plan, we will have delivered him a substantive defeat. I am hopeful that Republicans can pull together and deliver our President the victory he deserves.

NO CHILD LEFT BEHIND ACT OF 2001

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to House Resolution 143 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 1033

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, May 22, 2001, amendment No. 9 printed in House Report 107–69 offered by the gentleman from Ohio (Mr. TIBERI) had been disposed of.

It is now in order to consider amendment No. 10 printed in House Report 107–69.

AMENDMENT NO. 10 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, pursuant to the rule, I offer amendment No. 10.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HOEKSTRA:

In section 701 of the bill, in subparagraph (A) of section 7203(b)(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 701), strike ''may transfer'' and all that follows through the end of such subparagraph and insert the following:

may transfer—

''(i) not more than 50 percent of the funds allocated to it under each of the provisions listed in paragraph (2) for a fiscal year to 1 or more of its allocations for such fiscal year under any other provision listed in paragraph (2); or

''(ii) not more than 75 percent of the funds allocated to it under each of the provisions listed in paragraph (2) for a fiscal year to 1 or more of its allocations for such fiscal year under any other provision listed in paragraph (2), if the local educational agency obtains State approval before making such transfer.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed will each control 10 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise not claimed in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I yield myself 1 minute.

Currently, H.R. 1 gives local school districts a new opportunity to use some of their Federal funds in a way that will benefit their students. This transferability option will allow school districts to transfer up to 50 percent of the money they receive from four Federal programs, grant programs. They can move these monies between the programs or into Title I.

This is an important step forward in giving local education officials, those who know the names of their students, the ability to spend Federal funds the way they believe will improve student achievement, not the way a bureaucratic in Washington tells them to.

Transferability is a positive way to give school districts some flexibility in how they spend their money. I believe that we should go even further. That is why I have offered this amendment. This amendment will allow a school district to go above the current 50 percent gap and give them the option to transfer up to 75 percent of their Federal formula grant funds between programs if they receive approval from their States.

I hope my colleagues will agree that this is an important step forward in flexibility, and I encourage them to support this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to this amendment. This legislation and this bipartisan agreement, and it is bipartisan reporting from the committee, takes an unprecedented step in expanding the transferability at the local level so that local school districts can make a determination about the application of those resources.

But this legislation also understands that these programs are not about some Washington bureaucrat. These programs are about the Congress of the United States saying these are areas that we believe there should be an important commitment of resources: safe and drug-free schools, teacher quality improvement, innovative strategies and technology.

These are articulations of the congressional will on a bipartisan basis certainly over the last 10 or 15 years that these are either emerging areas that need attention and the Federal dollars ought to be applied there, because there are areas where there are deficits, but at the same time in this legislation we have taken the unprecedented step to say that we can have transferability of 50 percent of the money, because in some instances it makes sense to allow them to double up the resources on a short-term basis to improve the quality of teachers, or to purchase technology so they can ramp it up and get it running and get on their way.

But the Hoekstra amendment is simply an amendment that goes too far. It is violative of the bipartisan agreement we have. It is violative of the vote in the committee reporting this to the floor. It recognizes the tension between a full-blown block grant and the notion that we ought to have improved flexibility at the local level.

That is what we decided on doing. That is what we decided on as a committee to do, to see whether or not over the next 5 years we could see how this transferability takes place.

We ought to honor that agreement. It is a rational agreement and makes sense. It also keeps faith with the congressional priorities that this Congress has determined we ought to be using Federal dollars for in the poorest schools with the poorest performing children, because, after all, that is a program that we have before us today to help make up those deficits in teacher qualifications in the poorer schools, in lacking technology in the poorer schools.

I would hope that the Congress and the House would stay with the bipartisan agreement that we have.

Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague, the gentleman from Michigan, for offering the amendment. I do understand the concern of some on each side of the aisle over giving local districts more flexibility, but let us go and look at why we have this in the bill today.

As was pointed out, we make sure that the money gets to the schools under the targeting that is already in the bill. Then we make sure that under Title I, which is the largest chunk of money, that we could transfer money into title 1 but could not transfer any money out of it.

Secondly, we also wall off, under the current bill, the bilingual education money and programs. So we are talking about basically four funding streams that we are giving local districts, every local district, the opportunity to move at least half of the money in those four funding streams between programs or into Title I.

The amendment before us says, let us allow a local district to transfer up to 75 percent of the funds, again, just among those four funding streams. Why do we want to give districts this flexibility? Because we have teacher and professional development monies, we have technology money, we have an innovative grant program, and we have to spend the money today in those particular funding streams.

Under the 50 percent local flexibility, we have some ability to transfer, but I think the amendment offered by the gentleman from Michigan is a good one. It says we can do 75 percent. Why is this good? Because let us say that we

want to put computers in every classroom, so we can take the technology money and do that, but if we do not have teachers who are equipped to teach their students how to use the computers, maybe the first step ought to be to do the teacher training and the professional development.

What in fact that would do, we might want to be able to transfer money out of technology into the teacher training part to make sure that they are trained before we get the equipment. This kind of local flexibility we think will produce much better results.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), the ranking member of the subcommittee.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I believe this amendment would cross the line between preserving focused educational priorities and eliminating national areas of need. I ask Members to oppose it.

Currently, this bipartisan bill allows school districts to transfer up to 50 percent of a program's allocation. This maintains the bipartisan priorities identified in the ESEA. By allowing transfers of 75 percent, the significant focus on the areas of school safety, teacher quality, and technology will be diluted.

Mr. Chairman, the bill's current provisions allowing for a 50 percent transfer from a program strikes the right balance between flexibility and accountability. I would urge Members to reject this amendment. We have worked very, very carefully, and this is a very important part of the bipartisan agreement. I would urge Members to recognize that. This 75 percent amendment really, to my mind, violates the bipartisan effort that we have put into this bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman for yielding time to me. I appreciate the debate that is taking place on this amendment.

Mr. Chairman, I rise in support of this amendment. Of course, this amendment really addresses a small part of the bill that provides a little bit of flexibility to school districts.

Now, the President and his plan, Leave No Child Behind Act of 2001, proposed something much bigger. He said that what he had suggested was that under his program, States and districts would be free from categorical program requirements in return for submitting 5-year performance agreements.

This portion of the President's plan, of course, has been left out of the bill. But what we have instead is a portion that allows a tiny little bit of Federal funds to be transferred between some programs at the district level, and in those programs, only 50 percent of the dollars that are allocated, just 50 percent.

This does not include Title I, which is where the real money is in Federal funds back to States. So we are really talking here, Mr. Chairman, about probably 1 percent or less of the dollars that go to local districts, and we are having a debate over whether they should be able to shift 50 percent of that tiny percentage, or, as the gentleman from Michigan (Mr. HOEKSTRA) has proposed in his amendment, 75 percent.

This is a debate about minutiae, frankly, but it is a good debate because it is a small step in the right direction. But the tenor of the debate I think speaks volumes about why so much of the President's bill has been left behind here on the floor, because as my colleague, the gentleman from California, stated in his arguments against the amendment, he said this was a bad amendment because it violates the bipartisan agreement that we have here between Republicans and Democrats.

So we define the merits of the legislation based on which group of politicians have agreed to the underlying bill that is before us. If the amendment violates this agreement among politicians, then it is a bad amendment.

Mr. Chairman, this amendment benefits children. At some point during today's debate, we ought to think about them. I have to tell the Members, my friends back home in Colorado, school board administrators and others, they do not care whether there is an agreement between politicians, what they want is the flexibility to spend dollars on the priorities that help kids. That is what this amendment does, and why I ask for its adoption.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), chairman of the subcommittee.

□ 1045

Mr. CASTLE. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding the time to me.

Mr. Chairman, I rise in reluctant but very strong opposition to this amendment. This legislation as it stands right now with the amendments in it has as much flexibility as one could possibly handle probably for years to come.

In addition to the education flexibility that we passed last year, we have great consolidation of a lot of the programs that exist at the Federal level into one block grant-type program.

We do have the local Straight A's or the local flexibility, if you will, which allows each district without permission from anybody to transfer up to 50 percent of their funds as long as it is not in title I. They can transfer into title I all of the Federal funds; that is tremendous flexibility. That is the best we can possibly do with respect to that.

The gentleman from Ohio (Mr. TIBERI) and I had an amendment yesterday which passed which allows 100 school districts to apply to the Secretary to waive statutory requirements and consolidate certain program funds at the local level.

This is unprecedented flexibility. The problem with going from 50 percent to 75 percent is that this percentage, the original percentage reflects our shared desire to ensure that the funds that we have remain available to some extent to carry out the program requirements as they are not waived by the flexibility program.

Mr. Chairman, I am just afraid if we go above 50 percent, it is going to be impossible to do this. So I believe that with all the flexibility that has been entered into this legislation, and it really truly is unprecedented, that we have gone far enough.

I am reluctant to oppose it, because of the distinguished record of the gentleman from Michigan (Mr. HOEKSTRA) sponsoring it, but the bottom line is that the flexibility is there, it is what we should do. I would encourage all of us to oppose the amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman from Michigan (Mr. HOEKSTRA) for yielding me the time.

Mr. Chairman, I especially thank the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce, for his support of this amendment and his yeoman's efforts in this education bill.

