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## Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, before us is a brand new week filled with opportunities to serve as servant leaders. We trust You to guide us so that all that we do and say today will be for Your glory.

Since we will pass through this day only once, if there is any kindness we can express, any affirmation we can communicate, any help we can give, free us to do it today. Help us to be sensitive to what is happening to the people around us. We know there are unmet needs beneath the surface of the most successful and the most self-assured people. Today, some are enduring hidden physical or emotional pain; others are fearful of uncertain futures; and still others carry burdens of worry for families or friends. May we take no one for granted but, instead, be communicators of Your love and encouragement.

We pause to ask Your special blessing and healing on the members of the family of Officer Robert Lebron III, who were involved in an automobile accident this morning.

And now, Lord, we express gratitude for all of the people who make this Senate function effectively: Each Senator's staff, the Senate officers and staff, the Official Reporters of Debates, the Capitol Police and Secret Service, the maintenance crews, and the people who work so faithfully in hundreds of other crucial tasks. We also thank You for the outstanding young men and women who serve as Senate pages. We praise You for each one of these future leaders of our Nation. Lord, You have richly blessed this Senate so that You may bless this Nation through its inspired leadership. In Your holy name we pray. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Arizona is recognized.

Mr. KYL. I thank the Chair.

### SCHEDULE

Mr. KYL. On behalf of the leader, let me announce that today the Senate will be in a period of morning business until 3 p.m. with Senators THOMAS and DURBIN in control of the time.

Following morning business, the Senate will resume consideration of the elementary and secondary education bill. The Senate will then begin consideration of the Lott-Gregg amendment regarding teacher quality. By previous consent, Senator LIEBERMAN will offer his alternative to S. 2 on Tuesday morning.

On Thursday, the Senate received the African Trade CBI conference report. It is expected that the Senate will consider that important legislation during this week's session of the Senate.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL assumed the chair.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

The Senator from South Carolina is recognized.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 2516 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Under the previous order, the time until 3 shall be under the control of the distinguished Senator from Wyoming, Mr. THOMAS, or his designee.

### EDUCATION

Mr. KYL. Mr. President, let me begin by thanking Senator THOMAS, again, for allowing the time to be devoted to this important subject which we began discussing last week and hopefully will be able to continue this week, namely, the Elementary and Secondary Education Act and specifically the bill the Republican majority in the Senate has put forth called the Educational Opportunities Act, S. 2.

It is my hope that by the end of this week we will have an opportunity to vote on this legislation, to finally conclude our work and move this bill forward so we can present it to the President for his signature and actually achieve a historic reform opportunity this year. As I said, I hope we will have that result. The reason, however, I have some doubt is that we have seen what I fear is a trend, on the part of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the Democratic minority, to continue to talk about education but in the end not allow the Senate to vote on any meaningful piece of legislation. I think the debate so far has vividly portrayed two very different views of how the Federal Government should proceed with educational reform in our country.

On the one hand, you have the majority arguing for flexibility combined with accountability: Flexibility, so the local entities, the school districts, the States, the schools, and the parents can have the ability to direct the dollars from the Federal Government to do those things they know work best in their particular area, and to have some accountability for that by ensuring that at the end of the year they demonstrate what they have done with this money has actually produced results. We are talking here about academic achievement, we are talking about meaningful results, not simply more students in a particular program or more teachers hired or more school buildings built. We are talking about some tangible results of those particular actions. So it is flexibility with accountability.

Part of the way we achieve that is through greater competition, which is driven by more parental choice, parents having the ability to decide what is best for their kids; after all, they are the ones we presume care the most about them, know the most about their needs, and understand how best, therefore, to deal with those kids' needs.

On the other hand, you have the minority that has been arguing for the same system of Federal mandates and regulations that, frankly, after 35 years have proven to be a failure. It is the same system with a new layer of mandates and poll-tested, Washington-run spending programs added onto what we have right now. One of our colleagues from the other side put it this way. He said:

The Senate has a choice. Will it pass the Republican Educational Opportunities Act or, on the other hand, are we going to follow the tried and tested programs that have demonstrated results for children at the local level?

They vote for the tried and tested programs that have demonstrated results. They have demonstrated results, all right. The problem is, not many people I know are very happy about those results. An old farmer friend of mine once said: If you want to get out of a hole, the first thing you do is stop digging. We just want to keep digging the hole deeper and deeper, it appears some of our colleagues are saying. That is not producing the right kind of results, good results: Enhanced achievement on test scores, enhanced ability to compete, and a real achievement-based accountability, which is what the Republican plan is asking for.

I have to say I am disappointed by this debate. I am disappointed with the direction in which the legislation itself appears to be heading because the

American people have told us they want results. They would like to see reform now. Every poll says this is the No. 1 issue of concern of the American people—to improve our educational system.

As our colleague on the other side said, yes, the current system has produced tried and tested results. But over 80 percent of the American people do not like those results. They are not happy with those results. They think we can do better. We can do better. We are spending an awful lot of money, and we ought to get something for that money. But more important than that, more important than the accountability to the taxpayers, is the accountability to our children, our future.

