

Commission on Civil Rights, a wonderful report that may be referred to several times in the course of the next several days, issued in the fall of this past year, and they hit right at the heart. Really, I think we can just move on, almost:

In the Citizens' Commission's judgment, these waivers did not seriously undermine the statute's intent to target aid to poor children.

Then, if we look for hard data, again we have heard all this rhetoric about, "Oh, we have a potential for hurting poor children; we have the potential for this." Clearly, you can create hypotheticals in any piece of legislation, in any statute, any regulation, and politicians are pretty good at it. We can create hypotheticals and say if this were to happen it would destroy education and so forth. My approach is a little bit more the scientist.

Before coming to the Senate, I spent time looking at data and that scientific, analytical mind may interfere with some things, but it does cause me to ask the question: What data do we have? What is the hard data and what is the evidence? And let me just look at some of the areas that were mentioned.

Texas, which has a very successful Ed-Flex program, has accumulated some representative data which looks at three different areas. It is going to be hard to read, but at the top it looks at African American students; beneath that it looks at Hispanic students; and beneath that it looks at economically disadvantaged students.

The far left column shows 1996, the next column over shows 1997. The column I want to concentrate on is, "Actual change." Remember, this is hard data, looking at a State that compared Ed-Flex to non-Ed-Flex.

If you look at that middle column—let me just drop right down to the bottom where it says "Economically Disadvantaged Students."

In 1996—this is for mathematics. This is a statewide comparison of selected campuses in title I, part A. Title I is the disadvantaged students element which we heard so much about this morning. We see in those States, like Westlawn Elementary, La Marque ISD, with the title I schoolwide waiver, in that column we see an improvement of 16.8 percent. These are just with the disadvantaged students. The statewide average was an improvement of 8 percent.

Thus, for those disadvantaged students, if you compare the Ed-Flex program, we see that students improved twice as much in the very population that we hear this rhetorical concern about. Again, this is hard data, representative data.

We look at African American students compared to the statewide average. In the Ed-Flex, African American students at Westlawn Elementary, we see they improved by 22 percent; statewide average, 9 percent—again, more than a doubling of improvement in the Ed-Flex schoolwide waiver program.

Halfway down you see Hispanic students. Again, if you take the entirety of Westlawn, you see an improvement of 16 percent versus 7.9 percent—again, that Ed-Flex school doing twice as well under a schoolwide waiver as they would otherwise do. And this is representative data. Again, once we get to the bill, you will see.

So we see that the Commission on Civil Rights—we see hard data. There are other examples from Massachusetts we will hear about.

And then I guess really the fundamental thing I will come back to later is, our bill can't hurt poor children, because the dollars have to be used. Going back to my earlier comments, we do not change the dollars and we did not change the ultimate goals in the targeted population. Our bill does not do that. So by law, if you are targeted for this population, the money and the programs have to go there. How you get there is where the flexibility comes in.

One last point I referred to, which was his last point, was that we are not addressing nutrition and other well-meaning programs, again, that we will hear paraded out. Let me just say that is not the intent of this bill. We can discuss them. We can introduce them. Those sorts of issues will be discussed in the chairman's committee appropriately, where they can be debated, where we can consider all of the resources, all of the programs, recognizing there is not one single silver bullet to cure education, the challenges of education. The Elementary and Secondary Education Act is the appropriate forum that this body has to consider these issues.

With that, I thank you for this opportunity to speak and thank the chairman for yielding time.

Mr. JEFFORDS. Mr. President, I understand the Senator from Oregon desires some time.

Mr. WYDEN. I thank the Senator from Vermont. I could wrap up very briefly, even in, say, 5 minutes.

Mr. JEFFORDS. I yield to the Senator 5 minutes.

Mr. WYDEN. I thank the chairman. Senator FRIST has said it very well. Mr. President, and colleagues, all we want to do under Ed-Flex is to make sure that these dollars get into the classroom to help poor kids and not get chewed up by bureaucratic redtape.

Ed-Flex is not a block grant program. It is not a voucher kind of scheme. The people who are advocating Ed-Flex in my home State of Oregon do not want a Federal education program to go away. Quite the contrary, they want those programs. They know that we need those dollars to serve low-income students. What we want is, we want some freedom from some of the Federal water torture and bureaucratic redtape that so often keeps us from using those dollars to better serve the poor.