Mr. Chairman, I rise today as a proud member of ''Hoekstra's heroes,'' a band of my colleagues who over the past several days have rallied around the gentleman from Michigan (Mr. HOEKSTRA) and his heroic effort to preserve the vision of State and local control of education in America.

It is said that without a vision, the people perish. And the vision of Washington, D.C., the vision of the founders of this country was a vision of limited government that left things like education to those who could govern best at the State level.

Mr. Chairman, this amendment will allow local school districts to transfer more funds to specific programs and better utilize their resources for the benefits of students. Let me repeat that, this marginal increase in transferability is for the benefit of students. By increasing the transferability cap, this body permits Federal dollars to be targeted to the areas that most help students.

Mr. Chairman, the people of east central Indiana did not send me to Washington, D.C. to increase the Federal Government's role over education or education resources. They sent me to help students by promoting innovation and reform.

Mr. Chairman, this amendment will help us modestly innovate and reform by raising the transferability cap; and I urge my colleagues, all of my fellow Hoekstra heroes, and all Hoekstra hero

''wannabes'' on both sides of the aisle to support this fine amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER), my friend, for yielding me the time.

Mr. Chairman, I oppose the amendment. The amendment makes a modest quantitative change but a significant and negative qualitative change.

First of all, we ought to remind ourselves that States and localities can do whatever they see fit with 100 percent of their State and local money, 100 percent. This is about the very small amount of money that comes to local school districts from the Federal budget.

We are in the process of collectively making a judgment about some spending priorities that help children. We believe it helps children to encourage school districts to spend money on the latest technology so there are computers in classrooms.

We believe it helps children to bring police officers and teachers together to teach children the evils and dangers of drugs and alcohol under the safe and drug free schools section.

We believe it helps children to afford teachers the opportunity to retool and relearn their craft on a regular basis, and we believe it helps children to find some extra money for the unusual and innovative ideas that usually do not find its way into the regular school budget.

We believe that each one of those things ought to be done with at least 50 percent, at least 50 percent of the very modest amount of Federal money that is being sent to local school districts. If you reduce that 50 percent to 25 percent, I believe you reduce these priorities to the point of dilution. You reduce them to the point where nothing really gets done in these four important areas at all.

Mr. Chairman, I fully embrace and support the right of local school districts to spend their own money, raised through their own taxing authorities completely as they see fit, subject to the laws and constitutional provisions that they must live under, but I think that when we make a national judgment about the importance of technology, of teacher training, of safe and drug free schools and of innovative strategies, we ought to stick to it.

This amendment does not do that. It should be defeated.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan is recognized for 3½ minutes.

Mr. HOEKSTRA. Mr. Chairman, when the President came to Washington, he announced a bold plan, a bold plan to reform education, by giving more flexibility to the States, by holding the schools accountable for results and by empowering parents.

Over the last 3 months, that plan has slowly been whittled away. Much of the flexibility that the President had envisioned for States to target their spending towards the needs of their kids is gone.

This amendment is an attempt to give the States and local school districts just a little bit more flexibility for that 1 percent of their money that comes to their local school districts.

Parental empowerment is basically gone.

Accountability, it is interesting the President's plan said we are going to get rid of process accountability. We are going to move away from these categorical programs that tell school districts exactly what to do with every Federal dollar and then audits them to make sure that the dollars are spent for each of these programs creating a huge bureaucratic and programmatic nightmare.

He said we are going to come back and we are going to focus not on process accountability, but we are going to focus on results accountability; move away from process accountability, go to results accountability. Let us test whether our kids are actually going to be able to read and to do math. The process accountability has stayed alive. The bureaucracy has won on all of those counts. School districts will be given money. They will be told how to spend it, and now they will also have the results accountability.

We will now be telling school districts what to do and exactly what results they will be expected to achieve, and if they do not achieve those results, here is what will happen.

It is all laid out in the bill. It is all very clear. This ends up being the most significant takeover of our local schools since the creation of the Department of Education.

It is disappointing that we do not trust the individuals who know the names of our kids to do what is best for our children. Go to your local school districts. I spent a tremendous amount of time in school districts in my hometown, my district and around the country, and if there is one impassioned plea that you consistently hear, it is free us from the bureaucracy, free us from the paperwork, free us from the mandates so that instead of focusing on Washington and what you are telling us to do, we can focus on the needs of our kids.

This amendment is just one small step in trying to bring some more freedom to the folks who know our kids' needs, but, more importantly, they know our kids' names and they can bring those things together.

There is such a tremendous diversity in the needs of our children and the needs of our school districts that we ought to trust our local school officials to do the right things, to trust our State officials. They do not need another Federal mandate.

As a matter of fact, they have a Federal mandate that comes into effect in 2001 on testing. We are throwing that out, putting a massive new mandate in place. Let us trust the folks back home to do the right thing with a small portion of this money.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I was proud to stand with the gentleman from Michigan (Mr. HOEKSTRA) to oppose additional Federal mandates yesterday, and it is a value that we share.

This debate that we are having today, I agree with the gentleman and the gentleman from Colorado (Mr. SCHAFFER) that this should not be about agreements between politicians. It should be about learning. This debate should be about priorities.

This debate should be about responsibility. We have a responsibility to bring the best learning we can to our school children, and we have a responsibility to spend tax dollars wisely. We have a responsibility to bring focus priorities to these programs that we are talking about: school safety, teacher quality and class size reduction, school technology.

These are important priorities that we have set at a national level, and we have agreed to reduce bureaucracy and to increase transferability to the 50 percent mark. But why not raise it to 75 percent? Why not raise it to 100 percent?

I believe the answer is we should not raise it to 100 percent; and it is, I admit, a difficult matter to set where the line should be, but as we negotiate these lines and move them toward the 100 percent, I believe that we abdicate responsibility. Our responsibility is to spend tax dollars wisely and to focus on efforts that help our school children.

Mr. Chairman, I agree with the gentleman that we need to give local flexibility; and we have set the right amount in this bill. I oppose the Hoekstra amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 11 printed in House Report 107–69.

AMENDMENT NO. 11 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. MEEK of Florida:

In section 501 of the bill, in section 5501(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), strike ''adult''.

In section 501 of the bill, in section 5502(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), strike ''adult'' and insert ''individual''.

In section 501 of the bill, in section 5503(a)(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), after ''responsible adults'' insert ''or students in secondary school''.

In section 501 of the bill, in section 5503(c)(1)(C) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), strike ''adult''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from Florida (Mrs. MEEK) and a Member opposed will each control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time not otherwise taken in opposition to this.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. BOEHNER)?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment seeks to make a small, modest change to the Osborne Mentoring Program so that both adults and qualified, trained and motivated high school students can become mentors.

During the Committee on Education and the Workforce's consideration of H.R. 1, the gentleman from Nebraska (Mr. OSBORNE) offered a noncontroversial amendment which the committee adopted by voice vote that established a mentoring program.

I commend the initiative of the gentleman from Nebraska (Mr. OSBORNE). His program is well-intended and also well designed. Presently this bill only allows adults to be mentors.

My amendment seeks to make a modest change so that qualified, trained and motivated high school students can also become mentors.

Mr. Chairman, I want to make it very clear that neither the Osborne Mentoring Program or my amendment would require that local educational agencies offer mentoring programs.

□ 1100

This is strictly an option that the school district can or cannot take. Like the bill, my amendment would preserve local option. Local school districts would have the choice whether or not to start a mentoring program.

When the mentor is an older student, not too far in age from the mentee, it appears that this transforming relationship affects both young people. For example, a study recently conducted by Pediatrics Magazine pointed out that the benefits of peer monitoring are very, very good. The researchers compared children who were involved in an inner-city mentoring program with demographically matched children who were not. Mentors were age 14 to 21, while mentees were children 7 to 13.

Both mentees and mentors involved in a community-based peer mentoring program were found to benefit from such interactions by acting with greater maturity and more responsibility in their daily lives.

In my years as a college instructor, I often witnessed the transforming power of peer relationships. Younger students sometimes perceive adults as authority figures who are out of touch or all too ready to preach; whereas, a child may come to confide in his or her slightly-older peer because they perceive their peer to have a greater capacity to understand and identify with what they are going through.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank the gentlewoman from Florida for her amendment to a program that was put in the bill in committee by the gentleman from Nebraska (Mr. OSBORNE).

The gentleman from Nebraska (Mr. OSBORNE), as we all know, had a very successful career in winning three national championships during his years as coach of Nebraska. During his years, though, in Nebraska, he was very involved in mentoring programs of many sorts and brought an amendment to the committee and added to this bill a mentoring program that I think will be very helpful to all of the disparate and independent mentoring programs that are going on around the country.

I think the amendment offered by the gentlewoman from Florida (Mrs. MEEK) is very well done because in many high schools around the country today we have mentoring programs where older young adults in schools are working with their peers. I know in my own local high school at home, they have a peer-counseling program, peer-mentoring program that I think has been very successful. So I would encourage my colleagues to support the gentlewoman's amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I would like to speak in favor of the Meek amendment, the mentoring success component of H.R. 1. Traditionally, many mentoring programs involve adults, but there are a great many around the country, as the gentleman from Ohio (Chairman BOEHNER) mentioned, that do use secondary school students to work with younger children.

So as the initial introducer of the mentoring component, I certainly support the gentlewoman's amendment, and we hope very much that our colleagues will vote in favor of this amendment. We think it has great merit. We look forward to working with the conference committee to possibly also include younger college-age students in mentoring endeavors.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume and wish to enter into a colloquy with the gentleman from Maryland (Mr. HOYER) and the gentlewoman from Kentucky (Mrs. NORTHUP).

