

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

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

EDUCATION FLEXIBILITY
PARTNERSHIP ACT OF 1999

The Committee resumed its sitting.

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

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join the gentleman from California (Mr. MILLER) offering this amendment, and I rise in strong support. This amendment seeks to strengthen the efficiencies in the Ed-Flex program identified in a November General Accounting Office Report. This report of the GAO said that the ability of the existing Ed-Flex program to enforce accountability is suspect. GAO said that the States are not setting required goals for increased student achievement and little is known about the actual impact of waivers.

Part of the rationale for the enactment of this demonstration program in 1994, and it was 1994, Mr. Chairman, when I was still chairman of the subcommittee; part of the rationale for the enactment was that we will be able to gauge the impact of waivers on student achievement. This is not presently possible. The Miller-Kildee amendment, accountability amendment, seeks to address these issues.

Very simply, Mr. Chairman, this amendment would require States who wish to participate in Ed-Flex to have the system of standards and aligned assessments as required in Title I in place. This amendment will mean that States participating in Ed-Flex will be able to accurately measure student performance and also produce disaggregated results based on categories of at-risk student populations. Without this type of information in place, we will not be able to accurately measure whether the student achievement is going up over time and particularly how it is going up with particular groups for whom this bill has been targeted in the rest of ESEA.

Our taxpayers who are the investors in education in this country want to know and have their right to know how their money is being used and whether that money is being used successfully. I think we have an obligation in spending those dollars that we require that assessment make sure that that money is being spent effectively. I urge all our Members to adopt this amendment. This amendment to my mind is such a perfecting amendment, my colleagues will not only gain power in this bill for education, but we will find a real bipartisan bill emerging from this House.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, and I guess I rise reluctantly, to oppose this amendment, but in a sense of the bill we are dealing with I cannot be that reluctant. The concept of putting all of these things in place; that is, content standards and performance standards and assessments that are aligned with the performance standards is clearly the way we are supposed to go in this country. I have absolutely no doubts about that whatsoever, and I think we should do it, just as there are other things are being discussed on this floor today about which I also feel good that we should be doing. The question is what should we be doing in the education flexibility bill.

Mr. Chairman, I do not know how many people listen to the chairman, the gentleman from Pennsylvania (Mr. GOODLING), and, as my colleagues know, if somebody can repudiate this, hopefully not on my time, but on their time, I would welcome them to do it. But it is my understanding that when we are talking about the final assessments, that there is not one State in the United States at the present time which has its final assessments in and approved by the Secretary. I do understand that the chief State school officers say that there are 17 that are ready to go and they just have not submitted them. Fine. That leaves 33 who are not there, and only 21 States have their performance standards done.

Why? The reason is that in the Elementary and Secondary Education Act, where this would be a very applicable amendment, in that particular act they do not have to have this completed until the school year 2000-2001, and yet we are taking this education flexibility bill in which we are trying to get States the ability to work with the local school districts to get around some of the Federal bureaucratic things that we have done, and we are getting an amendment like this, which is all of a sudden taking an incredibly overwhelming, almost crushing responsibility of getting these ready a couple years in advance or they will not be eligible for education flexibility.

That is a mistake. I mean there is nothing wrong with the amendment. There is nothing wrong with the intent of the amendment. There is nothing wrong with any of the positions that the gentleman from California (Mr. GEORGE MILLER) or anybody else has taken here today. But it is very wrong to even think about attaching this particular amendment to this bill though it is my hope that maybe the statement has been made and this particular amendment can be withdrawn because it just is so ill fitting with the legislation before us.

Now, Mr. Chairman, we have put a great deal of accountability in this bill to the extent that we can. There must be annual reports submitted to Congress. The Secretary has to approve State applications. The Secretary conducts performance reviews of State performance. We have done it at the

State level. They must have specific and measurable performance goals required to monitor local waiver recipients annually and hold them accountable for performance. We must provide public notice and opportunity for comment when waivers are approved. We must submit an annual report to the Secretary and States must submit an annual report to the Secretary that summarize the student performance and types of waivers granted and that at the local level local applicants must send specific and measurable performance goals as part of an overall reform effort. They must track the performance of schools and groups of students affected by waivers, and waivers are subject to termination, the performance declines, against objectives for 2 consecutive years.

Why did we put that into this particular bill? Because in the GAO report they said there has to be more accountability and more assessment, and so we have started that process here. But we do not leapfrog over to the demands which are in the gentleman from California's amendment which are final assessments which simply are ready and are going to cut most States out of Ed-Flex.

This is a killer amendment of killer amendments, as far as I can ascertain, and again I honestly ask somebody to try to rebut what I am saying, if they are able to do that at some point in this discussion. But I think we are making a mistake even considering this amendment. We are close to the universal agreement that this is a good bill. The only question is what amendments are we going to adopt. This is not one that we should adopt.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman for bringing forward this bill along with my colleague from Indiana (Mr. ROEMER). I think it is a good bill and one that I am very pleased that we have on the House floor today. I unfortunately have to join the gentleman in rising in opposition to this amendment because I do think it would gut the primary benefit that we receive from this bill, which is essentially to extend to 38 States the possibility to be able to participate in this waiver program that addresses the one problem that I hear over and over and over again when I talk to educators in my home State of Indiana. They tell me that they cannot focus 100 percent of their time on teaching their children and developing policies and curriculums that will make our schools the best in the world because they have to worry about rules, and regulations, and paperwork, and policies coming out of Washington that do not always make sense for their school.

One of my wife's best friends, a young teacher named Brenda Wilson, teaches in the gifted and talented program in Pendleton Schools, and she told me they thought about abolishing gifted and talented programs because