I would just hope, Mr. President, and colleagues, that during the course of

the afternoon colleagues look at the requirements that protect the poor families and the poor children that cannot be waived under the Ed-Flex statute. Specifically, it is not possible to get a waiver if you are trying to waive the underlying programs of each of the critical services that is made possible under title I. You cannot do it. And as I stated earlier, you can only use those dollars in a low-income school district; you cannot move those dollars out of a low-income school district and take them somewhere else.

So there is a reason for the Governors and all of the Democratic Governors supporting this legislation. I happen to have some sympathy for the Senator from Minnesota about the need for additional dollars for a variety of human services. But the best way to win support for that additional funding is to show that you are using existing dollars well and effectively. That is what Ed-Flex does.

I am very pleased to have had a chance to team up with Senator FRIST of Tennessee who has worked very hard to bring both parties together. And I thank the Senator from Vermont for the time.

I yield the floor, Mr. President.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I yield back all our remaining committee time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to proceed.

The motion was agreed to.

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment on page 11, line 22, to strike "Part A", and insert in lieu thereof "Part B."

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the pending committee amendment be agreed to and be considered as original text for the purpose of further amendment.

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

The committee amendment was agreed to.

AMENDMENT NO. 31

(Purpose: To improve the bill)

Mr. JEFFORDS. I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 31.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Today, Mr. President, we are taking up what I would call "unfinished business" from last Congress. Our bipartisan efforts in the last Congress resulted in nearly 30 public laws, about a third of them in the area of education. However, there was one bill that was reported from the Health and Education Committee with broad bipartisan support, the Ed-Flex bill, that was not enacted into law.

A year ago, the President told the Nation's Governors that passage of this legislation—and I quote him—"would dramatically reduce the regulatory burden of the federal government on the states in the area of education."

Six months ago, Secretary Riley wrote me to reiterate the administration's support for the Ed-Flex bill and urged its passage. The Senate Health and Education Committee heeded his advice and passed it with only one dissenting vote.

The National Governors' Association, under the chairmanship of Governor Carper from Delaware, has strongly urged the Congress to pass Ed-Flex this year.

Last November, the General Accounting Office looked at this program in detail, both at the dozen States that now participate in the Ed-Flex program and the 38 that potentially could participate under this legislation. It found that views among the current States varied, but it was seen as modestly helpful.

It would be a gross overstatement to suggest that this bill will revolutionize education. It will be a sensible step in making our limited resources go further toward the goal of improving our education delivery system.

The Department of Education, under the leadership of Secretary Riley, has stated that Ed-Flex authority will help States in "removing potential regulatory barriers to the successful implementation of comprehensive school reform" initiatives.

I would like to take a moment to briefly review the history of Ed-Flex. The original Ed-Flex legislation was first conceived by former Senator Mark Hatfield, as many of us know, an individual deeply committed to improving education. His proposal had its roots in his home State of Oregon which has long been a role model in education.

Under Ed-Flex, the Department of Education gives a State some authority to grant waivers within a State, giving each State the ability to make decisions about whether some school districts may be granted waivers pertaining to certain Federal requirements.

It is very important to note that States cannot waive any Federal regu-

latory or statutory requirements relating to health and safety, civil rights, maintenance of effort, comparability of services, equitable participation of students and professional staff in private schools, parental participation and involvement, and distribution of funds to State or local education agencies. They have no authority to waive any of those.

The 1994 legislation authorized six Ed Flex states, three designations were to be awarded to states with populations of 3.5 million or greater and 3 were to be granted to states with populations less than 3.5 million.

These states were not chosen randomly nor quickly—the selection process was 2 and one-half years in duration. The Department of Education sent out a notice and a state interested in participating in Ed Flex submitted an application.

In the application, each interested state was required to describe how it would use its waiver authority, including how it would evaluate waiver applications from local school districts and how it would ensure accountability.