Mr. Chairman, I am happy to yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentlewoman from Florida (Mrs. MEEK) for her willingness to yield to me, and I thank the gentleman from Ohio (Chairman BOEHNER) for yielding to me.

Mr. Chairman, I rise to enter a colloquy with the distinguished gentleman from Ohio (Chairman BOEHNER). First, I would like to thank the gentlewoman from Florida (Mrs. MEEK), as I said, for being willing to yield me time. I would also like to thank the gentleman from Ohio (Chairman BOEHNER) for his outstanding leadership on the committee, along with the gentleman from California (Mr. GEORGE MILLER), who has worked so hard to bring a good bill to the floor.

The education of our children should be our top priority, which is why we are especially pleased that this bill is truly the result of a bipartisan effort. During the debate, we have discussed at great length the need for standards and improved achievement. However, many of our schools do not have access to research-based reading programs developed by NICHD. This bill includes report language that discusses research-based reading programs. But I do not feel we are doing enough to make sure that our teachers have access to this innovative research.

Mr. Chairman, at this time I would like to have a colloquy with the distinguished gentlewoman from Kentucky (Mrs. NORTHUP), my colleague on the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations, who shares my concern and interest in this area.

Mr. BOEHNER. Mr. Chairman, I am happy to yield to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, first of all, let me thank my colleagues who have spent many hours listening to NIH testimony and getting quite an appreciation for the research they have

done on reading, and to the gentlewoman from Florida (Mrs. MEEK), who is my cochair in the Reading Caucus that seeks to bring focus on what reading programs work.

Mr. Chairman, the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations on which both the gentleman from Maryland (Mr. HOYER) and I sit has had a number of discussions about the recommendations of the National Reading Panel, a report compiled by the National Institute of Child Health and Human Development and the Department of Education.

The National Reading Panel was charged with conducting a comprehensive review of the evidence-based research on reading and assessing the effectiveness of different approaches. As my colleagues know, NICHD has conducted scientific research and identified the steps required for all children to become effective readers. Armed with that research and knowledge, we now need to take the next step, putting research into practice.

We are pleased that the President's Reading First Initiative has been shaped by the findings of the National Reading Panel. Reading is a fundamental building block of education. That is why it is crucial that our students receive the best reading instruction.

Mr. Chairman, the dismal statistics of illiteracy simply do not have to exist. We are optimistic that with the National Reading Panel's findings as our guide, we can achieve much better results.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to the gentleman from Ohio (Chairman BOEHNER), I think that this particular program of instituting mentoring into the lives of the children is absolutely essential. The fact that reading has been shown as an extreme good component of this entire spectrum, I welcome the fact that we now see the importance of reading. It also further strengthens the fact that having mentors working with the mentee will be most efficient.

Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I am pleased to discuss this important issue with the gentleman from Maryland (Mr. HOYER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentlewoman from Florida (Mrs. MEEK).

In April, I visited a demonstration project at Independence Elementary School in Liberty Township, Ohio, which is in my district. Independence Elementary is successfully utilizing the host reading program that promotes the practices recommended by the National Reading Panel and the National Research Council. The host model utilizes about 60 mentors, age 16 to 84, to tutor approximately 50 first-through-third graders at the school in one-on-one sessions.

The host reading program, which is supported by Governor Taft, funds the host programs in Ohio. In fact, the Governor and Mrs. Taft both are volunteers for this program, and I think it is a very worthy endeavor. I think that the efforts by the gentleman from Maryland (Mr. HOYER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentlewoman from Florida (Mrs. MEEK) are certainly in order.

Mr. HOYER. Mr. Chairman, reclaiming my time, there are at least five schools with host programs in my district as well, all of which are demonstrating improved results.

We look forward to working with the gentleman from Ohio (Chairman BOEHNER) and the President on implementing the recommendations of the National Reading Panel and the gentleman from California (Mr. GEORGE MILLER) as well.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I just want to say we obviously strongly support the amendment of the gentlewoman from Florida (Mrs. MEEK). On behalf of the gentleman from Virginia (Mr. MORAN), the gentleman from Washington (Mr. MCDERMOTT), and myself, we all support the amendment.

Mr. HOYER. Mr. Chairman, I hope people can follow how this happened.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Mrs. MEEK).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 107–69.

AMENDMENT NO. 12 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ROGERS of Michigan:

In the matter proposed to be inserted as part E of title VIII of the Elementary and Secondary Education Act of 1965 by section 801 of the bill, insert after section 8520 the following:

"SEC. 8521. ENCOURAGE EDUCATION SAVINGS.

''To the extent practicable, the Secretary shall promote education savings accounts in States that have qualified State tuition programs (as defined in section 529 of the Internal Revenue Code of 1986).

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, late last year, I was getting ready to address a very dignified group of community leaders. As I was preparing my remarks, I asked my first-grade daughter what she thought I ought to tell these fairly important people. She thought about it for a minute. She looked up. She said, ''Dad, you can tell them that I got the best lower case A's in the entire first-grade class.'' I thought about that a minute, and I tell my colleagues what, Mr. Chairman, I told my very distinguished group that my daughter had the best lower case A's in the entire first-grade class.

I want every daughter in America and every son in America in the first grade to be worried about those lower case A's. I want every parent to have to understand and have the ability to understand that, not only do we have to worry about their lower case A's, but we have got to worry about their future and what happens. In just a few short years, they will be ready to go to college or technical training school.

What this amendment does is embrace the 50 States who have 529 prepaid tuition or college savings plans for parents. Costs are going up, and we are not a Nation that saves. We have about a 1 percent savings rate in America.

There are five Federal programs to help people offset the costs of getting college education, of technical training that will cover not as many as it will not cover. There will be more families out there struggling to borrow money to get their kids to go to school than there will be receiving a grant or a scholarship or tuition from another source.

What we are trying to do here, Mr. Chairman, is allow parents to get connected and understand the value of time and compounding with these State savings plans.

In Michigan, I offered a bill last year that would allow State tax-free money in and tax-free money out to defray the costs of getting an education. The time and compounding value of that is immense. We need to get parents connected as soon as we can and take the middle class from the borrowing class to the saving class.

This is an important element in offsetting those increasing costs, Mr. Chairman. I urge this body's support so that parents can go back to saving a little money and worrying about those lower case A's.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have no opposition to this amendment. We support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I yield to the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I think that the amendment offered by the gentleman from Michigan (Mr. ROGERS) is a very good amendment. The gentleman from Michigan, during his years in the State senate, authored the college tuition savings program in Michigan. I think his ongoing efforts here as a new Member of this body to encourage the Secretary, to the extent practicable, to promote these programs is of great benefit for the American people.

We all know that the cost of going to college continues to rise; and we believe by the end of this year, some 48 States will have such programs. We want to make sure that they are working well and provide the avenue by which many more of our middle- and lower-income students will be able to attend an ongoing college, university or some type of training program once they graduate from high school.

Mr. Chairman, I support the amendment. The gentleman should be congratulated.

Mr. ROGERS of Michigan. Mr. Chairman, today I rise in support of an amendment that would authorize the Secretary of Education to work with state administrators to promote and advocate the use and establishment of state-sponsored college savings plans during a student's elementary years.

In recent years, most states have created either a prepaid tuition or college savings plan to help parents save for ever-increasing post-secondary education costs. The 1980s saw the first developments in state-created tuition plans as states attempted to meet the growing concerns about the affordability of college. In 1986, Michigan was the first state to establish a prepaid college tuition plan, and last year our state added a savings plan. Currently, all 50 states offer some form of Qualified State Tuition Programs within Section 529 of the tax code as Georgia and South Dakota became the last two states to establish plans earlier this year.

As the author of Michigan's post-secondary education savings account plan while a member of the Michigan State Senate, I believe that education is central to our prosperity as a nation. However, too often the educational opportunities for our students and families are limited by tuition costs or the prospect of a crushing debt-load. The best answer to this dilemma is to encourage advance family savings—starting to save during a student's elementary years.

Please allow me to briefly describe the benefits of saving under Michigan's recently-enacted Michigan Education Savings Program. Under this program, which was launched in November, 2000, any individual interested in investing for a college or a vocational education can open an account and contribute on behalf of any beneficiary for as little as $25 up-front. Furthermore, individuals can also contribute as little as $15 per savings account per pay period by using payroll deduction through participating employers.

Michigan's program has been a great success in its first six months, as more than 16,000 accounts have been opened with over $34 million in investments. In fact, Money magazine recently named the Michigan Education Savings Program one of the best state-operated college savings programs in the country.

The power of compounding makes these plans especially appealing to families who can save only in smaller increments. For example, families can put away as little as $10 a week over the first 18 years of child's life and, based at a conservative earnings rate of 8 percent, have about $20,000 by the time he or she is ready for college or technical school. Over a period of time, families can save enough to provide the kind of future we all want for our children without having to run up a huge debt to get an education.

An example of the need to create a saving class was highlighted in a recent Washington Post column titled: ''Colleges Where the Middle Class Need Not Apply.'' The lead paragraph touched upon the fact ''. . . the poor and middle class at least try college for a year, although for many of them, even the modest cost of state schools quickly becomes burdensome.''

