side and the President can get so worked up they won't pass this bill. Really, they could say to their constituents, we are so sure our programs of the past are good, we will vote for this bill and you can choose to go with a program of the past. The bill says that. If you want a program from the past, you can have it.

That is the debate. They want the programs of the past reiterated but we say, no, no, let's give you that choice and give you a few other new choices. The choices are exciting because we may find by entering into a multiyear student achievement agreement called accountability, where some flexibility is provided, that 7 or 8 percent might make a difference. It might be such that at the end of 5 years, using it that way by choice, you might really have an impact.

If we continue the way we are, we will produce a bill, or no bill, if the President insists on getting what he wants. I have not argued 1 second today about who will put the money in the program. We are probably going to put as much money in the program as the Democrats in the appropriations process. We will fund at very close to the same amount of dollars. Let's not get off on the side that the Republicans don't want to pay for education. We want to try a different approach.

There are some who will say to be different we want to offer a whole bunch of amendments for the Federal Government to do new things. We will tell them how to do things. We have been doing that and every 5 years we have another list, but it is the Federal Government's list of how to fix up our kids. However, if you look back, it isn't working. It is not the Federal dollar that is not working. We are just a little bit of the money. We ought to try to figure out how our little bit of the money can be the most helpful to those spending all the money—93 percent of the dollar in some cases. How can we help them do a better job? I think it is a shame if this bill and this concept gets defeated in the Senate because we don't want to try a new approach, or if we want to add to it a variety of measures not relevant to this education bill.

These are issues that must be debated. Some Members want to put them on this bill to either kill it or make us vote on issues not part of this. Whoever does that, the final judgment will be simple. If you kill this bill with this innovative approach of different items on the menu for our schools in America's sovereign States, if you kill that either by nonperformance or an outright vote against it and kill it, you have decided the Federal Government in all cases knows best and we ought to continue to tell our educators, superintendents, and commissioners of education precisely how they can help

their children with our dollars. No more, no less; do it our way.

I frankly believe, although I hate to say this in political tones, I think for the first time, in the case of this Senator—and I have been here awhile—we can debate this any way we want. We won't lose this debate. We win this, unless we let somebody pull the wool over our eyes about what we are trying to do, what we have been doing and just how much of the Federal money is involved versus the State and cities that we don't control—States, counties and school boards. I think everybody will understand we ought to permit innovation, not rigidity by dictating specifically how moneys ought to be used.

That is a little lengthy for tonight. Some people know it is not so lengthy for me. But it is the second speech I made today. I spoke about nuclear power with as much energy and enthusiasm as I did on this bill.

I am saying, as I leave the floor of the Senate, there are some very good Senators who will take over and I am satisfied will close out the day with some pretty good remarks about where we ought to be trying to move in lockstep with those who really want to change education at the local level, instead of walking along, kicking at them, telling them do it our way. I think we ought to walk along in some sort of lockstep by letting them have some real choice.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Georgia.

Mr. COVERDELL. I hope the Senator from New Mexico knows we do not consider that a terribly long speech.

Mr. President, I ask unanimous consent the first four amendments in order to the bill be the following, and that they be first-degree amendments, offered in alternating fashion, and subject to second-degree perfecting amendments only, and that the second-degree amendments be relevant to the first-degree.

The amendments are as follows: Gorton, technical, Straight A's; Daschle, alternative; Abraham-Mack, merit pay-teacher testing; and Kennedy, teacher quality.

Both sides have agreed to this.

Mr. DOMENICI. What was the Kennedy amendment? I didn't hear the title.

Mr. COVERDELL. Teacher quality.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from the State of Washington.

Mr. GORTON. Mr. President, if there were a secret poll taken in this body to determine an MVP, Most Valuable Player, my own suspicion is that would be the Senator to whom my own vote would go, the senior Senator from New Mexico, who has just spoken to us with such eloquence. He manages to work thoughtfully on the widest range of issues of any Member of this body that I know. The minute the debate on the budget resolution, with which he is

charged, is over, he is on to another subject, whether it is energy or national defense or education or Social Security. It is a privilege to be his colleague. It is a privilege to be his friend. It is also a little bit difficult at times because after his introduction to this bill, this Senator, even as an author of the bill, can do nothing to improve on the remarks of the Senator from New Mexico but maybe only to rephrase them slightly and offer his support for them.

I think what we gain from this debate, from what the Senator from New Mexico has said, what we heard from the Senator from Georgia and the Senator from New Hampshire and others, is that there may not have been another instance in the last half dozen years on any major subject—perhaps the Senator from New Mexico might agree with me, with perhaps the exception of the debate on welfare reform—in which the old and the new were so magnificently and so dramatically contrasted as are the new, fresh ideas, fresh approaches to this problem outlined in this bill and outlined by its supporters as opposed to the passionate defense of the status quo by so many on the other side.

The Senator presiding and the Senator from New Mexico will remember that was the essential division in the debate over welfare reform. We were told of all of the disasters that would take place if we dramatically reformed our welfare system. Now, a few years later, no one, for all practical purposes, can remember that he or she opposed that reform; it has been so magnificently successful.

Mr. President, I predict the same fate for this debate if, in fact, we are successful in carrying out the dramatic and innovative and constructive changes that are included in this bill.

We have heard basically two arguments from the other side of the aisle.

Mr. DOMENICI. Will the Senator yield for a moment?

Mr. GORTON. I will.

Mr. DOMENICI. As I indicated a while ago, I was planning to leave the floor. But my friend caught my attention when he, it seemed to me, wanted me to stay around. I have been around long enough to hear his kind remarks about me, and I thank him. Before I make a speech as I did tonight, I do try to understand what I am talking about. Sometimes I go back to my office after hearing something down here, or watching it, and say, I'll wait a week and really know something about this. But I think I do know something about this.

I was a teacher once. I can tell you things have changed very little. You talk about the disparity in the preparation of children. The one year I taught I had one class in mathematics. One half of the class could not add or subtract, and the other half of the class was doing algebra. This was a long time ago. I was 22 years old, so that is how long ago. Sunday I will be 68. We

still have the same thing. We have a difficult job for teachers.

I think the Senator is correct. He is the one who offered the first bill to provide some choice instead of rigid, bound-up programs where, instead of walking together, we were kicking them to do it our way or not use our money. You were the starter, the charger of that, along with Senator BILL FRIST of Tennessee. A little bit of that expertise came about by accident out of the Budget Committee, on which you both serve. We had a task force, the Senator may recall. We asked the GAO—a very significant number of them worked with your staff and his staff on the Budget Committee and told you about the programs that were out there hanging around, but they wondered what they were doing. You provide the first opportunity to pull some together and collapse the rigidity. Right?

Mr. GORTON. Does the Senator from New Mexico remember the dramatic testimony that our Budget Committee task force took of the then-superintendent of public schools for Florida?

Mr. DOMENICI. Yes.

Mr. GORTON. To the effect that he had almost four times as many people in his office to manage the 8 or 10 percent of the money that came in from the Federal Government than he did to manage the 90 percent-plus of the money that came from the State government for education?

Mr. DOMENICI. Yes. That is right.

Mr. GORTON. That was a dramatic learning experience for this Senator and I think for the Senator from New Mexico as well, and really contributed magnificently to where we are today.

Mr. DOMENICI. I can also remember when you first thought about this idea. We were walking down one of the halls here and you were saying you didn't quite understand how you could get around all the opposition to trying something different. I think I pulled on your arm and said, "Why don't you give them the option to leave it like it is?"

You are pretty quick. You never asked me again. But that has become the cornerstone, from your bill to this bill. For those who think what we are doing is really good and really right, that we are not trying to take it away. Right? Those people who say that is not enough, what must they be saying?

Mr. GORTON. They are saying, essentially—and we have heard it on the floor of the Senate in the last hour—that we cannot trust the school authorities in any State in the United States of America, or any school district in any one of those States, to make these decisions on their own without guidance from this body acting as a sort of supernatural school board.

Mr. DOMENICI. Right.

Mr. GORTON. When it gets right down to it, that is what their position amounts to.

Mr. DOMENICI. Or they could be saying that if you give them the choice,

they will all take what the Republicans are offering here today.

Frankly, that is thought by some to be a very good argument against the bill, right? I think it is a very good argument in favor of it, I would think, if what we are doing is so good that under all circumstances a significant portion of the school districts and superintendents and commissioners of education would go down the same path for another 5 years.

Mr. GORTON. This Senator, for example, believes that if there is a shortcoming in this bill, it is that Straight A's is limited to 15 States only and not all the States in the country.

Mr. DOMENICI. I thank the Senator. Mr. GORTON. I thank my friend from New Mexico. I will go back to what I see as two distinct currents of criticism from the other side.

The first of those is that if we have not reached the goals they set 35 years ago, 30 years ago, 20 years ago, 10 years ago, 5 years ago, we still have to keep running up against that same wall, and the reason we have not succeeded is that we have not imposed enough rules and regulations on schools all across the United States. So what we really need to do—they call it accountability—is to impose more rules and regulations on States and on school districts and on principals and teachers all across the United States to make sure they do exactly what we tell them to do.

I strongly suspect that any alternative they come up with will include dozens, if not hundreds, of additional rules and regulations to be imposed on our school districts.

There is a second element, a second part of their proposal, and that is if 12, 16, 74, 276 Federal education programs have not really done what they ought to have done, we need another half dozen programs. Again, in the last hour or so, we have heard of some new ways, some new Federal programs which we ought to authorize and on which we ought to spend money.

They make that proposition in spite of the dramatic point made by my friend from New Mexico that the most prescriptive of all of the Federal programs—the education for disabled act, the special education provisions—required us as long as almost 30 years ago to come up with 40 percent of the money. It is only in the last couple of years, with the efforts of Members on this side of the aisle, that it has cracked two digits and has reached 11 percent.

Instead of saying why don't we properly fund what we promised to fund in programs that carry with it a tremendous number of rules and regulations, why don't we do that? No, no, let's think of half a dozen new programs and let's not abolish any.

Now that I think of that last statement, I guess I have to amend it. They do want to abolish one, or at least the President wants to abolish one. He wants us to appropriate no money at

all to the sole program in the present education bill which allows the States to spend the money on their own priorities without any controls from the Federal Government. It is a very modest part of our present education system—a very modest part. That is the only one the administration, and I suspect the other side, would just as soon abandon.

We, on the other hand, as the Senator from New Mexico points out, do not even go so far as to say we know everything, nothing is right with the present system, no one should be allowed to use it under any circumstances. Running from top to bottom through the proposal we have before this body right now is the right of any State's educational authorities who believe the present system is the best we can come up with to continue to follow it, to continue to use it, to continue to file all of the forms and abide by all of the rules and regulations of the present system.

All we are saying, modestly in some respects but I think quite dramatically in other respects, is that you are going to have a choice, education commissioners of the 50 States and, in many cases, the school districts of the several States; you can try a dramatic new system called Straight A's, or 15 of you—and I am very sorry it is only 15—can try a dramatic new program called Straight A's under which a dozen or a baker's dozen of the present education programs can be collapsed into a single program, rules and regulations thrown out, forms tossed, administrators turned into teachers, as long as you make a legal commitment to one single goal: The kids in your State will get a better education and you will prove it by achievement tests that you design and that you agree will show that improvement over a period of 3 to 5 years.

Accountability under the present system means you have filled out all the forms correctly, you have made absolutely certain that you have not spent a dollar that we have said ought to be spent on one purpose for another education purpose or for another student, no matter how well, how validly you have spent that dollar.

Accountability under our system means our kids are better educated, they are better fitted to deal with the world in the 21st century.

In describing that choice under Straight A's, my friend from New Mexico omitted only one element, but it is an important element. That element is that as against the form of accountability the other side wishes, punishment—you are going to lose your money; you are going to lose your ability to make your own choices; you are going to be fined; or you are going to get a bad audit—we offer a carrot. We say that if after 35 years in which we have failed to close the gap between underprivileged students who are entitled to title I support and the other more privileged students, if you close

that gap by raising the achievement of the underprivileged students, you will get more money; you will get a reward; you will get a bonus.

They never thought of that in connection with the present program. We do. We do have to supply some discipline, some loss of ability to make your own choices for States that are miserable failures, but we think it every bit as important, perhaps more important, to provide a reward for those systems that do the job right.

I must confess that I have a reservation about our own proposal in this connection. We are demanding a great deal because we are demanding that States, in order to get Straight A's, agree to a contract under which the performance of their students will improve, and they sign that contract in order to get control over 5 or 6 or 7 percent of the money they are going to spend on their students, the really modest contribution made by the Federal Government.

I would feel a lot more comfortable in the form of accountability we have designed ourselves if the demands we make were more directly proportional to the amount of money we are putting into the system. Even so, I believe there are a minimum of 15 States that will jump at this opportunity to get the Federal bureaucrats off their backs and to say, as we are saying here: Let the decision about what is best for the education of our students be made, by and large, by the people who know their names—the parents, teachers, and principals, and above them, their superintendents and their elected school board members. Let's no longer claim that we in Congress, that people downtown in the Department of Education know all of the answers, and that one set of answers fits every school district, no matter how rural or how urban, no matter west or east or north or south in the United States of America.