The original six are: Kansas, Massachusetts, Ohio, Oregon, Texas, and my home state of Vermont. Another six states came on board between May 1996 and July 1997. Those additional states are: Colorado, Illinois, Iowa, Maryland, Michigan, and New Mexico.

Vermont has used its Ed Flex authority to improve Title One services, particularly improving services for those students in smaller rural areas. In addition, my home state has also used Ed Flex authority to provide greater access to professional development, which is a very critical area and perhaps has the greatest impact on enhancing student performance.

The Department of Education has stated that the 12 current Ed Flex states have "used their waiver authority carefully and judiciously."

In last November's GAO report on Ed Flex, several state officials from the established Ed Flex states, said that "Ed Flex promotes a climate that encourages state and local educators to explore new approaches . . ."

The bill before us today, S. 280, under the sponsorship of Senator BILL FRIST and Senator RON WYDEN, has significantly improved the accountability aspects of the 1994 Ed Flex law.

S. 280 is very specific regarding a state's eligibility under Ed Flex authority. The bill makes it clear that a state must have state content standards, challenging student performance standards, and aligned assessments as described in Title 1 or the state must have made substantial progress, as determined by the Secretary, in implementing its Title 1 state standards.

This legislation also emphasizes the importance of school and student performance. Each local education agency applying for a waiver must describe its "specific, measurable, educational goals" regarding progress toward increased school and student performance.

As I indicated earlier, this legislation is not meant to serve as the sole solution to improving school and student performance.

However, it does serve as a mechanism that will give states the ability to enhance services to students through flexibility with real accountability.

I urge my colleagues to support S. 280 and to withhold extraneous amendments that will delay and complicate its enactment.

I take this opportunity to thank Senator BILL FRIST and RON WYDEN and their staff for their hard work on this legislation.

They have done an outstanding job and I commend them for their efforts. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I am happy to rise in support of the Ed-Flex legislation. I want to commend Chairman JEFFORDS and Senator FRIST for their outstanding work, as well as Senator WYDEN for his bipartisan efforts on behalf of this legislation which I think takes a tremendous step—a bold step—toward improving education in our Nation's schools.

I listened closely to some of those who spoke earlier today and yesterday in opposition to this legislation. Time and time again, I heard the advocacy of greater spending, as if spending were the sole gauge for our commitment to better education in this country.

I heard time and time again that Ed-Flex was nothing or that it did nothing. The fact is that providing greater flexibility for our State departments of education, providing greater flexibility for local school districts, is the single best thing that we can do to untie their hands, to take the straitjackets off local educators and ensure that they, in fact, have the ability to make the decisions that are going to be in the best interests of the students in this country.

I remember well when I came to the House of Representatives, the U.S. Congress, in 1993, and the great debate was on what we should do about welfare reform. We had established across this country a process by which States could apply for waivers from the burdensome welfare regulations mandated on the Federal level. While not all of the analogy between welfare reform and education reform today fit—there are many differences—there are also a number of similarities.

The first step toward what became comprehensive welfare reform was the ability for States to apply for waivers and escape the heavy-handed mandates coming out of Washington, DC. That first step on waivers led us to the much broader step of block grants and comprehensive welfare reform, which has worked, and which has taken thousands and thousands of people who were living lives of dependency on welfare to now lives of independence, lives of hope and greater prosperity.

It has worked in spite of the dire predictions about giving the States the

flexibility to enact what they believed would work in their States in welfare reform; it has, in fact, accomplished the stated goals.

I believe that while this, as has often been said, is not an end-all, it is not a cure-all for educational woes in this country, providing the States an ability to escape Washington mandates so long as they are accomplishing intended purposes with proper accountability is an important first step to take. I hope we will go further. I hope we go to dollars to the classroom that will consolidate a number of Federal education programs. But this is bold and this is important. I commend the bipartisan efforts to bring us to this point.

I think what we are addressing in this legislation is the tragedy of bureaucratic waste. We have heard repeatedly the statistics that have been cited, and I think accurately cited, that we have 760 Federal education programs; that those 760 Federal education programs spend approximately 6 or 7 cents on the dollar in funding for our local schools, while mandating 50 percent of the paperwork required for our educational programs.