When it comes to saving for college and vocational training we need to help our families turn from a borrowing class into a saving class. To encourage such saving, all 50 states have established prepaid tuition or college savings plans and this amendment empowers the Secretary of Education to work with those states to advocate the benefits of these plans to elementary school parents and the importance of establishing an account as soon as possible.

I believe we all can agree that the federal government should foster policies encouraging families to save for educational expenses instead of relying on debt or government aid programs. My amendment to H.R. 1 would authorize the Secretary of Education to work together with the 50 states that have Section 529 savings programs to advocate and promote the use of these valuable educational tools to encourage parents to enroll in their state's plan during their children's elementary years.

Promoting the use of savings at the elementary level will allow the dynamic of time and interest produce significant savings that will help the families of today's kindergartners shoulder the financial burden of tomorrow's education costs. I urge my colleagues to support this amendment promoting the use of these valuable tools during the elementary years.

Mr. CAMP. Mr. Chairman, today, I rise in strong support of the amendment offered by my colleague and friend MIKE ROGERS from the State of Michigan. As we debate this historic education reform legislation, H.R. 1, one aspect that should not be overlooked is that too often the educational opportunities of our students and families are limited by tuition costs and overwhelming debts.

We need to encourage low- and middle-class families to turn from borrowing to a saving. The best time to encourage parents to start saving for tuition costs is when their children are in elementary school. Today, all 50 States, including my home State of Michigan, have established prepaid tuition or college savings plans under section 529 of the Federal Tax Code.

This amendment will empower the Secretary of Education to work with the States to advocate the benefits of these plans to elementary school parents and stress the importance of establishing an account as soon as possible. I thank the gentleman for offering this amendment and for his leadership in the State of Michigan on this important issue.

I encourage my House colleagues to leave no child behind and support this amendment to encourage families to save early for their children's educational expenses.

Mr. ROGERS of Michigan. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

□ 1115

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 107–69.

AMENDMENT NO. 13 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Mr. Chairman, pursuant to the rule, I offer amendment No. 13.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. NORWOOD:

At the end of part A of title V of the Elementary and Secondary Education Act of 1965, as amended by section 501 of the bill, add the following:

''SEC. 5155. DISCIPLINE OF CHILDREN WITH DISABILITIES.

''(a) AUTHORITY OF SCHOOL PERSONNEL.—Each State receiving funds under this Act shall require each local educational agency to have in effect a policy under which school personnel of such agency may discipline (including expel or suspend) a child with a disability who—

''(1) carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency;

''(2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at a school, on school premises, or at a school function, under the jurisdiction of a State or a local educational agency; or

''(3) commits an aggravated assault or battery (as defined under State or local law) at a school, on school premises, or at a school function, under the jurisdiction of a State or local educational agency,

in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) or (2) of subsection (a) from asserting a defense that the carrying or possession of the weapon, or the possession or use of the illegal drugs (or the sale or solicitation of the controlled substance), as the case may be, was unintentional or innocent.

''(c) FREE APPROPRIATE PUBLIC EDUCATION.—

''(1) CEASING TO PROVIDE EDUCATION.—Notwithstanding any other provision of Federal law, a child expelled or suspended under subsection (a) shall not be entitled to continue

educational services, including a free appropriate public education, required under Federal law during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

''(2) PROVIDING EDUCATION.—Notwithstanding paragraph (1), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under paragraph (1) may choose to continue to provide educational services or mental health services to such child. If the local educational agency so chooses to continue to provide the services—

''(A) nothing in any other provision of Federal law shall require the local educational agency to provide such child with any particular level of service; and

''(B) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

''(d) DEFINITIONS.—In this section:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given the term in section 5151.

''(2) ILLEGAL DRUG.—The term 'illegal drug' means a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of Federal law.

''(3) WEAPON.—The term 'weapon' has the meaning given the term 'dangerous weapon' under subsection (g)(2) of section 930 of title 18, United States Code.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 10 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, as it stands now, Federal law requires schools to have two different discipline policies for those who bring a weapon to school or engage in aggravated assault, one policy for special needs students and another for nonspecial needs students. A special needs student receives preferential treatment when it comes to being punished for outrageous behavior.

For all practical purposes, a special needs student could be suspended for no longer than 55 days, for all practical purposes, and even then must be provided educational services. Nonspecial needs students, on the other hand, can be and often are suspended for longer periods of time, and then without educational services.

My amendment will finally change that. It gives schools the authority to have a consistent discipline policy for all students. It allows special needs students to be disciplined under the same policy as nonspecial needs students in the exact same situation.

My amendment also contains safeguards. My amendment contains safeguards to ensure that no special needs student is unjustly punished or singled out. This amendment sends clear messages that weapons and violent assaults at school will not be tolerated. My colleagues, let's send that message today by passing this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. Mr. Chairman, I was one of the original sponsors, coauthors and authors of the IDEA Act when I first came to Congress in 1975. I have very strong feelings about our obligations to educate students with disabilities. I was also the first author of the Act who said that you would expel students from schools if they brought guns to schools. I have very strong feelings that our schools are a place of learning, they ought to be a sanctuary, and the streets ought not to come into our schools. But these two values clash.

My concern is this: The suggestion is somehow that children with handicaps are privileged; that children with handicaps have preferential treatment. No, what we do under the law is recognize that children with handicaps, with disabilities, in many instances, must be treated differently because of those disabilities. And what we do in this is suggest that we cannot, under the Federal law, deny them continued education if they are suspended, because we understand the problems of educating some of these children, many of whom have multiple handicaps, multiple disabilities; that if we stop the educational services, in many instances, it is very difficult to start or to have that child catch up.

There is nothing in the Federal law that says that that child must return to school. A decision must be made in 55 days, but there is nothing that says the child must return to school. The gentleman from Georgia and the committee, when we were deliberating this, handed out an article from the Orlando Sentinel and he said that this child should not be back in school. But when we read the article, it makes very clear that the school authorities are educating the child while he is in a juvenile detention center. The school authorities make it very clear that this child will never return to his school. This child will not go back to school. They do not want to return him home, but they are going to continue to educate him because that is what the law requires.

By the same token, the law does not require that that student be returned to school. It says we cannot have a secession of the educational program. And we should not change that law today. We should not change that law today.

Mr. NORWOOD. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I want to thank the gentleman from Georgia for his work on this amendment.

Mr. Chairman, creating a safe learning environment must be a top priority for our schools. Unfortunately, the discipline provisions in IDEA make it impossible for educators to address the needs of all students in the classroom. The safety and the learning opportunities of all students are jeopardized by the rules that require that a dangerous and disruptive student remain in the classroom.

I believe when it comes to the issue of weapons, illegal drugs and assaults, we cannot afford to gamble with the safety of our students, with our teachers and staff. Ensuring the safety of all students must be our first goal. The Federal bureaucracy cannot second-guess our local educators, who must make difficult decisions about the safety in their classrooms. Doing such will unnecessarily put the safety of our students at risk.

This amendment will allow schools to discipline all students that bring weapons, sell illegal drugs or commit aggravated assault or battery at school in the same manner. Schools will not be able to discriminate against students with disabilities, but they will have the flexibility under this amendment to make sure that all violent students are removed from the classroom.

Simply put, this amendment will remove the roadblocks that Congress has put in the path of good school administrators, parents, teachers, and local school boards who merely want to keep their classrooms safe.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the amendment.

When we reauthorized IDEA in 1997, in a bipartisan way, we took steps so that schools could ensure a safe and orderly environment for all students. The 1997 amendments specifically allow schools to immediately remove IDEA children from the classroom for discipline violations and place children in alternative educational settings when they commit infractions dealing with guns, drugs, or are likely to injure themselves or others.

What IDEA in 1997 also stated was that troubled, disabled children should not be kicked out of school onto the streets without educational services, since this will lead only to additional juvenile crime.

Unfortunately, my concern over this amendment has already become reality in the tragic incident of school violence in Springfield, Oregon, 2 years ago. Kip Kingle, the shooter in the Springfield incident, although not an IDEA student, was suspended when he brought a gun to school. He was sent home without counseling or educational services and proceeded to shoot and kill his parents and go on a shooting rampage at his school. This incident is the perfect example of why

cutting educational services off for children can lead to disastrous circumstances.

I fully believe, as do all of us here, that our schools should be safe for all children. Now, those children who engage in dangerous activities should be dealt with through such means as immediate removal from the classroom. This is something we can really agree upon: Dangerous children must be removed from the classroom, absolutely and immediately. However, ceasing educational services for these children, or for any child, is not the answer, since it will only lead to more juvenile crime and possible situations similar to the horrific incident in Springfield.

I taught school for 10 years, and we had incidents where we had to have that child removed, not necessarily an IDEA child, a child in our regular programs, but we did provide in Michigan alternative programs for that child. I know children who were involved in that fashion and did get alternative education who are now working and are productive citizens in Flint, Michigan, because we gave them that alternative. I think all children should have some possibility of alternative services when they commit such incidents as these.

Mr. NORWOOD. Mr. Chairman, it is my pleasure to yield 1½ minutes to the gentleman from Mississippi (Mr. Wicker).

(Mr. WICKER asked and was given permission to revise and extend his remarks.)

Mr. WICKER. Mr. Chairman, in my home State, four students were caught bringing a gun to a school-sponsored event. They were passing the gun among themselves. After a disciplinary hearing, three of the students were expelled for possession of a gun, but the child who actually brought the gun to the event was given only 45 days in an alternative program. Why this unequal result? Because the child who brought the gun was classified as learning disabled under IDEA.