These kids have one opportunity to get their education—right now. We are not talking about 20 years from now. We are talking about the children who are in our educational system today. Each year we delay is another year our children are involved in a school system that is less than adequate by most standards.

The American people who are demanding accountability are going to be very disappointed if we conclude this debate with yet another year failing to enact fundamental reforms. That is what has me concerned because there seems to be a rather cynical strategy developing on the other side to talk this thing to death, to set up a whole lot of amendments on which we have to vote, some of which have nothing to do with education, and then, in effect, put the blame on the Republican majority until, finally, when we have to move on to other business, the majority leader has to say: If you are not going to let us get to a final conclusion on this, if we cannot vote for these reforms, we have to move on. However, the blame would not be on the majority but on the minority for its refusal to let us move on and get this legislation passed.

I do not think it is too late to put politics aside and put our children first, but time is running out. I call upon my colleagues: Let's keep talking about education. Let's put the political gamesmanship aside for just a few hours. Is it just possible, for example, that we can conclude debate on one bill without getting bogged down on gun control?

Yet I predict, before this week is out, we will have colleagues from the other side say: We cannot really deal with S. 2 unless we deal with issues relating to gun control.

Let's talk about what is in this education bill, what is in our proposal. It may be that some of our colleagues on the other side are actually uncomfortable focusing the debate on education because of this notion that the current system is working just fine. I think they are reluctant to talk about reform, but the American people want reform. As I said, they know we can do better.

We heard last week from members of the minority that we cannot trust parents to do what is right for children. One of our colleagues said: Where are the guarantees that the parents will make the right decisions? There are no guarantees that parents will make the right decisions, but I suppose one can ask: Who is more likely to make right decisions for their children, the parents or some bureaucrat in Washington, DC, or some Senator in Washington, DC?

My heart is in the right place when it comes to taking care of the schoolkids in this country, but I certainly would not presume to set all the policies in Washington that would fit the needs of every single schoolchild in this country. We in Washington just do not have that capability. There are no guarantees that every parent will make every decision correctly, but it is a lot more likely that parents making the decisions will result in good decisions for the most number of kids than if those decisions are relegated to Washington, DC.

Another thing we heard was that the leaders in our States and communities cannot be trusted to do what is right for America's young people; again, we need guarantees. By guarantees they mean Federal enforcement that these local officials will do the right thing and, of course, the right thing is defined by the bureaucrats in Washington, DC: You have to do it the way Washington wants to do it or you are not going to get the money.

One of the things we heard was that it would be a better approach to the Republican reform ideas to simply fine-tune the Federal regulations that impose 50 percent of the paperwork requirements on the local schools, and that is in exchange for only 7 percent of their funding. In other words, the 7 percent of funding that primary and secondary education receives from the Federal Government accounts for 50 percent of the paperwork. It is a pretty expensive proposition, in other words, to get the Federal funding. Schools go after that Federal funding even though it is a very inefficient way for them to fund the education of the children.

The point is this: How can you expect to get different results if you keep doing things the same way? The answer is, of course, you cannot. That is where the reforms in S. 2 come into play. One of the things which exemplifies this debate is the issue of class size or class size reduction.

Members of the minority have said we have to use this money for the purpose of hiring more teachers so we can achieve a class size reduction. The majority has said we need to let the local schools decide if that is their top priority. If it is, then they have the ability to use the funds for that purpose. If they have a higher priority, who should make that judgment of how to spend the money? Should it be those of us in Washington or should it be the people who understand what their priorities are?

Almost everyone would like to see smaller class sizes. We intuitively believe that would be better for education, but with every other area of this debate, we do have to look at the track record. The fact is that class sizes have fallen over the period that the Elementary and Secondary Education Act has been in existence, but performance has not tracked. George Will, with his wonderful characteristic dry wit, looked at the data, and this is what he said:

Pupil-teacher ratios have been shrinking for a century. In 1955 pupil-teacher ratios in the public elementary and secondary schools were 30.2-to-one and 20.9-to-one respectively. In 1998 they were 18.9-to-one and 14.7-to-one. We now know it is possible to have, simultaneously, declining pupil-teacher ratios and declining scores on tests measuring schools' cognitive results.

The truth is, we have declining class sizes and with it declining test scores. We still think it would be a good idea to reduce the size of classes; that there are other reasons why those test scores have not improved. But under the proposal from the President, they have to spend the money strictly on hiring teachers. They cannot use it for anything else, as I will get to in a moment.

One of the things this money can be used for is to create more charter schools, something that has improved the education in my own State of Arizona. Our State superintendent of education, Lisa Graham Keegan, has pointed out under the President's proposal, the \$17 million Arizona would receive to hire new teachers could actually start 425 new charter schools across the State, more than enough schools to keep class sizes relatively small, but they would not have that flexibility under the President's plan, under the Democrats' plan. No, they have to do it their way or no way. The only way they get the money is if they follow precisely their guidelines. That is the way it has been all these years. We can see the results. Again, the American people are asking for something different.