When PETE HOEKSTRA in the House of Representatives began his Crossroads Project, looking at education in America, one of the first things he did was to try to catalog the number of Federal education programs. I have the transcript of Secretary Riley before Congressman HOEKSTRA's committee.

Chairman HOEKSTRA: How many education programs do you estimate that we have throughout the Federal Government? [A rather straightforward question to ask of the Secretary of Education.]

Secretary RILEY: We have—what is the page? It's around 200. I've got it here. One thing that I do think is misleading is to talk about 760—

Chairman HOEKSTRA: Well, how many do you think there are?

Secretary RILEY: We have—I've got a page here with it.

Chairman HOEKSTRA: Just the Department of Education alone or is this including all other agencies?

Secretary RILEY: It is just a couple less than 200.

Chairman HOEKSTRA: Is this just the Department of Education?

Secretary RILEY: Just the Department of Education.

Chairman HOEKSTRA: Well, how about including other agencies and those kinds of things.

Secretary RILEY: Well, that is where I was going to get into the 760.

It goes on. Congressman HOEKSTRA explains the process they had to go through to actually come up with the figure 760 Federal education programs, and, in fact, it is quite well verified. So 760 programs that had never even been cataloged, when you asked the Department, they didn't even know how many there actually were. What we are suggesting is that those 760 education programs place an enormous paperwork burden on classroom teachers, local educators, and on a State's department of education. It is in that area that we can address the enormous bureaucratic waste.

Now, it was said repeatedly that this bill is nothing. I want to quote a man I admire greatly, and he is quoted in the Fordham Foundation report entitled "New Directions." That individual is the Rev. Floyd Flake. Many of you will recognize that name because Floyd Flake was a Congressman from New York State for many, many years, representing his constituents very well, but who was willing to step outside of the box and, in fact, he was so committed to education reform and improving the lives of the children of his constituents in New York, he left the U.S. Congress—a safe seat for sure—and went back to his home district to run a school and pastor a church. This is what Rev. Floyd Flake said, an African American pastor who served in the U.S. House as a Democrat:

While over \$100 billion in title I funds have been expended on behalf of these children—

that is, children at risk—

these funds have not made much difference. Study after study has shown that this important Federal program has failed to narrow the achievement gap. The result for America's neediest girls and boys is nothing short of tragedy. Real education reform will transform the future prospects of America's minority and low-income children, but this cannot come primarily from Washington. What the Federal Government can do is get out of the way of States and communities that are serious about pursuing real education reform of their own devising.

I believe Reverend Flake, Congressman Flake, has hit the nail on the head. We have heard much very strong, emotional and passionate talk about the needs of disadvantaged children. I don't believe anybody can question Pastor Flake's commitment to disadvantaged children. He said the best thing we can do is get Washington out of the way. So I believe we can address the tragedy of bureaucratic waste by passing Ed-Flex.

Secondly, we address the logic that one size fits all; that wisdom flows only from Washington, DC; that the U.S. Congress has the wisdom and ability to micromanage our schools. So we hear much about accountability and that somehow by providing States broad, new flexibility we are going to water down or minimize accountability.

Well, I believe it is a very high form of arrogance to say that we don't trust local elected officials, we don't trust local school superintendents who are hired by that local school board, that we don't trust the Governors of our States, that, in fact, only we can make those decisions about what accountability should be. "One size fits all" rarely works in a country as diverse as the United States of America. To believe that we can micromanage local schools from Washington, whether they are in inner-city New York City or Desha County, AR, or whether it be in Detroit or in Miami, the differences in our cultures, our social backgrounds, and our needs across this country are so great, we are so diverse, that to believe that we can properly diagnose and then treat educational problems from Washington, I think, is foolish, indeed.

In fact, as you look over the history of the last 30 years of education in this country, we have seen, by every objective measurement, a deterioration in academic success. I suggest to those who oppose this bill that they are attempting to defend a status quo that is demonstrably flawed. We can address the tragedy of "Washington knows best" and that we don't trust those local officials. What brings us to the floor today—what brings this legislation to the floor today is the crisis that exists in American education.