Now, Mr. Chairman, when I travel throughout my district and talk to parents and teachers and administrators, they are concerned about this dual system of school discipline. They want school discipline returned to the schools. A safe productive learning environment is a key element to providing all students with a good education.

There is no hidden agenda here. There is no attempt to deny disabled students the ability to be educated. It is simply a matter of safety in schools and order in schools and discipline in schools.

It was the academic community who encouraged me during the last Congress to introduce a bill to restore disciplinary decisions to State and local administrators. I was pleased when the amendment of the gentleman from Georgia (Mr. NORWOOD), similar to my bill, was approved in the 106th Congress during consideration of the Juvenile Justice Act.

We cannot tolerate students bringing guns or drugs to school or assaulting other students. It does not matter who the student is, the danger to the other students remains the same.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, under current law, a child with a disability who is expelled from the regular classroom for any reason is still entitled to a free and appropriate education. I know of no public policy benefit which can be achieved by sending these children to the streets without any educational services, even when they are involved with serious offenses. In fact, I see no benefit to the public for depriving any child of an education, whether they have a disability or not. It is difficult for any child who is expelled to catch up and graduate from school, and it is especially hard for disabled children.

We learned, during hearings on youth crime, that there is a strong link between dropping out of school and subsequent crime. For children with disabilities, these correlations are even stronger. Research shows that children with disabilities who are put out of school without educational services are less likely than other children to ever catch up; they are less likely to graduate from high school or get a GED; they are less likely to be employed, and they are substantially more likely to be involved in crime.

Some talk about a deterrent effect. Let me read a letter from the National Coalition of Police Chiefs, Prosecutors, and Crime Victims from 2 years ago. They said: ''We urge you to oppose any amendment that would deny educational services to kids who are expelled or suspended from schools. Schools can already immediately expel a student who brings weapons to schools. But giving a gun-toting kid an extended vacation from school and from all responsibility is soft on offenders and dangerous for everyone else.

Please don't give those kids who most need adult supervision the unsupervised time to rob, become addicted to drugs, and get their hands on other guns to threaten students when the school bell rings.''

Mr. Chairman, during the last Congress we had a bipartisan task force on juvenile crime lasting several weeks. We met for several weeks, heard from dozens of witnesses, and not one witness had anything good to say about kicking kids out of school without continuing services. Some said take them out of the regular classroom, but continue their education. Not one witness had anything good to say about kicking them out without any services.

The IDEA program is premised on the recognition that children with disabilities need more support than other students to enable them to obtain a decent education. There is nothing to suggest that less support is needed when they have disciplinary problems, even when they are serious disciplinary problems.

School systems should not be allowed to send uneducated children with discipline problems onto the streets and endanger the public. For those reasons, Mr. Chairman, I strongly urge my colleagues to reject this amendment.

□ 1130

Mr. NORWOOD. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, the previous opponent of this amendment, the learned gentleman from Virginia, has illustrated graphically the sorry state in which our schools are finding themselves. According to the gentleman from Virginia, we ought to feel guilty, schools ought to feel guilty, teachers ought to feel guilty, if they try and protect the students in their schools.

The gentleman says schools should not turn these students out because they commit acts of violence. After all, then it is the school's fault for those kids being on the street. That sort of reverse thinking is what this amendment and piece of legislation tries to correct. It tries to bring back some rationality to the process of educating and protecting our children.

No longer, if this amendment is adopted and signed into law by the President, would our schools be held hostage by claiming that an act of intimidation, an act of assault cannot be punished, that students cannot be removed from the school, that the taxpayers should not continue to support them simply because that act of violence, that act of drug dealing, that act of assault might be a manifestation of a disability.

Our teachers and our administrators tasked by the government of this country, by our local government and by millions upon millions of parents, have an obligation to teach our students. They cannot fulfill that obligation if those students under their care are in fear.

Mr. Chairman, this will remove that fear and provide flexibility to our schools to do what we have asked them to do.

Mr. KILDEE. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT.)

Mr. SCOTT. Mr. Chairman, I did not say that we wanted to keep children in the classroom. If children have committed a serious offense, maybe they do need to be taken out of the classroom. What this amendment will do, if it passes, it will put those children out on the streets without any services; and all of the studies show the crime rate will go out.

Mr. Chairman, that is why not a single witness on our bipartisan task force had anything good to say about this amendment. They all said we have to

continue educational services if we want to protect our children.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, the real debate here should be about school choice, allowing parents to choose the school that is safe for their children. The President proposed school choice in his package No Child Left Behind, but that provision was left out of the bill. So it is incumbent upon us now to discuss the safety of the children who are left in those schools and trapped in government-owned schools throughout the country.

Mr. Chairman, this dual standard that the gentleman from Georgia (Mr. NORWOOD) has put his finger on is one that is painfully understood by every teacher in America, many parents, but it is also understood by a certain number of children.

Children under the IDEA program are no more likely to be involved in discipline problems than anyone else, but the dual standard is one that does play a disproportionate role in classrooms because it sends a mixed signal in the whole context of classroom discipline.

Schools should be safe. Teachers deserve to be in classroom settings where their safety is secure as well, and where their expertise is respected and honored. This amendment that the gentleman from Georgia (Mr. NORWOOD) has proposed is a good amendment; it is one that we should adopt. It moves us in the proper direction in the context of empowering parents and teachers and making our classrooms safer.

Mr. NORWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, who has worked so hard on this education bill.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from Georgia (Mr. NORWOOD) for bringing this amendment to the floor. As many of the members of the Committee on Education and the Workforce know, there was great interest in dealing with this subject in the Committee on Education and the Workforce. At my request, the gentleman from Georgia (Mr. NORWOOD) saved this amendment for today's debate, and we did not engage in this fight in the committee process.

Mr. Chairman, we all know that IDEA was an important step in terms of allowing more of our children to receive the same educational opportunities as those without disabilities. But we all know and we have all heard from every one of our superintendents and school board members that there have been significant problems. Many of us believe that there is a two-tier policy in many of our schools when it comes to the possession of a weapon, the possession of drugs, or the commission of an aggravated assault against other students, against teachers, and school personnel when it comes to IDEA students.

Mr. Chairman, I think the amendment that the gentleman from Georgia (Mr. NORWOOD) brings makes it very clear that the policies that would be appropriate in a school for non-DEA students ought to apply to IDEA students as well in these three particular areas. Most people around America would say this makes common sense and we ought to do it, and we ought to support the gentleman's amendment.

Mr. Chairman, having said that, we all know there are other issues having to deal with IDEA, and that bill is up for reauthorization next year. It likely will be a rather contentious debate in the Committee on Education and the Workforce and on the floor. By and large, we would like to leave most of these issues until next year.

Mr. Chairman, I think the amendment, though, is a commonsense amendment. We ought to support it.

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to point out to the gentleman from Virginia who said that there is no good public policy that can be achieved by this amendment; and I would like to say that and tell that to the family of Linda Hendrick, 52 years old, who was stabbed repeatedly in 1999 by a special ed student that could not be removed from the classroom.

I think there is very good public policy that can occur here. It has been pointed out by the other side that there are some students, I think Down's syndrome was mentioned, that this would apply to. But it also applies to so many other students who are in special education today for various and sundry reasons who actually do know the difference, and we need to give people like the gentleman from Michigan (Mr. KILDEE), who was a teacher for 10 years, the superintendents back home, we need to give them some discretion to make some decisions about when a student should or should not be in a school.

Mr. Chairman, they say schools can eliminate a student from special education for however long you like. That is simply not true because the process is so cumbersome, the process is so expensive it effectively does not work.

Mr. Chairman, I want to encourage my colleagues to take this opportunity to give people like the gentleman from Michigan (Mr. Kildee) an opportunity to do this at home.

Mr. KILDEE. Mr. Chairman, I yield the balance of the time to the gentleman from New Jersey (Mr. ANDREWS).

The CHAIRMAN. The gentleman from New Jersey is recognized for 2 minutes.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, opposition to this amendment is not based upon an expression of guilt, it is based upon an exercise of common sense. I do not think that any violent student should spend one more hour in any classroom in this country. Under the existing law and under this bill, they need not. This bill says if a student engages in an act of violence and present law says if a student engages in an act of violence, they can be removed from the classroom.

Mr. Chairman, the amendment before us says after they are removed from the classroom, that is the end of their education. That is it if the State so chooses.

I oppose this amendment because it does not answer this question: With respect to this violent student, once they are removed from the classroom, as they should be, what happens next?

This amendment does not deal with the very real problem of violence in our schools. It just moves it from our schools to somewhere else, to our streets or to our neighborhoods or to other social institutions.

I for one minute would not stand for the proposition that we should coddle or discriminate in favor of people who commit violent crimes. But I know this: That pretending that they are just going to go away will not work. Pretending that they will disappear from the rest of the community will not work. And understanding if we get people that are prone to violence back on a positive track by offering them an education, they are a lot less likely to commit another violent offense.

Mr. Chairman, it is very alluring to say we should just pull the plug on the education of those that commit violence. It is also completely counterproductive. It is a guarantee that many of those same young men and women will never get an education, never become contributing members of society, and will commit even more heinous and terrible crimes. This amendment should be defeated.

The CHAIRMAN. All time for debate has expired.

Mr. KILDEE. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. Without objection, each side will control 2 additional minutes.