One of the ideas embodied in our legislation is something we call the Straight A's approach. The idea behind it is to actually look at where the Federal Government has been successful in making major reforms and applying that same technique to education.

There are few successes more dramatic than our success in welfare reform. It cannot be done, we were told, but we did it, and the results have been dramatic. The idea was pretty simple. The Federal Government said: We will repeal the regulations that have historically defined this program, and we will give unprecedented flexibility to the reformers in State government, as well as unprecedented accountability for them. Go out and pursue reforms, we said, and if you are successful, you will be rewarded. If you fail, then you will lose some of your latitude.

As with welfare reform, we need to put aside the certainty that Washington knows best and all wisdom that is formulated comes from Washington.

I know there is no such monopoly because I have the good fortune of coming from a State where education policy is made by people who really have been innovative, people such as our State superintendent of education, Lisa Graham Keegan.

I want to present some of the things she has had to say. When we consider how to provide this flexibility to education just as we did with welfare reform, I think we will see the same results. This is some of what Ms. Keegan had to say:

Federal programs have tied dollars to bureaucracies and institutions, not to students.

What that illustrates is the disorientation from Washington. We believe if you send the money to the institution, to the organization, automatically good things will happen. The fact is, we ought to be focused on what some call child-centered education. We ought to figure out how to get the money we want to educate these children as close to those children as possible because the sad fact is, when we send it to an institution or a bureaucracy, a significant amount of that money gets stuck at that bureaucracy.

As with many Federal programs, it costs a lot of money to administer the program, to comply with all of the Federal redtape and paperwork. That is why we say that, while the Federal Government only supplies 7 percent of the primary and secondary education dollars the States spend, the States have to spend 50 percent of their administration costs just administering that 7 percent at the Federal level. That is why if we can get over this business of tying dollars to the bureaucracies and the institutions and tie it more to the students, it will be a much more efficient expenditure of the money.

Ms. Keegan also says:

But before we ask Washington to get involved with the education of our children, we need to think about exactly what we're asking for. Sometimes, when we ask Washington for help, we run a very real risk of getting it. . . . More often than not, the government's preferred method for alleviating a perceived problem is to create a federally funded program with federally authored strings and federally enforced regulations. This approach may work fine when it comes to matters that have clearly defined federal responsibilities, such as highways or post offices. When it comes to education, which has always been largely a state and local matter with no clear federal role, such an approach tends not to work so well. . . .

. . . we still let Washington drive state and local decision making through the lure of federal dollars tied to programs with hazily-defined goals and well-defined regulations.

Then here is how she concludes this point:

The problem with this approach is that the federal government has tied its dollar to a program rather than to a student. An at-risk student who succeeds will, more often than not, find him or herself ineligible for more at-risk services. When the student moves on, the federal dollar dries up—and it won't come back until that child again slips into the at-risk group and becomes eligible for

the federal program once more. These kinds of programs thrive on student stagnation, even failure.

We had that same situation with the welfare program. We tended to measure the success of the welfare program by how many people we had on the welfare rolls, by how much money we were spending on that. Then one day it dawned on someone that we ought to be measuring the success of the welfare program by how few people were on the welfare rolls and by how little we had to spend.

As a result, by giving flexibility to the local governments with regard to welfare, we have cut the welfare rolls in half. We are not spending near as much money on welfare. We have only half as many people involved in the welfare program. Is that failure? No. It is a success. And so it is with education.

If we are going to devote Federal dollars to the education of the students, then we ought to provide those dollars to the students so that wherever they think they can get their best education, whatever their needs are in terms of priorities, the money will be spent for that, not because the Federal Government makes a judgment that a particular expenditure is necessarily the right thing.

I think it is important to reiterate our responsibility to those who will pay the highest price if we fail to take advantage of the opportunities that are here presented. As I said, it is not necessarily the American taxpayer, even though we have, as stewards of those taxpayer dollars, an obligation to see that they are efficiently spent.

No. Those that will pay the highest price, if we fail, are the schoolchildren, the children who, this year, will not receive an improved education because, perhaps, we will not get these reforms passed this year. They will have to go yet one more year stuck with the kind of bureaucratic redtape and regulations that have failed them thus far in their careers.

Last week, we also learned that there are those on the other side who do not agree that choice should be available to children in failing or unsafe schools. I always find this interesting because very frequently people who make this argument have sent their kids to private schools.

I am a product of the public schools. That is where I received my education, including my college and law school education. It was from the public schools. Both of my parents were public school graduates and public school teachers. And others in my family are or have been teachers in public schools. So I fully appreciate the need to improve our public schools.

I think one does that by enabling some competition between these schools, and also with the private schools. What we find is that when that competition is allowed to work, everyone benefits. To use a crude example, it

is similar to the automobile manufacturers. If one of them finds a new way to improve the way a car operates, it isn't long before the others find a way to incorporate that same technique or technology into their cars. If they do not, they are going to lose sales.