I listened to the distinguished Senator from Minnesota. He used many of the same statistics that I quote. He quoted many of the same reports that I have before me, which emphasize and underscore the crisis we face in American education. But it seems to me that the opponents are saying it is a terrible crisis and therefore we need to keep the status quo, we need to fund current programs at higher levels, when what we have been doing has clearly failed.

So what this bipartisan bill does is to say, let's try a new approach, and that innovation, creativity, and new ideas are coming from the States and local schools. Let's give them the flexibility to enact those reforms, and I believe we will see education truly improve.

The federally funded National Assessment of Educational Progress, the NAEP report, reports that 38 percent of 4th grade students do not even attain "basic" achievement levels in reading. In math, 38 percent of 8th graders score below basic level, as do 43 percent of 12th graders in science.

I point out that there is an obvious trend there. In the lower grades, we do better; in the higher grades, we do worse. That reality was further emphasized in the TIMSS test report, which is the best measurement of an international comparison of student achievement. The TIMSS report shows that while we do quite well in math and science in grade 4, compared to students in other countries, by the time those students reach the 12th grade, they are almost at the bottom, internationally. So something has clearly gone awry between grade 4 and grade 12.

I believe that is a strong incentive for us to change the direction of education in this country. The Fordham Foundation report is well named: New Directions. It is high time that we find new directions in education, and that is what Ed-Flex does. It is a first step, but it is an important step, freeing us from bureaucratic waste and inefficiency. As President Ronald Reagan used to say, "The only thing that saves us from bureaucracy is its inefficiency." The tragedy is when you look at the inefficiency in the education bureaucracy, those whom it is hurting are those who are most vulnerable—our children, our students.

Lisa Graham Keegan, Arizona State Superintendent of Public Instruction, recognizes this. She has stated that it

is "the lure of Federal dollars tied to programs with hazily defined goals," and compliance with those Federal programs is a big cause of the problems we face in education today. Keegan specifically indicates that 165 employees in the Arizona Department of Education are responsible for one thing, and one thing only, and that is managing Federal programs—165 employees just to manage the Federal programs, which account for 6 percent of Arizona's total spending on education.

Now, those 165 employees work out to be 45 percent of her total staff. She has 45 percent of her educational staff in the educational department in Arizona doing nothing more than complying with Federal programs that account for only 6 percent of the funding for Arizona schools.

Something is badly out of kilter when that happens. And it happens not only in Arizona, but you can echo those same sentiments by directors of education across this country.

This is an opportunity for us to move in a new direction.

President Clinton has made it very clear that he decided the problem with education is class size; that smaller class size is a good thing, and that even if the Federal Government has to step in and do it, that is what we should do. No research indicates what the impact of class size is going to have on a child's ability to learn. Despite this there is a \$1.2 billion proposal to spend tax dollars to reduce class size. That will be a debate for another time. But I think once again it reflects the traditional thinking that we can only solve education problems with Washington solutions.

In 1996, then-Governor VOINOVICH of the State of Ohio who is now our colleague in the U.S. Senate noted that local schools in his State had to submit as many as 170 Federal reports totaling more than 700 pages during a single year. This report also noted that more than 50 percent of the paperwork required by a local school in Ohio is a result of Federal programs; this despite the fact that the Federal Government accounts for only 6 percent of Ohio's educational spending. One-hundred and seventy Federal reports, Governor VOINOVICH said, 700 pages in length, and 50 percent of the paperwork, and once again only 6 percent of the educational spending in Ohio.

Then I think the experience in Boston illustrates this need for Ed-Flex as well. I quote again from this very important report. It states:

Unfortunately, even this estimate is likely to underestimate the true paperwork burden to local schools and universities across the country.

According to the President of Boston University, John Wesley, Boston University spent 14 weeks and 2,700 employee hours completing the paperwork required to qualify for Federal title IV funding. They were slowed by repeated corrections and clarifications requested by the Department of Edu-

cation. And, in the end, the university spent the equivalent of 1½ personnel years compiling what turned out to be a 9-pound application.

I wish that were unusual. It may be unusual. But they actually compute it where it can be quantified. But I am afraid that reflects the experience of the education establishment all across this country.