There was no objection.

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will close this up by making an appeal to the good folks on the other side. I know that they are big defenders of the disability education program, as well they should be. This program was passed by Congress to address real and serious problems. Special needs students were often not given an opportunity to get an education in this country. The Disabilities Education Act fixed that. It does not mean that it is perfect, but it takes a step in the right direction. But that is yesterday's problem that we did take the right step.

Mr. Chairman, today's problem with disciplining special needs students is just as real. In fact, it is causing a growing backlash against IDEA. My teachers and superintendents are pleading for relief here. Nonspecial need parents are seriously questioning special and unequal treatment of students regarding discipline. There is a backlash here.

Mr. Chairman, I appeal to my colleagues, in their zeal to protect the legacy of this program, do not overlook this problem by supporting this reasonable change. My colleagues will do much to stop this growing backlash against IDEA without hurting education for special needs students.

Let me assure my colleagues, this amendment will not encourage schools to engage in mass expulsions of special needs students. This amendment has solid safeguards to make sure this does not happen. Let me be very clear. If a teacher is trying to unjustly kick a special needs student out of their class, this amendment requires parents and local officials to have the authority to stop such a thing.

Mr. Chairman, we can and should pass this amendment. We passed a very similar amendment in this Congress last year with 300 votes. This is something we as Federal legislators can do, something we actually can do that will make life better for our teachers back home.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today in strong opposition to the amendment by the gentleman from Georgia (Mr. NORWOOD). I do not think that there is anybody here in this Chamber that disagrees that a student that is causing disruption in a classroom should be removed. But let us remember something very clearly. We are talking about children with special needs. Right there, special needs.

Mr. Chairman, anyone who disrupts the classroom should be removed, but they have to have an alternative place to go. One of the things that we are not doing in this Chamber and not providing to children with special needs is to give it to them: Alternative schools. We have seen children removed and sent to alternative schools, and we have seen them do very well in small classrooms with specialized care for them. These are children that have special needs.

Mr. Chairman, I came to Congress to reduce gun violence in this country, and I certainly stand by that. So of course anyone that is carrying a gun to a school should be removed. But to put students out on the street and have them come back the next day and fire among their classmates, that is the wrong way to go, too.

Mr. KILDEE. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. KIND).

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Mr. Chairman, this amendment is not about safety. No one supports a policy that allows a violent or dangerous student to stay in the classroom. This amendment is about having an alternative program for children with special needs. Not having that contained in this amendment is wrong.

□ 1145

What is even more wrong is the fact that this was the only amendment made in order dealing with one of the most pressing challenges facing schools districts; how to meet the challenge of educating children with special education needs.

The gentlewoman from Oregon (Ms. HOOLEY) and I offered an amendment that talked about getting the Federal Government to live up to its 40 percent cost share of special education expenses. Unfortunately, that amendment was not made in order. We should have that debate on the floor as a part of the elementary and secondary education bill because every Member can bring anecdotal evidence to this Chamber that shows the pressing financial costs that school districts are facing because we are only funding our responsibility of special education at slightly less than 15 percent when we promised to fund it at 40 percent. We need to help school districts stop pitting student against student because the limited resources that they have available for one of the fastest growing expenses in school budgets, meeting the needs of special students in the classroom. That's the debate we should be having today instead of an amendment that will make it easier to punish those students.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) will be postponed.

It is now in order to consider amendment No. 14 printed in House Report No. 107–69.

AMENDMENT NO. 14 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer amendment No. 14.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. TIAHRT:

Before part B of title IX of the bill, insert the following:

Subpart 3—General Education Provisions

SEC. 916. INFORMATION ACCESS AND CONSENT.

(a) IN GENERAL.—Section 445 of the General Education Provisions Act (20 U.S.C. 1232h) is amended by—

(1) redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) ACCESS TO INFORMATION.—No funds shall be made available under any applicable program to any educational agency or institution that has a policy of denying, or that effectively prevents, the parent of an elementary school or secondary school student served by such agency or at such institution, as the case may be—

''(1) the right to inspect and review any instructional material used with respect to the educational curriculum of the student. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the instructional material. The granting of each such request shall be made in a reasonable period of time, but shall not exceed 45 days, after the date of the request;

''(2) the right to inspect and review a survey, analysis, or evaluation that is subject to subsection (c)(7) before the survey, analysis, or evaluation is given to a student.

''(b) RESTRICTION ON SEEKING INFORMATION FROM MINORS.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no funds shall be made available under any program administered by the Secretary to any educational agency or institution that administers or provides a survey, analysis, or evaluation to a student without the prior, informed, written consent of the parent or guardian of a student concerning—

''(A) political affiliations or beliefs of the student or the student's parent;

''(B) mental or psychological problems potentially embarrassing to the student or the student's family;

''(C) sex behavior or attitudes;

''(D) illegal, antisocial, or self-incriminating behavior;

''(E) appraisals of other individuals with whom the minor has a familial relationship;

''(F) relationships that are legally recognized as privileged, including those with lawyers, physicians, and members of the clergy; and

''(G) religious practices affiliations or beliefs.''.

''(2) EXPLANATION.—In seeking the consent of the parent an educational agency or institution must provide an accurate explanation, in writing, of the types of items listed in subparagraphs (A) through (G) of paragraph (1) that are contained in the survey and the purpose, if known, for including those items.

''(c) RESTRICTION ON MEDICAL TESTING AND TREATMENT OF MINORS.—

''(1) CONSENT REQUIRED.—Except as provided in paragraph (2), no funds shall be made available under any applicable program to an educational agency or institution that requires or otherwise causes the student without the prior, written, informed consent of the parent or a guardian of a minor to undergo medical or mental health examination, testing, treatment, or immunization (except in the case of a medical emergency).

''(2) EXCEPTION.—Paragraph (1) shall not apply to medical or mental health examinations, testing, treatment, or immunizations of students expressly permitted by State law without written parental consent.

''(3) DEFINITIONS.—For the purpose of this section, the term 'educational agency or institution' means any elementary, middle, or secondary school, any school district or local board of education, and any State educational agency that is the recipient of funds under any program administered by the Secretary, except that it does not apply to postsecondary institutions.

''(4) INSTRUCTIONAL MATERIAL.—In this subsection the term 'instructional material'

means a textbook, audio/visual material, informational material accessible through Internet sites, material in digital or electronic formats, instructional manual, or journal, or any other material supplementary to the education of a student.

''(5) RULES OF CONSTRUCTION.—(A) Nothing in this section shall be construed to supersede the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

''(B) The term 'instructional material' does not include academic tests or assessments.

''(6) APPLICATION.—

''(A) CERTAIN SURVEYS, ANALYSIS, AND EVALUATIONS.—Subsection (b) shall not apply to surveys, analysis, or evaluations administered to a student as part of the Individuals with Disabilities Act (20 U.S.C. 1400 et seq.).

''(B) PARENTAL CONSENT.—Nothing in subsection (c) shall be construed to supersede or otherwise affect the parental consent requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

''(C) STUDENT RIGHTS.—The rights provided parents under this Act transfer to the student once the student turns 18 years old or is an emancipated minor at any age.

''(7) STATE LAW EXCEPTION.—Educational agencies and institutions residing in a State that has a law that provides parents rights comparable to the rights contained herein may seek exemption from this Act by obtaining a waiver from the office designated by the Secretary to administer this Act. This office may grant a waiver to educational agencies and institutions upon review of State law.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 10 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of parental rights. Today, we will be passing legislation to ensure that no child is left behind in our education system. As a Nation and as a government, we have a duty to make sure that our public school system is held accountable; but our schools should not only be accountable to the government, but parents as well. Ultimately, it is the families who should have the most say in how their children are educated.

The Parental Freedom of Information amendment is based on the need to provide concerned, active parents with information that is vital for them to exercise their right to guide the upbringing of the children.

Educators have often said that involved parents are the most important thing public schools need to help students learn. I believe involved parents must be informed parents.

The current hodgepodge of State and Federal laws simply does not provide parents of public school children with the clear-cut right to access information regarding their child's education.

The goal of this amendment is to plainly and unambiguously define the rights parents have under the law.

Specifically, parents will have the right to access the curriculum to which their children are exposed. Parents will also have the right to give informed written consent prior to any student being required to undergo nonemergency medical or mental health examinations, testing or treatment, while at school; and finally, they will be afforded the right to inspect surveys and questionnaires seeking personal information before they are given to students.

This legislation in no way seeks to influence the content of curricula or tests. It simply allows parents to access the basic information which involved parents need to guide the education of their children.

There may be some attempt to argue that there is no need for this amendment. However, the increasing amount of litigation to determine what rights are guaranteed to parents under current Federal law is evidence to the contrary. Plain and simple, parents should not have to go into a courtroom to find out what is going on in the classroom.

Parents provide both tax dollars to fund our public education system as well as children who participate. Why should we as parents be denied the right to see how schools are using our tax dollars to educate our children? We need this legislation to clarify that parents have this right to be involved.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, if I might ask either of the authors a question about the amendment because we have no opposition to the amendment. I think we fully understand the problems and the concerns that the authors are trying to address, but we would like to clarify obviously some concern of, very often, school teachers. Under State law, in a number of instances, teachers are required to react to their concerns about whether or not a child has been abused or not, and they must make some inquiries of that child. My understanding is this amendment would not impact in any way the ability of those school officials to engage in that sometimes, unfortunately, necessary activity.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I believe that is correct. We have no intent of preventing anyone from trying to stop child abuse. I think that is an awful situation that we currently have in America that we need to stop, so our efforts would be to do the same as the intent of the gentleman from California.