By the same token, when a school finds that something really works well—if we give parents a choice to send their kids to that school—the other schools are soon going to find that they will want to incorporate that same kind of technique to keep the kids there.

That is especially the case because so much of our Federal and State funding goes to the institutions, as we have said. If they want to continue to get that funding, under the Republican proposal, they would have to be able to continue to attract the kids.

In my State of Arizona, we have, in effect, open enrollment so there can be some degree of competition among the public schools. We also have more charter schools—almost 350 at last count—than any other State. I think it is a third of the charter schools in the country. These charter schools promote a lot of competition. A lot of them have learned to attract students by doing things a little differently. Some of the larger public schools have picked up on these techniques and have incorporated them into their curricula, into their procedures. As a result, they can be quite competitive with those charter schools. It does not hurt one at the expense of another.

It is not a zero sum game. Competition is like invention. What it does is lift all of the boats. When one begins to do something better, the others soon follow behind and copy it in order to keep up with the first one. When you have that kind of competition, therefore you can have innovation. If you have flexibility, you have the ability to experiment, and the net result is a better opportunity for more kids. That is what we want to promote in this Federal legislation.

As I say, in my own State of Arizona we actually have a significant element of this in our public schools. But what we found last week from those on the other side of the debate was that there is a real desire to keep students and parents from having this additional flexibility, this additional choice. It seems to me there is a fear of it. There is a fear that not everyone will be able to do as well as those who do the innovation, and somebody might actually fail or fall behind, which would be bad.

Who is the somebody they are talking about? They are not focused on the student. They are talking about the school, that it would not be fair if a particular school failed. Why wouldn't it be fair if a particular school failed if the students all had the opportunity to go to the successful school? What is not fair is that failing schools keep ahold of failing students. We are failing in the education of these kids, and they will never be able to go back and get it.

Yes, we have some remedial education. But that is a very hard way to reeducate people in our society. So it is not the schools that we ought to be concerned about; it is the students in those schools. I remain convinced that no American child should be trapped in a school that cannot guarantee a good education. We have an obligation to those students.

So whatever happens with this bill, I believe we will continue to pursue this idea of choice, of competition, of flexibility, because it will work. Sooner or later, this approach will provide the basis for reform that will characterize the Federal program that provides the Federal funding to primary and secondary education. I still believe we can make a difference in this area.

So while it may become a disappointment that we are not able to conclude work this year on this important bill, that we may not be able to pass a bill that we can send to the President for his signature, I think, in the end, the power of this idea of flexibility and accountability and more choice—the power of that idea—will end up defining the Federal program.

It would be better if we could do it this year because that would mean we would not allow another year to pass with the same devastating results for the kids who are in school right now where far too many of them are failing. That is my hope.

I urge my colleagues this week to take this debate seriously, to try to move on beyond extraneous issues, and in the end, to bring it to a close so we can actually have a vote on S. 2 and get this important reform measure to the American people where it can begin to work.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Senator from Arizona. He obviously believes very strongly in this issue and has defined very clearly where we are with two very definite points of view. One is that the Federal Government ought to make the rules, ought to set up the redtape, ought to make the decisions here to be implemented in the country; the other is to send the assistance from here to local schools so they can make the kinds of decisions that are necessary to make their schools successful.

So I say to the Senator, thank you very much.

I yield to the Senator from Alabama.

The PRESIDING OFFICER. The distinguished Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I want to share some additional thoughts with the Members of the Senate and those watching what we can do to improve education in America.

I believe in public education. I have taught and my wife has taught in public schools. I say that to express how deeply I care about it. We have been active in PTA as our kids have gone for-

ward. We want to improve the system. We want to make learning occur more regularly. We want to help teachers. I believe in American teachers. They are some of the finest in the world. They are well trained. They give their hearts and souls to it, only to be frustrated by regulations, paperwork, and discipline problems resulting from mandated rules passed by this Congress.

I am going to share some thoughts today, and those in education in any State of America will know what I am saying is true. They will have heard these kinds of examples time and time again. But the vast majority of Americans will not believe it; they will not believe these things occur.

Over 25 years ago, for example, we passed a federal disabilities act. It was designed to mandate to school systems and require that they not shut out disabled kids from the classroom and that they be involved in the classroom. If they have a hearing loss, or a sight loss, or if they have difficulty moving around, in a wheelchair, or whatever, the school system must make accommodations for them. They would be mainstreamed. They would not be treated separately.

That was a good goal, a goal from which we should not retreat. I hope no one interprets what I say today as a retreat from that goal. But in the course of that time, we have created a complex system of Federal regulations and laws that have created lawsuit after lawsuit, special treatment for certain children, and that are a big factor in accelerating the decline in civility and discipline in classrooms all over America. I say that very sincerely.

Teachers I have been talking to have shared stories with me. I have been in 15 schools around Alabama this year. I have talked to them about a lot of subjects. I ask them about this subject in every school I go to, and I am told in every school that this is a major problem for them. In fact, it may be the single most irritating problem for teachers throughout America today.