I know that there are many others who want to speak on this bill. I, once again, applaud so much of the efforts of Senator FRIST, Senator WYDEN and Chairman JEFFORDS.

My sister is a public schoolteacher in Rogers, AR. She, right now, I suppose is teaching her third-grade class in Reagan Elementary School in Rogers, AR.

I was thinking last evening about my experience in elementary school in a little town with a population of less than 1,000. And I can to this day name every elementary teacher I had. The first grade, Ms. Jones; the second grade, Ms. Harris; the third grade, Ms. Miller; the fourth grade, Ms. Shinpaugh; the fifth grade, Mrs. Allen; the sixth grade, Mrs. Comstock. I can't do that with junior high school or college.

But the impact that an elementary teacher makes upon those students is beyond exaggeration, I think. Most of us, I suspect, can look back at those elementary teachers who had an incredible impact upon our lives. There is a kind of magic that takes place in a classroom. Chairman JEFFORDS sees it every time he goes over and reads to those disadvantaged children. All of us who have taught, whether it was in junior high teaching civics, as I did, or whether it is teaching third grade in the public schools just like my sister does, have experienced that magic where the light comes on, where those students connect with their teacher, the thrill of learning and where the experience of education catches on in a classroom.

I suggest to those who want to talk about the need for greater control in Washington and who want to oppose providing flexibility to local schools that they remember that the magic happens in the classroom.

I want my sister, Geri, spending her day teaching those students, creating the magic, inspiring those kids to learn and to appreciate the value of education rather than spending her day filling out forms for the 6 percent of funding that comes from Washington, DC. I don't want her having to spend her prep hour filling out more forms for bureaucrats in Little Rock and Washington.

Mr. President, I believe this is a bold step. I hope it is not the last one that we take. But it is an important step. I applaud, once again, and am glad to be a part of supporting this effort today.

I thank the Chair. I yield the floor.

Mr. FRIST addressed the Chair. The PRESIDING OFFICER (Mr. BOND). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that Senator SANTORUM be added as a cosponsor of both S. 271 and S. 280, the Ed-Flexibility Partnership Act of 1999.

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

Mr. FRIST. Mr. President, I want to take a few moments to speak on Ed-Flex and give just a little bit of background of what the bill is, the importance of the bill, and where we are going.

Earlier this morning I had the opportunity to comment on the nature of the bill—that it is not a bill that is intended to solve all of the problems in education today, but it is a focused bill, a bill which will be of significant benefit to hundreds of thousands of schoolchildren. And, if we act on this bill sometime in the next several days, and if the House does likewise with its corresponding bill, it could be sent to the President very shortly, and hundreds of thousands of schoolchildren can benefit in the next several months. That is why we are moving ahead with this particular bill.

It has strong bipartisan support. It is supported by the Nation's Governors, and by Democrats and by Republicans.

I thank my colleague from Arkansas who I think did a wonderful job setting the big picture and the fundamentals of why a bill that stresses flexibility and accountability really unties the hands and unshackles the schools which right now have huge amounts of paperwork and regulations coming down from well-intentioned laws and statutes passed here in Washington, DC, but really makes it very difficult, in fact impedes their ability to efficiently do what they want to do, and that is teach students and educate our children.

I thank Senator HUTCHINSON for that wonderful background and presentation. He mentioned the Third International Math and Science Study (TIMSS), and although we are not going to be talking a lot about that today, it is interesting because this study, which is an objective, very good study, recognized nationally and internationally, is a good measurement of where we are today. It reflects the common interests that we have as American people on both sides of the aisle to present a better future to our children by preparing them.

Behind me are the results of the Third International Math and Science Study. It is a little bit confusing when you see the chart. But after digesting lots of different studies, the more time one looks at this chart the more comfortable it is. And this chart has a lot of information which hits right at the heart of why we have the problems we have today.

This particular chart highlights science. I have other charts that I won't show today that also highlight similar statistics for mathematics. But the statistics are very similar, whether it is reading, science or math that is being evaluated.

Let's look at science.

In the first column, it is grade 4. As the Senator from Arkansas said, the TIMSS study looks at grade 4, looks at grade 8, and looks at grade 12—all of those green lines going down in the print. There are different countries that are involved. So you will have a relative standing of how well the United States does in grade 4, 8 and 12 versus other countries.