Mr. GEORGE MILLER of California. We raise this concern, and I thank the gentleman for his answer. We raise this concern because obviously, again in very tragic and unfortunate situations, many times the child abuse is within the home and the parent cannot be notified that the teacher wants to ask questions of the child, and we just want to make sure that this does not get in the way.

Some of the groups have raised that concern. I do not think the amendment does that, but I would certainly like, if it is possible, that we could continue to work on this if that problem somehow materializes so that does not happen.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Kansas.

Mr. TIAHRT. It is our intent to work with the gentleman to make sure there is no confusion about this.

I would also like to remind the gentleman this does not supersede State laws. Those States that have made initiatives in this area to stop child abuse, it would not interfere with that process at all.

Mr. GEORGE MILLER of California. I thank the gentleman for his response.

Mr. Chairman, I reserve the balance of my time.

Mr. TIAHRT. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, I appreciate the gentleman from Kansas (Mr. TIAHRT) yielding me this time.

Mr. Chairman, I have enjoyed working with the gentleman on this amendment. It is often said that knowledge is power, and what we are trying to do is make sure that informed and caring parents know what is going on at school in an appropriate way. What the gentleman from California (Mr. GEORGE MILLER) raised, I want to assure him it is not my intent, nor the intent of anyone, to supersede State law that requires teachers or medical personnel to report suspected child abuse, because we do not want to do anything that is going to undermine protecting children. I think we have drafted an amendment that will accomplish that.

We are trying to empower parents in three key areas. We want to make sure that parents have some knowledge of what is going on in terms of the curriculum being taught at the school and that they have some information up front, and that they can be informed by the appropriate authorities to know what their child is being taught and have some input.

We want to make sure that the parents have access to school material that is going to be taught to their child.

Second, if a child is being surveyed about their personal family life, about whether they use drugs, or mental health issues, that we want parents to know what is going on and get parental consent there when a survey is being done because we believe it is important for parents to know what is being asked of their children.

Third, we want to make sure that in emergency situations, guidance-counseling situations in its normal fashion, that there is no impediment there. But we do believe that when it comes time to perform medical exams or part of a treatment regime that a school counseling team may come up with, that parents are informed about what is going to happen to their child medically and any mental health counseling that is a result of the normal counseling process.

Knowledge is power. We believe this will give parents more knowledge about what goes on in their school. It will create a better relationship between administrators and parents, and we are going to make sure that we do not do anything to impede the right to protect children who are being abused at home.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

Mr. TIAHRT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA) for the purposes of a colloquy.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman from Kansas (Mr. TIAHRT) for yielding me this time.

Mr. Chairman, I want to have this colloquy with the gentleman from Kansas (Mr. TIAHRT) and the other author, but first let me make a point clear. I speak on this subject about parental consent with a little bit of experience that my husband is a psychiatrist not only in private practice but also as a psychiatric consultant to a number of school systems over the years on these issues.

With that as background, I want to say that I agree with the gentleman's amendment; but I want to be sure that we are not having unintended consequences here. So I want to make clear what the language does.

Specifically with the section on restrictions on medical testing and treatment of minors, these initial contacts are vital. As a primary proponent of school-based mental health services, as the author of that provision that is in the bill, I want to be very sure that we are talking about the same things here.

My understanding here is that under the gentleman's amendment a child in trouble would be first referred to a school guidance counselor, as is presently the case, under all State law; no signed permission for this initial contact is needed. Is that correct?

Mr. TIAHRT. That is also my understanding, yes.

Mrs. ROUKEMA. Then the child's case is referred to a child study committee, and the social worker that is a member of that child's study committee then is required to have parental consent or make the contact with the parent before that evaluation. Is that correct?

Mr. TIAHRT. That is also my understanding.

Mrs. ROUKEMA. Then, of course, we get to the question of the mental health counselors that are provided for in this bill. It is again my understanding, and there is no ambiguity about this, that mental health counselors would then assess the treatment needs but would again require parental consent with specificity?

Mr. TIAHRT. That is also my understanding.

Mrs. ROUKEMA. That is also the understanding of the gentleman.

I want to thank the gentleman because this is a very important portion of this bill. I want to make the particular point for all of our colleagues that we need this clarification to ensure that the children and families are able to receive the best possible treatment but not eroding the rights of the parents in these cases.

Mr. Chairman, I thank the gentleman from Kansas (Mr. TIAHRT) for his amendment.

Mr. TIAHRT. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman from Kansas (Mr. TIAHRT) for yielding me this time and would urge the adoption of the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

Mr. Chairman, this is a good amendment because at its core it empowers parents, and that really should be what we are all about here in Congress, is finding ways to empower parents to the greatest extent possible. This empowers them through information and putting parents in the driver's seat when it comes to administering various psychological and psychiatric examinations, nonemergency medical examinations and tests that might be required at school.

Giving parents the authority to make these decisions is just one strategy to do two things: one, to make parents a more integral part of the academic and learning experience of their children; but, secondly, to allow parents to be in a position where they have a better opportunity to protect their children from different examinations, procedures, different experiments that take place in America's government-owned schools that are somehow different than the academic mission that most parents assume these institutions are all about.

That is, in fact, what these institutions should be about, and that should be our goal here in the House, is to focus to the greatest extent possible the mission of our public schools on the mission of teaching, on education. Pure and simple. It is important to empower them through the Tiahrt amendment because the options to empower parents further have really not become a part of this bill nor have those amendments been permitted to even be discussed.

The President, in his plan to leave no child behind, had suggested that parents should have the full authority to move their children out of government-owned institutions and into private schools at some point if those public schools have failed to deliver an academic product that was in the best interest of their children. That core provision of the President's bill has been left behind, ironically, and is not part of H.R. 1; but this amendment here is critical and I think addresses that deficiency in the overall legislation to some degree because it does significantly empower parents in a very important area of their child's academic experience and makes sure that their focus is on education and academics and not on experimentation and psychological testing.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first took up the fight to guarantee parental rights when I encountered resistance in trying to obtain information about my own children's curriculum. Since then, I have learned that 11-year-olds have been given surveys asking about explicit sexual practices. School counselors have conducted counseling sessions for treatments that they were not qualified to give, and other abuses have been occurring across the United States.

In closing, let me once again state that my intent with this amendment is to simply clear up the confusion that already exists in Federal law. Any teacher will say parental involvement is imperative to the success of a child during their educational career.

□ 1200

This amendment states unequivocally, parents have the right to be involved in a child's education. It is pro-family, it is pro-education, and I urge its adoption.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 107–69.

AMENDMENT NO. 15 OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. ARMEY:

In section 104 of the bill, in paragraph (13) of section 1112(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 104), strike ''public''.

In section 106 of the bill, in clause (ii) of section 1116(b)(7)(A) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), strike subclause (II) and insert the following:

''(II) make funds available—

''(aa) to the economically disadvantaged child's parents to place the child in a private school in accordance with subsection (d)(2); or

''(bb) make funds available for supplementary educational services, in accordance with subsection (d)(1); and

In section 106 of the bill, in paragraph (8) of section 1116(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), after ''paragraph (6)(D)(i)'' insert '', (7)(A)(ii)(II)(aa),''.

In section 106 of the bill, in subparagraph (A) of section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), strike ''public''.

In section 106 of the bill, in subsection (d) of section 1116 of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106)—

(1) in paragraph (1) strike ''(1) In'' and insert the following:

''(1) SUPPLEMENTAL INSTRUCTIONAL SERVICES.—''

''(A) In

(2) strike ''this paragraph'' each place it appears and insert ''this subparagraph'';

(3) in paragraph (2) strike ''paragraph (1)'' and insert ''subparagraph (A)'';

(3) in paragraph (3)—

(A) strike ''paragraph (2)'' and insert ''subparagraph (B)''; and

(B) redesignate subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and indent accordingly);

(4) in paragraph (5)—

(A) in subparagraph (B), strike ''paragraph (6)'' and insert ''subparagraph (F)''; and

(B) redesignate subparagraphs (A) through (E) as clauses (i) through (v), respectively, (and indent accordingly);

(5) in paragraph (6)—

(A) strike ''paragraph (5)(c)'' insert ''subparagraph (E)(iii)''; and

(B) redesignate subparagraphs (A) through (D) as clauses (i) through (iv), respectively (and indent accordingly);

(6) in paragraph (7)—

(A) in subparagraph (B), strike ''subparagraph (A)'' and insert ''clause (i)''; and

(B) redesignate subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and indent accordingly);

(7) in paragraph (10)—

(A) in subparagraphs (C) and (D), redesignate clauses (i) and (ii) as subclauses (I) and (II), respectively (and indent accordingly);

(B) redesignate subparagraphs (A) through (D) as clauses (i) through (iv), respectively (and indent accordingly);

(8) redesignate paragraphs (2) through (11) as subparagraphs (B) through (K), respectively (and indent accordingly);

(9) at the end, insert the following:

''(2) PARENTAL CHOICE.—

''(A) IN GENERAL.—In any case described in section 1116(b)(7)(A)(ii)(II)(aa) the local educational agency shall permit the parents of each eligible child defined in paragraph (7)(A) to—

''(i) receive, from the agency, the child's share of funds allocated to the school under this part, calculated under subparagraph (B); and

''(ii) Notwithstanding any other provision of this Act, use those funds to pay the costs of attending a private school that agrees to—

''(I) assess the student in mathematics and reading and language arts each year during grades 3 through 8 and at least once during grades 10 through 12, using academic assessments that are comparable in what they measure to the academic assessments used by the State; and

''(II) provide the results of those assessments to the student's parents.