It was really brought to my attention a little over a year ago when a longtime friend, District Attorney David Whetstone, in Baldwin County, AL, called me about a youngster in the school system classified as having a disability. It is called "emotional conflict." He was emotionally conflicted. He could not, or would not, behave. An aide would meet him in the morning at his home, get on the bus with him, and go to school, sit through the class all day, and ride home on the school bus with him. This student was known to curse principals and teachers openly in the classroom. Because he was a disabled student, he could not be disciplined in the normal way. The maximum 10-day suspension rule—and 45 days is the maximum a child can be disciplined under this Federal law and then they are back in the classroom. One day, he attacked the school bus driver on the way home. The aide tried to restrain him. He then attacked the

aide. District Attorney Whetstone told me, "I was never more stunned when I talked to school officials and they told me this is common in our county."

We have children we cannot control because of this Federal law. He came to Washington, and we sat up in the gallery and talked about it. I respect David Whetstone and his views. He said this cannot be. I began to ask around, is this true? As a matter of fact, this very incident was focused on in *Time* magazine. There was a full-page story about it called "The Meanest Kid in Alabama," and "60 Minutes" did a story about it because it is, unfortunately, so common around the country.

What can we do about it? I began to ask leaders in education around the State. The State superintendent: "Absolutely, it is one of the biggest problems we have." I talked to Paul Hubbard, head of the teachers union in Alabama: "Absolutely, it is a big problem." "I am tired," he said in the newspaper recently, "of children cursing my teachers in the classroom and nothing being done about it."

Then we began to talk to teachers, principals, and school board superintendents. They talked about the lawyers and the complicated regulations with which they deal. It is really unacceptable. Teachers who have been trained with masters' degrees in special education to deal with these children have also overwhelmingly told me this is not a healthy thing, that we are telling special children with physical disabilities, or disabilities as defined by the Federal law, that they don't have to adhere to the same standards other children do. Right in the classroom, we create, by Federal law, two separate standards for American citizens. You can say to one child: You can't do this, you are out of school. But we can say to another children: You can do it, and you are only out 10 days, or maybe 45 days, and then you are back in the classroom. That is not defensible.

I want to share some of the letters I began to receive from teachers who care about this problem and want me and you and the Members of this Congress to do something about it. I believe we can. I hope it will be part of the debate this year in our political arena. Maybe we can make some progress with it.

First, I want to mention that when Congress passed the IDEA—Individuals with Disabilities Education Act—in 1975, we committed to pay the States, whom we were requiring to do it—we require these States to meet these standards. We agreed to pay 40 percent of the cost. We have never paid more than 15 percent of the cost. It has been below 10 percent in most years. We had testimony in the Health, Education, and Labor Committee, of which I am a member, from a superintendent in Vermont who testified to our committee that 20 percent of the cost of the school system in his county is for special education children. This is a

major factor in education today. Let me share some stories with you about this.

An experienced educator in Alabama shared these thoughts with me in a letter:

We have a student who is classified emotionally conflicted, learning disabled, and who has attention deficit disorder. While this student has been enrolled, students, teachers, and staff have been verbally threatened with physical harm. Fits of anger, fighting, and outbursts of verbal abuse have been commonplace. Parents and students have expressed concern over the safety of their children due to the behavior of this young man. Teachers have also become extremely apprehensive toward the presence of the student due to his explosive behavior. His misbehavior has escalated to the point that the instructional process of the entire school has been jeopardized.

Here is another one:

I have taught for 25 years. I plan to continue teaching, but the problems with discipline are getting out of hand. We are not allowed to discipline certain students. Any student labeled as "special needs" must be accommodated, not disciplined. A student recently brought a gun to my school. He made threats to students and teachers which he claims were jokes. I was one of those teachers. This student has been disruptive and belligerent since I first encountered him in the ninth grade. Now, he is a senior. After bringing a gun to school, he was given another "second chance." He should have been expelled. What is his handicap? He has a problem with mathematics. While this may be an extreme situation, it is not isolated.

Still reading from the letter:

Teachers are told to handle discipline in the classroom. The Government has taken most of the teachers' rights away; our hands are tied.

This is a letter from a young teacher in a small town of about 25,000 in Alabama. This is a story by which I think anybody would be moved:

As a special educator of six years, I consider myself "on the front lines" of the ongoing battles that take place on a daily basis in our Nation's schools. I strongly believe that part of the "ammunition" that fuels these struggles are the "right" guaranteed to certain individuals by IDEA '97. The law, though well intentioned, has become one of the single greatest obstacles that educators face in our fight to provide all of our children with a quality education delivered in a safe environment. There are many examples that I can offer first hand. However, let me reiterate that I am a special educator. I have dedicated my life to helping children with special needs. It is my job to study and know the abilities and limitations of such children. I have a bachelor's degree in psychology, a masters degree in special education and a Ph.D. in good old common sense. No where in my educational process have I been taught a certain few "disabled" students should have a "right" to endanger the right to an education of all other disabled and non-disabled children. It's nonsense; it's wrong; it's dangerous; and it must be stopped.

There is no telling how many instructional hours are lost by teachers in dealing with behavior problems. In times of an increasingly competitive global society it is no wonder American students fall short. Certain children are allowed to remain in the classroom robbing the other children of hours that can never be replaced.

There is no need to extend the school day. There is no need to extend the school year. If politicians would just make it possible for educators to take back the time that is lost on a daily basis to certain individuals there is no doubt we would have a better educated students.

It is even more frustrating when it is a special education child who knows and boasts "they can't do anything to me" and he is placed back in the classroom to disrupt it day after day, week after week.

It is clear that IDEA '97 not only undermines the educational process it also undermines the authority of educators. In a time when our profession is being called upon to protect our children from increasingly dangerous sources our credibility is being stripped from us.

I am sure you have heard the saying: The teachers are scared of the principals, the principals are scared of the superintendents, the superintendents are scared of the parents, the parents are scared of the children, and the children are scared of no one. And why should they be?

I have experienced the ramifications of the "new and improved" law first hand. I had one child attempt to assault me—he had been successful with two other teachers. He was suspended for one day. I had another child make sexual gestures to me in front of the entire class. Despite the fact that every child in my class and a majority of the children in the school knew of it, I was told by my assistant principal that nothing could be done because "these special ed kids have rights."

I literally got in my car to leave that day, but my financial obligations to my family and my moral responsibilities to the children I had in my class kept me there.

The particular child I spoke about frequently made vulgar comments and threats to my girls in my class on every opportunity he had when there was no adult present. Fortunately, the girls, also special ed, could talk to me about it. Unfortunately, they had to put up with it because "nothing could be done."

I know of a learning disabled child who cut a girl in a fight. The learning disabled child and her parents then attempted to sue the school system because the child was burned when she grabbed a coffee pot to break it over the other child's head. I know of another specific incident where three children brought firearms to school. The two "regular" children were expelled. The special education student was back to school the following week.

I fully expect that you and your colleagues in Washington will do what it takes to take our schools back from this small group of children who feel it is their right to endanger the education of every other child in school. As my grandmother said, "right is right and wrong is wrong" and to enable this to continue is just wrong.

She does have a right to expect Members of this Congress to confront this issue and not allow it to continue.

This is a letter from a town in Alabama with a population of 20,000, or so, from another special education teacher.

As a special educator teacher for 27 years, may I applaud your efforts to make special education students as accountable as any other student for any behavior they exhibit while in school. I fully support the idea that just because they are students in need of special education services that it in no way diminishes their ability to tell right from wrong. When teachers and administrators cannot provide some type of appropriate

punishment, then the students are taught that their behavior has no consequences. Just the other day, we had a student, who had been offered detention to avoid mission school time, he responded that they could just go ahead and suspend him because he was not going to come to school on Saturday and that it was not going to hurt his grades because "he" was allowed to make up all the work. When students find out about this "loophole" then they often feel they have free reign to do or say whatever they feel and that there is nothing that anyone can do.

He is correct about that. This is a Federal law. We provide 7 percent of the cost of education in America. But we don't hesitate to mandate these kinds of rules in every school system in the country.

There federal rules often make teaching very difficult and it penalizes the students who come to school to try and improve themselves.

He is teaching a class of special education students, and wants all of them to learn. Many of them are there trying to learn, and they find it more difficult because of these rules.

I feel that for the best interest of the students and of the entire education population, changes in this policy must take place.

Mr. President, I don't want to disrupt the system. But I have some more comments that I am prepared to make.

This is a letter from a small town in Alabama.

Due to the federal rules and the situation they create, I cannot spend time in my class discussing a lesson. I do not do something to tantalize the students, they become disruptive. I can no longer simply explain a concept. I now must spend over half my time disciplining the disruptive students. I am no longer a teacher, I am a threatened and battered baby-sitter who is not allowed to do her job. Give us back our classrooms and our schools. Give the teacher the right to have these disruptive students removed. Please help us.

This is a letter from an assistant principal.

I am an assistant principal in Alabama. I taught middle school before taking this administrative position. As a teacher I saw a "small picture" of the problem, as an administrator I see a much "larger picture". You have chosen a much needed, but difficult battle. Most of the special education students are *wonderful* (emphasis added) unfortunately, a few are literally destroying the public education process in our country. We are teaching them that they have excuses not to follow rules or obey laws, then we act shocked when violence occurs. Now, perhaps more than ever in our history, we need to teach our children right from wrong and that there will be consequences for their actions. Instead we develop more and more excuses for unacceptable, sometimes criminal behavior. Thank you for anything you can do to help save our children, as well as our country's future.

I have a letter from a student in a good school system in Alabama.

I would like to let you know I agree with changing the section on IDEA law. I am in high school and I know how difficult it is for you to learn if there is disruption in the classroom. I think if there is a student who does not want to learn, they should be put in an alternative school or separate class.

Amen, young student. I agree.