This bill goes beyond just Straight A's for 15 States. It has, as the Senator from New Mexico described, performance partnership agreements, a modified form of Straight A's, a form that still retains some of the rules and regulations, more than I would like, but also provides a far greater degree of choice and policy-setting authority to our local school boards and to our States and does have two great advantages: One, it is strongly supported by the Governors—Republicans and Democrats—and, two, it is applicable to all of the States.

So, even at that level, some States will get three choices, and all will get two: Straight A's, performance partnership agreements, or the present system.

Beyond that, our proposal includes the Teacher Empowerment Act, which gives much more flexibility to the way in which we compensate our teachers, train our teachers, and determine what the requirements for those teachers are, and a very real degree of choice

with respect to title I, especially for failing schools, where instead of saying that title I is focused on schools and on systems, we will say, again, for those States and for those communities that wish to do so, title I will be focused on the individual students who are eligible, the underprivileged students who are eligible, so that they, and not the systems and not particular schools, will be the goals of title I.

Has the present title I been so successful that it cannot stand a change, even a change that offers an option to States and to individual school districts? That is what we hear from the other side of the aisle, that it would be terrible. We have 35-year-old reports cited concerning things that happened two generations ago as an argument against any kind of innovation today and as an argument for maintaining a system that, bluntly, has not worked, that has not worked at all.

At its most fundamental level, this is a debate about who knows best and who cares most: Members of this body and people working in the bowels of the Department of Education in Washington, DC, or those men and women all across the United States of America who are concerned about the future of their children, those men and women all across the United States of America who have dedicated their entire professional lives to providing that education for our children—their teachers and their principals and their superintendents—and those men and women across America who, in almost every case without compensation, have entered the political arena and have run for and have been elected to school boards in their various communities.

Our opponents of this bill say that none of these people should be trusted; only we should be trusted. We say we want to repose far more trust and confidence in those individuals all across the United States of America, we want to hold them accountable, but we want to hold them accountable on the basis of their results, and their results only.

That is what the debate will be about for the balance of this week and perhaps next week, as well.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MING CHEN HSU

Mr. LOTT. Mr. President, I rise today to pay tribute to a great American, Ming Chen Hsu. Last December, Ms. Hsu retired from the Federal Maritime Commission (FMC), where she served as a Commissioner for nine and one-half years. Ms. Hsu was first appointed to the Commission by President George Bush and confirmed by the Senate in

1990. She was reappointed and reconfirmed in October, 1991.

Many of my colleagues may not realize it, but the ocean shipping system is vital to international trade and is the underpinning for the international trade on which the vitality of our Nation's economy depends. A fair and open maritime transportation system creates business opportunities for U.S. shipping companies and provides more favorable transportation conditions for U.S. imports and exports. Ensuring a fair, open, competitive and efficient ocean transportation system is the mission of the FMC. The Commission has a number of important responsibilities under the shipping laws of the United States, including: the responsibility to ensure just and reasonable practices by the ocean common carriers, marine terminal operators, conferences, ports and ocean transportation intermediaries operating in the U.S. foreign commerce; monitor and address the laws and practices of foreign governments which could have a discriminatory or adverse impact on shipping conditions in the U.S. trades; and enforce special regulatory requirements applicable to carriers owned or controlled by foreign governments.

Mr. President, for almost a decade, Ms. Hsu played an active and important role in the life and decisions of the Commission. The Commission and the Nation have been fortunate in her service. During her tenure, Ms. Hsu's experience and judgment helped guide the Commission through a number of challenges and actions which will continue to shape the work of the Commission long after her retirement.

In 1998, the Congress passed and the President signed the Ocean Shipping Reform Act (OSRA), which amended the Shipping Act of 1984, the primary shipping statute administered by the FMC. As I have said before, the OSRA signaled a paradigm shift in the conduct of the ocean liner business and its regulation by the FMC. Where ocean carrier pricing and service options were diluted by the conference system and "me too" requirements, an unprecedented degree of flexibility and choice will result. Where agency oversight once focused on using rigid systems of tariff and contract filing to scrutinize individual transactions, the "big picture" of ensuring the existence of competitive liner service by a healthy ocean carrier industry to facilitate fair and open commerce among our trading partners will become the oversight priority. This week marks the one-year anniversary of the implementation of the Ocean Shipping Reform Act of 1998. It is most fitting that we take the time to remember the career of Ming Chen Hsu this week.

Mr. President, Ms. Hsu clearly recognized the important change in the business and regulation by the FMC of ocean shipping brought about by the Ocean Shipping Reform Act. During the Commission's consideration of regulations to implement OSRA, Ms. Hsu

played a critical role in working with the other Commissioners and FMC staff to ensure that the regulations embodied the spirit of the new law. As she told a large gathering of shippers and industry representatives, "This has been not only a long journey, but a long needed journey * * * With the passage of the Ocean Shipping Reform Act and the FMC's new regulations, I believe the maritime industry will be far less shackled by burdensome and needless regulations * * * I believe we can now look forward to an environment which gives you the freedom and flexibility to develop innovative solutions to your ever-changing ocean transportation needs."

Ms. Hsu's wisdom and experience was also instrumental in helping the Commission navigate one the Commission's most difficult and highly-publicized actions in recent years. In 1998, the Commission took action against a series of restrictive port conditions in Japan. As a result of these conditions, both U.S. carriers and U.S. trade were burdened with unreasonably high costs and inefficiencies. Because of the Commission's action, steps were taken by Japan to initiate improvements to its port system. If ultimately realized, these improvements will substantially facilitate and benefit the ocean trade of both nations.

Mr. President, during her career at the Commission, Ms. Hsu led a number of Commission initiatives. Among others, in 1992 Ms. Hsu served at the request of then FMC Chairman Christopher Koch as Investigative Officer for the Commission's Fact Finding 20. Under her leadership, the Fact Finding held numerous hearings across the United States in an effort to examine and understand the experience of shippers associations and transportation intermediaries under the Shipping Act of 1984. Fact Finding 20 ultimately led to Commission efforts to ensure that shippers associations and transportation intermediaries received all of the benefits intended by Congress in enacting the 1984 Act.

Commissioner Hsu's service at the Federal Maritime Commission is just the most recent milestone in a remarkable life and career. A naturalized U.S. citizen, Ming Chen Hsu came as a student to the United States from her native Beijing, China. Prior to coming to the Commission, Ms. Hsu has had an extensive career in international trade and commerce in both the public and private sectors. She was a Vice President for International Trade for the RCA Corporation in New York, where she held a variety of executive positions in the areas of international marketing and planning. She played a pivotal role in gaining market access for RCA in China in the 1970's. She was appointed by former Governor Thomas H. Kean of New Jersey as Special Trade Representative and as Director of the State's Division of International Trade, a position she held from 1982 to 1990. In her positions with RCA and the

Carolina (Mr. EDWARDS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. SARBANES) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

S. 2330

At the request of Mr. ROTH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2363

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2363, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2394, a bill to amend title XVII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2399

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2399, a bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare Program.

S. 2413

At the request of Mr. CAMPBELL, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions

for the award of matching grants for the purchase of armor vests.

S. 2429

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2429, a bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons.

S. 2435

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2435, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2444

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2444, a bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2487

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2487, a bill to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation.

S. 2492

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2492, a bill to expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat, and for other purposes.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

COLLINS AMENDMENTS NOS. 3104-3106

(Ordered to lie on the table.)

Ms. COLLINS submitted three amendments intended to be proposed by her to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

AMENDMENT No. 3104

On page 657, strike lines 6 through 8.

AMENDMENT No. 3105

On page 653, strike lines 12 through 22.

On page 657, line 21, insert "that are consistent with part A of title X and" after "purposes".

On page 665, strike lines 16 through 18, and insert the following:

"To the extent that the provisions of this part are inconsistent with part A of title X, part A of title X shall be construed as superseding such provisions.

On page 846, line 15, strike "and".

On page 846, between lines 15 and 16, insert the following:

"(E) part H of title VI; and".

On page 846, line 16, strike "(E)" and insert "(F)".

AMENDMENT No. 3106

On page 292, strike line 17 and all that follows through page 293, line 4, and insert the following:

"(d) COORDINATION AND CONSULTATION.—

"(1) IN GENERAL.—A recipient of funds under this subpart, to the extent possible, shall coordinate projects assisted under this part with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) COORDINATION.—In carrying out this subpart, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art.

"(3) CONSULTATION.—In carrying out this subpart, the Secretary shall consult with agencies and entities described in paragraph (2) as well as other Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).

"(4) SPECIAL RULE.—In carrying out paragraph (3), the Secretary shall ensure that an individual who has a pending application for financial assistance under this section, or who is an employee or agent of an organization that has a pending application, does not serve as a consultant to the Secretary for purposes described in paragraph (3).

AMENDMENTS NOS. 3107-3108

(Ordered to lie on the table.)

Mr. SANTORUM submitted two amendments intended to be proposed by him to the bill, S. 2, supra; as follows:

AMENDMENT No. 3107

At the end of title XI, insert the following:

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) **AUTHORIZATION.**—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medals authorized by this Act.

(b) **PROCEEDS OF SALE.**—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

NOTICES OF HEARINGS**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take on Tuesday, May 9, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1756, the National Laboratories Partnership Improvement Act of 1999; and S. 2336, the Networking and Information Technology Research and Development for Department of Energy Missions Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510-6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224-7875.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 10, 2000, at 9:30 a.m., to conduct a hearing on draft legislation to reauthorize the Indian Health Care Improvement Act. A business meeting to mark up pending legislation will precede the hearing-agenda to be announced. The hearing will be held in the committee room, 485 Russell Senate Building.

Those wishing additional information may contact Committee staff at 202/224-2251.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hear-

ing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1357, a bill to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; S. 1617, a bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; S. 1670, a bill to revise the boundary of Fort Matanzas National Monument, and for other purposes; S. 2020, a bill to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes; S. 2478, a bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; and S. 2485, a bill to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

The hearing will take place on Thursday, May 11, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224-6969.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, May 17, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public

that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, May 23, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224-7875.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 2, 10 a.m., Hearing Room (SD-406), to examine successful State environmental programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 2, 2000, at 2 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, May 2, 2000, at 10 a.m., to conduct a hearing on S. 2350, Duchesne City Water Rights Conveyance Act and S. 2351, Shivwits Band of the Paiute Tribe of Utah Water Rights Settlement Act. The hearing will be held in the committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on May 2, 2000, from 10 a.m.-1 p.m., in Dirksen 562 for the purpose of conducting a hearing.

**PART —INDIVIDUALS WITH
DISABILITIES EDUCATION ACT**

SEC. —. IDEA.

(a) **SHORT TITLE.**—This section may be cited as the "Growing Resources in Educational Achievement for Today and Tomorrow Act" (GREATT IDEA Act).

(b) **PURPOSE.**—It is the purpose of this section to more than double the Federal funding authorized for programs and services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(c) **AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**—

(1) **ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES.**—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) is amended to read as follows:

"(j) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

"(1) \$6,230,469,900 for fiscal year 2001;

"(2) \$7,779,800,800 for fiscal year 2002;

"(3) \$9,714,403,800 for fiscal year 2003;

"(4) \$12,130,084,000 for fiscal year 2004; and

"(5) \$15,146,471,000 for fiscal year 2005."

(2) **GENERAL PROVISIONS.**—Part A of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by adding at the end the following:

"SEC. 608. MAINTENANCE OF EFFORT.

"A State utilizing the proceeds of a grant received under this Act shall maintain expenditures for activities carried out under this Act for each of fiscal years 2001 through 2005 at least at a level equal to not less than the level of such expenditures maintained by such State for fiscal year 2000."

AMENDMENT NO. 3108

On page 922, after line 18, add the following:

**PART D—UNIVERSAL SERVICE FOR
SCHOOLS AND LIBRARIES**

SEC. 11401. SHORT TITLE.

This part may be cited as the "Neighborhood Children's Internet Protection Act".

**SEC. 11402. NO UNIVERSAL SERVICE FOR
SCHOOLS OR LIBRARIES THAT FAIL
TO IMPLEMENT A FILTERING OR
BLOCKING SYSTEM FOR COM-
PUTERS WITH INTERNET ACCESS OR
ADOPT INTERNET USE POLICIES.**

(a) **NO UNIVERSAL SERVICE.**—

(1) **IN GENERAL.**—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

"(1) **IMPLEMENTATION OF INTERNET FILTERING OR BLOCKING SYSTEM OR USE POLICIES.**—

"(1) **IN GENERAL.**—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) to the Commission or its designee.

"(2) **CERTIFICATION.**—A certification under this paragraph with respect to a school or library is a certification by the school, school board, or other authority with responsibility for administration of the school, or the library, or any other entity representing the school or library in applying for universal service assistance, that the school or library—

"(A) has—

"(i) selected a system for its computers with Internet access that are dedicated to student use in order to filter or block Internet access to matter considered to be inappropriate for minors; and

"(ii) installed on such computers, or upon obtaining such computers will install on such computers, a system to filter or block Internet access to such matter; or

"(B)(i) has adopted and implemented an Internet use policy that addresses—

"(I) access by minors to inappropriate matter on the Internet and World Wide Web;

"(II) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

"(III) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

"(IV) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

"(V) whether the school or library, as the case may be, is employing hardware, software, or other technological means to limit, monitor, or otherwise control or guide Internet access by minors; and

"(ii) provided reasonable public notice and held at least one public hearing or meeting which addressed the proposed Internet use policy.

"(3) **LOCAL DETERMINATION OF CONTENT.**—For purposes of a certification under paragraph (2), the determination regarding what matter is inappropriate for minors shall be made by the school board, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may—

"(A) establish criteria for making such determination;

"(B) review the determination made by the certifying school, school board, library, or other authority; or

"(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

"(4) **EFFECTIVE DATE.**—This subsection shall apply with respect to schools and libraries seeking universal service assistance under subsection (h)(1)(B) on or after July 1, 2001."

(2) **CONFORMING AMENDMENT.**—Subsection (h)(1)(B) of that section is amended by striking "All telecommunications" and inserting "Except as provided by subsection (1), all telecommunications".

(b) **STUDY.**—Not later than 150 days after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available commercial Internet blocking, filtering, and monitoring software adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of products which meet such needs; and

(3) evaluating the development and effectiveness of local Internet use policies that are currently in operation after community input.

SEC. 11403. IMPLEMENTING REGULATIONS.

Not later than 100 days after the date of enactment of this Act, the Federal Communications Commission shall adopt rules implementing this part and the amendments made by this part.

**CHARLES M. SCHULZ
CONGRESSIONAL GOLD MEDAL**

FEINSTEIN AMENDMENT NO. 3109

Mr. GORTON (for Mrs. FEINSTEIN) proposed an amendment to the bill (H.R. 3642) to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic con-

tributions to the Nation and the world; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Charles M. Schulz was born on November 26, 1922, in St. Paul, Minnesota, the son of Carl and Dena Schulz.

(2) Charles M. Schulz served his country in World War II, working his way up from infantryman to staff sergeant and eventually leading a machine gun squad. He kept morale high by decorating fellow soldiers' letters home with cartoons of barracks life.

(3) After returning from the war, Charles M. Schulz returned to his love for illustration, and took a job with "Timeless Topix". He also took a second job as an art instructor. Eventually, his hard work paid off when the *Saturday Evening Post* began purchasing a number of his single comic panels.

(4) It was in his first weekly comic strip, "L'il Folks", that Charlie Brown was born. That comic strip, which was eventually renamed "Peanuts", became the sole focus of Charles M. Schulz's career.

(5) Charles M. Schulz drew every frame of the "Peanuts" strip, which ran 7 days a week, since it was created in October 1950. This rare dedication in the field of comic illustration.

(6) The "Peanuts" comic strip appeared in 2,600 newspapers around the world daily until January 3, 2000, and on Sundays until February 13, 2000, and reached approximately 335,000,000 readers every day in 20 different languages, making Charles M. Schulz the most successful comic illustrator in the world.

(7) Charles M. Schulz's television special, "A Charlie Brown Christmas", has run for 34 consecutive years. In all, more than 60 animated specials have been created based on "Peanuts" characters. Four feature films, 1,400 books, and a hit Broadway musical about the "Peanuts" characters have also been produced.

(8) Charles M. Schulz was a leader in the field of comic illustration and in his community. He paved the way for other artists in this field over the last 50 years and continues to be praised for his outstanding achievements.

(9) Charles M. Schulz gave back to his community in many ways, including owning and operating Redwood Empire Ice Arena in Santa Rosa, California. The arena has become a favorite gathering spot for people of all ages. Charles M. Schulz also financed a yearly ice show that drew crowds from all over the San Francisco Bay Area.

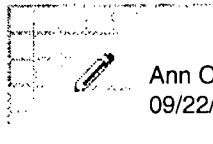
(10) Charles M. Schulz gave the Nation a unique sense of optimism, purpose, and pride. Whether through the Great Pumpkin Patch, the Kite Eating Tree, Lucy's Psychiatric Help Stand, or Snoopy's adventures with the Red Baron, "Peanuts" embodied human vulnerabilities, emotions, and potential.

(11) Charles M. Schulz's lifetime of work linked generations of Americans and became a part of the fabric of our national culture.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) **AWARD AUTHORIZED.**—The President is authorized to award posthumously, on behalf of the Congress, a gold medal of appropriate design to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

(b) **DESIGN AND STRIKING.**—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.



Ann O'Leary
09/22/99 03:42:53 PM

Record Type: Record

To: Bethany Little/OPD/EOP@EOP
cc: Eric P. Liu/OPD/EOP@EOP, Andy Rotherham/OPD/EOP@EOP
bcc: Records Management@EOP
Subject: Re: National Coalition for Women and Girls in Education

Mike Cohen and I discussed this letter prior to my coming over to the Department and both agreed that some of these concerns were specific on-going Department issues, but that we should certainly make sure to work with Nancy on her ESEA concerns. I think the letter could be softened a bit, but just as an FYI here is some of the background on the issues and several recommendations on addressing their concerns:

On the first issue of the Congressionally mandated study on gender equity - the fact that the Department produced two studies was 100% due to a bureaucratic snafu in which two arms of the Department began work without consulting. The NCES study is much more quantitative, as opposed to the study produced by the consulting group which much more heavily relied on advice from the National Coalition and favored their research. One suggestion might be to send the NCES study up to the Hill with an accompanying letter highlighting some of the findings from the other (never completed study). The Dept. could work with the Coalition on the supplemental letter.

On the Special Assistant -- this issue is both about staffing with limited resources and about trying to connect the equity pieces across the Department. I think the letter could better highlight the issue of focusing on equity across the board and ask for specific recommendations of what the Coalition sees as a need and a priority for the person in that position.

On ESEA - many of Nancy's recommendations (sent in a more detailed document) focused on specific places where we took out the long list of categories and opted to say "all children." I do think that the letter adequately reflects the work we tried to do to increase gender equity issues in technology and WEEA. The letter might conclude with a much more affirmative statement about working with them to promote gender equity as ESEA moves through Congress.

Overall, I think we should let the Department handle this one, but make sure that Nancy knows that as ESEA moves we are ready to work with her to continue to make gender equity a priority.

Hope this helps.

-Ann

Bethany Little



Bethany Little

09/21/99 08:08:39 PM

Record Type: Record

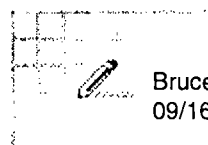
To: Ann O'Leary/OPD/EOP@EOP

cc:

Subject: Re: National Coalition for Women and Girls in Education

per our conversation. thanks!

----- Forwarded by Bethany Little/OPD/EOP on 09/21/99 08:08 PM -----



Bruce N. Reed

09/16/99 12:43:23 PM

Record Type: Record

To: Bethany Little/OPD/EOP@EOP

cc: andy rotherham/opd/eop@eop, Eric P. Liu/OPD/EOP@EOP

bcc:

Subject: Re: National Coalition for Women and Girls in Education

I know absolutely nothing about this issue, and have a hard time understanding the debate. But at first glance, it seems awfully defensive and looks like it might only antagonize our friends. Can you show it to Eric, and also let me know Mike Cohen's view? Thanks.

Bethany Little



Bethany Little

09/15/99 12:03:27 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP

cc: Andy Rotherham/OPD/EOP@EOP

Subject: National Coalition for Women and Girls in Education

A few weeks ago you forwarded a letter from the National Coalition for Women and Girls in Education to me, and asked that I see how we planned to address the issues raised. After an extensive internal process, the Department has drafted the following letter. I think that it fairly addresses the issues raised by the coalition, but wanted to ensure that you had a chance to take a look at it before it was sent. Please let me know if you have any concerns, questions, or edits, and I will follow up. Thanks!

National Coalition for Women
and Girls in Education
c/o American Association of
University Women

1111 16th Street, NW
Washington, DC 20036

Dear «salutation»:

Thank you for your letter expressing concern regarding recent positions taken by the Department of Education related to gender equity in education. I also am sending a response to «cosigner».

Let me assure you that gender equity issues remain a high priority for the Department and this Administration. The Department devotes substantial staff resources to gender equity concerns. The Office for Civil Rights continues its important Title IX activities, including investigating complaints, reviewing compliance, issuing guidance on issues such as sexual harassment and intercollegiate athletics, and providing technical assistance related to Title IX issues. The Office of Educational Research and Improvement's Gender Equity Expert Panel identifies promising or exemplary programs in gender equity through the work of six subpanels that focus on different areas in gender equity: Core Gender Equity Issues; Gender Equity in Mathematics, Science and Technology; Gender Equity in Teacher Education and Professional Development; Gender Equity in Vocational Technical Education and School to Work; Gender Equity and Disability; and the Prevention of Sexual and Racial Harassment and Violence against Students in Higher Education. In addition, funding provided under many of our programs can be used to support gender equity activities.

I have addressed each of your specific concerns below.

Termination of the Education Development Center's (EDC) Work on Volume II of the Report of the Status of Women and Girls in Education.

As you may know, EDC submitted a draft of Volume II to the Department late last year. Department staff reviewed this draft and found that it included some important information but contained serious deficiencies in documenting its conclusions, in providing a balanced view of the research and by not focusing on the educational status of girls and women. Thus, it was not the type of document that we could submit to Congress. Subsequently, the EDC agreed to revise the report according to specific written instruction provided by the Department and, as a first step, to provide us with a draft sample chapter this spring. The strong consensus of those throughout the Department who reviewed the draft was that it did not correct the serious problems with the previous draft and that EDC should not continue work on it. Based on that consensus, the Department terminated work on Volume II in early July.

You expressed concern that, by going forward only with Volume I, we would be presenting an inaccurate and incomplete picture of the status of gender equity in education. Volume I, which is being completed by the National Center for Education Statistics, will present information on the status of women across a broad range of areas, ranging from preschool participation to academic performance at all levels to postsecondary attainment and computer usage. Our feeling is that the report will comprehensively present a national picture of the progress girls and women have made in education and the challenges still at hand. The volume will include both statistical tables and narratives and, where nationally representative data are available, it will include

disaggregations by ethnic and racial group.

Expansion of the Special Assistant for Equity's responsibilities to include all equity issues.

The duties of the Special Assistant for Equity have not changed since the position was created. The primary responsibility of this employee is to promote, coordinate, and evaluate gender equity programs, including the dissemination of information, technical assistance and coordination of research activities. She is charged with advising the Deputy Secretary and I on all matters related to gender equity. The majority of her time is spent on issues of gender equity both within and outside the Department. More importantly, the Department considers gender equity to be the responsibility of all offices. Every Senior Officer has been charged with making gender equity a high priority.

To advise me effectively on matters related to gender equity, the Special Assistant, like her predecessors, is involved in and handles other issues of equity. The Special Assistant oversees the Department-wide Equity Task Force. The Task Force was created to address issues of equity in all Department programs and management decisions. Each office has at least one representative working on the Equity Task Force. The representatives report directly to their Senior Officers on Task Force activities. Each participant brings knowledge of his or her office programs and issues, which helps the Special Assistant address gender equity concerns.

Title IX regulations and policies concerning single-sex education.

It is my understanding that you spoke with my General Counsel, Judith Winston, regarding this concern. Let me reiterate that the Department is not retreating from its long-standing principle of ensuring equal educational opportunities for all students.

Absence of gender equity language in the Department's ESEA proposal.

We believe that the Administration's ESEA reauthorization bill does, in fact, continue the commitment to gender equity made in the last reauthorization. It includes provisions to update the Women's Educational Equity Act, such as the inclusion of new language on the gender gap in upper-level mathematics and science, and computer science courses. We also added language in Title III, Technology for Education, to give that title an appropriate focus on gender equity issues. These are some of the same themes found in the Educating America's Girls Act. More broadly, we believe that the focus of the ESEA reauthorization should be on *all* children. Our proposals for high standards in every classroom, accountability for student performance, strengthening teacher and principal quality, and supporting safe, healthy, disciplined and drug-free learning environments will benefit all children, regardless of their gender, race, ethnic or economic background.

I have asked Judith Winston, the General Counsel, Judith Johnson, the Acting Assistant Secretary for Elementary and Secondary Education, and Brenda Wolff, my Special Assistant for Equity, to meet with you to discuss more fully the Department's position on gender equity in education. Brenda will contact you to arrange the meeting.

Yours sincerely,

Richard W. Riley

NCWGE NATIONAL COALITION FOR WOMEN AND GIRLS IN EDUCATION

July 28, 1999

Secretary Richard W. Riley
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Riley:

The National Coalition for Women and Girls in Education (NCWGE) is a nonprofit coalition of more than 50 organizations dedicated to improving educational opportunities and equality for women and girls. We are writing to express our concern regarding recent positions taken by the Department of Education (ED) that seem to de-emphasize the importance of the issue of gender equity in education.

First, it is our understanding that ED has decided that only Volume I of the Report on the Status of Women and Girls in Education will be provided to Congress and to terminate the Education Development Center's (EDC) work on Volume II. As you know, Volume I is the National Center for Education Statistics (NCES) volume which presents statistical information, while Volume II, developed by EDC, is intended to provide a comprehensive report based on available research, in narrative form. Submitting only the NCES volume presents an incomplete and inaccurate picture of the full scope of both the progress made and the continuing needs to assure equal educational opportunity and achievement for women and girls. Additionally, the NCES volume itself is incomplete because the data presented on girls and women in education is not disaggregated by race, national origin or disability. The Department's decision to provide Congress with such limited and inadequate information regarding the status of women and girls in education seems inconsistent with the Department's own rhetoric regarding the importance of equity in education.

Second, NCWGE is concerned that the expansion of the Special Assistant for Gender Equity's responsibilities to include all equity issues has lessened the Special Assistant's ability to be effective in ending gender bias in schools. In fact, it is not clear to us whether there is any focus on gender equity issues at the current time. The job was created in the 1994 Improving America's School Act (IASA) because the administration was committed to ensuring equity for women and girls in education, and recognized that at least one staff person at ED should focus on that task. By enlarging the scope of the job, we believe that it is impossible to adequately reach the administration's 1994 goals relative to gender equity. While we believe that the Department must address all equity issues, it is essential that these issues not be handled by one person alone. Rather, staff should be assigned to each historically underserved population, including, girls, minorities, students with limited English proficiency and students with disabilities.

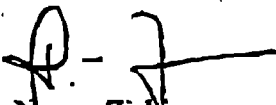
all
Wm. L. Givens
c/o American Association of University Women ♦ 1111 16th Street, NW ♦ Washington, DC 20036
(202) 785-7793 • FAX (202) 466-7618

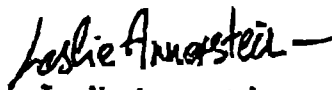
Third, we are concerned about the Department's report on its review of the Title IX regulations and policies regarding single-sex education submitted to the Senate Appropriations Committee on February 12, 1999. In this report, the ED states that it is examining whether single-sex classrooms and schools are permitted under Title IX "where *comparable* educational opportunities are afforded to students of both sexes." The use of the word "*comparable*" in this report suggests a retreat by the Department from the long-standing legal principle of *equal* educational opportunities for all students.

Finally, the Department's ESEA proposal contains little of the gender equity language from the Educating America's Girls Act (HR2505/S1264), despite assurances to the contrary by several senior ED staff. This is in direct contrast to the commitment demonstrated to gender equity in the last ESEA reauthorization. We believe that in order for girls to continue to progress in our nations public schools, it is essential to continue to address their educational needs. While we are pleased that ED's proposal includes the reauthorization of the Women's Educational Equity Act, provisions that address gender equity in technology and teacher training to ensure that girls reach their full educational potential are nearly totally absent from the Department's proposal. It is almost incomprehensible that an administration that asserts dedication to the advancement of women and girls has included so few provisions on gender equity in the new ESEA.

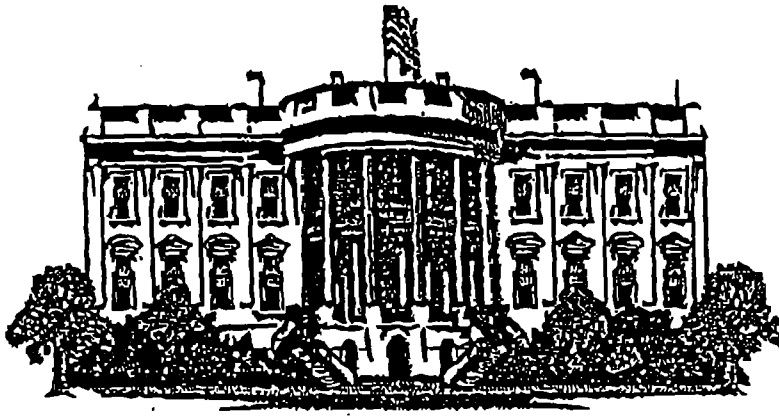
In order to address the issues above and to discuss more fully the Department's position on gender equity in education, we would like to schedule a meeting with you and representatives of NCWGE as soon as possible. We will contact you shortly to schedule a meeting. If you have any questions, please call Nancy Zirkin at 202/785-7720 or Leslie Annexstein at 202/588-5180.

Sincerely,


Nancy Zirkin
Chair


Leslie Annexstein
Vice-Chair

cc: Mike Cohen
Susan Frost
Judith Johnson



THE WHITE HOUSE

Domestic Policy Council

DATE: 9/21

FACSIMILE FOR: Ann O'Leary

PHONE: () - FAX: () -

FACSIMILE FROM: ~~Ann~~ Bethany

PHONE: () - FAX: () 6-2878

NUMBER OF PAGES (INCLUDING COVER): 63

- ☐ FOR YOUR REVIEW
- ☐ PER MY E-MAIL OR VOICE-MAIL MESSAGE TO YOU
- ☐ PER YOUR REQUEST

COMMENTS: Thanks!



Bethany Little

09/21/99 08:08:39 PM

Record Type: Record

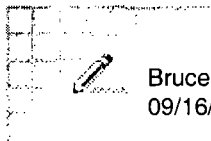
To: Ann O'Leary/OPD/EOP@EOP

cc:

Subject: Re: National Coalition for Women and Girls in Education

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----- Forwarded by Bethany Little/OPD/EOP on 09/21/99 08:08 PM -----



Bruce N. Reed

09/16/99 12:43:23 PM

Record Type: Record

To: Bethany Little/OPD/EOP@EOP

cc: andy rotherham/opd/eop@eop, Eric P. Liu/OPD/EOP@EOP

bcc:

Subject: Re: National Coalition for Women and Girls in Education

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Bethany Little



Bethany Little

09/15/99 12:03:27 AM

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cc: Andy Rotherham/OPD/EOP@EOP

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National Coalition for Women
and Girls in Education

c/o American Association of
University Women
1111 16th Street, NW
Washington, DC 20036

Dear «salutation»:

Thank you for your letter expressing concern regarding recent positions taken by the Department of Education related to gender equity in education. I also am sending a response to «cosigner».

Let me assure you that gender equity issues remain a high priority for the Department and this Administration. The Department devotes substantial staff resources to gender equity concerns. The Office for Civil Rights continues its important Title IX activities, including investigating complaints, reviewing compliance, issuing guidance on issues such as sexual harassment and intercollegiate athletics, and providing technical assistance related to Title IX issues. The Office of Educational Research and Improvement's Gender Equity Expert Panel identifies promising or exemplary programs in gender equity through the work of six subpanels that focus on different areas in gender equity: Core Gender Equity Issues; Gender Equity in Mathematics, Science and Technology; Gender Equity in Teacher Education and Professional Development; Gender Equity in Vocational Technical Education and School to Work; Gender Equity and Disability; and the Prevention of Sexual and Racial Harassment and Violence against Students in Higher Education. In addition, funding provided under many of our programs can be used to support gender equity activities.

I have addressed each of your specific concerns below.

Termination of the Education Development Center's (EDC) Work on Volume II of the Report of the Status of Women and Girls in Education.

As you may know, EDC submitted a draft of Volume II to the Department late last year. Department staff reviewed this draft and found that it included some important information but contained serious deficiencies in documenting its conclusions, in providing a balanced view of the research and by not focusing on the educational status of girls and women. Thus, it was not the type of document that we could submit to Congress. Subsequently, the EDC agreed to revise the report according to specific written instruction provided by the Department and, as a first step, to provide us with a draft sample chapter this spring. The strong consensus of those throughout the Department who reviewed the draft was that it did not correct the serious problems with the previous draft and that EDC should not continue work on it. Based on that

→ consensus, the Department terminated work on Volume II in early July.

You expressed concern that, by going forward only with Volume I, we would be presenting an inaccurate and incomplete picture of the status of gender equity in education. Volume I, which is being completed by the National Center for Education Statistics, will present information on the status of women across a broad range of areas, ranging from preschool participation to academic performance at all levels to postsecondary attainment and computer usage. Our feeling is that the report will comprehensively present a national picture of the progress girls and women have

William R. Bennett

made in education and the challenges still at hand. The volume will include both statistical tables and narratives and, where nationally representative data are available, it will include disaggregations by ethnic and racial group.

Expansion of the Special Assistant for Equity's responsibilities to include all equity issues.

The duties of the Special Assistant for Equity have not changed since the position was created. The primary responsibility of this employee is to promote, coordinate, and evaluate gender equity programs, including the dissemination of information, technical assistance and coordination of research activities. She is charged with advising the Deputy Secretary and I on all matters related to gender equity. The majority of her time is spent on issues of gender equity both within and outside the Department. More importantly, the Department considers gender equity to be the responsibility of all offices. Every Senior Officer has been charged with making gender equity a high priority.

To advise me effectively on matters related to gender equity, the Special Assistant, like her predecessors, is involved in and handles other issues of equity. The Special Assistant oversees the Department-wide Equity Task Force. The Task Force was created to address issues of equity in all Department programs and management decisions. Each office has at least one representative working on the Equity Task Force. The representatives report directly to their Senior Officers on Task Force activities. Each participant brings knowledge of his or her office programs and issues, which helps the Special Assistant address gender equity concerns.

Title IX regulations and policies concerning single-sex education.

It is my understanding that you spoke with my General Counsel, Judith Winston, regarding this concern. Let me reiterate that the Department is not retreating from its long-standing principle of ensuring equal educational opportunities for all students.

Absence of gender equity language in the Department's ESEA proposal.

We believe that the Administration's ESEA reauthorization bill does, in fact, continue the commitment to gender equity made in the last reauthorization. It includes provisions to update the Women's Educational Equity Act, such as the inclusion of new language on the gender gap in upper-level mathematics and science, and computer science courses. We also added language in Title III, Technology for Education, to give that title an appropriate focus on gender equity issues. These are some of the same themes found in the Educating America's Girls Act. More broadly, we believe that the focus of the ESEA reauthorization should be on *all* children. Our proposals for high standards in every classroom, accountability for student performance, strengthening teacher and principal quality, and supporting safe, healthy, disciplined and drug-free learning environments will benefit all children, regardless of their gender, race, ethnic or economic background.

I have asked Judith Winston, the General Counsel, Judith Johnson, the Acting Assistant Secretary for Elementary and Secondary Education, and Brenda Wolff, my Special Assistant for

Equity, to meet with you to discuss more fully the Department's position on gender equity in education. Brenda will contact you to arrange the meeting.

Yours sincerely,

Richard W. Riley

**SEC. 1119. QUALIFICATIONS FOR TEACHERS AND ~~TEACHERS' AIDES~~
PARAPROFESSIONALS.**

(a) Teachers. Each local educational agency shall ensure that, all teachers hired on or after the effective date of enactment of this Act and in programs supported with funds under this part shall be fully qualified as defined in section _____ of Title 14 of the Elementary and Secondary Education Act as amended by this Act.

(b) ~~New Teachers' Aides~~ Paraprofessionals. (1) Each local educational agency shall ensure that all ~~teachers' aides~~ paraprofessionals hired on or after the date of enactment of this Act and working in programs supported with funds under this part shall--

(A) if when in a State or locally-approved paraprofessional-to-teacher career ladder, shall have completed two years of college, or, in all other cases,

(B) have received an associate or baccalaureate degree in an education-related field ; or

(C) have a high school diploma or its equivalent and have completed a high quality state or locally approved paraprofessional certification program, which shall include the demonstration, through a formal assessment of reading, writing, and mathematics science, at least a high school level of competency;

(2) All paraprofessionals shall

(A) be under the direct immediate supervision of a teacher, and in the immediate presence of a fully qualified classroom teacher, when providing instructional services to students, such as one on one tutoring or other similar activities, and

(B) participate in a minimum of 15 hours of on-going job-related staff development per year in order to ensure continued enhancement of skills.

(23)(A) New ~~teachers' aides~~ paraprofessionals may perform--

(i) One on one tutoring for eligible students. Any such tutoring must be at times that are in addition to the time a student would otherwise receive instruction from a teacher;

(ii) Assisting with classroom management, such as organizing instructional and other materials;

(iii) Providing assistance in a computer laboratory;

(iv) Providing support in a library or media center; and

(B) Paraprofessionals which have a high school degree, or its equivalent may:

(i) Improving perform parental involvement improvement activities;

and

(ii) Acting as a translator.

(4) The duties of paraprofessionals shall not include the provision of [Instruction directly to students.]

(c) Existing ~~Teachers Aides~~ Paraprofessionals. (1) Each local educational agency shall ensure that ~~teachers' aides~~ paraprofessionals hired prior to the date of enactment of this Act and working in programs supported with funds under this part shall--

(A) have completed at least two years of college by 20022004;

(B) have received an associate of baccalaureate degree in an education related field by 2004; and

(C) have a high school diploma or its equivalent and have completed, by 2003, a high quality state or locally approved paraprofessional certification program.

(C) be under the direct immediate supervision and in the immediate presence of a fully qualified classroom teacher of a teacher when providing instructional services to students, such as one on one tutoring or other similar activities.

(D) participate in a minimum of 15 hours of on-going job-related staff development per year in order to ensure continued enhancement of skills.

(2) Existing ~~teachers aides~~ paraprofessionals may perform the activities listed in section 1119(b)(2)

(3) Under no circumstances shall the duties of the paraprofessionals include the provision of instruction directly related to students.

(d) (1) Effective immediately upon date of enactment of [this legislation] no LEA may hire additional paraprofessionals, except to fill a vacancy created by a paraprofessional who is no longer employed by such LEA with a paraprofessional that meets the requirements of this section.

(2) The requirement in parapgraph (1) shall not apply to a local educational agency when the LEA has fully met the requirements of this section, and section relating to fully qualified teachers.

(e)(1) At a minimum, in verifying its compliance, each LEA shall require that, annually, the principal of each school operating programs under 1114 or 1115, attest in writing as to whether such school is in compliance with the requirements of this section.

(2) Copies of these documents shall be on file at each school operating a program under sec. 1114 or 1115 and at the LEA central office, and be available to any member of the general public upon request.

(f) Each state and local plan shall provide assurances that paraprofessionals will be provided with the training and professional development necessary to meet the requirements of this section and local educational agencies may use funds under this part and Title II of this Act, as appropriate, for such purposes.

(g) Authorization of funds. For the purpose of providing additional needed assistance to help paraprofessionals obtain the training and professional development necessary to meet the requirements of this section, there are authorized to be appropriated \$ for fiscal year 2000, and such sums as may be necessary for each of the four succeeding fiscal years.

-----Original Message-----

From: Nock, Alex [SMTP:Alex.Nock@mail.house.gov]
Sent: Thursday, September 16, 1999 5:21 PM
To: Sandra_Cook@ed.gov
Subject: single acct language

i need comment on this by early tomorrow - thanks. lex

> (4) Accountability

>

> (A) Each state shall develop and implement a statewide system to hold
> local educational agencies and schools accountable for making adequate
> yearly progress toward meeting State student performance standards. Each
> state plan shall describe that system and demonstrate that it meets the
> following criteria:

> (i) it uses the State content and student performance standards and
> assessments described in this section and may include, in addition to the
> assessments described in (3) other indicators, such as attendance, drop
> out, promotion, and retention rates; and completion of college preparatory
> courses;

> (ii) it uses the definition of adequate yearly progress in paragraph
> (2);

> (iii) it identifies local educational agencies and schools in need
> of improvement consistent with paragraph (2) and section 1116, and holds
> such local educational agencies and schools accountable for the
> achievement of all students

>

> (B) Any State which has implemented a State accountability system prior to
> the date of enactment of this Act, may utilize such system, if it meets
> the requirements of subparagraph (A). Such States shall include in its
> State plan a description of the State's system and how it satisfies the
> criteria of subparagraph (A)

>

> (C) Each State plan shall also describe how -

> (i) the State will recognize and reward local educational agencies
> that exceed the State's standard for progress over a three-year period
> under section 1116(?) and how it will recognize and reward the
> distinguished schools under section 1117(?); and

> (ii) the State will carry out its responsibilities, under sections
> 1116 and 1117, with respect to local educational agencies and schools in
> need of improvement and, in particular, how it will take corrective
> actions, in accordance with those sections, to improve those schools and
> agencies.

>

>

1 **SEC. ____.** **LOW-ACHIEVING CHILDREN MEET HIGH STAND-**
2 **ARDS.**

3 The heading for title I is amended by striking “**DIS-**
4 **ADVANTAGED**” and inserting “**LOW-ACHIEV-**
5 **ING**”.

6 **SEC. ____.** **PURPOSES.**

7 Section 1001 (20 U.S.C. 6301) is amended to read
8 as follows:

9 **“SEC. 1001. STATEMENT OF PURPOSE; RECOGNITION OF**
10 **NEED; AND FINDINGS.**

11 (a) **FEDERAL INTENT.**—The purpose of this title is
12 to ensure that all children have a fair and equal oppor-
13 tunity to obtain a high quality education.

14 (b) **RECOGNITION OF NEED.**—The Congress recog-
15 nizes that—

16 (1) educational needs are particularly great for
17 low-achieving children in our Nation’s highest-pov-
18 erty schools, children with limited English pro-
19 ficiency, children, of migrant workers, children with
20 disabilities, Indian children, children who are ne-
21 glected or delinquent and young children and their
22 parents who are in need of family-literacy services;

23 (2) despite more than 3 decades of Federal as-
24 sistance, a sizable achievement gap remains between
25 minority and nonminority students, and between dis-

1 advantaged students and their more advantaged
2 peers;

3 (3) too many students must attend local schools
4 that fail to provide them with a quality education,
5 and are given no alternatives to enable them to re-
6 ceive a quality education;

7 (4) States, local educational agencies and
8 schools should be held accountable for improving the
9 academic achievement of all students, and for identi-
10 fying and turning around low-performing schools;
11 and

12 (5) Federal education assistance is intended not
13 only to increase pupil achievement overall, but also
14 more specifically and importantly, to help ensure
15 that all pupils, especially the disadvantaged, meet
16 challenging standards for curriculum content and
17 pupil performance. It can only be determined if
18 schools, local educational agencies, and States, are
19 reaching this goal if pupil achievement results are
20 reported specifically by disadvantaged and minority
21 status.

22 (c) FINDINGS.—Congress finds the following:

23 (1) Schools that enroll high concentrations of
24 children living in poverty face the greatest challenges

1 but effective, research-based educational strategies
2 can succeed in educating children to high standards.

3 (2) High-poverty schools are much more likely
4 to be identified as failing to meet State standards
5 for satisfactory progress. As a result, these schools
6 are generally the most in need of additional re-
7 sources and technical assistance to build the capac-
8 ity of these schools to address the many needs of
9 their students.

10 (3) The educational progress of children partici-
11 pating in programs under this title is closely associ-
12 ated with on their being taught by a highly qualified
13 staff, particularly in schools with the highest con-
14 centrations of poverty, where paraprofessionals,
15 uncertified teachers, and teachers teaching out of
16 field frequently provide instructional services.

17 (4) Congress and the public would benefit from⁷
18 additional data in order to evaluate the efficacy of
19 the changes made to Title I in the Improving Amer-
20 ica's Schools Act of 1994, and therefore States, local
21 educational agencies and schools should be given as
22 much flexibility as possible in exchange for greater
23 accountability for improving student achievement.

24 (5) Programs funded under this title must dem-
25 onstrate increased effectiveness in improving schools

1 in order to ensure all children achieve to high stand-
2 ards.

3 **【Findings usually if not always precede the purpose**
4 **- is there a reason you want purpose first?】**

5 **SEC. ____ AUTHORIZATION OF APPROPRIATIONS.**

6 (a) LOCAL EDUCATIONAL AGENCY GRANTS.—Sub-
7 section (a) of section 1002 (20 U.S.C. 6302(a)) is amend-
8 ed by striking “\$7,400,000,000 for fiscal year 1995” and
9 inserting “\$8,350,000,000 for fiscal year 2000”.

*Specifically
sums
sums*

10 (b) EVEN START.—Subsection (b) of section 1002
11 (20 U.S.C. 6302(b)) is amended by striking
12 “\$118,000,000 for fiscal year 1995” and inserting
13 “\$500,000,000 for fiscal year 2000”.

14 (c) EDUCATION OF MIGRATORY CHILDREN.—Sub-
15 section (c) of section 1002 (20 U.S.C. 6302(c)) is amend-
16 ed by striking “\$310,000,000 for fiscal year 1995” and
17 inserting “\$400,000,000 for fiscal year 2000”.

18 (d) PREVENTION AND INTERVENTION PROGRAMS
19 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT
20 RISK OF DROPPING OUT.—Subsection (d) of section 1002
21 (20 U.S.C. 6302(d)) is amended by striking “\$40,000,000
22 for fiscal year 1995” and inserting “\$50,000,000 for fiscal
23 year 2000”.

24 (e) CAPITAL EXPENSES.—Subsection (e) of section
25 1002 (20 U.S.C. 6302(e)) is amended to read as follows:

1 “(e) CAPITAL EXPENSES.—For the purpose of car-
2 rying out section 1120(e), there are authorized to be ap-
3 propriated \$24,000,000 for fiscal year 2000, \$16,000,000
4 for fiscal year 2001, and \$8,000,000 for fiscal year
5 2002.”.

6 (f) FEDERAL ACTIVITIES.—Subsection (g) of section
7 1002 (20 U.S.C. 6302(g)) is amended—

(deletions)

8 (1) in paragraph (1), by striking “\$9,000,000
9 for fiscal year 1995” and inserting “\$7,500,000 for
10 fiscal year 2000”; and

11 (2) in paragraph (2), by striking “\$50,000,000
12 for fiscal year 1995” and inserting “\$175,000,000
13 for fiscal year 2000”.

14 (g) STATE ADMINISTRATION.—

15 (1) STATE AWARDS.—The Secretary shall allo-
16 cate to each State an amount not to exceed 1 per-
17 cent of the amount of the State’s aggregate alloca-
18 tion under section ____ (basic grants), section ____
19 (concentration grants), and section ____ (targeted
20 grants).

21 (2) FUNDS FOR THE STATE.—There are au-
22 thorized to be appropriated \$83,500,000 for fiscal
23 year 2000, and such sums as may be necessary for
24 each of the 4 succeeding fiscal years for the States
25 to carry out duties assigned under this part.

1 (3) SPECIAL RULE.—The amount allocated to
 2 each State under this subsection may not exceed the
 3 amount of State funds expended by the State edu-
 4 cational agency to administer elementary and sec-
 5 ondary education programs in such State.

*(Amount for
 - not for
 own costs)
 Suggest strike
 it*

6 (h) SCHOOL IMPROVEMENT.—

7 (1) IN GENERAL.—Each State may reserve for
 8 the purpose of carrying out its duties under section
 9 1116 and 1117, one half of 1 percent of the amount
 10 allocated under this part.

*← V. Administration
 at
 2.5%
 local option*

11 (2) ADDITIONAL ASSISTANCE FOR SCHOOL IM-
 12 PROVEMENT.—Subsection (f) of section 1002 (20
 13 U.S.C. 6302(f)) is amended by striking “fiscal year
 14 1996 and each of the three succeeding fiscal years”
 15 and inserting “fiscal year 2000 and each of the 4
 16 succeeding fiscal years”.

*State
 Share
 income
 tax*

17 **SEC. ____ RESERVATION AND ALLOCATION FOR SCHOOL**
 18 **IMPROVEMENT.**

19 Paragraph (1) of section 1003(a) (20 U.S.C.
 20 6303(a)(1)) is amended by striking “1995” and inserting
 21 “2000”.

22 **SEC. ____ STATE PLANS.**

23 Section 1111 (20 U.S.C. 6311) is amended to read
 24 as follows:

1 **"SEC. 1111. STATE PLANS.**

2 **"(a) PLANS REQUIRED.—**

3 **"(1) IN GENERAL.—**Any State desiring to re-
4 ceive a grant under this part shall, in order to help
5 **【all students, particularly economically disadvan-**
6 **tagged students, students with limited English pro-**
7 **ficiency, and low-achieving students】** low-achieving
8 students achieve to high State standards and to sub-
9 stantially improve teaching and learning in the
10 State, submit to the Secretary a plan, developed in
11 consultation with local educational agencies, teach-
12 ers, pupil services personnel, administrators, other
13 staff, and parents, that satisfies the requirements of
14 this section and that is coordinated with other pro-
15 grams under this Act, the Individuals with Disabil-
16 ities Education Act, the Carl D. Perkins Vocational
17 and Technical Education Act of 1998, and the Head
18 Start Act.

19 **"(2) CONSOLIDATION PLAN.—**A State plan sub-
20 mitted under paragraph (1) may be submitted as
21 part of a consolidation plan under section 14302.

22 **"(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-**
23 **ABILITY.—**

24 **"(1) CHALLENGING STANDARDS.—(A)** Each
25 State plan shall demonstrate that the State has
26 adopted challenging content standards and chal-

1 lenging student performance standards that will be
2 used by the State, its local educational agencies, and
3 its schools to carry out this part, except that a State
4 shall not be required to submit such standards to
5 the Secretary.

6 “(B) The standards required by subparagraph
7 (A) shall be the same standards that the State ap-
8 plies to all schools and children in the State.

9 “(C) The State shall have such standards for
10 children served under this part in kindergarten
11 through grade 12 in subjects determined by the
12 State, but including at least mathematics and read-
13 ing or language arts, which shall include the same
14 knowledge, skills, and levels of performance expected
15 of all children.

16 “(D) Standards under this paragraph shall
17 include—

18 “(i) challenging content standards in aca-
19 demic subjects that—

20 “(I) specify what children are ex-
21 pected to know and be able to do;

22 “(II) contain coherent and rigorous
23 content; and

24 “(III) encourage the teaching of ad-
25 vanced skills;

1 “(ii) challenging student performance
2 standards that—

3 “(I) are aligned with the State’s con-
4 tent standards;

5 “(II) describe two levels of high per-
6 formance, proficient and advanced, that
7 determine how well children are mastering
8 the material in the State content stand-
9 ards;

10 “(III) describe a third level of per-
11 formance, basic, to provide complete infor-
12 mation about the progress of the lower
13 performing children toward achieving to
14 the proficient and advanced levels of per-
15 formance; and

16 “(IV) describe a fourth level of per-
17 formance, below basic, to provide complete
18 information about the progress of the low-
19 est performing children toward achieving
20 to the basic, proficient, and advanced levels
21 of performance.

22 “(E) For the subjects in which students will be
23 served under this part, but for which a State is not
24 required by subparagraphs (A), (B), and (C) to de-
25 velop, and has not otherwise developed such stand-

1 ards, the State plan shall describe a strategy for en-
2 suring that such students are taught the same
3 knowledge and skills and held to the same expecta-
4 tions as are all children.

5 “(F) If the State fails to demonstrate that it
6 has in place challenging State content and chal-
7 lenging student performance standards as required
8 by subsection (b)(1), administrative funds shall be
9 withheld in such amount as the Secretary deter-
10 mines [until such standards are implemented.]

*See page 22
new language*

11 “(2) YEARLY PROGRESS.—

12 “(A) Each State plan shall demonstrate,
13 based on assessments described under para-
14 graph (3), what constitutes adequate yearly
15 progress of—

16 “(i) any school served under this part
17 toward enabling children to meet the
18 State’s challenging student performance
19 standards;

20 “(ii) any local educational agency that
21 received funds under this part toward ena-
22 bling children in schools receiving assist-
23 ance under this part to meet the State’s
24 student performance standards; and

1 “(iii) the State in enabling all children
2 in schools receiving assistance under this
3 part to meet the State’s challenging stu-
4 dent performance standards.

5 “(B) Adequate yearly progress shall be de-
6 fined in a manner that—

7 “(i) applies the same high standards
8 of academic performance to all students in
9 the State;

10 “(ii) takes into account the progress
11 of all students in the State and in each
12 local educational agency and school served
13 under section 1114 or 1115; and

14 “(iii) uses the State challenging con-
15 tent and challenging student performance
16 standards and assessments described in
17 paragraphs [(1) and (4)];

18 “(iv) compares separately, within each
19 State, local educational agency, and school,
20 the performance and progress of students
21 by each major ethnic and racial group, by
22 English proficiency status, by migrant sta-
23 tus, by students with disabilities as com-
24 pared to nondisabled students, and by eco-
25 nomically disadvantaged students as com-

pared to students who are not economically disadvantaged (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);

✓“(v) compares the proportions of students at the ‘below basic’, ‘basic’, ‘proficient’, and ‘advanced’ levels of performance with the proportions of students at each of the 4 levels in the same grade in the previous school year;

“(vi) at the State’s discretion, may also include other academic outcome measures such as promotion, completion of college preparatory courses, and high school completion, except that inclusion of such other measures may not decrease the number or percentage of schools or local educational agencies that would otherwise be subject to improvement or corrective action if the discretionary indicators were not included;

Removal done?

1 *primary* “(vii) includes annual numerical goals
2 for improving the performance of each
3 groups specified in clause (iv) and nar-
4 rowing gaps in performance between these
5 groups;

6 “(viii) includes a timeline for ensuring
7 that each group of students described in
8 clause (iv) meets or exceeds the State’s
9 proficient level of performance on each
10 State assessment used for the purposes of
11 section 1111 and section 1116 within 10
12 years from the date of enactment of [this
13 clause].

14 “(C) ANNUAL IMPROVEMENT FOR
15 STATES.—For a State to make adequate yearly
16 progress under subparagraph (A)(iii), not less
17 than 90 percent of the local educational agen-
18 cies within its jurisdiction shall meet the State’s
19 criteria for adequate yearly progress. [Do you
20 want the language on IDEA students to go only
21 in the LEA section below or also in the section
22 for States and schools.]

23 “(D) ANNUAL IMPROVEMENT FOR LOCAL
24 EDUCATIONAL AGENCIES.—For a local edu-
25 cational agency to make adequate yearly

*disagree
in the*

*1. 576 from 1997
[1997 for 1997]*

1 progress under subparagraph (A)(ii), not less
2 than 90 percent of the schools within its juris-
3 diction must meet the State's criteria for ade-
4 quate yearly progress. [Section 612(a)(17)(A)
5 of the Individuals With Disabilities Education
6 Act shall be applicable to such determination.]

7 “(E) ANNUAL IMPROVEMENT FOR
8 SCHOOLS.—A school shall fail to meet its an-
9 nual progress goals unless not less than 90 per-
10 cent of each group of students described in sub-
11 paragraph (A)(iv) who are enrolled in such
12 school take the assessments on which annual
13 yearly progress is based.

14 “(F) PUBLIC NOTICE AND COMMENT.—
15 [The Secretary shall ensure- how?] that in de-
16 veloping its plan for annual yearly progress, the
17 State diligently sought public comment from a
18 range of institutions and individuals in the
19 State with an interest in improved student
20 achievement and that the State made and will
21 continue to make a substantial effort to ensure
22 that information under this part is widely
23 known and understood by citizens, parents,
24 teachers, and school administrators throughout
25 the State. Such efforts shall include, at a min-

1 imum, publication of such information and ex-
2 planatory text in the major print news outlets
3 in the State and on the State educational agen-
4 cy web site.

5 “(G) REVIEW.—The Secretary shall review
6 the information from States on the adequate
7 yearly progress of schools and local educational
8 agencies required under subparagraphs (A) and
9 (B) for the purpose of determining State and
10 local compliance with section 1116.

Refer to minimum

11 [“(H) REGULATIONS.—The Secretary
12 shall promulgate regulations and amendments
13 to regulations to carry out paragraph (2) not
14 later than 6 months after the date of the enact-
15 ment of the Student Results Act of 1999 and
16 shall review State plans submitted under this
17 section before such date to determine their com-
18 pliance with regulations. The Secretary shall re-
19 quire States to revise their plans if necessary to
20 satisfy the requirements of the regulations.
21 Such revised plans shall be submitted to the
22 Secretary for approval not later than 1 year
23 after the date of the enactment of the Student
24 Results Act of 1999.]

What is the intent of this thing?

1 **[(3) STATE AUTHORITY.—**If a State edu-
2 cational agency provides evidence, which is satisfac-
I am 3 tory to the Secretary, that neither the State edu-
4 cational agency nor any other State government offi-
5 cial, agency, or entity has sufficient authority, under
6 State law, to adopt curriculum content and student
7 performance standards, and assessments linked to
8 **[such standards?]**, which will be applicable to all
9 students enrolled in the State's public schools, then
10 the State educational agency may meet the require-
11 ments of this subsection by—

12 “(A) adopting standards and assessments
13 that meet the requirements of this subsection,
14 on a statewide basis, limiting their applicability
15 to students served under this part; or

16 “(B) adopting and implementing policies
17 that ensure that each local educational agency
18 in the State which receives grants under this
19 part will adopt curriculum content and student
20 performance standards, and assessments linked
21 to **[such standards]**, which meet all of the cri-
22 teria in this subsection and any regulations **[re-**
23 garding such standards and assessments?**]**
24 which the Secretary may publish, and which are

1 applicable to all students served by each such
2 local educational agency.】

3 “(4) ASSESSMENTS.—Each State plan shall
4 demonstrate that the State has implemented a set of
5 high-quality, yearly student assessments that in-
6 clude, at a minimum, assessments in mathematics
7 and reading or language arts, that will be used,
8 starting not later than the 2000–2001 school year,
9 as the primary means of determining the yearly per-
10 formance of each local educational agency and school
11 served under this part in enabling all children served
12 under this part to meet the State’s challenging stu-
13 dent performance standards. Such assessments
14 shall—

15 “(A) be the same assessments used to
16 measure the performance of all children, if the
17 State measures the performance of all children;

18 “(B) be aligned with the State’s chal-
19 lenging content and student performance stand-
20 ards and provide coherent information about
21 student attainment of such standards;

22 “(C) be used for purposes for which such
23 assessments are valid and reliable, and be con-
24 sistent with relevant, nationally recognized pro-

1 professional and technical standards for such as-
2 sessments;

3 “(D) measure the proficiency of students
4 in the academic subjects in which a State has
5 adopted challenging content and student per-
6 formance standards and be administered at
7 some time during—

8 “(i) grades kindergarten through 3;

9 “(ii) grades 4 through 6; and

10 “(iii) grades 7 through 9, (if applica-
11 ble; and

12 “(iv) grades 10 through 12, (if applica-
13 ble.)

14 “(E) involve multiple up-to-date measures
15 of student performance, including measures
16 that assess higher order thinking skills and un-
17 derstanding;

18 “(F) provide for—

19 “(i) the participation in such assess-
20 ments of all students;

21 “(ii) the reasonable adaptations and
22 accommodations for students with individ-
23 ualized education programs necessary to
24 measure the achievement of such students
25 relative to State content standards;

1 “(iii) the inclusion of limited English
2 proficient students who shall be assessed,
3 to the extent practicable, in the language
4 and form most likely to yield accurate and
5 reliable information on what such students
6 know and can do in content areas;

7 “(iv) the assessment of Spanish-
8 speaking students with limited English
9 proficiency through the use of tests written
10 in Spanish, if Spanish language assess-
11 ments are more likely than English lan-
12 guage tests to yield accurate and reliable
13 information on what such students know
14 and can do in content areas other than
15 English; and

16 “(v) notwithstanding clauses (iii) and
17 (iv), the assessment (using tests written in
18 English) of reading or language arts of
19 any student who has attended school in the
20 United States (not including Puerto Rico)
21 for 3 or more consecutive years;

22 “(G) include students who have attended
23 schools in a local educational agency for a full
24 academic year but have not attended a single
25 school for a full academic year, except that the

1 performance of students who have attended
2 more than one school in the local educational
3 agency in any academic year shall be used only
4 in determining the progress of the local edu-
5 cational agency;

6 “(H) provide individual student reports,
7 which include assessment scores, or other infor-
8 mation on the attainment of student perform-
9 ance standards; and

10 “(I) enable results to be disaggregated
11 within each State, local educational agency, and
12 school by gender, by each major racial and eth-
13 nic group, by English proficiency status, by mi-
14 grant status, by students with disabilities as
15 compared to nondisabled students, and by eco-
16 nomically disadvantaged students as compared
17 to students who are not economically disadvan-
18 tagged.

19 “(5) SPECIAL RULE.—Assessment measures
20 that do not meet the requirements of paragraph
21 (4)(C) may be included as one of the multiple meas-
22 ures, if a State includes in the State plan informa-
23 tion regarding the State’s efforts to validate such
24 measures.

1 “(6) LANGUAGE ASSESSMENTS.—Each State
2 plan shall identify the languages other than English
3 that are present in the participating student popu-
4 lation and indicate the languages for which yearly
5 student assessments are not available and are need-
6 ed. The State shall make every effort to develop
7 such assessments and may request assistance from
8 the Secretary if linguistically accessible assessment
9 measures are needed. Upon request, the Secretary
10 shall assist with the identification of appropriate as-
11 sessment measures in the needed languages.

12 “(7) ASSESSMENT DEVELOPMENT.—A State
13 that has not developed, and implemented State as-
14 sessments that are aligned to challenging State con-
15 tent standards that include, at a minimum, mathe-
16 matics and reading or language arts by the 2000-
17 2001 school year, may apply to the Secretary for a
18 1-time, 1-year waiver to complete development,
19 alignment, and implementation of such assessments.

20 “(8) REQUIREMENT.—Each State plan shall
21 describe—

22 “(A) how the State educational agency will
23 assist each local educational agency and school
24 affected by the State plan develop the capacity
25 to comply with each of the requirements of sec-

1 tions 1112(c)(1)(D), 1114(b), and 1115(c) that
2 is applicable to such agency or school; and

3 “(B) such other factors the State considers
4 appropriate to provide students an opportunity *now*
5 to achieve the knowledge and skills described in
6 the challenging content standards adopted by
7 the State.

8 “(9) PENALTIES.—

9 “(A) IN GENERAL.—If a State fails to
10 meet the statutory deadlines for demonstrating
11 that it has in place high-quality content stand-
12 ards and student performance standards and
13 assessments, and a system for measuring and
14 monitoring adequate yearly progress, the State
15 shall be ineligible to set aside any administra-
16 tive funds under section ⁷⁷ that exceed the amount
17 withheld by the State for such purpose in the
18 previous year.

19 “(B) ADDITIONAL FUNDS.—Based on the
20 extent to which such content standards, per-
21 formance standards, assessments, and moni-
22 toring of yearly progress, are not in place, addi-
23 tional administrative funds shall be withheld in
24 such amount as the Secretary determines ap-
25 propriate, except that for each additional year

1 that the State fails to comply with such require-
2 ments, the Secretary shall withhold not less
3 than $\frac{1}{5}$ of the amount the State receives for
4 administrative expenses under [section
5 1002(g)].