''(B) PER-CHILD AMOUNT.—The amount of a school's allocation under this part that it shall make available to the parents of an eligible child under subparagraph (A)(ii) is equal to the amount of the school's allocation under subpart 2 of this part divided by the number of eligible children enrolled in the school.

''(C) LIMITATION.—The amount of funds provided to the parents of a child under this paragraph shall not exceed the actual costs of the parents for sending the child to a private school and providing transportation to such school.

''(D) DURATION.—The local educational agency shall continue to provide funds to parents of a child attending a private school under this section until the child completes the grade corresponding to the highest grade offered at the public school the child previously attended.

''(E) NONDISCRIMINATION.—

''(i) IN GENERAL.—A private school participating in the choice program under this paragraph shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this paragraph.

''(ii) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

''(I) APPLICABILITY.—With respect to discrimination on the basis of sex, clause (i) shall not apply to a private school that is controlled by a religious organization if the application of clause (i) is inconsistent with the religious tenets of the private school.

''(II) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in clause (i) shall be construed to prevent a parent from choosing, or a private school from offering, a single-sex school, class, or activity.

''(III) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in clause (i) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

''(iii) CHILDREN WITH DISABILITIES.—Nothing in this subsection shall be construed to alter or modify the provisions of the Individuals with Disabilities Education Act or the Rehabilitation Act of 1973.

''(iv) RULE OF CONSTRUCTION.—

''(I) IN GENERAL.—Nothing in this paragraph shall be construed to prevent any private school which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the private school is established or maintained.

''(II) SECTARIAN PURPOSES.—Nothing in this paragraph shall be construed to prohibit the use of funds made available under this subsection for sectarian educational purposes, or to require a private school to remove religious art, icons, scripture, or other symbols.

''(F) DEFINITIONS.—As used in this paragraph, the term 'eligible child' means a child from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).''.

In section 401 of the bill, in section 4131(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 401)—

(1) strike ''and'' at the end of paragraph (14);

(2) strike the period at the end of paragraph (15) and insert ''; and''; and

(3) insert the following:

''(16) activities to promote, implement, or expand private school choice for disadvantaged children in failing public schools.

In section 501 of the bill, in subparagraph (P) of section 5115(b)(2) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), after ''including a public charter school,'' insert ''or a private school if no safe public school or public charter school can accommodate the student,''.

In section 801 of the bill, in section 8507 of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 801)—

(1) insert ''(a) IN GENERAL.—'' before ''Nothing''; and

(2) add at the end the following:

''(b) INAPPLICABILITY.—Subsection (a) shall not be construed to prohibit the use of funds made available to parents of eligible children for sectarian educational purposes under private school choice provisions of this Act, or to require an eligible private institution to remove religious art, icons, scripture, or other symbols.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Texas (Mr. ARMEY) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment, which is offered by myself, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from Texas (Mr. DELAY). With the consent of the gentleman from Michigan (Mr. KILDEE), I will just make a few comments and then yield to the gentleman from Ohio (Mr. BOEHNER) for his comments.

Mr. Chairman, this amendment represents the language that was first introduced in the President's bill as he sent it up to the House and represents that very important component of his education package and education philosophy, which is parental involvement in school choice. It is, in my estimation, just the most minimal introduction of the right to choose a school on the part of a parent that is concerned about the performance of the school relative to the child's life, and it is certainly something that this Congress should take under consideration and, in my estimation, we should pass without hesitation.

Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, this amendment that we have before us reinstates the private school choice provisions into the bill, and I think will help rescue children who are trapped in chronically failing schools. I would like to thank the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY) for sponsoring this amendment with me.

This issue is about fairness. It is about equity. It is about providing a safety valve for disadvantaged students.

Mr. Chairman, under H.R. 1, the bill expands choices for parents, but we need to expand it even further by giving parents the option of private school choice in cases where their children are

trapped in failing schools. This was part of the President's original plan and, while far from the only part, it is a very important part.

The amendment would restore all the private school choice provisions that were struck in the bill in committee, except for the demonstration program. Specifically, the amendment would restore private school choice as an option for disadvantaged students who have attended failing schools for at least 3 years. It would restore private school choice as a local use of funds under title IV of the Innovative Education Grants for Disadvantaged Students. It restores private school choice for students who are stuck in unsafe schools and where there are no other public schools to which they could transfer. And, it restores private school choice for students who have been victims of crime on school premises and where there are no other public schools to which they could transfer.

Mr. Chairman, I think it is common knowledge that we already have school choice in this country, except for poor children. Suburban parents, including many members of this body, are more likely to have the financial means to send their children to private schools, but low-income parents cannot afford this option. While we would continue to deny parents with children in failing schools the opportunity that Members of Congress enjoy, I just do not know.

We are told that providing poor children a way out of failing schools will siphon away money from the public school system. Quite frankly, I do not think this argument holds water.

Mr. Chairman, a couple of years ago, Matthew Miller, writing for the Atlantic Monthly, asked Bob Chase, who is the president of the National Education Association, if the NEA would support vouchers in exchange for tripling per-pupil spending for inner city kids, and guess what? Jay said, ''no.''

This is not about money, even assuming, which we should not, that spending more money automatically increases student achievement. This is about an education bureaucracy that is resistant to change and mired in habit. This about powerful lobbies that refuse to accept any change in the status quo.

Where it has been tried, school choice works. Harvard University's Jay Green found that Florida students' test scores have improved across the board since the implementation of Florida's A-Plus program, similar to the plan that we would see in this amendment. And a September 1999 report conducted by the Indiana Center for Evaluation found that participants in Cleveland's scholarship program scored up to 5 percentile points higher than their public school counterparts in language and science assessments.

Disadvantaged students have the most to gain from school choice. Consider the characteristics from those who benefit from Milwaukee's Parental School Choice plan: Fifty-four percent receive Aid to Families with Dependent Children money, they come from families with an average income of $11,600; 76 percent come from single-parent homes, and more than 96 percent are from ethnic minorities.

Mr. Chairman, this is a good amendment. These are good provisions. They will help parents and they will help children stuck in failing schools.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SCHAFFER) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

NO CHILD LEFT BEHIND ACT OF 2001

The Committee resumed its sitting.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, vouchers are a hotly debated topic throughout our Nation. The Michigan and California members of this House are very aware of this debate, having just had major ballot initiatives on private school vouchers recently defeated in their respective States.

In my home State of Michigan, in fact, our private school voucher proposition was opposed by over two-thirds of the Michigan voters, with a similar vote in California. The people of those two States, which are quite a cross-section of America, have spoken very clearly on this issue.

In committee, all private school voucher provisions were removed from the bill with bipartisan support. I believe that the passage of this amendment does jeopardize the many months of bipartisan work that have gone into producing this legislation. I would hope that the House would preserve the bipartisan support for this legislation and reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Armey-Boehner-DeLay amendment because school choice is about one thing. It is about educational opportunity for all Americans, regardless of their race or socioeconomic status. The parents of children trapped in our most dangerous and failing schools are having to challenge a status quo that opposes those opportunities to them.

This debate, Mr. Chairman, between the status quo and the needs of largely minority students is not new. Decades ago, the defenders of the status quo stood in the schoolhouse door and said to some, you may not come in. Now, the defenders of the status quo stand in the schoolhouse door and say to the grandchildren of many of those same Americans, you may not come out.

I strongly rise in support of the Armey-Boehner-DeLay amendment in so much as it is part and parcel of restoring the dream of boundless educational opportunity for all Americans.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Chairman, I rise in strong opposition to this amendment. I do so because the very heart and soul of this bill includes not only public school choice in the first year of a failing school where students taking their tests in April and finding that they are failing that test in the summertime are then afforded immediate public school choice that September.

We are expanding in this bill public school choice, charter schools, magnet schools, and then further on in the process, even opening up public school choice more than that for schools that go into the school improvement category.

So we have full public school choice. We are looking with new vision and new boldness to open up more options and empower our parents to make more choices within the public school system.

But this bill is also about accountability. We are saying for the first time in 30 years that schools must be accountable, that failure is no longer an option, whether it be for inner city school kids or suburban kids, and we are requiring them to take tests, and we are saying, we will invest more money to remediate the kids if they fail a test, but we want to know where they are with these tests. We are going to strengthen accountability.

This amendment has no accountability in it. We take the money with the voucher from the public school to a private school, and then there is no accountability there. No test, no trail, no nothing. As a student, as somebody who went to Catholic schools, I am not sure that we want those Catholic schools having to be accountable to the government for curriculum, for testing, for other things.

So on accountability, this amendment fails. I think in terms of public school choice, we are opening that up, I think this amendment fails.

Finally, this amendment would allow us the per-pupil expenditure under title I. That would be the whopping figure of about $639 for a voucher. Now, we defeated $1,500 in committee. This would be less than half that and would really not even get you in the classroom, let alone the front door of the school.

Mr. Chairman, I urge bipartisan defeat of this amendment.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume for