

Petri	Sensenbrenner	Taylor (NC)
Pickett	Shadegg	Tejeda
Pombo	Shuster	Thomas
Portman	Sisisky	Thornberry
Poshard	Skeen	Tiahrt
Pryce	Smith (MI)	Trafigant
Quillen	Smith (TX)	Vucanovich
Radanovich	Smith (WA)	Waldholtz
Riggs	Solomon	Walker
Roberts	Souder	Walsh
Rogers	Spence	Wamp
Rohrabacher	Stearns	Watts (OK)
Roth	Stenholm	Weldon (FL)
Royce	Stockman	Weller
Salmon	Stump	Whitfield
Scarborough	Talent	Wicker
Schaefer	Tate	Young (AK)
Seastrand	Tauzin	Zeliff

## NOT VOTING—6

Chenoweth	de la Garza	Tucker
Conyers	Fields (LA)	Weldon (PA)

□ 1247

Messrs. BUNN of Oregon, ROBERTS, BURR, NUSSLE, CLINGER, BONO, and McCOLLUM changed their vote from “yea” to “nay.”

Messrs. THOMPSON, TAYLOR of Mississippi, MATSUI, and KINGSTON changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. STOKES].

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 194, not voting 11, as follows:

[Roll No. 762]

## YEAS—227

Abercrombie	Diaz-Balart	Gilman
Ackerman	Dicks	Gonzalez
Andrews	Dingell	Goodling
Baldacci	Dixon	Gordon
Barcia	Doggett	Goss
Barrett (WI)	Doyle	Green
Bass	Durbin	Greenwood
Becerra	Ehlers	Guterson
Beilenson	Ehrlich	Gutierrez
Bentsen	Engel	Hall (OH)
Bereuter	English	Hamilton
Berman	Ensign	Harman
Bevill	Eshoo	Hastings (FL)
Bilbray	Evans	Hefner
Bishop	Ewing	Hilliard
Boehlert	Farr	Hinche
Bonior	Fattah	Hoke
Borski	Fawell	Holden
Boucher	Fazio	Horn
Brown (CA)	Filner	Houghton
Brown (FL)	Flake	Hoyer
Brown (OH)	Flanagan	Jackson-Lee
Bryant (TX)	Foglietta	Jacobs
Cardin	Foley	Jefferson
Castle	Forbes	Johnson (CT)
Clay	Ford	Johnson (SD)
Clayton	Fox	Johnson, E. B.
Clyburn	Frank (MA)	Johnston
Coleman	Franks (CT)	Kanjorski
Collins (IL)	Franks (NJ)	Kaptur
Collins (MI)	Frost	Kelly
Costello	Furse	Kennedy (MA)
Coyne	Gallegly	Kennedy (RI)
Cunningham	Gejdenson	Kennelly
DeFazio	Gephardt	Kildee
DeLauro	Gibbons	Kingston
Dellums	Gilchrest	Klecza
Deutsch	Gillmor	Klink

Klug	Murtha	Shaw
LaFalce	Nadler	Shays
LaHood	Neal	Skaggs
Lantos	Oberstar	Slaughter
LaTourette	Obey	Smith (NJ)
Lazio	Olver	Spratt
Leach	Orton	Stark
Levin	Owens	Stokes
Lewis (GA)	Pallone	Studds
Lipinski	Pastor	Stupak
LoBiondo	Payne (NJ)	Tanner
Lofgren	Pelosi	Taylor (MS)
Longley	Peterson (FL)	Thompson
Lowe	Pomeroy	Thornton
Luther	Porter	Thurman
Maloney	Pryce	Torkildsen
Manton	Quinn	Torres
Markey	Rahall	Torricelli
Martinez	Ramstad	Towns
Martini	Rangel	Upton
Mascara	Reed	Vento
Matsui	Regula	Visclosky
McCarthy	Richardson	Ward
McDermott	Rivers	Waters
McHale	Ros-Lehtinen	Watt (NC)
McKinney	Rose	Waxman
McNulty	Roukema	White
Meehan	Roybal-Allard	Williams
Meek	Rush	Wilson
Menendez	Sabo	Wise
Metcalfe	Sanders	Wolf
Meyers	Sanford	Woolsey
Mfume	Sawyer	Wyden
Miller (CA)	Saxton	Wynn
Mink	Schiff	Yates
Moakley	Schroeder	Young (FL)
Moran	Schumer	Zimmer
Morella	Scott	

## NAYS—194

Allard	Dunn	Minge
Archer	Edwards	Molinari
Armey	Emerson	Mollohan
Bachus	Everett	Montgomery
Baessler	Fields (TX)	Moorhead
Baker (CA)	Fowler	Myers
Baker (LA)	Frelinghuysen	Myrick
Ballenger	Frisa	Nethercutt
Barr	Funderburk	Neumann
Barrett (NE)	Ganske	Ney
Bartlett	Gekas	Norwood
Barton	Geren	Nussle
Bateman	Goodlatte	Ortiz
Bilirakis	Graham	Oxley
Bliley	Gutknecht	Packard
Blute	Hall (TX)	Parker
Boehner	Hancock	Paxon
Bonilla	Hansen	Payne (VA)
Bono	Hastert	Peterson (MN)
Brewster	Hastings (WA)	Petri
Browder	Hayes	Pickett
Brownback	Hayworth	Pombo
Bryant (TN)	Hefley	Portman
Bunn	Heineman	Poshard
Bunning	Herger	Quillen
Burr	Hilleary	Radanovich
Burton	Hobson	Riggs
Buyer	Hoekstra	Roberts
Callahan	Hostettler	Roemer
Calvert	Hutchinson	Rogers
Camp	Hyde	Rohrabacher
Canady	Inglis	Roth
Chabot	Istook	Royce
Chambliss	Johnson, Sam	Salmon
Chapman	Jones	Scarborough
Chenoweth	Kasich	Schaefer
Christensen	Kim	Seastrand
Chrysler	King	Sensenbrenner
Clinger	Knollenberg	Shadegg
Coble	Kolbe	Shuster
Coburn	Largent	Sisisky
Collins (GA)	Latham	Skeen
Combest	Laughlin	Skelton
Condit	Lewis (CA)	Smith (MI)
Cooley	Lewis (KY)	Smith (TX)
Cox	Lightfoot	Solomon
Cramer	Lincoln	Souder
Crane	Linder	Spence
Crapo	Livingston	Stearns
Creameans	Lucas	Stenholm
Cubin	Manzullo	Stockman
Danner	McCollum	Stump
Davis	McCrery	Talent
Deal	McDade	Tate
DeLay	McHugh	Tauzin
Dickey	McInnis	Taylor (NC)
Dooley	McIntosh	Tejeda
Doolittle	McKeon	Thomas
Dornan	Mica	Thornberry
Dreier	Miller (FL)	Tiahrt

Trafigant	Walsh	Whitfield
Volkmer	Wamp	Wicker
Vucanovich	Watts (OK)	Young (AK)
Waldholtz	Weldon (FL)	Zeliff
Walker	Weller	

## NOT VOTING—11

Clement	Fields (LA)	Tucker
Conyers	Hunter	Velazquez
de la Garza	Serrano	Weldon (PA)
Duncan	Smith (WA)	

□ 1256

Mr. ROYCE and Mr. BROWNBACK changed their vote from “yea” to “nay”.

Mr. FARR changed his vote from “nay” to “yea”.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. LEWIS of California, Mr. DELAY, Mrs. VUCANOVICH, and Messrs. WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, LIVINGSTON, STOKES, MOLLOHAN, CHAPMAN, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

## PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, I was unavoidably detained and missed casting my vote to eliminate the 17 riders on the Environmental Protection Agency. Had I been present, I would have voted “yea” on rollcall 762.

## GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISTRICT OF COLUMBIA  
APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 252 and rule XXIII, 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. 2546.

□ 1257

## 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. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House met on Wednesday, November 1, 1995, an amendment offered by the gentleman from Indiana [Mr. HOSTETTLER] had been disposed of and the bill had been read through page 58 line 4.

Are there further amendments to the bill?

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

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

Mr. GUNDERSON. Mr. Chairman, I took this time, because of the limited debate time and the request for so many Members to speak, as a way of saying a couple of things that I think are important. For those who were not paying attention yesterday, I want to begin by extending again my personal thanks to the gentleman from New York [Mr. WALSH], the gentlewoman from the District of Columbia [Ms. NORTON], and the gentleman from California [Mr. DIXON], for all the cooperation between them and their staff, and the gentleman from Virginia [Mr. DAVIS], as well, from the District of Columbia Committee, and certainly the gentleman from Pennsylvania [Mr. GOODLING], and all my colleagues on the Committee on Economic and Educational Opportunities, the gentleman from North Carolina [Mr. BALLENGER], and others, for all of their work in this effort to try to bring about a consensus on this issue.

□ 1300

As many of my colleagues are aware, the Washington Post today said in their editorial, "This is an education vote that counts," encouraging every Member on both sides of the aisle to vote "yes" on the District of Columbia school reform amendment that I am about to call up.

Mr. Chairman, the reason I wanted to ask for special time, however, is because I think it is important that we deal head on with what is the misunderstanding by so many Members about this voucher issue. When this process began we had obviously the education reform movement in this country that said, "You are not going to give new money to D.C., you are not going to give them more opportunities to expand education funding, unless you get some real reforms."

On the other side we had the public education community that said very clearly, "We are not about to support a package that creates a tool for taking public education dollars to fund private education initiatives."

Mr. Chairman, I thought, frankly, they were both fair. So, we have very carefully, very methodically, over a long period of time, negotiated out what is the best possible compromise we can achieve on this issue.

Under a private school voucher program, if a student leaves a public school to attend a private school, their per capita funding goes with them.

Money leaves that public school and goes into that private school.

Mr. Chairman, I can tell my Democratic friends, I have never once voted for a private school voucher program during my tenure in Congress. I am as opposed to that as my Democrat colleagues are. This bill does not, does not, does not include a private school voucher. It is very important that Members understand that.

In exchange for that, what we have done is we have said we will set up a scholarship program for District of Columbia students. We will provide some start-up money at the Federal level, whatever the appropriations process down the line will bear. And let us be honest, based on the present circumstances, it is not going to be a lot, but whatever that will bear.

We will then allow the scholarship board, made up of seven District of Columbia residents, again, I underline seven District of Columbia residents, to go out and raise private contributions. Whatever those two sources of revenue produce can be used in an equal number of public school scholarships and private school scholarships.

Mr. Chairman, I think it is very important as we begin this process to understand if 100 students were to leave the District of Columbia public schools and to go to private schools, not one dime would leave the District of Columbia public school system. Not one dime would leave the public school system.

We are not taking money from public schools to put it into private schools. This is a carefully crafted compromise. We cannot authorize \$20 million in new education initiatives, leveraging probably twice that much in private resources to repair the buildings and equip the schools with technology equipment, without working out some kind of compromise on the reform issues.

Mr. Chairman, this is as good a compromise as we can get. My colleagues' vote today will decide whether we have District of Columbia school reform, because we cannot work out an agreement that does not have this kind of a carefully crafted balance and get support on both sides of the aisle.

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

Mr. Chairman, the gentleman from Wisconsin [Mr. GUNDERSON] is absolutely correct. The time is very limited and so I would just like to take this opportunity to register my opposition, for I have a great number of speakers.

Mr. Chairman, regarding the amendment that the gentleman from Wisconsin is about to present, the gentleman should be congratulated on the fact that he has tried to reach a consensus. The gentleman has worked with a lot of people. Unfortunately, in my view, the gentleman has not reached a consensus.

Mr. Chairman, there are at least 20 organizations, including the Secretary of Education, the American Association of School Administrators, the

Americans United for Separation of Church and State, that are all opposed to this.

This is a 142-page amendment. It authorizes \$100 million. It does not appropriate one dime. It belongs in the Committee on Economic and Educational Opportunities.

There is great philosophical discord about this amendment. Mr. Chairman, \$42 million could possibly go to private schools, and the bill is silent on whether those could be religious schools. I am not clear if they would have to be in the jurisdiction of the District or could be outside the District.

Basically, this is public money, some \$5 million over a 5-year period, public funds going to private schools.

Mr. Chairman, I would oppose the amendment that the gentleman is about to offer.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment, made in order by the rule.

The CHAIRMAN (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUNDERSON:  
At the end of the bill, add the following:

#### **TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM**

##### **SEC. 2001. SHORT TITLE.**

This title may be cited as the "District of Columbia School Reform Act of 1995".

##### **SEC. 2002. DEFINITIONS.**

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(3) AVERAGE DAILY ATTENDANCE.—The term "average daily attendance", when used with respect to a school and a period of time, means the aggregate attendance of the school during the period divided by the number of days during the period on which—

(A) the school is in session; and

(B) the pupils of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—

(A) INDIVIDUAL SCHOOL.—The term "average daily membership", when used with respect to a school and a period of time, means the aggregate enrollment of the school during the period divided by the number of days during the period on which—

(i) the school is in session; and

(ii) the pupils of the school are under the guidance and direction of teachers.

(B) GROUPS OF SCHOOLS.—The term “average daily membership”, when used with respect to a group of schools and a period of time, means the average of the average daily memberships during the period of the individual schools that constitute the group.

(5) BOARD OF EDUCATION.—The term “Board of Education” means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term “Board of Trustees” means the governing board of a public charter school, the members of which board have been selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONTROL PERIOD.—The term “control period” means a period of time described in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(8) CORE CURRICULUM.—The term “core curriculum” means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through 12th grade in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term “District of Columbia Council” means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term “District of Columbia government” means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public benefit corporation that has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTIONS.—The term “District of Columbia government” does not include the following:

(i) The Authority.

(ii) A public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term “District of Columbia government retirement system” means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term “District of Columbia public school” means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from pre-kindergarten through the 12th grade; or

(ii) leading to a general education diploma.

(B) EXCEPTION.—The term does not include a public charter school.

(13) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The term “District of Columbia public schools” means all schools that are District of Columbia public schools.

(14) DISTRICT-WIDE ASSESSMENTS.—The term “district-wide assessments” means reliable and unbiased student assessments administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools.

(15) ELIGIBLE APPLICANT.—The term “eligible applicant” means a person, including a private, public, or quasi-public entity and an institution of higher education (as defined in section 481 of the Higher Education Act of 1965), who seeks to establish a public charter school.

(16) ELIGIBLE CHARTERING AUTHORITY.—The term “eligible chartering authority” means any of the following:

(A) The Board of Education.

(B) Any of the following public or federally-chartered universities:

(i) Howard University.

(ii) Gallaudet University.

(iii) American University.

(iv) George Washington University.

(v) The University of the District of Columbia.

(C) Any other entity designated by enactment of a bill as an eligible chartering authority by the District of Columbia Council after the date of the enactment of this Act.

(17) FACILITIES MANAGEMENT.—The term “facilities management” means the administration, construction, renovation, repair, maintenance, remodeling, improvement, or other oversight, of a building or real property of a District of Columbia public school. The term does not include the performance of any such act with respect to real property owned by a public charter school.

(18) FAMILY RESOURCE CENTER.—The term “family resource center” means an information desk—

(A) located at a school with a majority of students whose family income is not greater than 185 percent of the poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981; and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) LONG-TERM REFORM PLAN.—The term “long-term reform plan” means the plan submitted by the Superintendent under section 2101.

(20) MAYOR.—The term “Mayor” means the Mayor of the District of Columbia.

(21) METROBUS AND METRORAIL TRANSIT SYSTEM.—The term “Metrobus and Metrorail Transit System” means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(22) MINOR STUDENT.—The term “minor student” means an individual who—

(A) is enrolled in a District of Columbia public schools or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31-401 and 31-402, D.C. Code).

(23) NONRESIDENT STUDENT.—The term “nonresident student” means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(24) PANEL.—The term “Panel” means the World Class Schools Panel established under subtitle D.

(25) PARENT.—The term “parent” means a person who has custody of a child enrolled in a District of Columbia public school or a public charter school, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(26) PETITION.—The term “petition” means a written application, submitted by an eligible applicant to an eligible chartering authority, to establish a public charter school.

(27) PROMOTION GATE.—The term “promotion gate” means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include achievement on district-wide assessments that, to the greatest extent practicable, measure student achievement of the core curriculum.

(28) PUBLIC CHARTER SCHOOL.—The term “public charter school” means a publicly funded school in the District of Columbia that is established pursuant to subtitle B. A public charter school is not a part of the District of Columbia public schools.

(29) SCHOOL.—The term “school” means—

(A) a public charter school; or

(B) any other day or residential school that provides elementary or secondary education, as determined under State or District of Columbia law.

(30) STUDENT WITH SPECIAL NEEDS.—The term “student with special needs” has the meaning given such term by the Mayor and the District of Columbia Council under section 2301.

(31) SUPERINTENDENT.—The term “Superintendent” means the Superintendent of the District of Columbia public schools.

(32) TEACHER.—The term “teacher” means any person employed as a teacher by the Board of Education or by a public charter school.

## Subtitle A—District of Columbia Reform Plan

### SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority a long-term reform plan, not later than February 1, 1996. The plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996 required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, Mayor, and District of Columbia Council, and, in a control period, with the Authority; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to these recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term plan shall describe how the District of Columbia public schools will become a world-class education system which prepares students for life-time learning in the 21st century and which is on a par with the best education systems of other nations. The plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally- and internationally-competitive levels by students attending District of Columbia public schools.

(B) The creation of a performance-oriented workforce.

(C) The construction and repair of District of Columbia public school facilities.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools; and

(E) The implementation of an efficient and effective adult literacy program.

(2) OTHER INFORMATION.—For each of the items in subparagraphs (A) through (G) of paragraph (1), the long-term plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals must be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term plan to the appropriate congressional committees. Any amendment to the long-term plan shall be consistent with the financial plan and budget for fiscal year 1996 for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

#### Subtitle B—Public Charter Schools

##### SEC. 2151. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert an existing District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(b) INDEPENDENT OR PRIVATE SCHOOL.—An eligible applicant seeking to convert an existing independent or private school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(c) NEW SCHOOL.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert an existing public, private, or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2152.

##### SEC. 2152. CONTENTS OF PETITION.

A petition to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school.

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the school, which includes, at a minimum—

(A) the methods that will be used to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(B) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the plan for evaluating student academic achievement of the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(5) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which a such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding \$10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(6) A description of the proposed rules and policies for governance and operation of the school.

(7) Copies of the proposed articles of incorporation and bylaws of the school.

(8) The names and addresses of the members of the proposed Board of Trustees.

(9) A description of the student enrollment, admission, suspension, and expulsion policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(10) A description of the procedures the school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws and regulations of the Federal Government and the District of Columbia.

(11) An explanation of the qualifications that will be required of employees of the proposed school.

(12) An identification, and a description, of the individuals and entities submitting the application, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

##### SEC. 2153. PROCESS FOR APPROVING OR DENYING CHARTER PETITIONS.

(a) SCHEDULE.—An eligible chartering authority may establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register. An eligible chartering authority shall make a copy of any such schedule available to all interested persons upon request.

(b) PUBLIC HEARING.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the authority shall hold a public hearing on the petition to gather the information that is necessary for the authority to make the decision to approve or deny the petition.

(c) NOTICE.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) APPROVAL OR DENIAL.—Subject to subsection (i), an eligible chartering authority shall approve a petition to establish a public charter school, if—

(1) the authority determines that the petition satisfies the requirements of this subtitle; and

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this title and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition.

(e) TIMETABLE.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) EXTENSION.—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that does not exceed 30 days.

(g) EXPLANATION.—If an eligible chartering authority denies a petition or finds it to be incomplete, the authority shall specify in writing the reasons for its decision and indicate, when appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) APPROVED PETITION.—

(1) NOTICE.—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register.

(2) CHARTER.—The provisions of a petition to establish a public charter school that has been approved by an eligible chartering authority, together with any amendments to

the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the authority.

(i) **SPECIAL RULES FOR FIRST YEAR.**—During the one-year period beginning on the date of the enactment of this Act, each eligible chartering authority—

(1) may approve not more than one petition filed by an eligible applicant seeking to convert an existing independent or private school into a public charter school; and

(2) in considering a petition to establish a public charter school filed by any eligible applicant, shall consider whether the school will focus on students with special needs.

(j) **EXCLUSIVE AUTHORITY OF CHARTERING AUTHORITY.**—Notwithstanding any other Federal law or law of the District of Columbia, no governmental entity, elected official, or employee of the District of Columbia may make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except the eligible chartering authority with which the petition was filed.

**SEC. 2154. DUTIES AND POWERS OF, AND OTHER REQUIREMENTS ON, PUBLIC CHARTER SCHOOLS.**

(a) **DUTIES.**—A public charter school shall comply with—

(1) this subtitle;

(2) any other provision of law applicable to the school; and

(3) all of the terms and provisions of its charter.

(b) **POWERS.**—A public charter school shall have all of the powers necessary for carrying out its charter, including the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school".

(2) To acquire real property for use as its school facilities, from public or private sources.

(3) To receive and disburse funds for school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of other Federal or private funds.

(6) To solicit and accept any grants or gifts for school purposes, if the school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to the terms of the petition to establish the school as a public charter school; and

(B) maintains separate accounts for grants or gifts for financial reporting purposes.

(7) To be responsible for its own operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in its own name.

(c) **PROHIBITIONS AND OTHER REQUIREMENTS.**—

(1) **CONTRACTING AUTHORITY.**—

(A) **NOTICE REQUIREMENT.**—Except in the case of an emergency, with respect to any contract proposed to be awarded by a public charter school and having a value equal to or exceeding \$10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register not less than 30 days prior to the award of the contract.

(B) **SUBMISSION TO AUTHORITY.**—

(i) **DEADLINE FOR SUBMISSION.**—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date

on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) **EFFECTIVE DATE OF CONTRACT.**—

(I) **IN GENERAL.**—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) **EXCEPTION.**—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) **TUITION.**—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students.

(3) **CONTROL.**—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this title; and

(B) shall be exempt from statutes, policies, rules, and regulations governing District of Columbia public schools established by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in this title or in the charter granted to the school.

(4) **AUDITS.**—A public charter school shall be subject to the same financial audits, audit procedures, and fiduciary requirements as a District of Columbia public school.

(5) **GOVERNANCE.**—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school, the provisions of this title, and any other law applicable to the school.

(6) **OTHER STAFF.**—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(7) **OTHER STUDENTS.**—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(8) **TAXES OR BONDS.**—A public charter school shall not levy taxes or issue bonds.

(9) **CHARTER REVISION.**—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file it with the eligible chartering authority that granted the charter. The provisions of section 2153 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(10) **ANNUAL REPORT.**—

(A) **IN GENERAL.**—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter and to the Authority. The school shall permit a member of the public to review any such report upon request.

(B) **CONTENTS.**—A report submitted under subparagraph (A) shall include the following data:

(i) Student performance on any district-wide assessments.

(ii) Grade advancement for students enrolled in the public charter school.

(iii) Graduation rates, college admission test scores, and college admission rates, if applicable.

(iv) Types and amounts of parental involvement.

(v) Official student enrollment.

(vi) Average daily attendance.

(vii) Average daily membership.

(viii) A financial statement audited by an independent certified public accountant.

(ix) A list of all donors and grantors that have contributed monetary or in-kind dona-

tions having a value equal or exceeding \$500 during the year that is the subject of the report.

(C) **NONIDENTIFYING DATA.**—Data described in subparagraph (B) that are included in an annual report may not identify the individuals to whom the data pertain.

(11) **STUDENT ENROLLMENT REPORT.**—A public charter school shall report to the Mayor and the District of Columbia Council annual student enrollment on a grade-by-grade basis, including students with special needs, in a manner and form that permits the Mayor and the District of Columbia Council to comply with subtitle E.

(12) **CENSUS.**—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) **COMPLAINT RESOLUTION PROCESS.**—A public charter school shall establish an informal complaint resolution process.

(14) **PROGRAM OF EDUCATION.**—A public charter school shall provide a program of education which shall include one or more of the following:

(A) Pre-school.

(B) Pre-kindergarten.

(C) Any grade or grades from kindergarten through 12th grade.

(D) Adult community, continuing, and vocational education programs.

(15) **NONSECTARIAN NATURE OF SCHOOLS.**—A public charter school shall be nonsectarian.

(16) **NONPROFIT STATUS OF SCHOOL.**—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) **IMMUNITY FROM CIVIL LIABILITY.**—

(A) **IN GENERAL.**—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) **COMMON LAW IMMUNITY PRESERVED.**—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

**SEC. 2155. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.**

(a) **BOARD OF TRUSTEES.**—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such a board shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be a parent of a student attending the school.

(b) **ELIGIBILITY.**—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;

(2) is a parent of a student attending the school; or

(3) meets the selection or election criteria set forth in the charter granted to the school.

(c) **ELECTION OR SELECTION OF PARENTS.**—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until

such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim board may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) **FIDUCIARIES.**—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this title, and other applicable law.

**SEC. 2156. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.**

(a) **OPEN ENROLLMENT.**—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to non-resident students who meet the tuition requirement in subsection (e).

(b) **CRITERIA FOR ADMISSION.**—A public charter school may not limit enrollment on the basis of a student's intellectual or athletic ability, measures of achievement or aptitude, or a student's disability. A public charter school may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science, or the arts, where such a limitation is consistent with the charter granted to the school.

(c) **RANDOM SELECTION.**—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) **ADMISSION TO AN EXISTING SCHOOL.**—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert an existing public, private, or independent school into a public charter school, is approved, the school shall give priority in enrollment to—

(1) students enrolled in the school at the time that the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of an existing public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) **NONRESIDENT STUDENTS.**—Nonresident students shall pay tuition to a public charter school at the current rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student has enrolled.

(f) **STUDENT WITHDRAWAL.**—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) **EXPULSION AND SUSPENSION.**—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

**SEC. 2157. EMPLOYEES.**

(a) **EXTENDED LEAVE OF ABSENCE WITHOUT PAY.**—

(1) **LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.**—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) **REQUEST FOR EXTENSION.**—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under the paragraph may submit a request to the Superintendent for an extension of the leave of absence for an

additional 2-year term. The Superintendent may not unreasonably withhold approval of the request.

(3) **RIGHTS UPON TERMINATION OF LEAVE.**—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) **RETIREMENT SYSTEM.**—

(1) **CREDITABLE SERVICE.**—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979, (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) **AUTHORITY TO ESTABLISH SEPARATE SYSTEM.**—A public charter school may establish a retirement system for employees under its authority.

(3) **ELECTION OF RETIREMENT SYSTEM.**—A former employee of the District of Columbia public schools who become an employee of a public charter school within 60 after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2).

(4) **PROHIBITED EMPLOYMENT CONDITIONS.**—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) **CONTRIBUTIONS.**—

(A) **EMPLOYEES ELECTING NOT TO TRANSFER.**—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) **EMPLOYEES ELECTING TO TRANSFER.**—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system by the public charter school.

(c) **EMPLOYMENT STATUS.**—Notwithstanding any other provision of law, an employee of a public charter school shall not be considered to be an employee of the District of Columbia government for any purpose.

**SEC. 2158. REDUCED FARES FOR PUBLIC TRANSPORTATION.**

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2-152, effective March 9, 1979, (D.C. Code, sec. 44-216

et seq.) to a student attending a District of Columbia public school.

**SEC. 2159. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.**

The Superintendent may provide services such as facilities maintenance to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

**SEC. 2160. APPLICATION OF LAW.**

(a) **ELEMENTARY AND SECONDARY EDUCATION ACT.**—

(1) **TREATMENT AS LOCAL EDUCATIONAL AGENCY.**—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be eligible for assistance under such part, if the percentage of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act is equal to or greater than the lowest such percentage for any District of Columbia public school that was selected to provide services under section 1113 of such Act for such preceding year.

(2) **ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.**—

(A) **PUBLIC CHARTER SCHOOLS.**—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) **DISTRICT OF COLUMBIA PUBLIC SCHOOLS.**—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(C) **NUMBER OF ELIGIBLE PUPILS ENROLLED IN THE PUBLIC CHARTER SCHOOL.**—The number described in this subparagraph is the number of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(D) **AGGREGATE NUMBER OF ELIGIBLE PUPILS.**—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of pupils enrolled during the preceding fiscal year in all eligible public charter schools who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(ii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965; and

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(iii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a private or independent school;

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act; and

(III) resided in an attendance area of a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965.

(3) ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.—

(A) CALCULATION BY SECRETARY.—Notwithstanding sections 1124(a)(2), 1124(c)(2), 1124A(a)(4), 1125(c)(2), and 1125(d) of the Elementary and Secondary Education Act of 1965, for fiscal year 1999 and fiscal years thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if they were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the number described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the charter school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5), (8), and (9) of section 1112(b).

(B) Subsection 1112(c).

(C) Section 1113.

(D) Section 1115A.

(E) Subsections (a), (b), and (c) of section 1116.

(F) Subsections (a), (c), (d), (e), (f), and (g) of section 1118.

(G) Section 1120.

(H) Subsections (a) and (c) of section 1120A.

(I) Section 1120B.

(J) Section 1126.

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

#### **SEC. 2161. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.**

(a) OVERSIGHT.—

(1) IN GENERAL.—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to the school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to the school.

(2) PRODUCTION OF BOOKS AND RECORDS.—An eligible chartering authority may require a public charter school to which the authority

has granted a charter to produce any book, record, paper, or document, if the authority determines that such production is necessary for the authority to carry out its functions under this title.

(b) FEES.—

(1) APPLICATION FEE.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed \$150, for processing a petition to establish a public charter school.

(2) ADMINISTRATION FEE.—In the case of an eligible chartering authority that has granted a charter to an public charter school, the authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) IMMUNITY FROM CIVIL LIABILITY.—

(1) IN GENERAL.—An eligible chartering authority, a governing board of such an authority, and the directors, officers, employees, and volunteers of such an authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) COMMON LAW IMMUNITY PRESERVED.—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

#### **SEC. 2162. CHARTER RENEWAL.**

(a) TERM.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of 5-year periods.

(b) APPLICATION FOR CHARTER RENEWAL.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) APPROVAL OF CHARTER RENEWAL APPLICATION.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b) unless the authority determines that—

(1) the school committed a material violation of the conditions, terms, standards, or procedures set forth in the charter; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in the charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph

(1), the Board may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter granted to a public charter school, or whose decision approving such an application is reversed under section 2162(e), may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the authority, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

(e) BOARD OF EDUCATION RENEWAL REVIEW.—

(1) NOTICE OF DECISION TO RENEW.—An eligible chartering authority, other than the Board of Education, that renders a decision to approve an application to renew a charter granted to a public charter school—

(A) shall provide a copy of the decision to the Superintendent, the Board of Education, and the school not later than 3 days after the decision is rendered; and

(B) shall publish the decision in the District of Columbia Register not later than 5 days after the decision is rendered.

(2) RECOMMENDATION OF SUPERINTENDENT.—Not later than 30 days after an eligible chartering authority provides a copy of a decision approving an application to renew a charter to the Superintendent under paragraph (1), the Superintendent may recommend to the Board of Education, in writing, that the decision be reversed.

(3) STANDARD OF REVIEW BY BOARD OF EDUCATION.—The Board of Education may concur in a recommendation of the Superintendent under paragraph (2), and reverse a decision approving an application to renew a charter granted to a public charter school, if the Board of Education determines that—



(A) the school failed to meet the goals and student academic achievement expectations set forth in the charter, in the case of a school that has a student body the majority of which comprises students with special needs; or

(B) the average test score for all students enrolled in the school was less than the average test score for all students enrolled in the District of Columbia public schools on the most recently administered the district-wide assessments, in the case of a school that has a student body the majority of which does not comprise students with special needs.

(4) PROCEDURES FOR REVERSING DECISION.—

(A) NOTICE OF RIGHT TO HEARING.—In any case in which the Board of Education is considering reversing a decision approving an application to renew a charter granted to a public charter school, the Board of Education shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed reversal. The notice shall inform the Board of Trustees of the right to an informal hearing on the proposed reversal.

(B) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under subparagraph (A), the Board may request, in writing, an informal hearing on the proposed reversal before the Board of Education.

(C) DATE AND TIME OF HEARING.—

(i) NOTICE.—Upon receiving a timely written request for a hearing under subparagraph (B), the Board of Education shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(ii) DEADLINE.—An informal hearing under this paragraph shall take place not later than 30 days after the Board of Education receives a timely written request for the hearing under subparagraph (B).

(D) FINAL DECISION.—

(i) DEADLINE.—The Board of Education shall render a final decision, in writing, on the proposed reversal—

(I) not later than 30 days after the date on which the Board of Education provided the written notice of the right to a hearing, in the case of a proposed reversal with respect to which such a hearing is not held; and

(II) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed reversal with respect to which a hearing is held.

(ii) REASONS FOR REVERSAL.—If the Board of Education reverses a decision approving an application to renew a charter, the Board of Education shall state in its decision, in reasonable detail, the grounds for the reversal.

(E) JUDICIAL REVIEW.—

(i) AVAILABILITY OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be subject to judicial review.

(ii) STANDARD OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

**SEC. 2163. CHARTER REVOCATION.**

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed revocation. The notice shall inform the Board of the right of the Board to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON REVOCATION.—An eligible chartering authority that revokes a charter granted to a public charter school may manage the school directly until alternative arrangements can be made for students at the school.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

**SEC. 2164. DISCONTINUANCE OF ELIGIBLE CHARTERING AUTHORITY.**

(a) NOTICE.—In the case of an eligible chartering authority that has granted a charter to a public charter school and that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school, the authority shall provide written notice of such discontinuance to the school, to the extent feasible, not later than the date that is 120 days before the date on which such discontinuance takes effect.

(b) PETITION BY SCHOOL.—A public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall file a petition with another eligible chartering author-

ity described in subsection (c)(2). The petition shall request that such other authority assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school. The petition shall be filed—

(1) in the case of a public charter school that received a timely notice under subsection (a), not later than 120 days after such notice was received; and

(2) in the case of a public charter school that did not receive a timely notice under subsection (a), not later than 120 days after the date on which the eligible chartering authority ceases to act in the capacity of an eligible chartering authority with respect to the school.

(c) CHARTERING AUTHORITIES REQUIRED TO ASSUME DUTIES.—

(1) IN GENERAL.—If any of the eligible chartering authorities described in paragraph (2) receives a petition filed by a public charter school in accordance with subsection (b), the eligible chartering authority shall grant the petition and assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school.

(2) ELIGIBLE CHARTERING AUTHORITIES.—The eligible chartering authorities referred to in paragraph (1) are the following:

(A) The Board of Education.

(B) Any other entity established, and designated as an eligible chartering authority, by the District of Columbia Council by enactment of a bill after the date of the enactment of this Act.

(d) INTERIM POWERS AND DUTIES OF SCHOOL.—Except as provided in this section, the powers and duties of a public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall not be affected by such discontinuance, if the school satisfies the requirements of this section.

**SEC. 2165. FEDERAL ENTITIES.**

(a) IN GENERAL.—The following Federal agencies and federally-established institutions shall explore whether it is feasible for the agency or institution to establish one or more public charter schools:

(1) The Library of Congress.

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Agency.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) DETERMINATION.—Not later than 120 days after the date of the enactment of this Act, each agency and institution listed in subsection (a) shall make a determination regarding whether it is feasible for the agency or institution to establish one or more public charter schools.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, any agency or institution listed in subsection (a) that has not filed a petition to establish a public charter school with an eligible chartering authority shall report to the Congress the reasons for the decision.

**Subtitle C—Even Start**

**SEC. 2201. AMENDMENTS FOR EVEN START PROGRAMS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1002 of the Elementary and Secondary Education Act of 1965 is amended by striking subsection (b) and inserting the following:



“(b) EVEN START.—

“(1) IN GENERAL.—For the purpose of carrying out part B, other than Even Start programs for the District of Columbia as described in paragraph (2), there are authorized to be appropriated \$118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

“(2) DISTRICT OF COLUMBIA.—For the purpose of carrying out Even Start programs in the District of Columbia as described in section 1211, there are authorized to be appropriated—

“(A) for fiscal year 1996, \$2,000,000 for continued funding made in fiscal year 1995, and for new grants, for an aggregate of 8;

“(B) for fiscal year 1997, \$3,500,000 for continued funding made in fiscal year 1996 and for new grants, for an aggregate of 14;

“(C) for fiscal year 1998, \$5,000,000 for continued funding made in fiscal years 1996 and 1997 and for new grants, for an aggregate of 20 grants in such fiscal year;

“(D) for fiscal year 1999, \$5,000,000 for continued funding made in fiscal years 1996, 1997, and 1998 and for new grants, for an aggregate of 20 grants in such fiscal year; and

“(E) for fiscal year 2000, \$5,000,000 for continued funding made in fiscal years 1996, 1997, 1998, and 1999 and for new grants, for an aggregate of 20 grants in such fiscal year or such number as the Secretary determines appropriate pursuant to the evaluation described in section 1211(i)(2).”

(b) EVEN START FAMILY LITERACY PROGRAMS.—Part B of title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 1202(a)(1), by inserting “(1)” after “1002(b)”;

(2) in section 1202(b), by inserting “(1)” after “1002(b)”;

(3) in section 1202(d)(1)—

(A) by inserting “(1)” after “1002(b)”;

(B) by inserting “or under section 1211,” after “subsections (a), (b), and (c).”;

(4) in section 1202(d)(3), by inserting “(1)” after “1002(b)”;

(5) in section 1202(e)(4), by striking “, the District of Columbia.”;

(6) in section 1204(a), by inserting “intensive” after “cost of providing”;

(7) in section 1205(4), by inserting “, intensive” after “high-quality”;

(8) in section 1206(b)(1), by striking “described in subsection (a).”;

(9) by adding at the end the following new section:

**“SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIATIVES.**

“(a) D.C. PROGRAM AUTHORIZED.—The Secretary shall provide grants, on a competitive basis, to assist eligible entities to carry out Even Start programs in the District of Columbia that build on the findings of the ‘National Evaluation of the Even Start Family Literacy Program’, such as providing intensive services in parent training and adult literacy or adult education.

“(b) DEFINITION OF ‘ELIGIBLE’.—For the purpose of this section, the term ‘eligible entity’ means a partnership composed of at least—

“(1) a public school in the District of Columbia;

“(2) the local educational agency in existence on September 1, 1995 for the District of Columbia, any other public organization, or an institution of higher education; and

“(3) a private nonprofit community-based organization.

(c) USES OF FUNDS; COST-SHARING.—

“(1) COMPLIANCE.—Each eligible entity that receives funds under this section shall comply with section 1204(a) and 1204(b)(3), relating to the use of such funds.

“(2) COST-SHARING.—Each program funded under this section is subject to the cost-sharing requirement of section 1204(b)(1), except

that the Secretary may waive that requirement, in whole or in part, for any eligible entity that demonstrates to the Secretary’s satisfaction that such entity otherwise would not be able to participate in the program under this section.

“(3) MINIMUM.—Except as provided in paragraph (4), each eligible entity selected to receive a grant under this section shall receive not more than \$250,000 in any fiscal year, except that the Secretary may increase such amount if the Secretary determines that—

“(A) such entity needs additional funds to be effective; and

“(B) the increase will not reduce the amount of funds available to other programs that receive funds under this section.

“(4) REMAINING FUNDS.—If funds remain after payments are made under paragraph (3) for any fiscal year, the Secretary shall make such remaining funds available to each selected eligible entity in such fiscal year on a pro rata basis.

“(d) PROGRAM ELEMENTS.—Each program assisted under this section shall comply with the program elements described in section 1205, including intensive high quality instruction programs of parent training and adult literacy or adult education.

“(e) ELIGIBLE PARTICIPANTS.—

“(1) IN GENERAL.—Individuals eligible to participate in a program under this section are—

“(A) the parent or parents of a child described in subparagraph (B), or any other adult who is substantially involved in the day-to-day care of the child, who—

“(i) is eligible to participate in an adult education program under the Adult Education Act; or

“(ii) is attending, or is eligible by age to attend, a public school in the District of Columbia; and

“(B) any child, from birth through age 7, of an individual described in subparagraph (A).

“(2) ELIGIBILITY REQUIREMENTS.—The eligibility factors described in section 1206(b) shall apply to programs under this section.

“(f) APPLICATIONS.—Each eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(g) SELECTION OF GRANTEEES.—In awarding grants under this section, the Secretary shall—

“(1) use the selection criteria described in subparagraphs (A) through (F) and (H) of section 1208(a)(1); and

“(2) give priority to applications for programs that—

“(A) target services to schools in which a schoolwide program is being conducted under section 1114 of this subtitle; or

“(B) are located in areas designated as empowerment zones or enterprise communities.

“(h) DURATION OF PROGRAMS.—The priority for subgrants described in section 1208(b) shall apply to grants made under this section, except that—

“(1) references in that section to the State educational agency and to subgrants shall be read to refer to the Secretary and to grants under this section, respectively; and

“(2) notwithstanding paragraph (4) of such section, the Secretary shall not provide continuation funding to a recipient under this section if the Secretary determines, after affording the recipient notice and an opportunity for a hearing, that the recipient has not made substantial progress toward achieving its stated objectives and the purpose of this section.

“(i) TECHNICAL ASSISTANCE AND EVALUATION.—

“(1) TECHNICAL ASSISTANCE.—(A) The Secretary shall use not more than 5 percent of

the amounts authorized under section 1002(b)(2) for any fiscal year to provide technical assistance to eligible entities, including providing funds to one or more local nonprofit organizations to provide technical assistance to eligible entities in the areas of community development and coalition building, and for the evaluation conducted pursuant to paragraph (2).

“(B) The Secretary shall allocate 5 percent of the amounts authorized under section 1002(b)(2) in any fiscal year to contract with the National Center for Family Literacy to provide technical assistance to eligible entities.

“(2) EVALUATION.—(A) The Secretary shall use funds available under paragraph (1)(A) to provide an independent evaluation of programs under this section to determine their effectiveness in providing high quality family literacy services including—

“(i) intensive and high quality services in adult literacy or adult education;

“(ii) intensive and high quality services in parent training;

“(iii) coordination with related programs;

“(iv) training of related personnel in appropriate skill areas; and

to determine if the grant amount provided to grantees to carry out such projects is appropriate to accomplish the goals of this section.

“(B)(i) Such evaluation shall be conducted by individuals not directly involved in the administration of a program operated with funds provided under this section. Such independent evaluators and the program administrators shall jointly develop evaluation criteria which provide for appropriate analysis of the factors listed in subparagraph (A).

“(ii) In order to determine a program’s effectiveness in achieving its stated goals, each evaluation shall contain objective measures of such goals and, whenever feasible, shall obtain the specific views of program participants about such programs.

“(C) The Secretary shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Economic and Education Opportunities of the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Governmental Affairs of the Senate a report regarding the results of such evaluations not later than March 1, 1999. The Secretary shall provide an interim report by March 1, 1998.”

**Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates**

**PART 1—WORLD CLASS SCHOOLS PANEL**

**SEC. 2251. ESTABLISHMENT.**

There is established a panel to be known as the “World Class Schools Panel”.

**SEC. 2252. DUTIES OF PANEL.**

(a) IN GENERAL.—Not later than July 1, 1996, the Panel shall recommend to the Superintendent and the Board of Education the following:

(1) A core curriculum for kindergarten through the 12th grade developed or selected by the Panel.

(2) District-wide assessments for measuring student achievement in the curriculum developed or selected under paragraph (1). Such assessments shall be developed at several grade levels, including, at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates, as required under section 2263. To the extent feasible, such assessments shall, at a minimum, be designed to provide information

that permits the following comparisons to be made:

(A) Comparisons among individual schools and individual students in the District of Columbia.

(B) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other States and the Nation as a whole.

(C) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other nations whose students historically have scored high on international studies of student achievement.

(3) Model professional development programs for teachers using the curriculum developed or selected under paragraph (1).

(b) **CONTENT.**—The curriculum and assessments recommended under subsection (a) shall be either newly developed or existing materials that are judged by the Panel to be—

(1) “world class”, including having a level of quality and rigor that is equal to, or greater than, the level of quality and rigor of analogous curricula and assessments of other nations (including nations whose students historically score high on international studies of student achievement); and

(2) appropriate for the District of Columbia public schools.

(c) **SUBMISSION TO SECRETARY.**—If the curriculum, assessments, and model professional development programs recommended by the Panel are approved by the Board of Education, the Superintendent may submit them to the Secretary of Education as evidence of compliance with sections 1111, 1112, and 1119 of the Elementary and Secondary Education Act of 1965.

#### **SEC. 2253. MEMBERSHIP.**

(a) **NUMBER AND APPOINTMENT.**—The Panel shall be comprised of the Superintendent and 6 other members appointed as follows:

(1) 2 members appointed by the Speaker of the House of Representatives.

(2) 2 members appointed by the majority leader of the Senate.

(3) 1 member appointed by the President.

(4) 1 member appointed by the Mayor who—

(A) is a parent of a minor student enrolled in a District of Columbia public school; and

(B) is active in a parent organization.

(b) **EXPERTISE.**—The members of the Panel appointed under paragraphs (1), (2), and (3) of subsection (a) shall be appointed from among individuals who are nationally recognized experts on education reform in the United States or who are nationally recognized experts on education in other nations, including the areas of curriculum, assessment, and teacher training.

(c) **TERMS.**—The term of service of each member of the Panel shall begin on the date of appointment of the member and shall end on the date of the termination of the Panel, unless the member resigns from the Panel or becomes incapable of continuing to serve on the Panel.

(d) **CHAIRPERSON.**—The members of the Panel shall select a chairperson from among them.

(e) **DATE OF APPOINTMENT.**—The members of the Panel shall be appointed not later than 30 days after the date of the enactment of this Act.

(f) **COMMENCEMENT OF DUTIES.**—The Panel may begin to carry out its duties under this part when 5 members of the Panel have been appointed.

(g) **VACANCIES.**—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

#### **SEC. 2254. CONSULTATION.**

The Panel shall conduct its work in consultation with—

(1) officials of the District of Columbia public schools who have been identified by the Superintendent as having relevant responsibilities;

(2) the consortium established under section 2604(e); and

(3) any other persons or groups the Panel deems appropriate.

#### **SEC. 2255. ADMINISTRATIVE PROVISIONS.**

(a) **MEETINGS.**—The Panel shall meet on a regular basis, as necessary, at the call of the chairperson or a majority of its members.

(b) **QUORUM.**—A majority of the members shall constitute a quorum for the transaction of business.

(c) **VOTING AND FINAL DECISION.**—

(1) **PROHIBITION ON PROXY VOTING.**—No individual may vote, or exercise any other power of a member, by proxy.

(2) **FINAL DECISIONS.**—In making final decisions of the Panel with respect to the exercise of its duties and powers, the Panel shall operate on the principle of majority vote.

(d) **PUBLIC ACCESS.**—The Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

(e) **NO PAY FOR PERFORMANCE OF DUTIES.**—Members of the Commission may not be paid for the performance of duties vested in the Commission.

(f) **TRAVEL EXPENSES.**—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

#### **SEC. 2256. GIFTS.**

The Panel may, during the fiscal year ending September 30, 1996, accept donations of money, property, and personal services, except that no donations may be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of the Panel.

#### **SEC. 2257. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.**

(a) **DIRECTOR.**—The Chairperson of the Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(b) **APPOINTMENT AND PAY OF EMPLOYEES.**—

(1) **APPOINTMENT.**—The Director may appoint not more than 6 additional employees to serve as staff to the Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) **PAY.**—The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(c) **EXPERTS AND CONSULTANTS.**—The Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Panel to assist the Panel in its duties under this part.

#### **SEC. 2258. TERMINATION OF PANEL.**

The Panel shall terminate upon the completion of its work, but not later than August 1, 1996.

#### **SEC. 2259. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part \$2,000,000 for fiscal year 1996. Such sum shall remain available until expended.

### **PART 2—DUTIES OF BOARD OF EDUCATION WITH RESPECT TO CORE CURRICULUM, ASSESSMENTS, AND PROMOTION GATES**

#### **SEC. 2261. DEVELOPMENT OF CORE CURRICULUM AND DISTRICT-WIDE ASSESSMENTS.**

(a) **IN GENERAL.**—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall develop or select, with the approval of the Board of Education, an alternative curriculum and alternative district-wide assessments that satisfy the requirements of paragraphs (1) and (2) of subsection (a), and subsection (b), of such section, except that the reference to the Panel in section 2252(b) shall be considered a reference to the Superintendent.

(b) **DEADLINE.**—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall meet the requirements of subsection (a) not later than August 1, 1996.

#### **SEC. 2262. ASSESSMENTS.**

(a) **ADMINISTRATION OF ASSESSMENTS.**—The Superintendent shall administer the assessments developed or selected under section 2252 or 2261 to students enrolled in the District of Columbia public schools and public charter schools on an annual basis.

(b) **DISSEMINATION OF INFORMATION.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), the information derived from the assessments administered under subsection (a) shall be made available, on an annual basis, to the appropriate congressional committees, the District of Columbia Council, the Mayor, parents, and other members of the public.

(2) **LIMITATION.**—To release any such information, the Superintendent shall comply with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

#### **SEC. 2263. PROMOTION GATES.**

(a) **KINDERGARTEN THROUGH 4TH GRADE.**—Not later than August 1, 1996, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from kindergarten through and including the 4th grade.

(b) **5TH THROUGH 8TH GRADES.**—Not later than August 1, 1997, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 5th grade through and including the 8th grade.

(c) **9TH THROUGH 12TH GRADES.**—Not later than August 1, 1998, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 9th grade through and including the 12th grade.

(d) **INTERIM DEADLINE.**—Not later than February 1, 1996, the Superintendent shall designate the grade levels with respect to which promotion gates will be established and implemented.

### **Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding**

#### **SEC. 2301. ANNUAL BUDGETS FOR SCHOOLS.**

(a) **IN GENERAL.**—For fiscal year 1997 and for each subsequent fiscal year, the Mayor

shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) **FORMULA.**—

(1) **IN GENERAL.**—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish a formula which determines the amount—

(A) of the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) of the annual payment to each public charter school for the operating expenses of each such public charter school established in accordance with subtitle B.

(2) **FORMULA CALCULATION.**—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2302 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2302 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) **EXCEPTION.**—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula—

(A) to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels; and

(B) to increase the amount of the annual payment if the District of Columbia public schools or each public charter school serve a high number of students with special needs (as such term is defined under paragraph (4)).

(4) **DEFINITION.**—The Mayor and the District of Columbia Council shall develop a definition of the term “students with special needs” for purposes of carrying out this title.

**SEC. 2302. CALCULATION OF NUMBER OF STUDENTS.**

(a) **SCHOOL REPORTING REQUIREMENT.**—

(1) **IN GENERAL.**—Not later than September 15 of each year, beginning in fiscal year 1997, each District of Columbia public school and public charter school shall submit a report to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter, containing the information described in subsection (b).

(2) **SPECIAL RULE.**—Not later than April 1 of each year, beginning in 1997, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2303(a)(2)(B)(ii).

(b) **CALCULATION OF NUMBER OF STUDENTS.**—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including non-resident students, enrolled in kindergarten through grade 12 of the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other schools is paid for by funds

available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including non-resident students, enrolled in pre-school and pre-kindergarten in the District of Columbia public schools and in public charter schools established in accordance with this title.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools established in accordance with this title.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including non-resident students, enrolled in non-grade level programs in District of Columbia public schools and in public charter schools established in accordance with this title.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) **ANNUAL REPORTS.**—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) **AUDIT OF INITIAL CALCULATIONS.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct an audit of the initial calculations described in subsection (b).

(2) **CONDUCT OF AUDIT.**—In conducting the audit, the Comptroller General of the United States—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (b); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) **SUBMISSION OF AUDIT.**—Not later than 45 days after the date on which the Comptroller General of the United States receives the initial annual report from the Board of Education under subsection (c), the Comptroller General shall submit to the Authority, the Mayor, the District of Columbia Council, and the appropriate congressional committees the audit conducted under this subsection.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Comptroller General of the United States \$75,000 for fiscal year 1996 for the purpose of carrying out this subsection.

**SEC. 2303. PAYMENTS TO PUBLIC CHARTER SCHOOLS.**

(a) **IN GENERAL.**—

(1) **ESCROW FOR PUBLIC CHARTER SCHOOLS.**—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of the District of Columbia Appropriations Act for such fiscal year,

the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2301(b)(1)(B) for use only by District of Columbia public charter schools.

(2) **TRANSFER OF ESCROW FUNDS.**—

(A) **1997 INITIAL PAYMENT.**—Beginning in 1997, not later than October 15 of each year, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for a public charter school determined by using the formula established pursuant to section 2301(b) to a bank designated by each public charter school.

(B) **1997 FINAL PAYMENT.**—

(i) Except as provided in clause (ii), not later than May 1 of each year beginning in 1997, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Beginning in 1997, not later than March 15, if the enrollment number of a public charter school has changed from the number reported to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter as required under section 2302(a)(2), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled without another student withdrawing or dropping out, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of school without another student replacement.

(C) **PRO RATA REDUCTION OR INCREASE IN PAYMENTS.**—

(i) If the funds made available to the District of Columbia public schools for any fiscal year are insufficient to pay the full amount that each school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year.

(ii) If additional funds become available for making payments under this subtitle for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) **UNEXPENDED FUNDS.**—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) **EXCEPTION FOR NEW SCHOOLS.**—

(1) **AUTHORIZATION.**—There are authorized to be appropriated \$200,000 for any fiscal year for the purpose of carrying out this subsection.

(2) **DISBURSEMENT TO MAYOR.**—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) **ESCROW.**—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) that has not yet been paid under paragraph (4).

(4) **PAYMENTS TO SCHOOLS.**—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) **SCHOOLS DESCRIBED.**—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) **FORMULA.**—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying \$6,300 by  $\frac{1}{12}$  of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under 2301(b) by  $\frac{1}{12}$  of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) **PAYMENT TO SCHOOLS.**—

(A) **TRANSFER.**—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) **PRO RATA AND REMAINING FUNDS.**—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection.

#### **Subtitle F—School Facilities Repair and Improvement**

##### **PART 1—SCHOOL FACILITIES**

#### **SEC. 2351. AGREEMENT FOR TECHNICAL ASSISTANCE.**

(a) **IN GENERAL.**—Not later than December 31, 1995, the Administrator of the General Services Administration and the Superintendent shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the "Agreement") authorizing, to the extent provided in this subtitle, the Administrator to provide technical assistance to the District of Columbia public schools regarding school facilities repair and improvements, including contracting for and supervising the repair and improvements of such facilities and the coordination of such efforts.

(b) **AGREEMENT PROVISIONS.**—The Agreement shall include the following:

(1) **GENERAL AUTHORITY.**—Provisions that give the Administrator authority—

(A) to supervise and direct District of Columbia public school personnel responsible for public school facilities repair and improvements;

(B) to develop, coordinate and implement a systemic and comprehensive facilities revitalization program, taking into account the "Preliminary Facilities Master Plan 2005" (prepared by the Superintendent's Task Force on Education Infrastructure for the 21st Century) to repair and improve District of Columbia public school facilities, including a list of facilities and renovation schedule that prioritizes facilities to be repaired and improved;

(C) to accept private goods and services for use by District of Columbia public schools, in consultation with the nonprofit corporation referred to in section 2603;

(D) to recommend specific repair and improvement projects in District of Columbia public school facilities by members and units of the National Guard and military reserve, consistent with section 2351(b)(1)(B); and

(E) to access all District of Columbia public school facilities and any records or documents regarding such facilities.

(2) **COOPERATION.**—Assurances by the Administrator and the Superintendent to cooperate with each other, and with the nonprofit corporation referred to in section 2603,

in any way necessary, to ensure implementation of the Agreement.

(c) **DURATION OF AGREEMENT.**—The Agreement shall remain in effect until the agency designated pursuant to section 2352(a)(2) assumes responsibility for the District of Columbia public school facilities but shall terminate not later than 24 months after the date that the Agreement is signed, whichever is earlier.

#### **SEC. 2352. FACILITIES REVITALIZATION PROGRAM.**

(a) **PROGRAM.**—Not later than 24 months after the date that the Agreement is signed, the Mayor and the District of Columbia Council shall—

(1) in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, design and implement a facilities repair, maintenance, improvement, and management program; and

(2) designate a new or existing agency or authority to administer such program to repair, improve, and maintain the physical condition and safety of District of Columbia public school facilities.

(b) **PROCEEDS.**—Such management program shall include provisions that—

(1) identify short-term funding for capital and maintenance of such facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identify and designate long-term funding for capital and maintenance of such facilities.

(c) **IMPLEMENTATION.**—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for repair, maintenance, improvement, and management of District of Columbia public schools.

#### **SEC. 2353. DEFINITIONS.**

For purposes of this subtitle, the following terms have the following meanings:

(1) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the General Services Administration.

(2) **FACILITIES.**—The term "facilities" means buildings, structures, and real property.

#### **SEC. 2354. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for each of fiscal years 1996 and 1997, \$2,000,000 to the District of Columbia public schools for use by the Administrator to carry out this subtitle.

##### **PART 2—WAIVERS**

#### **SEC. 2361. WAIVERS.**

(a) **IN GENERAL.**—All District of Columbia fees, all requirements found in the document "The District of Columbia Public Schools Standard Contract Provisions" published by the District of Columbia public schools for use with construction maintenance projects, shall be waived, for purposes of repair and improvement of the District of Columbia public schools for a period of 24 months after the date of enactment of this Act.

(b) **LIMITATION.**—

(1) **WAIVER APPLICATION.**—A waiver under subsection (a) shall apply only to contractors, subcontractors, and any other groups, entities, or individuals who donate materials and services to the District of Columbia public schools.

(2) **INSURANCE REQUIREMENTS.**—Nothing in this section shall be construed to waive the requirements for a contractor to maintain adequate insurance coverage.

#### **SEC. 2362. APPLICATION FOR PERMITS.**

An application for a permit during the 24-month period described in section 2311(a), required by the District of Columbia government for the repair or improvement of a District of Columbia public school shall be

acted upon not later than 20 days after receipt of the application by the respective District of Columbia permitting authorities.

#### **Subtitle G—Department of Education "D.C. Desk"**

#### **SEC. 2401. ESTABLISHMENT.**

There shall be established within the Office of the Secretary of the Department of Education a District of Columbia Technical Assistance Office (in this subtitle referred to as the "D.C. Desk").

#### **SEC. 2402. DIRECTOR FOR DISTRICT OF COLUMBIA COORDINATED TECHNICAL ASSISTANCE.**

The D.C. Desk shall be administered by a Director for District of Columbia Coordinated Technical Assistance. The Director shall be appointed by the Secretary and shall not be paid at a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

#### **SEC. 2403. DUTIES.**

The Director of the D.C. Desk shall—

(1) coordinate with the Superintendent a comprehensive technical assistance strategy by the Department of Education that supports the District of Columbia public schools first year reforms and long-term plan described in section 2101;

(2) identify all Federal grants for which the District of Columbia public schools are eligible to apply to support implementation of its long term plan;

(3) identify private and public resources available to the District of Columbia public schools that are consistent with the long-term plan described in section 2101; and

(4) provide additional technical assistance as assigned by the Secretary which supports reform in the District of Columbia public schools.

#### **Subtitle H—Residential School**

#### **SEC. 2451. PLAN.**

(a) **IN GENERAL.**—The Superintendent may develop a plan to establish a residential school for the 1997-1998 school year.

(b) **REQUIREMENTS.**—If developed, the plan for the residential school shall include, at a minimum—

(1) options for the location of the school, including renovation or building of a new facility;

(2) financial plans for the facility, including annual costs to operate the school, capital expenditures required to open the facility, maintenance of facilities, and staffing costs; and

(3) staff development and training plans.

#### **SEC. 2452. USE OF FUNDS.**

Funds under this subtitle shall be used for—

(1) planning requirements as described in section 2451; and

(2) capital costs associated with the start-up of a residential school, including the purchase of real and personal property and the renovation of existing facilities.

#### **SEC. 2453. FUTURE FUNDING.**

The Superintendent shall identify, not later than December 31, 1996, in a report to the Mayor, City Council, the Authority, the Appropriations Committees of the House of Representatives and the Senate, the House Governmental Reform Committee, the House Economic and Educational Opportunities Committee, and the Senate Labor and Human Resources Committee and the Governmental Affairs Committee, non-Federal funding sources for operation of the residential school.

#### **SEC. 2454. GIFTS.**

The Superintendent may accept donations of money, property, and personal services for purposes of the establishment and operation of a residential school.

**SEC. 2455. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the District \$2,000,000 for fiscal year 1996 to carry out this subtitle for initial start-up expenses of a residential school in the District of Columbia, of which not more than \$100,000 may be used to carry out section 2451.

**Subtitle I—Progress Reports and Accountability**

**SEC. 2501. DISTRICT OF COLUMBIA COUNCIL REPORT.**

Not later than 60 days after the date of the enactment of this Act, the Chairman of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the reforms described in section 2502.

**SEC. 2502. SUPERINTENDENT'S REPORT ON REFORMS.**

Not later than August 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, and the District of Columbia Council a progress report that includes the following:

(1) The status of the approval by the Board of Education of the core curriculum—

(A) recommended by the Panel under section 2252(a)(1); or

(B) selected or developed by the Superintendent under section 2261.

(2) The status of the approval by the Board of Education of the district-wide assessments for measuring student achievement—

(A) recommended by the Panel under section 2252(a)(2); or

(B) selected or developed by the Superintendent under section 2261.

(3) The status of the establishment and implementation of promotion gates under section 2263.

(4) Identification of strategies to assist students who do not meet promotion gate criteria.

(5) The status of the implementation of a policy that provides rewards and sanctions for individual schools based on student performance on district-wide assessments.

(6) A description of the activities carried out under the program established under section 2604(e).

(7) The status of implementation by the Board of Education, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals) of a policy for performance-based evaluation of principals and teachers.

(8) A description of how the private sector partnership described in subtitle K is working collaboratively with the Board of Education and the Superintendent.

(9) The status of implementation of policies developed by the Superintendent and the Board of Education that establish incentive pay awards for staff of District of Columbia public schools who meet annual performance goals based on district-wide assessments at individual schools.

(10) A description of how staffing decisions have been revised to delegate staffing to individual schools and transfer additional decisionmaking with respect to budgeting to the individual school level.

(11) A description of, and the status of implementation of, policies adopted by the Board of Education that require competitive appointments for all positions.

(12) The status of implementation of policies regarding alternative teacher certification requirements.

(13) The status of implementation of testing requirements for teacher licensing renewal.

(14) The status of efforts to increase the involvement of families in the education of students, including—

(A) the development of family resource centers;

(B) the expansion of Even Start programs described in part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

(C) the development and implementation of policies to increase parental involvement in education.

(15) A description of, and the status of implementation of, a policy to allow District of Columbia public schools to be used after school hours as community centers, including the establishment of at least one prototype pilot project in one school.

(16) A description of, and the status of implementation of, a policy to increase the participation of tutors and mentors for students, beginning not later than the 8th grade.

(17) A description of the status of implementation of the agreement with the Administrator of the General Services Administration under part 1 of subtitle E.

(18) A description of the status of the District of Columbia public school central office budget and staffing reductions from the level at the end of fiscal year 1995 and a review of the market-based provision of services provided by the central office to schools.

(19) The development by the Superintendent of a system of parental choice among District of Columbia public schools where per pupil funding follows the student ("Public School Vouchers") and adoption by the Board of Education.

(20) The status of the processing of public charter school petitions submitted to the Board of Education in accordance with subtitle B.

(21) The status of the revision and implementation by the Board of Education of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

**Subtitle J—Low-Income Scholarships**

**SEC. 2551. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.**

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation" (referred to in this subtitle as the "Corporation"), which is not an agency or establishment of the United States Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the District of Columbia Scholarship Program, and to determine student and school eligibility.

(3) CONSULTATION.—The Corporation shall exercise its authority in a manner consistent with maximizing educational choices and opportunities for the maximum number of interested families, and in consultation with other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, 29-501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident thereof.

(b) ORGANIZATION AND MANAGEMENT, BOARD OF DIRECTORS.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this subtitle as the "Board"), comprised of 7

members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), the nominees of the Speaker of the House of Representatives and of the Senate, together with the appointee of the Mayor, shall serve as an interim Board of Directors with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of its Board of Directors.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members to be chairperson.

(4) RESIDENCY.—All members appointed to the Board must be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia government when appointed or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board of Directors shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code 29-501 et seq.).

(7) GENERAL TERM.—The term of office of each member shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect its power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or

while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be entitled to a stipend. Such stipend shall be at the rate of \$150 per day for which the Board member has been officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of \$5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation to be fixed by the Board.

(2) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the basic rate of pay in effect from time to time for level IV of the Executive Schedule under section 5312 of title 5, United States Code.

(3) CITIZENSHIP.—No individual other than a citizen of the United States may be a member of the Board of Directors, or staff of the Corporation.

(4) SERVICE.—All officers and employees shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants. The audits shall be conducted at the place where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person conducting the audit.

(2) REPORT.—The report by each such independent audit shall be included in the annual report to Congress required by section 2602.

**SEC. 2552. FUNDING.**

(a) FUND.—There is hereby established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(b) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the corporation, at the beginning of each of fiscal years 1996 through 2000, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is to be made.

(c) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(d) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(e) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Fund—

(A) \$5,000,000 for fiscal year 1996; and

(B) \$7,000,000 for fiscal year 1997, and \$10,000,000 for each of fiscal years 1998 through 2000.

(2) LIMITATION.—Not more than \$500,000 may be used in any fiscal year by the Corporation for any purpose other than assistance to students.

**SEC. 2553. SCHOLARSHIPS AUTHORIZED.**

(a) IN GENERAL.—The District of Columbia Scholarship Corporation established under section 2501 is authorized in accordance with this subtitle to award scholarships to students in grades K-12—

(1) who are District of Columbia residents; and

(2) whose families are at or below 185 percent of the Federal poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(b) USE OF SCHOLARSHIP.—A scholarship may be used only for—

(1) the cost of the tuition of a private or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition of public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia; or

(2) the cost of fees and other expenses for instructional services provided to students on school grounds outside of regular school hours or the cost of transportation for a student enrolled in a District of Columbia public school, public charter school, or independent or private school participating in the tuition scholarship program.

(c) NOT SCHOOL AID.—A scholarship shall be considered assistance to the student and shall not be considered assistance to the school.

**SEC. 2554. ELIGIBILITY.**

(a) IN GENERAL.—A student who is entitled to receive a public school education in the District of Columbia and who meets the requirements of section 2553(a) is eligible for a scholarship under subsections (c) and (d) of section 2555.

(b) PRIORITY IN YEAR ONE.—In fiscal year 1996, priority shall be given to students currently enrolled in a District of Columbia public school or preparing to enter kindergarten in 1996.

(c) SUBSEQUENT PRIORITY.—In subsequent fiscal years, priority shall be given to scholarship recipients from the preceding year.

**SEC. 2555. SCHOLARSHIPS.**

(a) AWARDS.—From the funds made available under this subtitle, the Corporation shall award scholarships and make payments, on behalf of the student, to participating schools as described in section 2559.

(b) NOTIFICATION.—Each school that enrolls scholarship students shall notify the Corporation—

(A) not later than 10 days after the date that a student is enrolled, of the names, addresses, and grade level of each scholarship student to the Corporation; and

(B) not later than 10 days after the date of the withdrawal of any scholarship student.

(c) TUITION SCHOLARSHIP AMOUNT.—

(1) BELOW POVERTY LEVEL.—For a student whose family income is at or below the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) the cost of a school's tuition; or

(B) \$3,000 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LEVEL.—For a student whose family income is greater than the poverty level, but not more than 185 percent above the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) 50 percent of the cost of a school's tuition; or

(B) \$1,500 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) FEE OR TRANSPORTATION SCHOLARSHIP AMOUNT.—The fee or transportation scholarship amount may not exceed the lesser of—

(1) fees for instructional services provided to students on school grounds outside of regular school hours or the costs of transportation for students enrolled in the District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program; or

(2) \$500 in fiscal year 1996 with such amount adjusted in proportion to the changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of the fiscal years 1997 through 2000.

(e) PROPORTION OF DIFFERENT TYPES OF SCHOLARSHIPS.—In each year, the Corporation shall ensure that the number of scholarships awarded for tuition and the number awarded for fees or transportation shall be equal, to the extent practicable.

(f) FUNDING SHORTFALL.—If, after the District of Columbia Scholarship Corporation determines the total number of eligible applicants for an academic year surpasses the amount of funds available in a fiscal year to fund all awards for such academic year, a random selection process shall be used to determine which eligible applicants receive awards.

(g) EXCEPTION.—Subsection (e) shall not apply to individuals receiving scholarship priority described in subsections (b) and (c) of section 2554.

**SEC. 2556. SCHOOL ELIGIBILITY FOR TUITION SCHOLARSHIPS.**

(a) APPLICATION.—A school that desires to accept tuition scholarship students for a school year shall file an application with the Corporation by July 1 of the preceding school year, except that in fiscal year 1996, schools shall file such applications by such date as the Corporation shall designate for such purpose. In the application, the school shall—

(1) certify that it has operated during the current school year with not less than 25 students,

(2) assure that it will comply with all applicable requirements of this subtitle; and

(3) provide the most recent financial audit, completed not earlier than 3 years before the date such application is filed, from an independent certified public accountant using generally accepted auditing standards.

(b) ELIGIBILITY CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of such information, the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program.

(2) CONTINUATION.—Eligibility shall continue in subsequent years unless revoked as described in subsection (d).

(3) EXCEPTION FOR 1996.—In fiscal year 1996 after receipt of the information described in subsection (a), the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program at the earliest practicable date.

(c) NEW SCHOOLS.—

(1) IN GENERAL.—A school that did not operate in the preceding academic year may apply for a 1-year provisional certification of eligibility to participate in the tuition scholarship program for a single school year by providing to the Corporation not later than July 1 of the preceding calendar year for

which such school intends to begin operations—

(A) a list of the organization's board of directors;

(B) letters of support from not less than 10 members of the community;

(C) a business plan;

(D) intended course of study;

(E) assurances that it will begin operations with not less than 25 students; and

(F) assurances that it will comply with all applicable requirements of this subtitle.

(2) **CERTIFICATION.**—Not later than 60 days after the date of receipt of the information referred to in paragraph (1), the Corporation shall certify in writing the school's provisional eligibility for the tuition scholarship program unless good cause exists to deny certification.

(3) **DENIAL OF CERTIFICATION.**—If certification or provisional certification is denied for participation in the tuition scholarship program, the Corporation shall provide a written explanation to the applicant school of the reasons for such decision.

(d) **REVOCATION OF ELIGIBILITY.**—

(1) **IN GENERAL.**—Upon written petition from the parent of a tuition scholarship student or on the Corporation's own motion, the Corporation may, after notice and hearing, revoke a school's certification of eligibility for tuition scholarships for the subsequent school year for good cause, including a finding of a pattern of violation of program requirements described in section 2557(a).

(2) **EXPLANATION.**—If the eligibility of a school is revoked, the Corporation shall provide a written explanation for its decision to such school.

#### **SEC. 2557. TUITION SCHOLARSHIP PARTICIPATION REQUIREMENTS FOR INDEPENDENT AND PRIVATE SCHOOLS.**

(a) **INDEPENDENT AND PRIVATE SCHOOL REQUIREMENTS.**—Independent and private schools participating in the tuition scholarship program shall—

(1) not discriminate on the basis of race, color, or national origin, or on the basis of a student's disabilities if the school is equipped to provide an appropriate education;

(2) abide by all applicable health and safety requirements of the District of Columbia public schools;

(3) provide to the Corporation not later than June 30 of each year the most recent financial audit completed not earlier than 3 years before the date the application is filed from an independent certified public accountant using generally accepted auditing standards;

(4) abide by all local regulations in effect for independent or private schools;

(5) provide data to the Corporation as set forth in section 2562, and conform to tuition requirements as set forth in section 2555; and

(6) charge tuition scholarship recipients the same tuition amount as other students who are residents of the District of Columbia and enrolled in the same school.

(b) **COMPLIANCE.**—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon independent and private schools as a condition of participation.

(c) **WITHDRAWAL FROM PROGRAM.**—Schools may withdraw from the tuition scholarship program at any time, refunding to the Corporation the proportion of any scholarship payments already received for the remaining days in the school year on a pro rata basis. If a school withdraws during an academic year, it shall permit scholarship students to complete the year at their own expense.

#### **SEC. 2558. CHILDREN WITH DISABILITIES.**

Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act.

#### **SEC. 2559. PAYMENTS FOR TUITION SCHOLARSHIPS.**

(a) **IN GENERAL.**—

(1) **PROPORTIONAL PAYMENT.**—The Corporation shall make tuition scholarship payments to participating schools not later than October 15 of each year equal to half the total value of the scholarships awarded to students enrolled at such school, and half of such amount not later than January 15 of the following calendar year.

(2) **PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.**—

(A) **BEFORE PAYMENT.**—If a student withdraws before a tuition scholarship payment is made, the school shall receive a pro rata amount based on the school's tuition for the number of days the student was enrolled.

(B) **AFTER PAYMENT.**—If a student withdraws after a tuition scholarship payment is made, the school shall refund to the Corporation the proportion of any scholarship payments already received for the remaining days of the school year on a pro rata basis. Such refund shall occur not later than 30 days after the date of the withdrawal of a student.

(b) **FUND TRANSFERS.**—The Corporation shall make tuition scholarship payments to participating schools by electronic funds transfer. If such an arrangement is not available, the school shall submit an alternative proposal to the Corporation for approval.

#### **SEC. 2560. TUITION SCHOLARSHIP APPLICATION PROCEDURES.**

The Corporation shall implement a schedule and procedures for processing applications for the tuition scholarship program that includes a list of eligible schools, distribution of information to parents and the general public, and deadlines for steps in the application and award process.

#### **SEC. 2561. TUITION SCHOLARSHIP REPORTING REQUIREMENTS.**

(a) **IN GENERAL.**—A school enrolling tuition scholarship students shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Standardized test scores, if any, for scholarship students.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families.

(6) Student attendance for scholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules.

(b) **CONFIDENTIALITY.**—No personal identifiers may be used in the body of such report except that the Corporation may request such confidential information solely for the purpose of verification.

#### **SEC. 2562. FEE OR TRANSPORTATION SCHOLARSHIP PROCEDURES AND CRITERIA.**

(a) **POLICIES AND PROCEDURES.**—The Corporation shall implement policies and procedures and criteria for administering scholarships for use with providers approved by the Corporation either for the cost of fees for instructional services provided to students on school grounds outside of regular school hours or for the costs of transportation for students enrolled in District of Columbia

public schools, public charter schools, or independent or private schools participating in the tuition scholarship program.

(b) **INFORMATION DISSEMINATION.**—The Corporation shall distribute information describing the policies and procedures and criteria developed pursuant to subsection (a), using the most efficient and practicable methods available, to potential applicants and other interested parties within the geographic boundaries of the District of Columbia.

#### **SEC. 2563. PROGRAM APPRAISAL.**

(a) **STUDY.**—Not later than 4 years after the date of enactment of this Act, the Corporation shall provide for an evaluation of the tuition scholarship program, including—

(1) comparison of test scores between tuition scholarship students and District of Columbia public school students of similar background, including by income level;

(2) comparison of graduation rates between tuition scholarship students and District of Columbia public school students of similar background, including by income level; and

(3) satisfaction of parents of scholarship students.

(b) **REPORT TO CONGRESS.**—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees.

#### **SEC. 2564. JUDICIAL REVIEW.**

(a) **IN GENERAL.**—

(1) **JURISDICTION.**—The United States District Court for the District of Columbia shall have jurisdiction over any legal challenges to the tuition scholarship program and shall provide expedited review.

(2) **PROTECTABLE INTERESTS.**—Parents and children shall be considered to have a separate protectable interest and entitled to intervene as defendants in any such action.

(3) **TIMELY REVIEW.**—The court shall render a prompt decision.

(b) **APPEALS.**—If the tuition scholarship program or any part thereof is enjoined or ruled invalid, the decision is directly appealable to the United States Supreme Court.

#### **Subtitle K—Partnerships With Business**

##### **SEC. 2601. PURPOSE.**

It is the purpose of this title to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology, to establish a regional job training and employment center, to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools, and to coordinate private sector investments in carrying out this title.

##### **SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.**

Not later than 45 days after the date of the enactment of this Act, the Superintendent of the District of Columbia public schools—

(1) shall provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under section 2604; and

(2) shall establish a nonprofit organization in accordance with the District of Columbia Nonprofit Corporation Act for the purpose of carrying out the duties under section 2605.

##### **SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.**

A private, nonprofit corporation shall be eligible to receive a grant under section 2602(1) if the corporation is a national business organization which is incorporated in the District of Columbia and which—



(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational entities throughout the United States on the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

**SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.**

(a) DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.—

(1) ESTABLISHMENT.—The corporation shall establish a council to be known as the "District Education and Learning Technologies Advancement Council" or "DELTA Council" (in this title referred to as the "council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) COMPENSATION.—Members of the council shall serve without compensation.

(3) DUTIES.—The council—

(A) shall advise the corporation in the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties of the corporation.

(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL.—The corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and implementing the strategies under paragraph (1), the corporation, not later than 90 days after the date of the enactment of this Act, shall provide for an assessment of the current availability of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) CONDUCT OF ASSESSMENT.—In providing for the assessment under subparagraph (A), the corporation—

(i) shall provide for on-site inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools established in accordance with this Act; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act, including—

(i) the extent to which typical public schools within the District of Columbia have

access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(3) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (2), the corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) IMPLEMENTATION.—The corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(4) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term plan under paragraph (3), the corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The corporation shall establish a center to be known as the "District Employment and Learning Center" or "DEAL Center" (in this title referred to as the "center"), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate governmental agencies of the District of Columbia to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act, the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortia of colleges, universities, community colleges, and other appropriate providers in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportuni-

ties and facilitate access by students to work-based learning and work-experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include needs-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The corporation shall establish initiatives with the District of Columbia public schools and public charter schools established in accordance with this Act, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as established in certain District of Columbia public schools, which provide a "school-within-a-school" concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(e) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—

(1) ESTABLISHMENT OF PROGRAM.—The corporation shall establish a consortium consisting of the corporation, teachers, school administrators, and a consortium of universities located in the District of Columbia (in existence on the date of the enactment of this Act) for the purpose of establishing a program for the professional development of teachers and school administrators employed by the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) CONDUCT OF PROGRAM.—In carrying out the program established under paragraph (1), the consortium established under such paragraph, in consultation with the World Class Schools Panel and the Superintendent, shall, at a minimum, provide for the following:

(A) Professional development for teachers which is consistent with the model professional development programs for teachers under section 402(a)(3), or is consistent with the core curriculum developed by the Superintendent under section 411(a)(1), as the case may be, except that in fiscal year 1996, such professional development shall focus on curriculum for elementary grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

(B) Private sector training of teachers in the use, application, and operation of state-of-the-art technology in education.

(C) Training for school principals and other school administrators in effective private sector management practices for the purpose of site-based management in the District of Columbia public schools and training in the management of public charter schools established in accordance with this Act.

(f) OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—The corporation shall coordinate private sector involvement and voluntary assistance efforts in support of repairs and improvements to schools in the District of Columbia, including—

(1) private sector monetary and in-kind contributions to repair and improve school building facilities consistent with section 601;

(2) the development of proposals to be considered by the Superintendent for inclusion in the long-term reform plan to be developed pursuant to section 101, and other proposals to be submitted to the Superintendent, the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Administrator of the General Services Administration, or the Congress; and

(3) a program of rewards for student accomplishment at participating local businesses.

#### **SEC. 2605. JOBS FOR D.C. GRADUATES PROGRAM.**

(a) IN GENERAL.—The nonprofit organization established under section 2602(2) shall establish a program, to be known as the "Jobs for D.C. Graduates Program", to assist the District of Columbia public schools and public charter schools established in accordance with this Act in organizing and implementing a school-to-work transition system with a priority on providing assistance to at-risk youths and disadvantaged youths.

(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the nonprofit organization, consistent with the policies of the nationally-recognized Jobs for America's Graduates, Inc.—

(1) shall establish performance standards for such program;

(2) shall provide ongoing enhancement and improvements in such program;

(3) shall provide research and reports on the results of such program; and

(4) shall provide pre-service and in-service training of all staff.

#### **SEC. 2606. MATCHING FUNDS.**

The corporation shall, to the extent practicable, provide funds, an in kind contribution, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1996, \$1 for every \$1 of Federal funds provided under this title for section 2604.

(2) For fiscal year 1997, \$3 for every \$1 of Federal funds provided under this title for section 2604.

(3) For fiscal year 1998, \$5 for every \$1 of Federal funds provided under this title for section 2604.

#### **SEC. 2607. REPORT.**

The corporation shall prepare and submit to the Congress on a quarterly basis, or, with respect to fiscal year 1996, on a biannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2604(b)(2); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period beginning on the date of the submission of the report.

#### **SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—

(1) DELTA COUNCIL; ACCESS TO STATE-OF-ART EDUCATIONAL TECHNOLOGY; WORKFORCE PREPARATION INITIATIVES; OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—There are authorized to be appropriated to carry out subsections (a), (b), (d) and (f) of section 2604 \$1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(2) DEAL CENTER.—There are authorized to be appropriated to carry out section 2604(c)

\$2,000,000 for each of the fiscal years 1996, 1997, and 1998.

(3) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—There are authorized to be appropriated to carry out section 2604(e) \$1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(4) JOBS FOR D.C. GRADUATES PROGRAM.—There are authorized to be appropriated to carry out section 2605—

(A) \$2,000,000 for fiscal year 1996; and

(B) \$3,000,000 for each of the fiscal years 1997 through 2000.

(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

#### **SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.**

(a) TERMINATION OF FEDERAL SUPPORT.—The authority under this title to provide assistance to the corporation or any other entity established pursuant to this title (except for assistance to the nonprofit organization established under section 2602(2) for the purpose of carrying out section 2605) shall terminate on October 1, 1998.

(b) SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.—It is the sense of the Congress that—

(1) the activities of the corporation under section 2604 should continue to be carried out after October 1, 1998, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination of such activities after such date.

#### **Subtitle I—Parent Attendance at Parent-Teacher Conferences**

#### **SEC. 2651. ESTABLISHMENT.**

(a) POLICY.—Notwithstanding any other provision of law, the Mayor of the District of Columbia is authorized to develop and implement a policy requiring all residents with children attending a District of Columbia public school system to attend and participate in at least 1 parent-teacher conference every 90 days during the school year.

(b) WITHHOLD BENEFITS.—The Mayor is authorized to withhold payment of benefits received under the program under part A of title IV of the Social Security Act as a condition of participation in these parent-teacher conferences.

#### **SEC. 2652. SUBMISSION OF PLAN.**

If the Mayor elects to utilize the powers granted under section 2651, the Mayor shall submit to the Secretary of Health and Human Services a plan for implementation. The plan shall include—

(1) plans to administer the program;

(2) plans to conduct evaluations on the success or failure of the program;

(3) plans to monitor the participation of parents;

(4) plans to withhold and reinstate benefits; and

(5) long-term plans for the program.

#### **SEC. 2653. REPORTS TO CONGRESS.**

Beginning on October 1, 1996 and each year thereafter, the District shall annually report to the Secretary of Health and Human Services and to the Congress on the progress and results of the program described in section 2651 of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. Mr. Chairman, I submit the following for the RECORD.

#### LEGISLATIVE HISTORY

During the first few months of the 104th Congress, Speaker Newt Gingrich appointed Representative Steve Gunderson (R-WI) to lead an education task force to help establish a world class education system in the Nation's capital. As a part of the task force activities, Representative Gunderson convened numerous meetings with individuals and interested groups in the District of Columbia, including the office of the Mayor of the District of Columbia, District of Columbia Delegate Eleanor Holmes Norton, the Superintendent of the District of Columbia Public Schools, the President of the District of Columbia Board of Education, Board of Education members, educators, union members, parent education reform groups, National education reform experts, and many others.

Additionally, Delegate Eleanor Holmes Norton, together with Speaker Gingrich, convened a town meeting at Eastern High School to hear from District of Columbia citizens about their concerns with the current education system.

Legislatively, the Subcommittee on Oversight and Investigations of the Economic and Educational Opportunities Committee held hearings on the subject of District of Columbia education reform on May 12, 1995, June 8, 1995 and June 27, 1995. Witnesses included, among others, the President of the Board of Education, the Superintendent of the District of Columbia Schools, the Committee on Public Education, Parents United for District of Columbia Public Schools, City Council members William Lightfoot and Kathleen Patterson, principals of public schools, the National Urban Coalition, Ted Kolderie of the Center for Policy Studies, the President of the Washington Teachers' Union, the President of the American Federation of Teachers, the Education First Coalition, parents, and a representative of the Office of the Mayor.

The education amendment to the District of Columbia Appropriations legislation is the end product of these meetings and hearings. It represents a balancing of many competing interests, and is designed to transform the current education system into one of the best in the world.

#### TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

#### *Subtitle A—District of Columbia Reform Plan*

Subtitle A of Title II of the bill requires that the Superintendent of Schools, with approval of the Board of Education, develop a long term reform plan for the District of Columbia School Public System. This provision builds on the efforts currently underway by the District. The long term reform plan outlined in the legislation uses the same philosophy outlined by School Board President Wilma Harvey and Superintendent Franklin Smith in the one-year action plan entitled "Accelerating Education Reform in the District of Columbia: Building on BESST" that was submitted to Rep. Steve Gunderson on July 13, 1995.

Subtitle A requires that the plan be consistent with the financial plan and budget for the District of Columbia required by the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8). The legislation requires that the Superintendent consult with the Board of Education, Mayor, District of Columbia Council, and the Authority. The Superintendent is also required to include the public and any interested groups or organizations in the development of this process—similar to the approach outlined by the Superintendent in the District of Columbia's

"Planning Guide for Local School Restructuring Teams" report.

The long term report focuses on how the District of Columbia is preparing to become a world-class education system and model for the nation. The legislation asks the District of Columbia to describe how it plans to accomplish certain goals and objectives. Any amendments to the plan shall be submitted by the Superintendent, with the approval of the Board of Education, to Congress and must be consistent with section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

#### *Subtitle B—Public Charter Schools*

Subtitle B of this amendment authorizes the establishment of public charter schools. On October 23, 1995, the Education and Libraries Committee of the DC Council passed, by a vote of 4-0, legislation authorizing the establishment of independent public charter schools. The DC Council legislation is very similar to this subtitle. A recommendation that either the DC Council or Congress enact legislation authorizing independent public charter schools was also included in the reform plan submitted by the Superintendent and the president of the Board of Education on July 13, 1995, to Rep. Steve Gunderson.

Public charter schools represent a new type of public school that maintains the essential elements of public education: public charter schools are funded by the public, are open to the public, and are accountable to the public for results. Public charter schools are different, however, from traditional public schools in that they are not required to be managed by a government bureaucracy. Educators may establish new schools and have an opportunity to realize their educational vision for what constitutes a quality education. A public charter school may not charge tuition, except to nonresidents, and must be open to any student regardless of aptitude. A school may limit admission to certain grade-levels and may choose to have an instructional focus, such as the arts, science, or advanced technology.

Public charter schools are a key component of a comprehensive reform strategy. Public charter schools would encourage innovation and entrepreneurialism by educators. They would be free from many of the burdensome rules and regulations that educators find interferes with their ability to provide excellence in education. Public charter schools have full control over their day-to-day operations, including budgeting and personnel, but they must be non-sectarian and non-profit. Public charter schools may enter into contracts or leases for any service, but contracts over \$10,000 in value must be reviewed by the District of Columbia Financial Responsibility and Management Assistance Authority.

The amendment also contains safeguards to ensure that a two-tiered system of public schools would not result from the creation of public charter schools. Eligible chartering authorities are required to give special consideration to petitions to establish public charter schools that would focus on students with special needs, such as students with disabilities, disruptive students, or students who have dropped out. In addition, the new funding formula for public education described in subtitle E is expected to result in additional funding for public charter schools serving students with special needs. As a result, I would expect that quality programs would be encouraged that would serve such students, improving equity and raising the quality of their education.

In order to encourage a diversity of public charter schools, as well as to encourage healthy competition, multiple entities must

be permitted to approve charter petitions. This subtitle designates as eligible chartering authorities the Board of Education and five public or federally-chartered universities located in the District of Columbia. To ensure common standards of quality, this subtitle designates a detailed list of issues that petitions to establish public charter schools must address and a uniform procedure for their consideration, regardless of which eligible chartering authority is reviewing such a petition. Mindful of the fact that the legislation passed by the DC Council Education and Libraries Committee also establishes a charter schools commission, which is not included in this Act, this subtitle allows the DC Council to designate additional entities as eligible chartering authorities.

While this subtitle would designate multiple chartering authorities, a common framework for accountability is desirable for public charter schools. Therefore, this subtitle authorizes the Board of Education, upon the recommendation of the Superintendent, to deny renewal of a public charter school if its students are performing below average on the assessments to be established pursuant to subtitle D. Parental choice, informed by a school's performance on the common student assessments and other factors that a parent may deem important, constitutes another important aspect of accountability. Further, the charter of a school may be revoked at any time for financial mismanagement or violation of this Act or other applicable laws.

Within this framework of accountability for results, public charter schools will provide teachers with an unprecedented degree of flexibility and professional opportunity. Public charter schools also offer families a greater degree of choice, enabling parents to select the educational environment that best suits their children's needs. Because charter schools are supported through the enrollment-based per capita funding formula described in subtitle E, a public charter school must satisfy the parents of students enrolled at the school or it will cease to exist.

#### *Subtitle C—Even Start*

The inclusion of Even Start as a part of the D.C. schools reform package is a reflection of Rep. Bill Goodling's belief, as well as my own, in the power of family literacy to insure positive educational outcomes for young children. Even Start is based on the knowledge that children who have parents who can help and support them in their educational endeavors are more likely to succeed than those who have parents with low literacy skills and little knowledge on how to help their children succeed in school.

In the recent national adult literacy survey there were approximately 40 million adults who scored in the lowest level of the literacy scale. Twenty percent of the population of this country have been found to have minimal basic skills. This is a strong indication that there is a high level of illiteracy in our country. What is of major concern is that many of these individuals are parents.

As a result, it is difficult to believe that any effort to increase the likelihood of school success for young children in the District of Columbia will be completely effective if it does not address the whole family. What is needed is a comprehensive family literacy program which, in addition to parent training, raises the literacy skills of participating adults. The Even Start program meets this criteria.

In order to avoid the duplication of programs serving the District of Columbia, eligibility for the District of Columbia to participate in the basic Even Start Grant pro-

gram has been eliminated. The current Even Start law has been amended to provide a separate authorization amount for Even Start programs in the District of Columbia. Funding for Even Start programs funded under current law would be maintained under this new authorization.

Under the provisions of this legislation, the Department of Education would be responsible for selecting grantees and oversight of Even Start projects in the District of Columbia. Five percent of available funds is provided to the Secretary to provide technical assistance to eligible entities, including one or more local nonprofit organizations, to provide technical assistance to eligible entities in the area of community development and coalition building. An additional five percent would be provided to the National Center for Family Literacy, a recognized authority in this field, for technical assistance to eligible entities. It is expected that the National Center for Family Literacy will assist in ensuring that funded projects are of high quality and provide the intensity of services necessary for success.

In order to reach those individuals in greatest need of services and families whose children are at greatest risk of educational failure, eligibility for the District of Columbia Even Start Program has been focused on those individuals eligible to participate in an adult education program (i.e. those without a high school diploma or GED or with low levels of literacy). Parents who are still attending, or who are eligible by age to attend, a public school in the District of Columbia are also eligible in order to ensure that they receive an adequate education and, therefore, are able to assist their children to receive the best possible education. It is recognized that teenage parents are at great risk at becoming welfare dependents and that their children often suffer because of their poor parenting skills and low levels of education. Therefore, it is important to include this group of young parents in the list of those eligible for services under this program. However, it is also the intent of this amendment that these teenage parents receive the educational component of the Even Start program as part of the regular education program offered in District of Columbia schools. Further, any child of a parent who meets criteria outlined above and who is under the age of seven is eligible for services.

Finally, a priority is given to targeting services to families living in a school attendance area where schools are conducting a schoolwide program under Title I of the Elementary and Secondary Education Act. In this way, services will be focused on those families in greatest need.

The most recent report distributed by the Department of Education indicated that the average Even Start project did not provide sufficiently intensive instruction and did not obtain significantly greater gains when compared to a control group. Approximately 50 percent of the projects had their adults in adult education for fewer than 9 hours a month. Many parents participating in Even Start have very low literacy levels. It takes between 100 and 150 hours of instruction to raise an individual one grade level. As a result, 9 hours per month is not going to make the type of difference in the lives of participants to enable them to become—and remain—their child's first and most important teacher. Therefore, the District of Columbia Even Start initiative requires programs to be built on the findings of the "National Evaluation of the Even Start Family Literacy Programs," including the provision of intensive services in parent training and adult literacy or adult education. It is clear that programs which are of greater intensity

produce superior results. Therefore, it is imperative that only those projects which meet this requirement participate in the District of Columbia Even Start program.

In addition, the Chapter 1 Even Start Program is amended through this legislation to include comparable language on intensity of services. It is estimated that a quality Even Start Program requires \$225,000 per year to operate. The District of Columbia Program authorization level assumes this level of funding for each program by limiting the number of projects which can be funded in a given year. Since this legislation eliminates funding for the District of Columbia under the basic Even Start program, the authorization amount for the first year would include funds for the existing Even Start projects as well as six new projects. Funding for the remaining years under this authorization would allow for the addition of six new projects each year as well as continued funding for the original projects.

Projects are also required to meet the matching requirements contained in the basic Even Start law. However, these requirements may be waived, in whole or in part, should the eligible entity demonstrate to the satisfaction of the Secretary that they will otherwise be unable to participate in the program.

Due to inclusion of the match provision, and the possibility that projects will utilize the entire amount appropriated for this purpose, language has been included which provides for a redistribution of excess funds among grant recipients which can demonstrate additional need.

Provision is made for an independent evaluation of the District of Columbia Even Start program in order to determine their effectiveness in providing high quality family literacy services. This evaluation should be completed by March 1, 1999, with an interim report issued by March 1, 1998. The results of the evaluation are to be used for purposes of program improvement and for determining the number of appropriate grants to be awarded by the Secretary in fiscal year 2000. Although the amount authorized assumes a funding level of \$225,000 for each project fund, it may become apparent, after the evaluation, that this amount is higher or lower than necessary to provide high quality Even Start Programs. It is, therefore, important that the Secretary be able to adjust the number of grants awarded to reflect the results of the evaluation.

*Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates*

Subtitle D provides the assistance and the guidance necessary for the District of Columbia public schools to begin on the path toward a world-class education system. The core of education is the curriculum. While schools should have discretion with respect to some portions of the curriculum, and full discretion with respect to instruction and inputs, there is a legitimate public interest in ensuring that public schools teach students a core of vital concepts, factual knowledge, and skills. This care should address at least the key academic content areas of English, mathematics, science and history. There is a further legitimate public interest in ensuring that students' competence in this core curriculum represent a high level of achievement, in fact that it be world-class.

To assist the District, in particular the Superintendent and Board of Education, in establishing such a core curriculum, a panel of experts is established: the World Class Schools Panel. In order to provide the perspective of parents, one appointee is a parent of a student in the District of Columbia public schools. The proposal to establish such a panel has as its origin the request by the Superintendent and the president of the Board

of Education, in a reform plan submitted to Rep. Steve Gunderson on July 13, 1995, for approximately \$2 million for the development of new curricula and assessments. Such a need exists in the District public schools, but a nationally-established panel of experts is the proper vehicle for such an effort. Further, the panel is also directed to recommend model teacher training programs that individuals schools, or the school system, may adopt.

Because even the formal adoption of a high-quality curriculum constitutes only a minimal improvement if there is no way to determine how well students are mastering the curriculum, assessments that provide such information are also vital. To be of maximum use, assessments must inform parents of their child's progress, as well the progress of the child's school. Such information needs to be placed in the context of the performance of other schools, the District, other states, the nation, and especially, other nations that historically perform well on international comparisons of student achievement, such as Germany, France, Japan, and South Korea. Tools useful for developing such assessments are becoming increasingly available, such as through the third international math and science study, now underway, or through publicly-released items from the national assessment. Further, it is also important for such assessments to satisfy professional standards of reliability and freedom from bias, as established by the American Psychological Association and the American Education Research Association. To the degree that new assessments address such technical standards, it is also useful to have such assessments exemplify the range of knowledge and skills that students are intended to master in the core curriculum. It is the responsibility of the World Class Schools Panel to develop, or adopt, the appropriate assessments to accomplish these important purposes.

While the Board of Education is free to reject the recommendations of the Panel, if it chooses to do so it must still establish its own core curriculum and assessments that meet the requirements of this subtitle. The establishment of new promotion criteria ("promotion gates") by the Superintendent and Board of Education, another reform included in the reform plan submitted to Rep. Steve Gunderson on July 13, 1995 by the Superintendent and president of the Board of Education, is also required under this amendment. To ensure coherence in the system, the new assessments measuring achievement of the core curriculum will serve as one criterion for such "promotion gates," though not necessarily the only criterion.

*Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding*

Subtitle E of Title II of the bill directs the District of Columbia to develop a per pupil formula for funding K-12 education starting in FY 1997. This uniform formula will be used to provide operating budgets on the basis of enrollment for the school system as a whole and for individual public charter schools. According to a January 1995 report by the District of Columbia Committee on Public Education, "Of the 40 largest school systems in the country, the District ranked first in per pupil expenditures." The report further states that, "By almost any measure, student academic performance has worsened." This information is disturbing and as a result the District of Columbia is directed to establish a uniform formula for funding the education of students enrolled in either public charter schools authorized in subtitle B of this amendment or the District of Columbia School System, and to have the General

Accounting Office do an audit of the student enrollment count.

To account for appropriate differences in the costs of educating different types of students, the formula shall take into account such variations for students at different grade levels as well as for students with special needs. The District will define "special needs," but it is expected to address such categories as students with disabilities, students that have dropped out, and highly disruptive students. Such a formula will clarify and focus decisions regarding funding for public education around students' needs.

For FY 1996, \$75,000 is authorized for the General Accounting Office (GAO) to audit the student enrollment count of the school system. For FY 1996 through FY 2000, \$200,000 is authorized for each year for transition costs associated with starting public charter schools. These funds are necessary due to the school year beginning in September while the fiscal year begins in October, therefore resulting in a one month funding gap for any new public charter school.

*Subtitle F—School Facilities Repair and Improvement*

Subtitle F of this amendment begins to address the facilities problems that plague the District of Columbia schools. It is appalling that the schools of our Nation's capital have had to be closed, as a result of judicial intervention, because they were deemed unsafe for children. This subtitle encourages assistance by the private sector and government agencies to bring new life to the bricks and mortar of the District of Columbia schools.

A January 1995 report by the District of Columbia Committee on Public Education entitled "Our Children Are Still Waiting" noted that the "District must generate a sense of urgency in the business and philanthropic community and re-enlist them in targeted support for very particular, concrete school reform goals." Congress agrees with this statement and is asking the General Services Administration to step in and help guide the District of Columbia Public School System through school facilities repair and improvements. It is not the intent of this amendment for Congress to take over the maintenance of the school system, but rather to become a partner with the school system to help repair and improve school facilities. This is not a long-term arrangement, but shall last no more than two years. It is also the expectation of Congress that this partnership will make appropriate use of the "Superintendent's Task Force on the Education Infrastructure for the 21st Century: Preliminary Facilities Master Plan 2005 for the District of Columbia Public Schools". As the plan notes, "this preliminary plan is a first step in obtaining the District of Columbia's assessment of its public school facilities, the children served by them and a sense of their entitlement to high quality services."

The report further states that "While this preliminary plan creates a framework for moving forward, it does not complete the planning task. It suggests a considerable departure from business as usual and requires the disciplined coordination among all components of DCPS, other city entities and community stakeholders that are currently intervening to impact both student population trends and quality of life in the city." It is the hope of Congress that this report will be useful as a starting point to complete the task at hand and that cooperation, innovation and efficiency will prevail. Further, it is the hope of Congress that such a revitalization of school facilities will take hold and become a permanent fixture in the school system of our Nation's capital.

*Subtitle G—Department of Education “D.C. Desk”*

Subtitle G of Title II of the bill requires the Department of Education to establish a “DC Desk” to help coordinate efforts by the District of Columbia school system to apply and receive federal grants. The Director of the DC Desk shall be appointed by the Secretary of Education and shall not be paid more than a GS-15 rate of the General Schedule.

The duties of the Director of the DC Desk shall include coordinating with the Superintendent a comprehensive technical assistance strategy, identifying federal grants for which the District of Columbia public schools may be eligible and identifying private and public resources that could be made available to the District of Columbia Public School System and public charter schools established under subtitle B of this amendment. By providing this additional resource at the federal level to the District of Columbia, it is expected that greater resources will be infused into the District of Columbia Public School System to provide new and innovative approaches to learning.

*Subtitle H—Residential School*

Subtitle H of Title II of the bill authorizes funds for the planning and initial capital costs to develop a residential school within the District of Columbia. Two million dollars are authorized in FY 1996 to develop and initiate a residential school program, of which no more than \$100,000 may be used for planning purposes.

In a July 13, 1995 reform plan submitted to Representative Steve Gunderson, the president of the District of Columbia Board of Education and the Superintendent of the District of Columbia Public School System proposed allowing the District of Columbia to establish a public residential school. This amendment provides funds to the District to establish such a school. The District of Columbia Public School System has indicated that it intends for such a school to be designed for highly disruptive or troubled youth and this is my expectation.

Several school systems have public residential schools operating. Chicago is experimenting with the idea in a public housing complex. As the Washington Times reported: “For centuries, the children of the rich have been sent to boarding schools in search of a tightly controlled educational environment . . . Now in Chicago, children of the not-so-well-to-do will soon get to try something similar.”

By providing a residential school in the District of Columbia, as has been done in Chicago, Texas, North Carolina and several other jurisdictions, a new alternative will be created for District of Columbia students to learn and thrive. By offering a new opportunity for District of Columbia residents and their children, D.C. children will have another way to succeed in school and in their future.

*Subtitle I—Progress Reports and Accountability*

Subtitle I of Title II of the bill, requires that no later than 60 days after enactment of this Act, the District of Columbia Council must submit a report to Congress describing actions the Council has taken to facilitate first-year reforms within the District of Columbia Public School system. In order to allow for local legislative discretion as well as responsibility, this amendment does not include a number of legislative components that would facilitate public school reform in the District, including implementation of the first-year reform agenda of the District of Columbia Public School System. In response to this demonstration of respect for the principle of Home Rule, it is the expecta-

tion of Congress that the DC Council will act swiftly to enact such legislation following the enactment of this Act by Congress.

Subtitle I also requires that the Superintendent submit to Congress, no later than August 1, 1996, a report regarding the status of implementation of a far-reaching first-year reform agenda. This agenda is based on the reform plan submitted by the Superintendent and the president of the Board of Education to Rep. Steve Gunderson on July 13, 1995, “Accelerating Education Reform in the District of Columbia: Building on BESST.” While ambitious, the agenda described in this subtitle does not include every single item contained in the July 13, 1995, reform plan, only those that are most critical and of the highest priority. This year, Congress is resisting the temptation to micromanage, abolish or replace the institutions governing the DC Public School System this year, on the expectation that comprehensive reform will be implemented. Over the course of the next year Congress will conduct appropriate oversight. When considering the FY 1997 budget for the District, Congress will evaluate the progress of this implementation and decide whether to intervene more directly to redesign the governance arrangement for public education in the District.

*Subtitle J—Low Income Scholarships*

Subtitle J of Title II of the bill establishes a low-income scholarship program. Under the program, a non-profit corporation is established to administer two kinds of scholarships for District of Columbia residents: (1) tuition scholarships; and (2) scholarships for after school activities or the costs of transportation. The program is part of a broader education reform package whose goal is to expand the range of choices for low-income families and to improve the quality of education in the District of Columbia. Within this broader framework, existing private and independent schools in the District and surrounding jurisdictions are only one component.

The tuition scholarships will cover the full costs of tuition, up to \$3,000, for students below the poverty level. For students between 100 percent and 185 percent of the poverty level, the scholarship will equal one half the costs of tuition, up to \$1500. Tuition scholarships may be used at participating private schools in the District as well as public or private schools in surrounding jurisdictions.

The scholarships for after school activities or transportation will cover the full costs of such activities, up to \$500. Eligible students are those whose family incomes are no more than 185 percent of the poverty level. Such scholarships are available for use within the District of Columbia at either traditional public schools, public charter schools as established under this legislation, or private schools. Such scholarships are envisioned to be used, among other things, for payment of the costs of after school tutoring, rental of band instruments, the costs of summer school, or the costs of traveling across town to attend a new public charter school.

The corporation established to administer the program is directed to award, to the extent feasible, an equal number of the two types of scholarships (i.e. tuition scholarships and after school or transportation scholarships).

A seven member Board of Directors will oversee the operations of the nonprofit scholarship corporation. Six members are to be appointed by the President from nominations submitted by the Speaker of the House of Representatives and the Majority Leader of the Senate. One member will be appointed by the Mayor of the District of Columbia.

During hearings held by the Subcommittee on Oversight and Investigations of the Economic and Educational Opportunities Committee, testimony supporting the scholarship concept was received from several sources. First, at the Subcommittee hearing of June 27, 1995, Eened Simmons, Director of the Office of Policy for the Mayor of the District of Columbia, spoke in favor of private school choice, though with limitations. The Office of the Mayor has advocated means-testing for any choice program. This amendment recognizes the wisdom of such a provision, and accordingly has made the scholarships available to those families with incomes at or below 185 percent of the poverty level.

Second, at the same Subcommittee hearing, Otis Troupe, the Chairman of the Vouchers Committee of the Education First Coalition, strongly endorsed private school choice as a means of improving the education of District children, though he endorsed a different mechanism than that contained in this amendment. He noted:

“I am a particularly enthusiastic proponent of voucher-supported public education. . . . To my mind, a program of voucher-supported fully accredited alternative schools will very quickly bring a flexibility of choice to the sterile landscape of ‘non-options’ that are currently offered to parents of DC school children. . . . Once operational, vouchers would immediately and drastically expand the choices available to participating parents. Immediately, children in the vouchers program would experience a drastically expanded range of choice [sic] for schools and academic programs.”

Because of the concerns of some in the District that a voucher system would remove local public funds and send them to private schools, such an approach is not contained in this amendment. The concept of permitting greater choice among all schools for low-income families who cannot afford choice at present, however, is maintained in this amendment.

Third, the Education and Libraries Committee of the District of Columbia Council responsible for education legislation unanimously (5-0) “embraced,” in an official committee report dated July 21, 1995, a Federally-funded scholarship program. It is this approach that is embodied in this subtitle.

Fundamental to the concept of this scholarship program is the maximization of equality of opportunity for low income families. The tuition scholarships will provide such families with the same kinds of choices—including private schools in the District as well as public or private schools in surrounding jurisdictions—that higher income families already have available. The after school activities and transportation scholarships are similarly targeted toward low income families.

Some establishment clause concerns have been expressed regarding whether this amendment provides direct Federal assistance to sectarian schools. It does not, however, provide direct Federal assistance to any participating schools. Rather, the assistance is to the student. The intent of section 2553(c) of the bill is to make clear that the students are the primary beneficiaries of the scholarships, and not the schools. This amendment envisions no discrimination for or against private schools on the basis of religion in the operation of this program, but instead neutrality.

Section 2557(a)(1) of the bill prohibits independent and private schools from discriminating on the basis of a student's disabilities if the school is equipped to provide an appropriate education. This part of section 2557(a)(1) is intended to reflect current law

requirements under section 504 of the Rehabilitation Act of 1973 (29 USC 794).

The low-income scholarship program was carefully designed to satisfy Constitutional requirements under the First Amendment. Over the past 12 years, the U.S. Supreme Court consistently has upheld programs that provide assistance for students who attend private schools. In *Mueller v. Allen*, 463 U.S. 388 (1983), the Court upheld Minnesota's income tax credits for educational expenses, most of which were incurred in religious schools. In *Witters v. Department of Services for the Blind*, 474 U.S. 481 (1986), a program paying for a blind student to pursue training for the ministry at a religious seminary was upheld. In *Zobrest v. Catalina Foothills School Dist.*, 113 S. Ct. 2462 (1993), the Court sustained the use of funds under the Individuals with Disabilities Education Act to pay an interpreter for a deaf child attending a Catholic High School.

In these cases, the Court established that such assistance is permissible if (1) the choice where to use assistance is made by parents of students, not the government; (2) the program does not create a financial incentive to choose private schools; and (3) it does not involve the government in the school's affairs.

The proposed scholarship program fulfills these criteria. Like the G.I. Bill and federal daycare assistance, the choice of where funds are expended is made not by the government but by the scholarship recipients. Because the tuition scholarships amount only to the cost of tuition or some lesser amount, the program does not create a financial incentive to choose private schools. Scholarships are also available to pay costs of supplemental services for public school students, who already receive a free education. Moreover, the program involves only those regulations necessary to ensure that reasonable educational objectives are met, and does not create entanglement between the government and religious schools.

The scholarship program does not impermissibly establish religion, but instead serves to expand educational opportunities for children who desperately need them.

#### *Subtitle K—Partnerships With Business*

Within the context of limited public resources and an ever increasing demand for additional and more effective services—Subtitle K of Title II is intended to facilitate a process and develop an infrastructure under which private sector contributions are effectively leveraged to bring about positive change in the community.

The centerpiece of this Subtitle is the establishment of the District Education and Learning Technologies Advancement (DELTA) Council. The DELTA council will bring together representatives of business, community leaders, and others willing to contribute time, energy and resources to carry out a variety of activities related to education, training and employment within the District of Columbia.

The DELTA Council, (established by a non-profit corporation selected by the Superintendent of DC schools), has many important functions, including coordinating donations from the private sector so that they are used in a comprehensive and effective manner with full accountability. It is expected that the corporation, through the DELTA council, will not only meet, but surpass, the goals set forth in the legislation to match the Federal grant amount at an increasing rate (up to 5:1) over the three year authorizing period. It is intended that the DELTA council will work with the General Services Administration in the coordination of donated services related to the repair and improvement of schools.

The integration of up-to-the minute educational technology into an inner-city school

curriculum has shown impressive results. A recent article in the National Journal focused on the impact such an initiative had on schools in Union City, N.J.:

"Bell Atlantic Corp., the Philadelphia-based regional Bell operating company, provided computers and wired the classrooms and homes of students, teachers and administrators to join them all in an electronic network. It then connected the network to the Internet and a host of multi-media education programs. 'We initiated the project to test the technology—which works'; John G. Grady, the manager of Bell Atlantic's Video Service, explained 'But we were surprised in a wonderful way with the educational outcomes.' Truancy and dropouts plummeted; test scores soared. All the schools in the district raised their levels of attendance and student achievement."

Under this legislation, the DELTA council, in conjunction with the Superintendent, students, parents and teachers will establish and implement strategies to ensure access to state-of-the-art educational technology. This process will begin with a comprehensive technology assessment which, to the extent possible, shall be done pro bono by a qualified private sector firm. Based on this assessment, the DELTA council will facilitate the development of a short-term technology plan to be carried out in conjunction with the schools, students, parents and teachers.

It is recognized that computers, hardware, software and access to emerging technologies do not, by themselves, ensure success. In fact, they are worthless if they are not utilized effectively and constructively. As such, teachers need to be knowledgeable both on how to use these technologies as well as how to teach such technology and the applications of such technology.

Under this legislation this vital link is established through the creation of a Professional Development Program for Teachers and Administrators. This program will bring together teachers, school administrators and universities within the District of Columbia in order to provide professional development for teachers. This training will include private sector training of teachers in the use, application, and operation of state-of-the-art technology in education. This program will also provide training for school principals and other school administrators in effective private sector management practices.

The unemployment rate for 18-25 year olds in the District of Columbia is simply too high. There needs to be an effective effort, beyond school reform, to assist these individuals in gaining the skills necessary to obtain and retain employment. Subtitle K provides for the District of Employment and Learning Center, "DEAL Center". The center will provide the district with a regional institute to provide job training and employment assistance for these individuals. The basic premise behind this center is that one of the most effective approaches to employment programs is the combination of on-the-job and classroom training. As such, the center will focus on job placement, including temporary work assignments, combined with training opportunities. This training may be supported with needs-based payments in order to make training a viable option for those individuals who may otherwise not be able to afford the time to participate in such a program.

The center will use funds from a variety of sources (beyond what is made available under this section), including funds leveraged through the private sector by the DELTA council and through partnerships with other governmental agencies and appropriate federal employment and training programs.

It is recognized that there are currently efforts in this Congress aimed at streamlining

the multitude of Federal job training and employment programs and providing a simpler framework for state and local implementation of such federal program. This subtitle encourages such reforms to be started within the District by the Mayor as soon as possible and further supports full accountability for these funds. It is further encouraged that the Mayor and other local officials coordinate the design and implementation of such reforms with the efforts of the DELTA council and with the efforts of the DEAL Center.

It is also expected that initiatives will be carried out with District of Columbia Public School System and interested public charter schools at the secondary level to facilitate the integration of rigorous academic studies with workforce preparation programs. In particular, it is the intent of this amendment to promote the expansion and quality of current high school career academy programs as established in certain District of Columbia schools.

This amendment also recognize the value of implementing nationally-proven programs. One such example is the Jobs for America's Graduates (JAG) program. According to the 1994 Annual Report issued by JAG, the program has benefited over 175,000 youth people in 22 different states and 400 communities. Over 90 percent of them have successfully completed high school and over 80 percent, at the end of nine months after leaving school are either on the job, in the military or enrolled in postsecondary education or training.

This amendment provides funding for a Jobs for D.C. Graduates Program modeled after the JAG program and consistent with Jobs for America's Graduates, Inc. This program would assist schools in workforce preparation initiatives. Specifically, these initiatives assist at-risk and disadvantaged youth in graduating from high school and in finding and maintaining quality jobs thereafter. It is expected that FY 1996 funding would serve at least half of all 12th grade students and funding authorized in future years would include all interested 12th grade students.

#### *Subtitle L—Parent Attendance at Parent-Teacher Conferences*

Subtitle L of Title II of the bill authorizes the Mayor to condition welfare benefits on parent attendance and participation in parent-teacher conferences once every 90 days. The Mayor must submit to the Secretary of Health and Human Services a plan for implementation of such a program. The plan must state how the Mayor plans to administer the program, conduct evaluations of the program, monitor the participation of parents, withhold and reinstate benefits, and long-term plans for the program. Beginning October 1, 1996, the District of Columbia is required to annually submit a report to the Secretary of Health and Human Services and Congress on the progress and report of this program.

The idea for such a program arose at one of the many consensus meetings I held to develop this comprehensive reform package. It was suggested by teachers who emphasized the need to ensure greater parent involvement. Further, it is consistent with the overall philosophy of the reforms proposed by District of Columbia school officials. In a July 13, 1995 letter to Representative Steve Gunderson, Mrs. Wilma Harvery, president of the District of Columbia Board of Education, and Franklin Smith, Superintendent of the District of Columbia Public Schools, cited the value of parent involvement in the success of both schools and students. "Parent and community involvement are critical to

student and school success . . . Research show parent involvement is a crucial component in school success."

The Carnegie Corporation issued a report in June 1989 entitled "Turning Points: Preparing American Youth for the 21st Century". The report states the need to reengage families in the education of our children and to have them become more actively involved in the school. "Reversing the downward slide in parent involvement and closing the gulf between parents and school staff with mutual trust and respect are crucial for the successful education of adolescents." It is intended that this subtitle on parental involvement will re-engage parents to become actively involved in the education of their children.

Mr. GUNDERSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

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

Mr. GOODLING. Mr. Chairman, I would plead with my colleagues to listen to only one special interest group today, and that is the special interest group that is never heard. That special interest group is the children's special interest group. That special interest group is the children's special interest group of low-income families.

Mr. Chairman, I ask my colleagues to please not listen to any of the others. We had that kind of consensus, until all of the sudden special interest groups decided that we should forget about the children. Let us only think in terms of whatever it is that we think is important, and I am asking my colleagues to think about children.

Mr. Chairman, I am also asking Members to think about the amount of time that was put into developing this in a cooperative fashion. The gentleman from Michigan [Mr. HOEKSTRA] had 20 people from all segments of the District of Columbia society come and testify. The gentleman from Wisconsin [Mr. GUNDERSON] has gone all over this community.

Mr. Chairman, we had a town meeting downtown, and I closed the town meeting, my part of the town meeting, by saying that it is my hope that as adults we will think as adults and not act like children. My fear is that we will act like children and children will suffer.

We are always talking about demonstration projects around here. Mr. Chairman, here is a golden opportunity to see a demonstration project firsthand right here. We owe it to the community. We owe it to the children. We can watch it right here in the Nation's Capital.

Mr. Chairman, I would encourage Members to understand I too have always opposed vouchers. I oppose vouchers now. We are not talking about vouchers. What we are talking about is a scholarship. Not to the wealthy. We are talking about a scholarship to low-income youngsters who cannot benefit from any other program that is pres-

ently out there. We are talking about what it is we can do to help parents become the first and most important teacher a child will ever have. That is what this is all about.

Mr. Chairman, let us speak for the children today. Let us not pay any attention to any other special interest group; just the children. The children of the District of Columbia and the parents of District of Columbia children with low-income. Mr. Chairman, I plead with Members to ignore all other special interest groups.

Mr. DIXON. Mr. Chairman, I rise in opposition to the Gunderson amendment.

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

Mr. DIXON. Mr. Chairman, I rise in opposition to the Gunderson amendment. I do so with a great deal of respect for the distinguished gentleman from Wisconsin who has spent countless hours on the most laudable of goals—improving educational opportunities for thousands of children in the District of Columbia. I know that he has consulted, cajoled, and compromised with District officials, and others intimately involved with this effort, to develop a consensus education reform package that could move the District public schools toward a world class education system.

Nevertheless, Mr. Chairman, the Gunderson plan, no matter how laudable the effort, simply does not belong on this appropriations bill. This amendment is a 142-page bill that authorizes some \$100 million over 5 years for a variety of initiatives relating to the District of Columbia public schools. This amendment does not appropriate one additional dime to the District of Columbia. This is a proposal that should have been considered by the Government Reform Committee and the Economic and Educational Opportunities Committee. Those are the committees that have jurisdiction over this matter, not the Appropriations Committee.

Attaching this legislative proposal to this bill will most certainly result in a protracted conference with the Senate over this matter, and will most certainly result in a delay in getting critically needed funds to the District of Columbia.

Moreover, we cannot escape the fact that there is a deep disagreement over the substance and underlying philosophy of this proposal. It is deeply flawed in several respects. First, more than 40 percent of the new authorizations in the bill—some \$42 million—is for so-called low-income scholarships. These funds would not be spent improving the quality of the District public schools—the stated intent of the Gunderson plan.

Rather, almost half of the additional funding in the measure would be spent to provide Federal funds for scholarships to low-income District students to attend private and religious schools

in the District and the suburbs. Call it what you will, this is no different than a private school voucher plan. The Secretary of Education who also believes that it is a private school voucher plan says that "This aspect of the draft act is highly objectionable as a matter of good public policy."

Mr. Chairman, I cannot support the Gunderson amendment with its provisions to divert limited Federal resources to private and religious schools, with little or no public accountability for how the funds would be used. The proposal contains virtually no requirements that schools receiving these vouchers be accountable to the public for the type or quality of education they provide. There are no requirements governing quality of curriculum or teaching.

Moreover, this program is unconstitutional. The Supreme Court has consistently struck down aid programs that constitute public subsidies of religious schools.

Mr. Chairman, the Gunderson plan would also authorize the creation of so-called charter schools in the District of Columbia—a concept that the District Board of Education has already addressed. I have to ask the question why Congress must step in to tell the District school board to do what it already has the power and authority to do.

Of course, the answer is that this is all about the Republican ideology to promote privatization. There is a political agenda here to permit private schools to receive public education funds—pure and simple. The Gunderson plan would allow almost anyone to set up a taxpayer-funded charter school with minimal requirements. The Gunderson plan would simply drain resources from District public schools to these new charter schools, increasing the financial burden on a school system already fighting near collapse.

Under Gunderson, charter schools would operate independently—free of any meaningful requirements to ensure academic standards, preserve students' civil rights, or protect school employee rights. Charter schools would not be required to meet standards to ensure that teachers are qualified to teach or even have a minimal level of education. Charter schools would be outside the protections and rights of collective bargaining agreements between the public school system and employee unions. Charter schools would be outside standards that apply to other schools regarding health, safety, and other measures that affect the well-being of pupils and staff.

Mr. Chairman, these provisions strike at the heart of public education. This plan does not promote meaningful educational reform in the District of Columbia's public schools. I urge a no vote.

Mr. DIXON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY] the ranking member of the Committee



on Economic and Educational Opportunities.

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

Mr. CLAY. Mr. Chairman, I rise to oppose the Gunderson amendment because it mandates a voucher program to finance the education of students from the District of Columbia in private and religious institutions. These vouchers could be used not only in private schools in the District of Columbia, but in surrounding jurisdictions as well. Mr. Chairman, a voucher by any other name is still a voucher.

As a preliminary matter, this provision violates home rule. The citizens of this great city should not be blackmailed by Congress into measures detrimental to the well-being of their schoolchildren simply because we hold power over the District's purse. The elected leaders of this city have not asked us to impose a program on its school system that strikes at the heart of public education.

The voucher provisions of the Gunderson amendment are contrary to the cause of school reform and may be unconstitutional. Furthermore, they do not promote overall improvement of education for all children, rather they drain much needed resources from underfunded public schools. I never thought I would see the day that this Congress would allow Federal funds to be diverted to schools which will be free to discriminate against students, including the disabled, even in their admissions policies.

Mr. Chairman, in my committee we have struggled to examine the consequences of vouchers. A little over a week ago, we conducted a field hearing in Milwaukee, WI, in a bipartisan attempt to assess what lessons a voucher program there held for national education policy. The answers are far from clear, and there is no sound evaluation data from which we can draw reliable conclusions.

The Gunderson proposal does not address those questions, but it does raise many others. How would District schools benefit from diverting funds to Montgomery County and Fairfax County schools? I do not dispute the obvious fact that some individual students may profit, but how in the world would that improve educational quality in the District for those not privileged to be accepted by private schools in neighboring States?

Mr. Chairman, the Congress has no right to establish a laboratory for radical experiments in the District of Columbia that would treat its children as guinea pigs. We would not impose the same ridiculous conditions on free citizens of any other jurisdiction. I urge my colleagues to oppose the Gunderson amendment.

Mr. GUNDERSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. DAVIS], the chairman of the Subcommittee on the District of Columbia.

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

Mr. DAVIS. Mr. Chairman, the city schools are in crisis, and I want to compliment the gentleman from Wisconsin for working with many myriad of business and civics groups to bring this proposal before the House today.

Mr. Chairman, the city schools are in crisis. Less than 43 percent of eligible students are graduating from high school, and the students who graduate from high school, who are lucky enough to receive that diploma, in many cases are unable to go forward with a college education or vocational education or even to find jobs.

Mr. Chairman, what I have heard from the other side of the aisle is no proposals, no solution. If money were the answer, we would have solved this problem a long time ago. Over \$9,000 per student, higher than any State in the United States, is the average that the city is spending on students today. But pouring money into this is not by itself the solution, although this proposal gives more money to the city than they currently get today. More money for Even Start; charter schools, bringing entrepreneurial modes into this.

We have heard a lot of talk about vouchers and opposition to scholarships. The city already does this. They do it under the ADA proposals for handicapped students today. Millions of dollars are going into private schools from the city, some of them out in Fairfax County. Accotink Academy, the School for Contemporary Education, giving people who qualify, under those laws passed by Congress, an opportunity.

Mr. Chairman, why cannot we extend this to the poor in the city as well, instead of condemning them to an educational system which has given them nothing but failure to date. We have a higher responsibility in this body than to just turn our heads.

This has been worked very closely with local citizen groups, with the local business community, to try to bring as much of a consensus that we ever can to these very difficult problems in the District of Columbia.

Mr. Chairman, I think this is a great start for the students in the city who are not hurt in this debate. The interest groups who are afraid of some kind of precedent are opposed, and some of the unions are opposed, but the students are the ones that really should be our interest.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, earlier this year the Republican majority approved cuts of \$3.5 billion from discretionary education programs, including over a billion dollars in title I. The District of Columbia will share in those reductions. The harmful effect of those cuts will far outweigh any benefit, poten-

tially, that may accrue to the District under the Gunderson amendment.

Mr. Chairman, my fundamental objection is that this amendment should not be here on this bill in the first place. We are 1 month into the beginning of the fiscal year. Ninety-two percent of the Federal budget is still being held up on the appropriated side of the budget.

Mr. Chairman, it is because amendments like this are being attached. This is a legislative issue. It ought to be dealt with by the legislative committee. It is a 144-page add-on which our committee has had absolutely no hearings on and which we should not be passing on here today.

Mr. Chairman, I know that most Members will vote for or against the amendment. I am profoundly opposed to this amendment. Not only because it should not be on the appropriation bill, but also because I think it has profound national implications as well. But even if I am the only one, as I was yesterday, I am going to vote "present" when the vote comes on this bill to simply indicate my objection to the constant practice of bringing legislative items to this bill that should not be here.

Mr. Chairman, I was not elected to be a city councilman for the District of Columbia. I was not elected by District residents in order to decide what their education rules are going to be. If they do not like what the Congress does here today, they cannot vote against us.

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That breaks the principle of accountability. It indeed means taxation without representation. It means the establishment of policy without representation. That, in my view, means that this amendment constitutes an illegitimate legislative act. That is why I am going to vote "present" on these and all other legislative items, because we have no business in this forum, in this committee, voting on this issue.

If the gentleman from Pennsylvania [Mr. GOODLING] likes the idea, then, fine, do your duty and bring it out of your committee. That is the committee of jurisdiction.

Mr. GUNDERSON. Mr. Chairman, pointing out that there are no mandates in this bill on D.C. schools, I yield 1½ minutes to the gentleman from New York [Mr. WALSH], the chairman of the D.C. Committee on Appropriations.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. GUNDERSON], my good friend and distinguished colleague, and I rise in support of his amendment and offer him my deep gratitude for the work that he has done.

Mr. Chairman, we did, in fact, have hearings in our subcommittee regarding education where we discussed the issues with parents, students, teachers, school board members and other interested parties. The schools and the kids

need help, Mr. Chairman. Our subcommittee received many requests to make changes in the District's public schools. We considered cutting the pay of school board members. We considered cutting their staff. We considered forcing other changes. But we held back.

The work of the control board and the work that the gentleman from Wisconsin [Mr. GUNDERSON] has done I think, will have a dramatic and positive effect in the very near future on the quality of education in the District of Columbia.

Mr. Chairman, this vote is for the kids of this city. Wealthy families in Washington, DC, have had, and continue to have, the choice, the opportunity, to send their kids to private schools or public schools. What we are suggesting is that we are in favor of middle-class families and poor families having those same choices.

We believe that there is no greater gift that parents can give their children than a quality education. That should not be just for wealthy families, Mr. Chairman. That should be for poor families, middle-class families and all families in the District of Columbia. This goes a very short way in helping that to happen. I am hopeful that success will breed success and others will contribute to this scholarship program.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from the beautiful State of Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, this is a critical critical issue that has been at great debate for 200 years in this country. Religious institutions, including schools, have an absolute, unhampered, unbroken, historic tradition, constitutionally protected right to practice religion with no government restraints.

The public, on the other hand, has an absolute right to require, through government, accountability and responsibility from any institution that takes its money. Therefore, 200 and plus years ago, the Founders said, thus, no government public money shall go to aid any particular religion or religion generally. They were trying to avoid the entanglement of mandates and regulations from this body or any government body over religious institutions. That is why we oppose vouchers by any name, whether you call them scholarships or parochial aid.

Understand, my colleagues, this money just does not go to the District of Columbia. It goes to Montgomery County, Prince George's County, Arlington County, Fairfax County, and Alexandria County.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to my colleague in arms, the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I rise in strong support of the Gunderson amendment which would drastically improve the schools in our Nation's Capitol.

Early this year, after Congressman GUNDERSON was chosen to lead the D.C. school reform effort, he asked me if I would help. For many years, my wife and I have helped get money and equipment to help build and equip hospitals, orphanages, and fire departments all over the world. In our hometown, we helped found, fund, and build a day care center for welfare mothers, so when the gentleman from Wisconsin called on me, I was excited to have the opportunity to help.

Approaching businesses for donations is something I have done all my life and so I understand the concept of lining up suppliers of construction materials. Next I approached local construction firms to see if they would assist in the effort. Their reaction was positive but they warned me that they had been involved before and that soon after the repairs had been completed, the repaired schools had been vandalized. They also advised me that the many regulations affecting construction in the District of Columbia made their efforts more difficult because of wasting money. The Davis-Bacon Act and the Fair Labor Standards Act restrictions on volunteers topped the list. Unfortunately, due to the opposition of Delegate NORTON and others, the Gunderson amendment does not include these waivers, which will be a disincentive to participation by the local construction industry.

Raynard Jackson, an aggressive young Republican, offered to line up volunteers and suggested getting additional volunteers from local industrial schools to help in the areas for which they were being trained such as carpentry, plumbing and electrical work. This would help provide on-the-job training for these young people and help them gain skills for the future. This effort is also in jeopardy because the waiver on volunteers was not included.

Although the opposition to these waivers has made the job of repairing D.C. schools more difficult, I am still willing to help and I still support the Gunderson amendment. That is really saying something, because my colleagues know how much I oppose the Davis-Bacon Act. Without being critical, I would offer an old adage to the D.C. Delegate and other leaders; "Don't look a gift horse in the mouth." Many of us care about the District of Columbia and want to help. Do not throw roadblocks in our way. Let us not let partisanship jeopardize the future of D.C.'s school children. Let us not waste this opportunity. Support the Gunderson amendment.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

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

Mr. SAWYER. Mr. Chairman, I rise today in admiration of the gentleman from Wisconsin [Mr. GUNDERSON] and in opposition to his amendment.

Mr. Chairman, like the gentleman from Wisconsin [Mr. GUNDERSON], I am a strong supporter of reforming public education in the district and find a number of ideas contained in his bill to be promising and worthwhile. But I oppose this amendment's language that would authorize use of Federal taxpayer funds to pay for private school vouchers or scholarships or whatever it is that we choose to call them.

I appreciate the efforts of the gentleman from Wisconsin [Mr. GUNDERSON]. He has met tirelessly with representatives of the community and those with a stake in the schools. Unfortunately, it is not enough simply to have meetings.

We have before us today an amendment that would create a very broad-based experiment in the lives of children. The gentleman from Wisconsin [Mr. GUNDERSON] has called this the best compromise we can achieve, and yet the committee of jurisdiction has not held one hearing on this detailed plan, much less a markup or any working compromise among Members that might have achieved real consensus.

My greatest concern is that there is little or no public accountability on how these dollars would be used. This amendment fails even to define what a school is for the experimental purposes under this plan and who can be a teacher in one of those experimental schools. There are provisions for a report to Congress, but nothing to ensure that the scholarship schools raise the achievement of students, nothing to ensure that we are not using Federal money to transfer students from one environment to another, with no real benefit to the kids.

At the same time, there is no real provision in this bill that provides for an effective, unbiased, comprehensive, scientific evaluation of the program that would give us an accurate picture of any positive or negative results as the plan proceeds.

For the reasons I have just outlined and a thousand questions unasked and unanswered, the dollars provided for in this amendment are highly questionable as a matter of good public policy. Maybe that is too strong. Maybe it is just uncertain as to whether it is sound public policy.

If we are to truly respect the long-standing tradition of this body to conduct careful deliberation, then I urge Members to vote "no" on this amendment so the committee with jurisdiction in matters of education may undertake even the most basic work and study that this significant change in policy requires.

A school is eligible to receive Federal voucher funds if it enrolls 25 or more students and can produce a financial statement. If it is a newly created school, it needs to produce 10 letters of support from the community. This is not a responsible reform that will benefit children. It is a business opportunity that has no way of guaranteeing a better schooling for the children involved. It is an invitation for

fraud and misuse of funds. There are provisions in this amendment for a report to the Congress, but nothing to ensure that the scholarship schools raise the achievement of the students—nothing to ensure that we are not merely using Federal money to transfer students from one environment to another with no real benefit to the child.

At the same time there is no provision in this bill that provides for an effective, unbiased, and comprehensive scientific evaluation of the program that would give us an accurate picture of any positive or negative results. The evaluation component of this amendment is so minimal, and only applicable after 4 years, that it will not tell us anything reliable. In an experiment such as this we need to be able to discover what is working, what is not working, what problems have come up—foreseen and unforeseen. We need information about how the children did in their previous schools, what changes in behavior occur, the list goes on and on. The simple statement that an evaluation should be done after 4 years, with only a few specifications on what should be evaluated, will not produce the detailed results we need to hold this program accountable.

This amendment is also a lesson in illusions. There are fewer than 10 schools already operating in the District of Columbia that have tuition at or below the voucher level. In an informal survey, my staff found only a handful of slots open for students to enroll in these schools. These schools also seem to include many hidden costs, fees, and no provisions for transportation. The Speaker offered to fully fund this program for low-income students in the District, but there are not nearly enough openings in private schools in the surrounding areas to accommodate all of those children. There are instances where public schools in the surrounding areas will take students from outside their own district, but those instances are rare and much more costly than the voucher provides. Why then, are we tying up these millions of Federal taxpayer dollars for this program when they could be used to improve the public schools that serve all children in the District?

There are also no provisions in this bill to assure that students who want to participate in this program will be protected by civil rights laws once they are in these private schools. There are no provisions to provide for the disabled students, who often carry with them the need for costly special services. These same services are required by law to be provided by the public schools.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON], also a member of our committee.

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the Gunderson amendment.

Mr. Chairman, I would like to say that I was one of the Members who went to Milwaukee to see what the people in Milwaukee had to say about their school voucher program. One of the conclusions that I could not help but make there is that the kids, the moms, the dads in the program love it. They think it is wonderful. The academics, the school education officials who are involved with the unions, they do not like it.

I remember one young lady by the name of Yolanda who came up to me,

she was in the audience, and told me about how much this program has impacted her and about how she has gone from a grade point average of 1.4 to 4.0 and how she thought we needed to expand the program in Milwaukee and indeed expand it all over the country.

That is what my good friend from Wisconsin is trying to do here in this bill, to do something for these kids.

The opponents of this amendment have nothing to offer. I feel that we should all support this amendment. It is a good amendment.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from California [Mr. DIXON] for yielding me the time.

Mr. Chairman, I would like to commend the gentleman from Wisconsin [Mr. GUNDERSON], my colleague on the committee, for his genuine concern and dedication to education. But even with that I must oppose his amendment. Major authorizing legislation like this should be given careful consideration in a separate bill and obviously should not be attached as an amendment to an appropriations bill. It should go through the Committee on Economic and Educational Opportunities that I serve on with the gentleman from Wisconsin [Mr. GUNDERSON]. I believe that the proposal should go through that committee and have full hearings.

In fact, the Gunderson amendment could actually be instituted by the local community without having to have the structure coming through this Congress. They can create their own programs that they want to, and it does not have to be through the U.S. Treasury. They could do that if they wanted to, without this Congress telling them. Let the local people make the decision, whether it be in my district or here in D.C.

The Gunderson amendment could have dramatic effect because of the private school issue and the Constitution. But let me also say that the concern I have is it may be cherry-picking or picking good students out of the D.C. school district and only to go to certain other school districts. I am concerned because we need those children in the public schools.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. WOLF], my friend, my classmate and my colleague.

Mr. WOLF. Mr. Chairman, I want to thank the gentleman from Wisconsin [Mr. GUNDERSON] for offering this amendment. This is our chance to help the students in the District of Columbia.

Mr. Chairman, my daughter taught for a year in the District of Columbia. I want to tell you, the schools are not doing very well. We are losing young people year after year after year. If I

were a parent and had children in the District of Columbia schools, I would want this bill so badly, and no one in this body should oppose this bill.

Mr. Chairman, how many Members of this Congress, Republican and Democrat, who live in this region have their children in the District of Columbia schools? The answer is probably few or maybe none.

I commend the Speaker. I commend the gentleman from Wisconsin [Mr. GUNDERSON]. If this bill goes down, you will lose children. To vote against the Gunderson amendment is to vote against the young men and boys and girls in this school, in this District of Columbia.

None of you would send your kids to these schools. None of you would send your kids to these schools.

This is a good bill. The Gunderson amendment is a good amendment. The Speaker should be commended. It will disgrace this body if this amendment fails.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I rise in opposition to this amendment that allows the use of Federal funds in education for the so-called low-income scholarships. This proposal will establish a voucher program, will only serve to worsen the situation that my colleague from Virginia pointed out, because the vast majority of students will be left behind in a school system with even less resources than they have now.

This amendment will not increase parental choice. In a voucher program, the parents do not have the choice. The private schools have the choice. They will choose the students already in their schools first and then the students who excel in academics next.

In the hearing in Milwaukee to which there was reference, we found that the vast majority of students will be left behind in a school system with less funding than could have been available had they not had the voucher program.

Mr. Chairman, this amendment will do nothing to improve the situation in the Washington, DC, public school system. I urge my colleagues to join the Washington, DC, residents themselves who have already spoken in opposition to this idea in a referendum and reject this amendment.

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Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS], also a member of our committee.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding and for his tremendous initiative and leadership in this area.

I am very glad to follow the gentleman from Virginia. I have a lot of respect for him. A couple of weeks ago we were both in Milwaukee for a field

hearing of the Opportunities Committee. We looked at that school system's implementation of school choice for low-income families.

What did we hear? The parents and families participating in that program have a high degree of satisfaction with the program, that school choice is increasing parental involvement in public education, and that is what the Gunderson amendment is all about. It is about shifting the educational paradigm, changing focus from providers of education to consumers of education. This is not about Republican or Democrat, conservative or liberal. It is about empowering low-income families and giving low-income parents the same choice that more affluent parents have to provide educational opportunity for their children.

Mr. DIXON. Mr. Chairman, I yield on-half minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, in the hearing in Milwaukee we did hear great satisfaction for those who were in the program, but the fact is we did not hear from those who were left behind with fewer resources.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I want to commend my friend, the gentleman from Wisconsin [Mr. GUNDERSON], for a well-intended attempt to help D.C. schools. But the message I bring is that the people who live in the District know how their youngsters should be educated.

We have said in this Congress that this Congress is tired of micromanaging and passing down things to States. Use that same rule of thumb in dealing with the D.C. school system.

I am sure each of us has some well-intended desires, but it took under, President Bush's administration, 2 years to even study, to get to Education 2000. Now we are going to do this on an appropriations bill.

It is very, very inadequate planning in education. This is a crucial thing, the education of the youngsters in the District of Columbia.

I want to let this Congress know that the youngsters in the District of Columbia have every right to a good education that is well thought out and well constructed and a systematic approach leading to education. No one-shot-overnight deal for them is going to work.

So be sure, before you vote for anything, to vote against this amendment. No matter how well intended it is, it is a very dangerous initiative.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Chairman, I have great respect for the commitment of the gentleman from Wisconsin to education. I am a bit shocked that he has allowed himself to be used to make this kind of presentation.

What the American people fear most is Federal interference in education. Here is a situation where the children of the District of Columbia will be made guinea pigs of the radical right. You will have a private plantation system developed where without any kind of accountability, experimentation will be run out of the Speaker's office. It is the worst kind of situation where Federal money is going to be used in a very partisan way to set some precedents that then will be used for the rest of the country.

The precedent with respect to vouchers has been discussed a great deal. We have discussed vouchers. We have gone through that. The American people rejected vouchers for private schools. To come through the back door in this way, using the power of the Speaker's office and holding out carrots for a District which is desperate for funds, is the wrong way to do it. The American people will not tolerate it.

I hope we will withdraw this amendment.

Mr. DIXON. Mr. Chairman, I have one additional speaker remaining.

Mr. GUNDERSON. Mr. Chairman, I am honored to yield the balance of my time to the Speaker of the House of Representatives, the gentleman from Georgia [Mr. GINGRICH].

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 4½ minutes.

Mr. GINGRICH. Mr. Chairman, let me say first of all I am a little disappointed at some of how the D.C. bill has evolved, because last year when we were in the minority and we were approached about helping at a point where it would have been impossible for the Democrats to get votes for the District of Columbia appropriations bill, a number of us did everything we could to be helpful and provided the margin of passage. We did it because we thought this was our National Capital, and we had an obligation to do it.

But I am even more disappointed in the consistent refusal of Members, who ought to know better, to deal directly with the problems of children in terrible schools. Now, this is an article from yesterday's Washington Post: "D.C. school in chaos, Teachers' Union says; reports of violence cause fear at Ballou; officials say principal is in control."

This is a quote:

Members of the Washington Teachers' Union complained yesterday that Ballou Senior High School, in Southeast Washington, is so out of control that some teachers and students have been staying home. "There have been robberies at the school, assaults, cherry bombs," union president Barbara Bullock said. "When we saw the chaos, we had to speak out. Teachers are afraid for themselves and the students." She said some teachers have called the union and said.

"They are stressed out. You can't teach with all that hell-raising going on outside in the hall." Patricia Laster, an English teacher, said there is "constant traffic in the halls, there is open smoking of marijuana. Some of the students can be absolutely incorrigible. There have been threats made on teachers. Because of scheduling mix-ups, she said, some students still do not have class assignments and simply roam the halls.

Now, I would say to my friends, how long are you going to abandon the children? How long is the next unionized bureaucrat going to matter more than the child? How long is the next political support from the local teachers' union or political support from the local bureaucrats going to matter more than the children?

Somebody said they were worried about children being left behind. I will make you an offer. If the Democratic Party or if any significant faction is prepared to make this scholarship program available for every child in the District of Columbia who is below the poverty level, I will work with you to find the funding in the next 30 days for every child in the District of Columbia who is below the poverty level. Do not tell me about the Republicans favor the rich. Do not tell me that class warfare baloney.

On this program, the gentleman from Wisconsin [Mr. GUNDERSON] worked with the local community to develop a program targeted to the poorest children in this city, the children that every one of you knows is being cheated today, today. The President knows they are being cheated. His daughter goes to a private school. The Vice President knows they are being cheated. His go to a private school.

We are trying to give the poorest people in this city the same opportunities of the President and the Vice President.

Mr. DIXON. Mr. Chairman, will the gentleman, the Speaker, yield?

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

Mr. DIXON. Mr. Chairman, as I understand this bill, there is \$42 million over 5 years dedicated to this, and there is to be an effort to raise private funds. Do you think that that is going to fund the children of the District?

Mr. GINGRICH. I just said, I will say to my good friend, I just said to you if you will support this, in the next 30 days I will work with you. We will put together full funding, full funding for every child below the poverty level. It is time that somewhere in America somebody had the guts to stand up and say that in the inner cities of this country, on the American Indian reservations of this country, and in some rural areas, in that order, we are cheating these children, and we are cheating them on behalf of teachers' unions, and we are cheating them on behalf of bureaucrats. We stand around and say we ought to do better.

We have an article on page 1 today that says 60 percent of the kids in this country who are seniors cannot do any

American history; they failed the history test for the most basic items. This country is in a crisis.

We had a Million Man March out here that said they are sick of the welfare state, they are sick of being cheated, they are sick of living in neighborhoods with fear of drug dealers.

We had an article in the Washington Post yesterday describing precisely the kind of school the gentleman from Wisconsin [Mr. GUNDERSON] is trying to save.

Now, you want to call my bluff? Then you support the Gunderson amendment and let us sit down and see who is prepared to help the poor children. Do not tell me when Democrats vote for the teachers' union, against the poorest children in this city, when Democrats vote for the bureaucrats against the poorest children in this city, do not tell me who is the party of the rich. We are prepared to help the poorest children. We will do what we can.

But no citizen should look at this Congress and watch somebody come in there and vote "no" on Gunderson and I think they care about the children. People who vote "no" on Gunderson are voting for the unions and the bureaucrats, no matter what the damage is to the kids.

The gentleman from Wisconsin [Mr. GUNDERSON] has done a heck of a job reaching out to everybody, and as the Washington Post said very clearly, there are a lot of groups who helped him until, in fact, there was strong opposition.

Where does the opposition come from? It comes from the bureaucrats who do not want to have to change. It comes from the tenured teachers who are incompetent, who do not want to be challenged.

Now, we should quit requiring the children of D.C. to go to violent schools, drug-ridden schools and schools that are dens of illiteracy and dens of ignorance, and we should give them a chance to have a scholarship and go to a decent place, and if the Black Caucus will vote with us, I will work with you to find the rest of the money.

But do not use some lame excuse about leaving kids behind. This is an important first step. It is a vital first step, and if you will call our bluff, we will get you the resource.

Mr. BRYANT of Texas. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. If I have time, I will. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. I thank the gentleman for yielding.

Will you pull this bill for 30 days, let us find that money, and then bring the bill back to the floor so we know for sure what you are saying is what you will do?

Mr. GINGRICH. If you will give me your word, if Mr. DIXON gives his word, we will not have to take 30 days. You two give us your word that you are going to vote "yes" on final passage when it comes back and you are going

to vote for the Gunderson amendment when it comes back. We bill find the money.

Mr. BRYANT of Texas. Before I give you my word, Mr. Speaker, how much money are you promising?

Mr. GINGRICH. Let us see how much it is going to take for children under poverty.

Mr. BRYANT of Texas. How much money do we need to do this?

Mr. GINGRICH. Let us see how much it is calculated.

Mr. BRYANT of Texas. If you do not know how much money is needed, Mr. Speaker, you cannot promise you are going to bring it back in 30 days and fix it and then ask us to vote for it on the basis of your promise, if you do not know how much money is needed.

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

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. WALSH. I think the city government would have a big problem if we held up this bill for another 30 days. They spend that Federal formula money the day that it arrives.

Mr. DIXON. If the gentleman will yield, as I listened to the Speaker here, it would be worth it to hold it up to fund all the kids in private schools in the District of Columbia. It certainly would be worth holding up the bill to do that.

Mr. GINGRICH. I did not say all the kids. I said children below the poverty line.

Mr. DIXON. That includes, Mr. Speaker, 92 percent of the kids in the school district here.

Mr. GUNDERSON. Mr. chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I was just going to point out that we are only talking about students who "are at 185 percent of the poverty level or less," who want to apply for some kind of a scholarship. Now, we are happy to do a survey, and before this bill comes back from conference, I think we are going to be able to have some understanding of exactly what the cost will be.

Mr. GINGRICH. If the Chair will indulge, let me say one last thing, because I have been generous in trying to yield. Let me say one last thing. The gentleman from Texas just implied if the scholarship money was available, every child in the D.C. schools would leave. If the gentleman truly believes these schools are so bad that every child in the D.C. schools would leave, then the gentleman ought to wonder why he is trapping them in a monopoly that is failing. If you will vote "yes," before we come back from conference we will find the money.

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

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I want to point out I think games are being played again. You see, we are forgetting all about the

opportunity we have to get the private sector involved in fixing schools that need fixing in the worst way. We are talking about getting some seed money in there to make sure that the private sector can come and help with the scholarship program. But all we want to do is talk around the issue and forget about kids. That is the tragedy.

Mr. GINGRICH. I have run out of time. The Chair is being indulgent. Let me just say if you will vote "yes," we will do the survey. We will find out how many children want to leave. In fact, I hope the D.C. schools will cooperate. We will do the survey even if you vote "no." Your predicate is that every child will want to leave, so it will cost too much, so let us keep them trapped where they are being destroyed, because we do not have the nerve to face up to how many want to leave. We are prepared to serve the children. You vote "no" for the bureaucrats. We will vote "yes" for the children. Morally we should vote "yes."

Mr. BRYANT of Texas. Will you tell us how much money, Mr. Speaker, and we will consider whether to vote for it or not.

Mr. DIXON. Mr. Chairman, I think this is a very interesting dialog. I ask unanimous consent that we have 5 minutes to continue it.

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

Mr. GUNDERSON. Mr. Chairman, reserving the right to object, I did not hear the request.

Mr. DIXON. I asked unanimous consent to have 5 minutes to continue this dialog.

The CHAIRMAN. Is that per side, 5 minutes per side?

Mr. GUNDERSON. Is it 5 minutes for the Speaker? Is that what it is?

Mr. DIXON. I was asking. The Speaker can ask unanimous consent.

Mr. GINGRICH. For a dialog or for more speeches?

Mr. DIXON. Mr. Chairman, I ask unanimous consent that I have 5 minutes to speak out of order.

Mr. GUNDERSON. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chair can only entertain an even-handed request.

The gentleman from California has 3 minutes remaining of his time. If there is an extension of that time, the time must be equal on each side.

The gentleman from California has 3 minutes remaining.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

□ 1345

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

Let us talk Turkey here. They are talking about what they want to do for the children of the District of Columbia. Let me say they have already denied Head Start to 690 children in the District with their budget cuts. They have already denied 2,500 District of

Columbia children Basic and Advanced Skills. They have eliminated Goals 2000, denying improved teaching and learning, to as many as 21,500 children in the District. They eliminated summer jobs for 2,029 in the District.

Now they are talking about improving the quality of education in the District by awarding 14 scholarships, 14 scholarships, to some 65,000 school children in the District of Columbia.

I say this is another farce they are trying to perpetrate on the public.

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

Mr. CLAY. I yield to the gentleman from Pennsylvania.

Mr. GUNDERSON. Mr. Chairman, I just want to indicate we increased Head Start in 5 years 180 percent. Guess how many youngsters got included? Thirty-nine percent. 180 percent increase in money, 39 percent increase in participation.

Mr. CLAY. Mr. Chairman, that argument is part of the farce. That is part of the farce.

Mr. DIXON. Mr. Chairman, I yield myself one minute.

Mr. Chairman, this is certainly a very interesting conversation. Once again, let me say to the gentleman from Wisconsin [Mr. GUNDERSON], he has done an excellent job, but there is major opposition to the bill and major concern about the bill. The bill has never had a hearing.

The chairman of the subcommittee talked about a hearing. I think the gentleman from Wisconsin [Mr. GUNDERSON] will concede he came to our committee, which is not the appropriate committee, took about 20 minutes, and gave us some generalization about what the gentleman intended to include in the bill.

But more importantly, the scholarship program, or voucher program, whatever it is called, could be applied to schools outside of this jurisdiction, and could be applied to religious schools.

But, more importantly, to address the Speaker's concern, my personal view is that we should improve the public schools in the District of Columbia. That is where the problem is. Because there are not enough resources in this country to voucher or give scholarships to all the needy children.

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

The CHAIRMAN. All time has expired on the side of the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. DIXON. Mr. Chairman, I believe I have 3 minutes to close.

The CHAIRMAN. There was no extension of time by unanimous consent.

Mr. DIXON. There was no objection to the unanimous-consent request.

The CHAIRMAN. The Chair advised the gentleman from California [Mr. DIXON], if the unanimous-consent request was to extend the time controlled by the gentleman, under the rule, the same extension would have to be given to the other side. The rule adopted by the House so constrains the committee.

Mr. DIXON. Could the Chairman tell me how much time I have left?

The CHAIRMAN. The gentleman from California has 1 minute remaining.

Mr. DIXON. Mr. Chairman, I ask unanimous consent that each side be allowed to proceed for 2 additional minutes.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. DIXON] still has the right to close.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. Mr. Chairman, I just cannot resist, because I think this is such a wonderful moment. Correct me, because the gentleman from Wisconsin has done this work and it is magnificent, but as I understand it, the gentleman has provided \$3,000.

Mr. GUNDERSON. If the gentleman will yield, the maximum is \$3,000.

Mr. GINGRICH. The maximum amount to be provided is \$3,000. So if the student in the case that has been hypothesized says, "Can I have \$3,000," we currently spend, I believe, \$9,000.

Mr. GUNDERSON. Between \$8,000 and \$9,000.

Mr. GINGRICH. So in fact the taxpayer will be saving \$5,000 for every child who decided to go over. So for every child who decided to go over, we could have two more scholarships for the next two children, because the current school system is spending between \$8,000 and \$9,000 on bureaucrats and people who are failing. Understand this, they are currently spending between \$8,000 and \$9,000.

We are suggesting a scholarship program for the poorest children in the worst schools, and it is almost self-funding. So I just think it is ironic, it is fascinating, that in the last possible defense of the worst possible system with the least possible excuse, we are now being given rigmarole.

We will find the money. The gentleman from Florida [Mr. YOUNG], on the Committee on Appropriations, said we will find the money. So do not suggest to us this is about money. This is about whether you are for the unionized bureaucracy and the teachers that are failing and the schools that are dangerous, or whether you are for the poorest children in D.C., in the poorest neighborhoods, in the worst schools, having the same opportunity as the Gore family, the same opportunity as the President's family, and, by the way, in a city where only 28 percent of the teachers send their children to public schools, because the teachers know better, and they will not send their children to public school. We are giving the poorest children the same opportunity for less cost to the taxpayer. I think there is no excuse for voting "no."

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the distinguished gentle-

woman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in praise of the gentleman from Wisconsin, STEVE GUNDERSON, as a human being, as a colleague, and as a Member. The gentleman is rare. I rise in praise of the gentleman from Pennsylvania [Mr. GOODLING] as well. These Members have worked so beneficially and fruitfully with me and many in my district.

I rise in gratitude to the Speaker, who has appointed a task force, which has diligently worked with us on a home rule basis.

If Members had conducted themselves as the gentleman from Wisconsin [Mr. GUNDERSON] has during what I have come to call the Gunderson round, this would not be a polarized Congress. The gentleman has been an example of problem solving that the entire Congress needs to emulate.

The gentleman has tried desperately for a win-win situation, and has virtually made it. The gentleman has respected local democracy in the District of Columbia. The gentleman has spent countless hours, not only with District officials, but with individual residents whose name no one will ever know.

In the very beginning, when the Speaker's task force was appointed and the notion of vouchers, call them vouchers, call them scholarships, got in the press, the residents of the District of Columbia, I can tell you, were up in arms, and they called and they screamed, and they wanted to know more about vouchers than they wanted to know about the financial authority being imposed on them. I think that is because there has been a referendum in the District of Columbia, and in that referendum, a program of the kind that is a small part of the bill of the gentleman from Wisconsin [Mr. GUNDERSON] was voted down overwhelmingly.

I ask Members of the other side what you would do if there had been a referendum in your district and people voted this down, not because of money, but because overwhelmingly my constituents believe it is the District public schools that must be improved.

So in the end we agreed to a compromise that was a private scholarship fund for private schools, and anybody could apply. For us, the compromise was that we knew some of our students who were best and most conscientious would leave, but that was the compromise.

It was in Mr. Gunderson's own Republican conference where there was an insistence that there not be only private scholarship funds, which all of us would try to raise money for, but Federal funds as well.

Mr. Chairman, this is not an ordinary issue. Each side feels itself bound by principle. This has been for me a principle. That is why I have looked for a

compromise all during this time. This is a collision of principles, and pejorative comments on either side do not truly respect the principles that are at stake here. And on top of the principles involved in private funding, we have religious schools.

The good news is I have been meeting on a daily basis and will continue to meet on a daily basis. The Gunderson proposal is too important to throw away. I refuse to give up on this bill. I regret it has for many of us, as in a Greek tragedy, a fatal flaw.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

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

## RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 177, answered “present” 1, not voting 14, as follows:

[Roll No. 763]

## AYES—241

Allard	Doolittle	Hyde
Archer	Dornan	Inglis
Armey	Dreier	Istook
Bachus	Duncan	Jacobs
Baker (CA)	Dunn	Johnson (CT)
Baker (LA)	Ehlers	Johnson, Sam
Ballenger	Ehrlich	Jones
Barr	Emerson	Kasich
Barrett (NE)	English	Kelly
Bartlett	Ensign	Kim
Barton	Everett	King
Bass	Ewing	Kingston
Bereuter	Fawell	Klug
Bilbray	Fields (TX)	Knollenberg
Bilirakis	Flanagan	Kolbe
Bliley	Foley	LaHood
Blute	Forbes	Largent
Boehlert	Fowler	Latham
Boehner	Fox	LaTourette
Bonilla	Franks (CT)	Laughlin
Bono	Franks (NJ)	Lazio
Browder	Frelinghuysen	Leach
Brownback	Frisa	Lewis (CA)
Bryant (TN)	Funderburk	Lewis (KY)
Bunn	Gallegly	Lightfoot
Bunning	Ganske	Linder
Burr	Gekas	Lipinski
Burton	Gilchrest	Livingston
Buyer	Gillmor	LoBiondo
Callahan	Gilman	Longley
Calvert	Gingrich	Lucas
Camp	Goodlatte	Manzullo
Canady	Goodling	Martini
Castle	Goss	McCollum
Chabot	Graham	McCrery
Chambliss	Greenwood	McDade
Chenoweth	Gunderson	McHugh
Christensen	Gutknecht	McInnis
Chrysler	Hall (TX)	McIntosh
Clinger	Hancock	McKeon
Coble	Hansen	Meehan
Coburn	Hastert	Metcalfe
Collins (GA)	Hastings (WA)	Mica
Combest	Hayes	Miller (FL)
Cooley	Hayworth	Molinari
Cox	Hefley	Montgomery
Cramer	Heineman	Moorhead
Crane	Herger	Moran
Crapo	Hilleary	Morella
Cremeans	Hobson	Myers
Cubin	Hoekstra	Myrick
Cunningham	Hoke	Nethercutt
Davis	Horn	Neumann
Deal	Hostettler	Ney
DeLay	Houghton	Norwood
Diaz-Balart	Hunter	Nussle
Dickey	Hutchinson	Oxley

Packard	Schaefer	Taylor (NC)
Parker	Schiff	Thomas
Paxon	Seastrand	Thornberry
Petri	Sensenbrenner	Tiahrt
Pombo	Shadegg	Torkildsen
Porter	Shaw	Upton
Portman	Shays	Vucanovich
Pryce	Shuster	Waldholtz
Quillen	Skeen	Walker
Quinn	Smith (MI)	Walsh
Radanovich	Smith (NJ)	Wamp
Ramstad	Smith (TX)	Watts (OK)
Regula	Smith (WA)	Weldon (FL)
Riggs	Solomon	Weller
Roberts	Souder	White
Rogers	Spence	Whitfield
Rohrabacher	Stearns	Wicker
Ros-Lehtinen	Stenholm	Wolf
Roth	Stockman	Young (AK)
Royce	Stump	Young (FL)
Salmon	Talent	Zeliff
Sanford	Tate	Zimmer
Saxton	Tauzin	
Scarborough	Taylor (MS)	

## NOES—177

Abercrombie	Gibbons	Orton
Ackerman	Gonzalez	Owens
Andrews	Gordon	Pallone
Baesler	Green	Pastor
Baldacci	Gutierrez	Payne (NJ)
Barcia	Hall (OH)	Payne (VA)
Barrett (WI)	Hamilton	Peterson (FL)
Bateman	Harman	Peterson (MN)
Becerra	Hastings (FL)	Pickett
Beilenson	Hefner	Pomeroy
Bentsen	Hilliard	Poshard
Bevill	Hinchey	Rahall
Bishop	Holden	Reed
Boniior	Hoyer	Richardson
Borski	Jackson-Lee	Rivers
Brewster	Jefferson	Roemer
Brown (CA)	Johnson (SD)	Rose
Brown (FL)	Johnson, E. B.	Roukema
Brown (OH)	Johnston	Roybal-Allard
Bryant (TX)	Kanjorski	Rush
Cardin	Kaptur	Sabo
Clay	Kennedy (MA)	Sanders
Clayton	Kennedy (RI)	Sawyer
Clement	Kennelly	Schroeder
Clyburn	Kildee	Schumer
Coleman	Klecza	Scott
Collins (IL)	Klink	Serrano
Collins (MI)	LaFalce	Sisisky
Condit	Lantos	Skaggs
Costello	Levin	Skelton
Coyne	Lewis (GA)	Slaughter
Danner	Lincoln	Spratt
DeFazio	Lofgren	Stark
DeLauro	Lowe	Studds
Dellums	Luther	Stupak
Deutsch	Maloney	Tanner
Dicks	Manton	Tejeda
Dingell	Markey	Thompson
Dixon	Martinez	Thornton
Doggett	Mascara	Thurman
Dooley	Matsui	Torres
Doyle	McCarthy	Torricelli
Durbin	McDermott	Towns
Edwards	McHale	Traficant
Engel	McKinney	Velazquez
Eshoo	McNulty	Vento
Evans	Meek	Visclosky
Farr	Menendez	Volkmer
Fattah	Meyers	Ward
Fazio	Mfume	Waters
Filner	Minge	Watt (NC)
Flake	Mink	Waxman
Foglietta	Mollohan	Williams
Ford	Murtha	Wilson
Frank (MA)	Nadler	Wise
Frost	Neal	Woolsey
Furse	Oberstar	Wyden
Gejdenson	Olver	Wynn
Geren	Ortiz	Yates

## ANSWERED “PRESENT”—1

## NOT VOTING—14

Berman	Fields (LA)	Rangel
Boucher	Gephardt	Stokes
Chapman	Miller (CA)	Tucker
Conyers	Moakley	Weldon (PA)
de la Garza	Pelosi	

## □ 1415

The Clerk announced the following pair: on this vote:

Weldon of Pennsylvania for, with Mr. Conyers against.

Messrs. ORTIZ, BATEMAN, SKELTON, and STUPAK changed their vote from “aye” to “no”.

Mr. CRANE changed his vote from “no” to “aye”.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## □ 1415

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

Mr. Chairman, the bill before us puts this Member in an untenable position. The bill has gone through needless water torture. There are amendments that openly invite confrontation and a possible veto—that can only be solved in conference. There are cuts so large that it will bring the District crashing down around this body one day while it is in session if no accommodation is reached in conference.

Yet, Mr. Chairman, I cannot honestly stand here and say to my side that more of what the District wants it will get if this bill goes down in final passage.

Mr. Chairman, to the other side I say, they cannot get anything more because they have gotten virtually everything they want, including a devastating cut, the most severe antichoice provision in the United States ever enacted in a bill, and now an appropriation in a bill, and much more.

Mr. Chairman, neither side has anything more to gain by stopping this bill and putting the District of Columbia at risk. We have heard much about the D.C. government during this debate. It has been castigated as if the District were not reflective of the problems of urban America. It has been castigated as if Congress itself had not put a financial authority in place which has not had time yet to begin the vital and indispensable work of reform.

We have heard nothing about what the District has done, that the gentleman from New York [Mr. WALSH], the chairman of the subcommittee, could and should have taken some credit for. I was forced to get on the floor with that record: the establishment of a financial authority; twice as many positions saved as the Congress required; a torturous cap that has brought services to barely breathing.

Mr. Chairman, this morning's paper talks about an example of what the District has done all on its own. “This fall, the University of the District of Columbia collapsed five colleges into two and 60 departments into 18.”

A study, Apple Seed Center, a group of conservative lawyers, has put out a report indicating that the Federal payment should not be \$600 million, but over \$1 billion.

Most of all, if I could continue to have my colleagues' attention, in my



city \$2 out of \$3 are earned by non-residents. Leave aside the notion of a commuter tax, we do not have any State that could recycle some of that money back the way they do in Syracuse and Philadelphia and elsewhere.

Most of all, my colleagues have not heard about the innocent bystanders. When people come before this Congress, they talk about the D.C. government. They do not talk about the people I represent.

Mr. Chairman, the Washington Times a few days ago wrote an article about the people I represent. I want to leave Members with what it said so that they will know that what I have said about the cut must be rectified.

"Deteriorating Services Drive Out Middle-class." Mr. Chairman, let me just read a little bit of what they say.

"I am giving up," said Gail Barnes, a 14-year District resident and advisory neighborhood commissioner in Ward 4. "I don't want any more potholes beneath my knees, street lights that are out, trees that are untrimmed."

Mr. Chairman, another part, "The latest essential service to blink out is repair of street lights and traffic signals. The District owes Potomac Electric Power Co. about \$20 million for light repair and citywide electric bills \* \* \* Since its contract with PEPCO ran out September 25, the city has tried to handle repairs itself, but the Department of Public Works has been unable to keep up with the demand."

Mr. Chairman, I appreciate that the Speaker has called PEPCO to say, "Hold on. Somehow the money will get to you," but if that is not a case study in desperation for this city, I do not know what is.

"Hundreds of police officers," the article says, "have left the department in recent months. Arrests have plummeted as overall crime has risen 11 percent compared to the first nine months of last year."

We are told that, " \* \* \* the police lack paper to copy reports, new tires and parts for cruisers and scout cars." We are told that, " \* \* \* during the summer, five of the city's 53 fire companies were closed each day in order to cut costs, and during the past week, six of the city's 16 ladder companies were out of service because of mechanical problems."

Mr. Chairman, any Members who think this city is not in a state of crisis should read their own Washington Times.

Mr. Chairman, I appreciate what Members have gone through having to suffer through a bill that is not their own and has nothing to do with them. This bill puts the District in an untenable financial position. It will not be improved if we vote it down.

Mr. WALSH. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I beg the indulgence of my colleagues just for a moment. This has been my first opportunity to chair a Subcommittee on Appropriations and bring a bill to the floor. It has been an amazing journey.

Mr. Chairman, let me just briefly explain what we have done. We pay the District of Columbia \$660 million in lieu of taxes for property occupied by the Federal Government in the District. Basically, we are paying rent. We also give them \$52 million for the pension programs for police, firefighters, teachers, and judges.

Mr. Chairman, \$712 million, that is what this bill is really all about. This year is the first time that the funds will go to the control board, directly to them. They will then allocate those funds, and they will make the cuts in agency and program budgets.

What are the cuts? We are about \$85 million under last year's funding level. For some, that is not enough; for others, it is too much.

We have also asked the control board to look at a number of items like rent control, privatization, and the District's health care system. We did that to preserve home rule to let the District make their own decisions.

Mr. Chairman, what are the other issues, the ones that take up all the debate? Abortion. For those on the right, this bill has the toughest language ever on a District of Columbia appropriations bill. On the left, the NEA amendment was defeated. There should be something in there to make every Member in this room happy.

Mr. Chairman, I ask for bipartisan support. I ask my colleagues to set their one issue aside, if they would. We have work to do. We complain about our constituents having one issue. They are with us 95 percent of the time. We go off the ranch for 5 minutes, and they are angry and upset with us. We are doing the same thing here. I ask my colleagues to set their one issue aside. Help us to pass this bill.

Mr. Chairman, a reporter did a profile of me recently. He accused me of being dour and humorless. I said to him, "If you had spent 250 out of the last 300 days working on trying to solve the District of Columbia's problems, you would be suicidal, let alone dour."

Mr. Chairman, the District is a mess. We all know it. No Member has been tougher on the District of Columbia than I have, but there is progress. The CFO is starting to assert himself. He is starting to take over the finances of the District. The District is responding to pressure.

We have a responsibility. We have talked a lot about our rights, but we have a responsibility to pay our rent to this city. We are not talking about the national debt. That comes next week.

Mr. Chairman, let me just finish with a story. I had the opportunity not to long ago to attend a prayer breakfast where Chuck Colson spoke. Those Members who are old enough to remember Watergate will remember Chuck Colson. He went to jail for what he did in Watergate, and now he runs a jail ministry, and he does a wonderful job with people.

Mr. Chairman, he talked about a statement that he made when he was

in Washington. He said, "I would go over my mother's back to pass a bill, a certain bill." For him, winning was everything, and sometimes it is for us now.

Do my colleagues know what that bill was? It was postal reform. Now, I do not know if that gets my colleagues' juices flowing, but it does not get mine.

Mr. Chairman, the point here is that we have got to set our differences aside and do our job. This is an appropriations bill. We have to pass it sooner or later, and I would strongly request that my colleague, the gentleman from California [Mr. DIXON], reach across the aisle, as I did last year, and help us to pass this bill.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in opposition to the Gunderson amendment which establishes a publicly funded education voucher program within the District of Columbia.

I do not wish to deny the District of much needed Federal assistance for their school system, but this amendment should be defeated because it is unconstitutional, it has broad implications regarding Federal education policy, and it goes against the wishes of the District population.

This amendment will establish a program in which Federal dollars can be used for direct support to private and religious institutions, with no accountability for the use of those dollars. This is clearly unconstitutional. Time and time again the U.S. Supreme Court has held that public funds cannot be used to pay, either directly or indirectly, for religious education or the religious mission of parochial schools. Yet under the Gunderson amendment religious schools can receive direct payment from the Federal Government for tuition costs.

Mr. Chairman, establishing a voucher program will no doubt benefit a few students whose parents have the drive and ambition to stake out better opportunities for their children. But it does nothing for the many students who are not accepted to the school of their choice or cannot participate because there is not enough money.

The concept of a public education system is based on a belief that everyone should have access to basic level of quality education for all students. Unfortunately, many of our public schools are not providing that level of education. But instead of improving that quality of education for all children through our public system, the private school voucher solution benefits the few at the expense of the many.

I fear that this amendment signifies the approach the Republican majority intends to take for Federal educational assistance to throughout the country. It is the wrong way to go. And with our precious Federal education dollars shrinking rapidly the effects will be even more devastating.

Mr. Chairman, this amendment also goes against the will of the people of the District of Columbia. In an overwhelming referendum in 1981 the District population opposed a voucher program and again this year, the District of Columbia School Board reaffirmed this decision. While the Republican majority continues its rhetoric about local control and giving power back to communities and localities, when it comes to the District of Columbia they impose a program which the public does not support.

I urge my colleagues to vote against the Gunderson amendment.

Mr. TORKILDSEN. Mr. Chairman, the horror of Halloween took on new meaning Wednesday when I learned that one of my constituents, Gloucester City Councilor Valerie Nelson, was hit by a car while visiting the District. This accident was not due to her or the driver's negligence. It was due to the fact that the District had not paid its power bill. The crosswalk lights at 14th and Independence were not functioning, along with hundreds of other lights throughout the city.

The District not paying its bills is the height of irresponsibility, and epitomizes the type of mismanagement that has brought the District to its own present state of disrepair. Living and visiting the Nation's Capital should be a safe and special experience. While the city cannot insure all people against tragedy, paying the bills to maintain basic public safety is just that—basic.

What started out as a great family experience turned into a nightmare for Mrs. Nelson. She was walking in the crosswalk with her 12-year-old daughter on the way to visit the Smithsonian. Her young daughter watched in horror as her mother was sent flying onto the hood of a car and then rushed to the hospital with a crushed pelvis. It is reprehensible that this family is suffering because of the incompetent District government. While this is one family in my district, we all know thousands of families who visit our Nation's Capital every year. All of our constituents—and District residents—are at risk.

It is ironic that Americans travelling to our Nation's Capital to view the Government at work are imperiled because the functions of the local government aren't functioning. I call on the District to prioritize their spending. Bills related to public safety must be paid first—before the school board salaries, even before the Mayor's salary. There is absolutely no excuse for not paying bills that facilitate the health and well-being of citizens and tourists. What other important bills are not being paid? How many people have to be injured—perhaps killed—before the District will govern this city?

Congress and the tax-paying residents of the District deserve to know the answers.

Mr. CLAY. Mr. Chairman, my amendment is very simple. It prohibits the use of Federal tax dollars to subsidize vouchers for private and religious school education. While many aspects of the Gunderson amendment propose improvements in public school education in the District of Columbia, the voucher proposal will harm the District's public schools.

My amendment does not speak to how the District of Columbia can use its own funds. It is limited strictly to the use of Federal tax dollars.

The private school vouchers in the Gunderson amendment would allow Federal tax dollars to be funneled into private and religious institutions. The U.S. Supreme Court has consistently struck down programs that constitute public subsidies of religious institutions, so the Gunderson provision is probably unconstitutional.

Mr. Chairman, we should not permit Federal tax dollars to be used to support private schools that are under no accountability to the Federal Government for the type and quality of education they provide. These schools would receive Federal taxes even though they might discriminate against students, including

the disabled, or would cherry pick from among only the best and brightest DC school children.

I urge my colleagues to support my amendment.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "District of Columbia Appropriations Act, 1996".

The CHAIRMAN. Are there further amendments?

If not, under the rule, the Committee rises.

□ 1430

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 245, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 191, not voting 18, as follows:

[Roll No. 764]

YEAS—224

Archer	Browder	Crane
Armey	Brownback	Crapo
Bachus	Bryant (TN)	Creameans
Baessler	Bunn	Cubin
Baker (CA)	Bunning	Davis
Baker (LA)	Burr	Deal
Ballenger	Burton	DeLay
Barcia	Buyer	Diaz-Balart
Barr	Callahan	Dickey
Barrett (NE)	Calvert	Doolittle
Bartlett	Camp	Dornan
Barton	Canady	Dreier
Bass	Chabot	Dunn
Bateman	Chambliss	Edwards
Bereuter	Chapman	Ehlers
Bilbray	Christensen	Ehrlich
Bilirakis	Clement	Emerson
Biley	Clinger	English
Blute	Coburn	Ensign
Boehlert	Collins (GA)	Everett
Boehner	Combest	Ewing
Bonilla	Cooley	Fawell
Bono	Cox	Fields (TX)
Brewster	Cramer	Flanagan

Forbes	LaTourette	Roth
Fox	Laughlin	Royce
Franks (CT)	Leach	Salmon
Franks (NJ)	Lewis (CA)	Sanford
Frisa	Lewis (KY)	Saxton
Funderburk	Lightfoot	Scarborough
Galleghy	Lincoln	Schaefer
Ganske	Linder	Schiff
Gekas	Lipinski	Seastrand
Geren	Livingston	Shadegg
Gillmor	LoBiondo	Shaw
Gingrich	Longley	Shays
Goodlatte	Lucas	Shuster
Goodling	Manton	Skeen
Gordon	Manzullo	Skelton
Graham	McCollum	Smith (MI)
Green	McCrery	Smith (NJ)
Greenwood	McDade	Smith (TX)
Gunderson	McInnis	Smith (WA)
Gutknecht	McIntosh	Solomon
Hall (OH)	McKeon	Souder
Hall (TX)	McNulty	Spence
Hamilton	Metcalf	Spratt
Hastert	Mica	Stearns
Hastings (WA)	Miller (FL)	Stenholm
Hayes	Mollohan	Stupak
Hayworth	Montgomery	Talent
Hefley	Moorhead	Tanner
Heineman	Moran	Tate
Herger	Morella	Tauzin
Hilleary	Myers	Taylor (NC)
Hoekstra	Myrick	Thomas
Hoke	Nethercutt	Thornberry
Hostettler	Neumann	Visclosky
Houghton	Ney	Vucanovich
Hunter	Norwood	Waldholtz
Hutchinson	Nussle	Walker
Hyde	Oxley	Walsh
Inglis	Packard	Wamp
Istook	Parker	Watts (OK)
Jacobs	Paxon	Weldon (FL)
Johnson, Sam	Pombo	Weller
Jones	Porter	White
Kasich	Portman	Whitfield
Klm	Pryce	Wicker
King	Radanovich	Wilson
Kingston	Regula	Wolf
Knollenberg	Roberts	Young (AK)
LaHood	Rogers	Young (FL)
Largent	Rohrabacher	Zeliff
Latham	Ros-Lehtinen	

NAYS—191

Abercrombie	Eshoo	Klecicka
Ackerman	Evans	Klink
Allard	Farr	Klug
Andrews	Fattah	Kolbe
Baldacci	Fazio	LaFalce
Barrett (WI)	Filner	Lantos
Becerra	Flake	Lazio
Beilenson	Foglietta	Levin
Bentsen	Foley	Lewis (GA)
Bevill	Ford	Lofgren
Bishop	Fowler	Lowe
Bonior	Frank (MA)	Luther
Borski	Frelinghuysen	Maloney
Brown (CA)	Frost	Markey
Brown (FL)	Furse	Martinez
Brown (OH)	Gejdenson	Martini
Bryant (TX)	Gibbons	Mascara
Cardin	Gilchrest	Matsui
Castle	Gilman	McCarthy
Chenoweth	Gonzalez	McDermott
Chrysler	Goss	McHale
Clay	Gutierrez	McKinney
Clayton	Hancock	Meehan
Clyburn	Hansen	Meek
Coble	Harman	Menendez
Coleman	Hastings (FL)	Meyers
Collins (IL)	Hefner	Mfume
Collins (MI)	Hilliard	Minge
Condit	Hinchey	Mink
Costello	Hobson	Molinar
Coyne	Holden	Murtha
Cunningham	Horn	Neal
Danner	Hoyer	Oberstar
DeFazio	Jackson-Lee	Obey
DeLauro	Jefferson	Olver
Dellums	Johnson (CT)	Ortiz
Deutsch	Johnson (SD)	Orton
Dicks	Johnson, E. B.	Owens
Dingell	Johnston	Pallone
Dixon	Kanjorski	Pastor
Doggett	Kaptur	Payne (NJ)
Dooley	Kelly	Payne (VA)
Doyle	Kennedy (MA)	Peterson (FL)
Duncan	Kennedy (RI)	Peterson (MN)
Durbin	Kennelly	Petri
Engel	Kildee	Pickett

Pomeroy	Sensenbrenner	Towns
Poshard	Serrano	Traficant
Rahall	Sisisky	Upton
Ramstad	Skaggs	Velazquez
Reed	Slaughter	Vento
Richardson	Stark	Volkmer
Rivers	Stockman	Ward
Roemer	Studds	Waters
Rose	Stump	Watt (NC)
Roukema	Taylor (MS)	Waxman
Roybal-Allard	Tejeda	Williams
Rush	Thompson	Wise
Sabo	Thornton	Woolsey
Sanders	Thurman	Wyden
Sawyer	Tiahrt	Wynn
Schroeder	Torkildsen	Yates
Schumer	Torres	Zimmer
Scott	Torricelli	

## NOT VOTING—18

Berman	McHugh	Quinn
Boucher	Miller (CA)	Rangel
Conyers	Moakley	Riggs
de la Garza	Nadler	Stokes
Fields (LA)	Pelosi	Tucker
Gephardt	Quillen	Weldon (PA)

□ 1449

Mr. PALLONE and Mr. LUTHER changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 764, I was unavoidably detained by a conflicting meeting and inadvertently missed the vote. Had I been present, I would have voted "yea."

## APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2491, SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, under the authority granted in clause 6 of rule X, the Speaker appoints as additional conferees from the Committee on Commerce for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. HASTERT and Mr. GREENWOOD.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

## LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask for this 1 minute for the purpose of engaging with the distinguished majority leader to find out what the schedule will be like for tonight and for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas, the majority leader.

Mr. ARMEY. Mr. Speaker, we just had the last vote of the day and of the week. The House will not be in session tomorrow.

Mr. Speaker, the House will meet in pro forma session on Monday, November 6. There will be no votes on Monday.

On Tuesday, November 7, the House will meet at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider the following 12 bills under suspension of the rules:

H.J. Res. 69, reappointing Homer Alfred Neal to the Smithsonian Board of Regents;

H.J. Res. 110, appointing Howard H. Baker, Jr., to the Smithsonian Board of Regents;

H.J. Res. 111, appointing Anne D'Harnoncourt to the Smithsonian Board of Regents;

H.J. Res. 112, appointing Louis Gerstner to the Smithsonian Board of Regents;

H.R. 2527, permitting electronic filing and preservation of Federal Election Commission reports;

H.R. 238, providing for the protection of free-roaming horses in the Ozark National Scenic Riverways;

H.R. 207, the Cleveland National Forest Land Exchange Act of 1995;

H.R. 2437, providing for the exchange of certain lands in Gilpin County, Colorado;

H.R. 1838, providing for the exchange of lands with the Water Conservancy District of Washington County, Utah;

H.R. 1585, the Modoc National Forest Boundary Adjustment Act;

H.R. 1581, land conveyance, city of Sumpter, Oregon; and

H.R. 1163, land exchange at Fire Island National Seashore.

After consideration of the suspensions, the House will take up the conference report for H.R. 1977, the Department of Interior Appropriations Act for fiscal year 1996.

It should be noted, Mr. Speaker, that any recorded votes ordered will be postponed until 6 p.m. on Tuesday, November 7.

On Wednesday and Thursday, Mr. Speaker, the House will meet at 10 a.m. We plan to consider the conference reports for S. 395, the Alaska Power Administration Sale Act, and H.R. 1058, the Securities Litigation Reform Act, both of which are subject to rules.

The House will also take up a continuing resolution for the 1996 fiscal year, which is subject to a rule.

Of course Members should be advised that additional conference reports may be brought up to the floor at any time.

Mr. Speaker, we expect to conclude legislative business for the week by around 6 p.m. on Thursday, November 9. There will be no legislative business on Friday, November 10, in observance of Veterans Day.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and I have one or two inquiries to my friend from Texas.

There is, as the gentleman has stated, a very important conference report on the Interior bill that you have scheduled for Tuesday evening, and, given the lightness of the schedule on Wednesday, would it not be possible to

move that bill to Wednesday and do it in the light of day instead of late in the evening on Tuesday?

Mr. ARMEY. I thank the gentleman for making that request, but we have already very carefully developed the schedule for the purpose of having Members in attendance on Tuesday night, and there will be no change.

Mr. BONIOR. What is the status of the product liability bill; may I ask my friend from Texas?

Mr. ARMEY. If the gentleman will yield, we expect perhaps the motion to go to conference sometime next week.

Mr. BONIOR. Sometime next week.

And I note there was also another continuing resolution that the gentleman from Texas mentioned in his remarks, which means that I guess we expect that we will not meet the second deadline for finishing the appropriation bills, and so my question, I guess, to my friend from Texas would be:

When do you expect us to do that and can you give us a sense of how long the extension will be?

Mr. ARMEY. We expect to do the CR on Wednesday, and of course we expect to continue working on the appropriations.

Mr. BONIOR. Have you picked a date yet?

Mr. ARMEY. I respond to the gentleman by saying as soon as possible we will be bringing them back from conference.

Mr. BONIOR. But my question was to how long the extension might be, the CR, through what date.

Mr. ARMEY. The exact details of the time frame for the CR are still in the discussion stage. We will not have that determined until perhaps sometime tomorrow.

Mr. BONIOR. Mr. Speaker, I thank my friend for his observations and comments.

## ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR THE PRIVATE CALENDAR FOR THE MINORITY SIDE

Mr. BONIOR. Mr. Speaker, I, on behalf of the Democrat leaders, am pleased to announce that the official objectors for the private calendar for the minority side for the 104th Congress are as follows: Mr. BOUCHER of Virginia, Mr. MFUME of Maryland, and Ms. DELAURO of Connecticut.

## ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR THE PRIVATE CALENDAR FOR THE MAJORITY SIDE

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the official objectors for the private calendar on the majority side for the 104th Congress are as follows: Messrs. SENSENBRENNER of Wisconsin, COBLE of North Carolina, and GOODLATTE of Virginia.