6 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
7 AND LEARNING.—Each State plan shall contain assur-
8 ances that—

9 “(1) the State educational agency will work
10 with other agencies, including educational service
11 agencies or other local consortia, and institutions to
12 provide technical assistance to local educational
13 agencies and schools to carry out the State edu-
14 cational agency’s responsibilities under this part, in-
15 cluding technical assistance in providing professional
16 development under section 1119 and technical as-
17 sistance under section 1117; and

18 “(2)(A) where educational service agencies
19 exist, the State educational agency will consider pro-
20 viding professional development and technical assist-
21 ance through such agencies; and

22 “(B) where educational service agencies do not
23 exist, the State educational agency will consider pro-
24 viding professional development and technical assist-

1 ance through other cooperative agreements such as
2 through a consortium of local educational agencies;

3 “(3) the State educational agency will notify
4 local educational agencies and the public of the
5 standards and assessments developed under this sec-
6 tion, and of the authority to operate schoolwide pro-
7 grams, and will fulfill the State educational agency’s
8 responsibilities regarding local educational agency
9 improvement and school improvement under section
10 1116, including such corrective actions as are nec-
11 essary;

12 “(4) the State educational agency will provide
13 the least restrictive and burdensome regulations for
14 local educational agencies and individual schools par-
15 ticipating in a program assisted under this part;

16 “(5) the State educational agency will encour-
17 age the use of funds from other Federal, State, and
18 local sources for schoolwide reform in schoolwide
19 programs under section 1114;

20 “(6) the State educational agency will reduce
21 **【eliminate】** State fiscal and accounting barriers so
22 that local educational agencies can easily combine
23 funds from other Federal, State, and local sources
24 for schoolwide programs under section 1114; and

1 “(7) the State educational agency has involved
2 the committee of practitioners [established under
3 section 1603(b)] in developing the plan.

4 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

5 “(1) IN GENERAL.—The Secretary shall—

6 “(A) establish a peer review process to as-
7 sist in the review and recommendations for revi-
8 sion of State plans;

9 “(B) appoint individuals to the peer review
10 process who are representative of State edu-
11 cational agencies, local educational agencies,
12 teachers, and parents, and who include experts
13 on educational standards, assessments, and ac-
14 countability;

15 “(C) following an initial peer review, ap-
16 prove a State plan the Secretary determines
17 meets the requirements of subsections (a), (b),
18 and (c);

19 “(D) if the Secretary determines that the
20 State plan does not meet the requirements of
21 subsection (a), (b), or (c), immediately notify
22 the State of such determination and the reasons
23 for such determination;

24 “(E) not decline to approve a State’s plan
25 before—

1 “(i) offering the State an opportunity
2 to revise its plan;

3 “(ii) providing technical assistance in
4 order to assist the State to meet the re-
5 quirements under subsections (a), (b), and
6 (c); and

7 “(iii) providing a hearing; and

8 “(F) have the authority to disapprove a
9 State plan for not meeting the requirements of
10 this part, but shall not have the authority to re-
11 quire a State, as a condition of approval of the
12 State plan, to include in, or delete from, such
13 plan one or more specific elements of the
14 State’s content standards or to use specific as-
15 sessment instruments or items.

16 “(2) WITHHOLDING.—The Secretary may with-
17 hold funds for State administration and activities
18 under section 1117 until the Secretary determines
19 that the State plan meets the requirements of this
20 section.

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21 “(e) DURATION OF THE PLAN.—

22 “(1) IN GENERAL.—Each State plan shall—

23 “(A) be submitted for the first year for
24 which this part is in effect after the date of the

1 [enactment of the Student Results Act of
2 1999];

3 “(B) remain in effect for the duration of
4 the State’s participation under this part; and

5 “(C) be periodically reviewed and revised
6 by the State, as necessary, to reflect changes in
7 the State’s strategies and programs under this
8 part.

9 “(2) ADDITIONAL INFORMATION.—If the State
10 makes significant changes in its plan, such as the
11 adoption of new State content standards and State
12 student performance standards, new assessments, or
13 a new definition of adequate progress, the State
14 shall submit such information to the Secretary.

15 “(f) LIMITATION ON CONDITIONS.—Nothing in this
16 part shall be construed to authorize an officer or employee
17 of the Federal Government to mandate, direct, or control
18 a State, local educational agency, or school’s specific in-
19 structional content or student performance standards and
20 assessments, curriculum, or program of instruction, as a
21 condition of eligibility to receive funds under this part.

22 [“(g) SPECIAL RULE.—If the aggregate State ex-
23 penditure by a State educational agency for the operation
24 of elementary and secondary education programs in the
25 State is less than such agency’s aggregate Federal expend-

delet

1 iture for the State operation of all Federal elementary and
2 secondary education programs, then the State plan shall
3 include assurances and specific provisions that such State
4 will provide State expenditures for the operation of ele-
5 mentary and secondary education programs equal to or
6 exceeding the level of Federal expenditures for such oper-
7 ation.”.] [Placement issue?]

8 **SEC. ____.** **LOCAL EDUCATIONAL AGENCY PLANS.**

9 (a) SUBGRANTS.—Paragraph (1) of section 1112(a)
10 (20 U.S.C. 6312(a)(1)) is amended by striking “the Goals
11 2000: Educate America Act” and all that follows and in-
12 serting the following: “the Individuals with Disabilities
13 Education Act, the Carl D. Perkins Vocational and Tech-
14 nical Education Act of 1998, the Head Start Act, and
15 other Acts, as appropriate.”.

16 (b) PLAN PROVISIONS.—

17 (1) Subsection (b) of section 1112 (20 U.S.C.
18 6312(b)) is amended—

19 (A) by striking “Each” in the matter pre-
20 ceding paragraph (1) and inserting “In order to
21 help low-achieving children achieve [to] high
22 standards, each”;

23 (2) in paragraph (1)—

24 (A) in subparagraph (B), by inserting
25 “low-achieving” before “children”;

*all children
participating
in the*

1 (B) by striking “and” at the end of sub-
2 paragraph (B);

3 (C) by inserting “and” at the end of sub-
4 paragraph (C); and

5 (D) by adding at the end the end the fol-
6 lowing new subparagraph:

7 “(D) determine the literacy levels of first
8 graders and their need for interventions, and a
9 description of how the local educational agency
10 will ensure that any such assessments—

11 “(i) are developmentally appropriate;
12 and

13 “(ii) use multiple measures to provide
14 information about the variety of skills that
15 research has identified as leading to early
16 acquisition of reading skills.”;

17 (3) in paragraph (3), by striking “for teachers,
18 and, where appropriate, pupil services personnel, ad-
19 ministrators, parents and other staff, including local
20 education agency level staff”;

21 (4) in paragraph (4)(B), by striking “under
22 part C or who were formerly eligible for services
23 under part C in the two-year period preceding the
24 date of the enactment of the Improving America’s
25 School Act of 1994, neglected or delinquent youth

1 and youth at risk of dropping out” and inserting
2 “under part C, neglected or delinquent youth”;

3 (5) in paragraph (7), by striking “eligible
4 homeless children” and inserting “homeless chil-
5 dren”;

6 (6) by striking the period at the end of para-
7 graph (9) and inserting “; and”; and

8 (7) by adding at the end the following new
9 paragraphs:

10 “(10) a description of the actions the local edu-
11 cational agency will take to assist its low-performing
12 schools, including schools identified under section
13 1116 as in need of improvement; and

14 “(11) a description of how the agency will pro-
15 mote the use of extended learning time, such as an
16 extended school year and before and after school and
17 summer programs.”.

18 (c) ASSURANCES.—Subsection (c) of section 1112
19 (20 U.S.C. 6312(c)) is amended to read as follows:

20 “(c) ASSURANCES.—

21 “(1) IN GENERAL.—Each local educational
22 agency plan shall provide assurances that the local
23 educational agency will—

24 “(A) inform eligible schools and parents of
25 schoolwide project authority and the ability of

1 such schools to combine funds from Federal,
2 State, and local sources;

3 “(B) provide technical assistance and sup-
4 port to schoolwide programs;

5 “(C) work in consultation with schools as
6 the schools develop the schools’ plans pursuant
7 to section 1114 and assist schools as the
8 schools implement such plans or undertake ac-
9 tivities pursuant to section 1115 so that each
10 school can make adequate yearly progress to-
11 ward meeting the State content standards and
12 State student performance standards;

13 “(D) fulfill such agency’s school improve-
14 ment responsibilities under section 1116, in-
15 cluding taking corrective actions under section
16 1116(c)(4);

17 “(E) provide services to eligible children
18 attending private elementary and secondary
19 schools in accordance with section 1120, and
20 timely and meaningful consultation with private
21 school officials regarding such services;

22 “(F) take into account the experience of
23 model programs for the educationally disadvan-
24 taged, and the findings of relevant scientifically
25 based research] indicating that services may be

1 most effective if focused on students in the ear-
2 liest grades at schools that receive funds under
3 this part;

4 “(G) in the case of a local educational
5 agency that chooses to use funds under this
6 part to provide early childhood development
7 services to low-income children below the age of
8 compulsory school attendance, ensure that such
9 services comply with the performance standards
10 established under section 641A(a) of the Head
11 Start Act;

12 “(H) comply with the requirements of sec-
13 tion 1119 regarding the qualifications of teach-
14 ers and teachers’ aides;

15 “(I) inform eligible schools of the local
16 educational agency’s authority to obtain waivers
17 on the school’s behalf under title XIV of this
18 Act, and if the State is an Ed-Flex Partnership
19 State, waivers under the Education Flexibility
20 Partnership Act of 1999.

21 “(2) SPECIAL RULE.—In carrying out subpara-
22 graph (G) of paragraph (1) the Secretary—

23 “(A) shall consult with the Secretary of
24 Health and Human Services on the implemen-
25 tation of such subparagraph and shall establish

1 procedures (taking into consideration existing
2 State and local laws, and local teacher con-
3 tracts) to assist local educational agencies to
4 comply with such subparagraph; and

5 “(B) shall disseminate upon publication to
6 local educational agencies the Head Start Per-
7 formance Standards revised pursuant to section
8 641A(a) of the Head Start Act, and such agen-
9 cies effected by such subparagraph shall plan
10 for the implementation of such subparagraph
11 (taking into consideration existing State and
12 local laws, and local teacher contracts), includ-
13 ing pursuing the availability of other Federal,
14 State, and local funding sources to assist in
15 compliance with such subparagraph.

16 “(3) INAPPLICABILITY.—The provisions of this
17 subsection shall not apply to preschool programs
18 using the Even Start model or to Even Start pro- 
19 grams which are expanded through the use of funds
20 under this part.”.

21 (d) PLAN DEVELOPMENT AND DURATION.—Section
22 1112 is amended by striking subsection (d) and inserting
23 the following:

24 “(d) PLAN DEVELOPMENT AND DURATION.—

1 “(1) CONSULTATION.—Each local educational
2 agency plan shall be developed in consultation with
3 teachers, administrators, and other appropriate
4 school personnel, and with parents of children in
5 schools served under this part.

6 “(2) DURATION.—Each such plan shall be sub-
7 mitted for the first year for which this part is in ef-
8 fect following [the date of the enactment of the Stu-
9 dent Results Act of 1999] and shall remain in effect
10 for the duration of the agency’s participation under
11 this part.

12 “(3) REVIEW.—Each such local educational
13 agency shall periodically review, and as necessary,
14 revise its plan.”.

15 (e) STATE APPROVAL.—Section 1112 is amended by
16 striking subsection (e) and inserting the following:

17 “(e) STATE APPROVAL.—

18 “(1) IN GENERAL.—Each local educational
19 agency plan shall be filed according to a schedule es-
20 tablished by the State educational agency.

21 “(2) APPROVAL.—The State educational agency
22 shall approve a local educational agency’s plan only
23 if the State educational agency determines that the
24 local educational agency’s plan—

1 “(A) will enable schools served under this
2 part to substantially help low-achieving children
3 served under this part meet the standards ex-
4 pected of all children described in section
5 1111(b)(1); and

6 “(B) will meet the requirements of this
7 section.”.

8 **SEC. ____ . ELIGIBLE SCHOOL ATTENDANCE AREAS.**

9 Section 1113 (20 U.S.C. 6313) is amended to read
10 as follows:

11 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

12 “(a) DETERMINATION.—

13 “(1) IN GENERAL.—A local educational agency
14 shall use funds received under this part only in eligi-
15 ble school attendance areas.

16 “(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—
17 For the purposes of this part—

18 “(A) the term ‘school attendance area’
19 means, in relation to a particular school, the
20 geographical area in which the children who are
21 normally served by that school reside or in the
22 case of a public charter school that constitutes
23 a local educational agency under State law,
24 such public charter school; and

1 “(B) the term ‘eligible school attendance
2 area’ means a school attendance area in which
3 the percentage of children from low-income
4 families is at least as high as the percentage of
5 children from low-income families in the local
6 educational agency as a whole.

7 “(3) LOCAL EDUCATIONAL AGENCY DISCRE-
8 TION.—

9 “(A) IN GENERAL.—Notwithstanding para-
10 graph (2), a local educational agency may—

11 “(i) designate as eligible any school
12 attendance area or school in which at least
13 35 percent of the children are from low-in-
14 come families;

15 “(ii) use funds received under this
16 part in a school that is not in an eligible
17 school attendance area, if the percentage
18 of children from low-income families en-
19 rolled in the school is equal to or greater
20 than the percentage of such children in a
21 participating school attendance area of
22 such agency; and

23 “(iii) elect not to serve an eligible
24 school attendance area or eligible school

1 that has a higher percentage of children
2 from low-income families if—

3 “(I) the school meets the com-
4 parability requirements of section
5 1120A(c);

6 “(II) the school is receiving sup-
7 plemental funds from other State or
8 local sources that are spent according
9 to the requirements of section 1114 or
10 1115; and

11 “(III) the funds expended from
12 such other sources equal or exceed the
13 amount that would be provided under
14 this part.