Another student from an average town in Alabama.

I'm seeing more and more teachers getting out of education because of the ridiculous lawsuits by special education students.

We are losing good teachers today in America. If you check around, one of the biggest reasons is frustration over their inability to maintain discipline in the classroom. Talk to them about it. In most schools, that is a real problem. It is hurting public education. These laws don't apply to private schools. Teachers in private schools don't have these problems and are able to be more effective in creating a learning atmosphere. In a way, it hurts our ability to maintain public education as a competitive enterprise. We need to make sure what we do in Congress does not make it more difficult for our teachers to teach. First, do no harm.

The letter continues,

We have been told to give the parents whatever they want.

They have individual education plans for each student. A lot of times, that is very helpful. But they have become almost contracts with the parents, and schools have to obey them to the letter of the law. There are frequently lawsuits over whether the school is following the IEP, the individual education plan. It is sad.

We have been told if they sue us we are going to lose. Because of this, special education students are suffering and so are those students around them. They can disrupt class at will and take away from the education of the majority of the students. Often they do less, and even no work, and we are told to pass them anyway.

Then he makes an interesting point:

When these students leave school and enter the real world, they will not have things given to them as they do in school. They will not be prepared to function as a regular citizen should be. As a parent, I fear for my son's safety in school. He has already had one confrontation with a special needs child. The disabled student assaulted my child. In self-defense, my son hit the student back. The student was known to get into fights. My son was hauled off to the police station. His grades suffered. The special ed student could go on repeatedly assaulting, with very little consequence. As you can see, this is both an emotional and professional issue for me. I am glad you are aware of the large problem our educational system is having. I hope something can be done before it gets worse. We will see the repercussions for years to come if we don't change this system.

Another letter from a teacher:

I have over 30 years experience as a teacher, principal, Federal program coordinator, and school superintendent. I am greatly concerned about the future of public education in this country. IDEA has given local superintendents grief beyond description. First, in 1975, the law was first passed, Congress promised to pick up 40 percent of the cost to operate the program, and according to figures I have seen, 10 percent has been the norm since then. Second, this has made every system fair game, with litigation costs consuming more than education dollars. While our system is small, we have had to deal with a number of weapons cases in the

last few years. Two of the cases students were caught with weapons they admit they accidentally left in their vehicles coming to school grounds from target shooting. The first boy was expelled 1 year. He never returned to school to graduate. According to him, the situation was just too embarrassing. Although the second boy was in the exact same position as the first, having accidentally left the weapon in his car, instantly we were told he was a special education student and has an IEP. He was then assigned to an alternative school for 45 days and is now back in our school. Both of these young men were not troublemakers at school. Senator, it is impossible to explain to the family of the first student that their son was deserving of more punishment. Think about that.

This family is now bitter toward me and toward the American system because they, in grave error, believe that all Americans have the same legal right and they were unaware that Congress now decides what rights we are entitled to hold as American citizens. As said in "Animal Farm": All are equal, but some are more equal than others.

The second student's handicap does not prevent him from knowing right from wrong. I'm sorry that I'm old fashioned and believe we should be teaching all students to be responsible for their behavior. We should be helping them develop good decisionmaking skills, not telling them that you are not responsible for your behavior and that there will be no consequences, or minimal consequences, regardless of your behavior.

I became a teacher in 1965 and I do not remember hearing of gun shootings prior to 1975 when Congress began telling ten percent of our students you are not responsible.

I think these teachers make a point. It is a matter we need to give careful consideration to, not overreact, not undermine the great principles of the Disabilities Act Program. But at the same time, we need to say that a child is not allowed to commit crimes, to disrupt classroom, to curse teachers, principals and students, and abuse them and do so with impunity.

I thank the Chair for the time and yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Wyoming is recognized.

Mr. THOMAS. How much time is left?

The PRESIDING OFFICER. The Senator has until 3 o'clock.

Mr. THOMAS. Madam President, I thank the Senator from Alabama for the great job of expressing the feelings the teachers and students have with respect to what we are doing.

We have had an interesting week of debate. A number of things, of course, have helped define where we are and the direction we will take. One of the quotes from the other side of the aisle is the reason we have title I is because we decided in 1965 the needs of disadvantaged children were not being addressed.

Madam President, 35 years later, we find once again, the needs of poor kids are not being addressed—this time, by those who defend the status quo, the means of trapping another generation.

A Wall Street Journal editorial indicates that this is an effort to restrict the States from making the decisions. Again, one of the comments made

about it was the GOP plan allows a blank check for Governors who will see to it that the neediest and the poorest children will not benefit from the money.

This defines rather well where we are in this debate. Some of the facts seem to be different than what is being talked about. So \$120 billion later, poor kids still lag behind in reading. The percentage of those reading below basic level at the 12th grade is still 40 percent. The percentage of those writing below basic level in title I is 38 percent in the 12th grade after \$120 billion and 35 years of expenditures under this program.

We are talking about returning some of the decisionmaking to parents, to local leaders, sending dollars to the classroom rather than having them spent here, giving families greater educational choices, supporting and encouraging exceptional teachers, focusing on basic academics.

I think, if nothing more, we have defined very clearly where our priorities lie in terms of this body. I think we have a great opportunity to make some changes to bring about the results in education that all Members seek.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I ask unanimous consent I might have 4 minutes to speak about Mike Epstein, who passed away on Saturday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

Without objection, it is so ordered.

#### IN MEMORY OF MIKE EPSTEIN

Mr. WELLSTONE. Madam President, first I want colleagues to know, and of course this is for Democrats and Republicans, and with Mike it is for staff and support staff and just about everybody who works here, pages and others, there will be a service for Mike in the Mansfield Room. It will be at 3 tomorrow. That is room S-207.

Many Senators came to the floor and spoke about Mike last week, on Thursday. It was wonderful. I thank you. About 70 people came to our office and did videos. All of this was sent to his family. Mike heard it. It was read to Mike. It meant a great deal to him. Letters have come in. It has really been wonderful to recognize such a great, great person.

Mike passed away on Saturday. We had a very small service for him today. He was buried in the Congressional Cemetery. Rabbi David Saperstein was there, Mike's family was there, and a few friends of many years were there. Then tomorrow we will have a service here. I look forward to that because it is wonderful, I say as a friend of Mike, the unbelievable impact he made.

I could go on forever. I will not because if I try to, the truth is I probably will not be able to go on at all. I just would not be able to do it here on the floor. I will say one unimportant thing

because it is about me, and then I will say one important thing, and then I will be finished.

The unimportant thing is in some ways I will just be lost without him. It is not like Mike was my assistant; it was like he was my teacher. But I will talk to him every day.

The second thing I want to say, which is much more important, is if I had to summarize a life, I would say the reason there has been such an outpouring of love is because Mike loved his family; he loved his work. And do you know what else? This is the best thing of all. He really loved and believed in public service. He loved his country. He was just steady. It was just who he was. He never changed.

The world is going to miss him. The Senate is going to miss him. Most important of all, his family is going to miss him. Sheila and I are going to miss him.

EVAN BAYH, who went through a real tragedy in his own family and lost his mother at an early age, was kind enough, last week, to say to me: Paul, it's not how long you live your life; it's how you live your life.

I think Mike is one of the five greatest individuals I have ever met in my life. He lived a wonderful life.

I yield the floor.

Mr. JEFFORDS. Madam President, I know all of us share in Senator WELLSTONE's grief. I know I have lost, in the past, one of my chief staff persons. You never know how important they are until they are not with you. I know the Senator's chief of staff was an outstanding person whom we all appreciated for his ability.

I am sure I speak for all Members on this side of the aisle: We share in the Senator's grief. We want him to know that.

I yield to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, first of all, we all reach out again to Mike's family. I think all of us in the Senate, just a few days ago, were very grateful of our good friend and colleague, Senator WELLSTONE, for giving us the opportunity to add a word to the comments on the extraordinary life of Mike Epstein.

As PAUL—Senator WELLSTONE—had pointed out last week, the hours were passing along and there was very little time left. But I think the challenge for all of us is to live a productive and useful life. That is the criterion the great philosophers have defined as the purpose in life, and Mike lived that. We all are the beneficiaries of it.

Our hearts reach out to PAUL at this time, and to all the members of the family. I think Mike would feel right at home here this afternoon, where we are debating the education act. He had strong views about these issues, as well as many others.

He made life better for people in this country. We will think of him during the course of this debate, too.

I thank the Chair.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The hour of 3 p.m. having arrived, morning business is closed.

#### EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The legislative clerk read as follows:

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

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, we are awaiting the arrival of the Senator from New Hampshire. I would like to say, in the interim, we would like to proceed today with other amendments. I hope by the end of the day we will be able to establish a program for the coming week, which will put us in a position where we can move the education bill forward.

At this time, I am happy to yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I will speak briefly. As soon as the Senator from New Hampshire is on the floor, I will be glad to yield so he will be able to make a presentation on his amendment. I have had the chance, over the weekend, to study it closely. I will reserve my comments on it until we have had an opportunity to hear his presentation in the Senate this afternoon.

Just to review very briefly, we have had, now, as I understand it, probably 4 days of discussion of the Elementary and Secondary Education Act. Of those 4 days, 1 day was a general kind of presentation, although that was a good presentation by the speakers who had different views on the Elementary and Secondary Education Act. We had five votes: on Senator GORTON's amendment, what they call Straight A's; our Democratic alternative, which was introduced by Senator DASCHLE and a number of us; Senator ABRAHAM's merit pay amendment—I offered a second-degree on the Abraham amendment; and then on the Murray class size amendment.

We had indicated there would be a number of others, although a relatively small number. Actually, the total number that would be offered by this side would be somewhat less than has been usually offered in past considerations of the Elementary and Secondary Education Act.

We were going to have proposed an amendment that would address the whole issue of the quality of our teachers, to guarantee we would have a well-