15 “(B) SPECIAL RULE.—Notwithstanding
16 subparagraph (A)(iii), the number of children
17 attending private elementary and secondary
18 schools who are to receive services, and the as-
19 sistance such children are to receive under this
20 part, shall be determined without regard to
21 whether the public school attendance area in
22 which such children reside is assisted under
23 subparagraph (A).

24 “(b) RANKING ORDER.—If funds allocated in accord-
25 ance with subsection (g) are insufficient to serve all eligi-

*cmult
- some trip*

1 ble school attendance areas, a local educational agency
2 shall—

3 “(1) rank from highest to lowest according to
4 the percentage of children from low-income families
5 in each agency’s eligible school attendance areas in
6 the following order—

7 “(A) schools that serves children in grades
8 kindergarten through 6, in which the concentra-
9 tion of children from low-income families ex-
10 ceeds 75 percent.

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11 “(B) all remaining schools in which the
12 concentrations of children from low-income fam-
13 ilies exceeds 75 percent.

14 “(C) schools that serve children in grades
15 kindergarten through 6 in which the concentra-
16 tion of children of low-income families is 75
17 percent or lower until all such schools in which
18 the percentage of children from low-income
19 families equals the percentage of children from
20 low-income families in the agency as a whole;
21 and

22 “(D) any remaining schools; and

23 “(2) within each category listed in paragraph
24 (1), serve schools in rank order from highest to low-

1 est according to the ranking assigned under para-
2 graph (1); and

3 “(3) not serve a school described in a higher
4 numbered subparagraph until all schools in the
5 lower numbered subparagraphs are served.

6 [“(c) REMAINING FUNDS.—If funds remain after
7 serving all eligible school attendance areas under sub-
8 section (b), a local educational agency shall determine
9 which remaining eligible school attendance areas to serve.
10 - do you even need this now with your new system?]

11 “(d) LOW-INCOME MEASURES.—In determining the
12 number of children ages 5 through 17 who are from low-
13 income families, the local educational agency shall apply
14 the measures described in paragraphs (1) and (2) of this
15 subsection:

16 “(1) ALLOCATION TO PUBLIC SCHOOL ATTEND-
17 ANCE AREAS.—The local educational agency shall
18 use the same measure of poverty, which measure
19 shall be the number of children ages 5 through 17
20 in poverty counted in the most recent census data
21 approved by the Secretary, the number of children
22 eligible for free and reduced priced lunches under
23 the National School Lunch Act, the number of chil-
24 dren in families receiving assistance under the State
25 program funded under part A of title IV of the So-

1 cial Security Act, or the number of children eligible
2 to receive medical assistance under the Medicaid
3 program, or a composite of such indicators, with re-
4 spect to all school attendance areas in the local edu-
5 cational agency—

6 “(A) to identify eligible school attendance
7 areas;

8 “(B) to determine the ranking of each
9 area; and

10 “(C) to determine allocations under sub-
11 section (f).

12 “(2) ALLOCATION FOR EQUITABLE SERVICE TO
13 PRIVATE SCHOOL STUDENTS.—

14 “(A) IN GENERAL.—The local educational
15 agency shall derive the number of private school
16 children, ages 5 through 17, who are low-in-
17 come by—

18 “(i) using the same measure of low-in-
19 come used to count public school children;

20 “(ii) using the results of a survey
21 that, to the extent possible, protects the
22 identity of families of private school stu-
23 dents with such survey results extrapolated
24 if complete actual data are not available;
25 or

1 “(iii) applying the low-income percent-
2 age of each participating public school at-
3 tendance area, determined pursuant to
4 【paragraph (1)】, to the number of private
5 school children who reside in that attend-
6 ance area.

7 “(B) COMPLAINT PROCESS.—Any dispute
8 regarding low-income data on private school
9 students shall be subject to the complaint proc-
10 ess authorized in section 14505.

 【How does this fit in?】 A Department of
Education-authorized survey instrument shall
be considered reliable. If the State educational
agency or the Secretary determines the local
educational agency data is not accurate or reli-
able, the State educational agency or Secretary
may require the local educational agency to use
the low-income measure described in 【para-
graph (2)(A)(iii)】 or any other source that pro-
vides accurate and reliable information.

11 “(e) EXCEPTION.—This section shall not apply to a
12 local educational agency with a total enrollment of less
13 than 1,000 children.

14 “(f) WAIVER FOR DESEGREGATION PLANS.—The
15 Secretary may approve a local educational agency’s writ-

1 ten request for a waiver of the requirements of [sub-
 2 sections (a) and (c)], and permit such agency to treat as
 3 eligible, and serve, any school that children attend under
 4 a desegregation plan ordered by a State or court or ap-
 5 proved by the Secretary, or such a plan that the agency
 6 continues to implement after it has expired, if—

7 “(1) the number of economically disadvantaged
 8 children enrolled in the school is not less than 25
 9 percent of the school’s total enrollment; and

10 “(2) the Secretary determines on the basis of a
 11 written request from such agency and in accordance
 12 with such criteria as the Secretary establishes, that
 13 approval of that request would further the purposes
 14 of this part.

15 “(g) ALLOCATIONS.—

16 “(1) IN GENERAL.—A local educational agency
 17 shall first allocate funds received under this part to
 18 eligible school attendance areas or eligible schools,
 19 identified under [subsection (a) or (b)], in rank
 20 order for schools serving students in kindergarten
 21 through sixth grade in which the concentration of
 22 children from low-income families exceeds 75 per-
 23 cent, on the basis of the total number of children
 24 from low-income families in each area or school. For
 25 eligible school attendance areas [or eligible schools]

*dollars not
 tied to
 no per pupil
 could
 spread at
 entire
 gives every*

1 with 75 percent poverty or less, local educational
2 agencies may allocate funds under this part at their
3 discretion. [Not redrafted - What is the difference
4 of serving schools under subsection (b) and allo-
5 cating money to such schools? Seems to be some in-
6 consistencies in existing law - not sure, given your
7 changes to (b) what if anything we need to do in
8 this subsection]

9 “(2) RESERVATION.—A local educational agen-
10 cy shall reserve such funds as are necessary under
11 this part to provide services comparable to those
12 provided to children in schools funded under this
13 part to serve—

take out 14 “(A) [where appropriate, eligible homeless
15 children who do not attend participating
16 schools, including providing educationally re-
17 lated support services to children in shelters;

18 “(B) children in local institutions for ne-
19 glected or delinquent children; and

20 “(C) where appropriate, neglected and de-
21 linquent children in community day school pro-
22 grams.”.

23 **SEC. ____ . SCHOOLWIDE PROGRAMS.**

24 Section 1114 (20 U.S.C. 6314) is amended to read
25 as follows:

1 **"SEC. 1114. SCHOOLWIDE PROGRAMS.**

2 “(a) USE OF FUNDS FOR SCHOOLWIDE PRO-
3 GRAMS.—

4 “(1) IN GENERAL.—A local educational agency
5 may consolidate funds under this part, together with
6 other Federal, State, and local funds, in order to up-
7 grade the entire educational program of a school
8 that serves an eligible school attendance area in
9 which not less than 40 percent of the children are
10 from low-income families, or not percent of the chil-
11 dren enrolled in the school are from such families.

12 “(2) STATE ASSURANCES.—(A) A local edu-
13 cational agency may start new schoolwide programs
14 under this section only after the State educational
15 agency provides written information to each local
16 educational agency in the State that demonstrates
17 that such State agency has established the statewide
18 system of support and improvement required by sub-
19 sections (c)(1) and (e) of section 1117.

20 “(B) A school that desires to initiate a
21 schoolwide program under this section prior to the
22 establishment of the statewide system of support
23 and improvement required in subsections (c)(1) and
24 (e) of section 1117 shall demonstrate to the local
25 educational agency that such school has received
26 high quality technical assistance and support from

1 other providers of assistance such as comprehensive
2 technical assistance centers, regional laboratories,
3 institutions of higher education, educational service
4 agencies, or other local consortia.

5 “(3) IDENTIFICATION OF STUDENTS NOT RE-
6 QUIRED.—(A) No school participating in a
7 schoolwide program shall be required to identify par-
8 ticular children under this part as eligible to partici-
9 pate in a schoolwide program or to provide supple-
10 mental services to such children.

11 “(B) A school participating in a schoolwide pro-
12 gram shall use funds available to carry out this sec-
13 tion only to supplement the amount of funds that
14 would, in the absence of funds under this part, be
15 made available from non-Federal sources for the
16 school, including funds needed to provide services
17 that are required by law for children with disabilities
18 and children with limited English proficiency.

19 “(4) EXEMPTION FROM STATUTORY AND REGU-
20 LATORY REQUIREMENTS.—(A) Except as provided in
21 subsection (b), the Secretary may, through publica-
22 tion of a notice in the Federal Register, exempt
23 schoolwide programs under this section from statu-
24 tory or regulatory provisions of any other non-
25 competitive formula grant program administered by

1 the Secretary, or any discretionary grant program
2 administered by the Secretary (other than formula
3 or discretionary grant programs under the Individ-
4 uals with Disabilities Education Act), to support
5 schoolwide programs if the intent and purposes of
6 such other programs are met.

7 “(B) A school that chooses to use funds from
8 such other programs shall not be relieved of the re-
9 quirements relating to health, safety, civil rights,
10 student and parental participation and involvement,
11 services to private school children, maintenance of
12 effort, uses of Federal funds to supplement, not sup-
13 plant non-Federal funds, or the distribution of funds
14 to State or local educational agencies that apply to
15 the receipt of funds from such programs.

16 “(C)(i) A school that chooses to consolidate
17 funds from Federal discretionary grant programs
18 under this section shall not be required to conduct
19 separate fiscal accounting for purposes of showing
20 that the intent and purposes of the programs are
21 met.

22 “(ii) A signed certification by the school that it
23 has met the intent and purposes of the Federal con-
24 solidated program funds shall be adequate docu-

1 mentation for showing the school has met the intent
2 and purposes of the programs.

3 “(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

4 “(1) IN GENERAL.—A schoolwide program shall
5 include the following components:

6 “(A) A comprehensive needs assessment of
7 the entire school that is based on information
8 on the performance of children in relation to
9 the State content standards and the State stu-
10 dent performance standards described in section
11 1111(b)(1).

12 “(B) Schoolwide reform strategies that—

13 “(i) provide opportunities for all chil-
14 dren to meet the State’s proficient and ad-
15 vanced levels of student performance de-
16 scribed in section 1111(b)(1)(D);

17 “(ii) [are based upon] and use effec-
18 tive methods and instructional strategies
19 that are based upon scientifically based re-
20 search that—

21 “(I) strengthen the core aca-
22 demic program in the school;

23 “(II) increase the amount and
24 quality of learning time, such as pro-
25 viding an extended school year and

1 before- and after-school and summer
2 programs and opportunities, and help
3 provide an enriched and accelerated
4 curriculum; and

5 “(III) include strategies for meet-
6 ing the educational needs of histori-
7 cally underserved populations;

8 “(iii)(I) address the needs of all chil-
9 dren in the school, but particularly the
10 needs of low-achieving children and those
11 at risk of not meeting the State student
12 performance standards who are members
13 of the target population of any program
14 that is included in the schoolwide program;

15 “(II) address how the school will de-
16 termine if such needs have been met; and

17 “(iv) are consistent with, and are de-
18 signed to implement, the State and local
19 improvement plans, if any.

20 “(D) Instruction by fully qualified (as de-
21 fined in section ____) teachers and other pro-
22 fessional staff.

23 “(E) In accordance with section 1119, pro-
24 fessional development for teachers and aides,
25 and, where appropriate, pupil services per-

1 sonnel, parents, principals, and other staff to
2 enable all children in the school to meet the
3 State's student performance standards.

4 "(F) Strategies to increase parental in-
5 volvement, such as family literary services.

6 "(G) Plans for assisting preschool children
7 in the transition from early childhood programs,
8 such as Head Start, Even Start, or a State-run
9 preschool program, to local elementary school
10 programs.

11 "(H) Measures to include teachers in the
12 decisions regarding the use of assessments de-
13 scribed in section 1112(b)(1) in order to pro-
14 vide information on, and to improve, the per-
15 formance of individual students and the overall
16 instructional program.

17 "(I) Activities to ensure that students who
18 experience difficulty mastering the proficient or
19 advanced levels of performance standards re-
20 quired by section 1111(b) during the course of
21 the school year shall be provided with effective,
22 timely additional assistance which shall include
23 measures to ensure that students' difficulties
24 are identified on a timely basis and to provide

Early Childhood
Training amendment
from Kathy
Hogenbrien
senator Dodd's office