Again, the studies are very good, very carefully controlled from a scientific standpoint, and right on target. For example, grade 4, at the top of the list is South Korea. In the fourth grade in terms of average score, in terms of science, the second one down is Japan; third one, is Austria; the fourth is the United States. The red line, both in grades 4, 8, and 12, is the United States.

So right off you see in the fourth grade we do pretty well relative to other countries. In the eighth grade, just as the Senator from Arkansas said, we didn't do nearly as well. And in the 12th grade, we fall way down.

You will also see on the chart a black line. The black line indicates the average for all countries.

So not only do we know where we stand relatively in terms of other countries, but we also know where we stand with the average of other countries.

Again, the observation is in the fourth grade, we are fourth when we compare ourselves to other countries, which is above average. In the eighth grade for science, we fall way down, yet we are still above the average. But look what happens by the time we get to the 12th grade. By the time we get to the 12th grade, Sweden is ahead of us, Netherlands is ahead of us, Iceland is ahead of us, Norway, Canada, New Zealand, Australia, Switzerland, Austria, and Slovenia, are ahead of us. Denmark is ahead of us, and so are Germany, the Czech Republic, and France. The Russian Federation is also ahead of us in the 12th grade in terms of science.

As we look to the future and we look at fields like reading and science and mathematics and we see this trend over time, that is really the call for us, as a nation, to focus on education, to do it in a bipartisan way, a way that really does focus on our children today, and recognize how are we going to be able to compete in the next millennium with this sort of trend over time. As the charts have indicated the United States is below the average of all these other countries, and the trend is getting worse the longer one stays in school in the United States of America.

Let me refer once again to what a pleasure it has been for me to participate in the education issue on this particular bill with Senator WYDEN of Oregon. He and I have been working on Ed-Flex expansion through a number of committees and task forces—the Senate Budget Task Force on Education, working with the chairman of the Health, Education, Labor, and Pensions Committee, which is the new

name for that particular committee. We began to address this issue over a year ago when first explored it through the Senate Budget Task Force on Education.

The more we looked into it, the more we felt this bill could make a huge difference, and it is something that Government can and should do. The Federal Government needs to take the leadership role to untie the hands of our States, our schools, and our school districts so that they can carry out the sort of objectives that we all generally agree to, the sort of goals that we set in this body.

Again, what we are doing today, is to expand a demonstration project that began in 1994. As the Senator from Vermont outlined in his brief history of the program—it began in 1994 as a demonstration project with 6 States. It was extended later to another 6 States, so now 12 States have the opportunity to be Ed-Flex States. And what we are going to do in this legislation, which will pass, I am very hopeful, not too long from now, is extend that demonstration project from 12 States to all 50 States.

Behind me on the map, again, for the edification of my colleagues who may not be familiar with this program, you can see that Massachusetts is an Ed-Flex State, and we have, I think, good demonstrated results there. Texas has also had positive results with using its Ed-Flex waiver authority. Earlier this morning I had an opportunity to present some of the outcome data from that particular State. The color yellow on the chart indicates the States where Ed-Flex is currently available. But Tennessee, the State I represent, says, Why don't we have that same opportunity of increased flexibility for greater accountability? Let us have that same flexibility to get rid of the excessive regulations. Let us get rid of the unnecessary paperwork. Let us get rid of the Washington redtape.

Now, what they are saying is, Allow us to look at our local situation, which in Nashville is different than Jackson, which is different than Johnson City, which is different than Humboldt, which is different than Soddy-Daisy. Give us that opportunity.

And, again, you can see how it happens. All of us in this body have good intentions when we pass these statutes and we pass these laws and then they go through this regulatory machine. Everybody has good intentions. But the regulations get more and more complicated, which seems to be a common theme whenever one look at a variety of fields here in Government.

Now, one of the issues that we are going to be talking about is waivers. So what is the Ed-Flex program? There are currently 12 States participating. The Ed-Flex program, very simply, is a State waiver program which allows schools and school districts the opportunity to obtain temporary waivers to accomplish specific education goals but free of that Washington redtape, free of

those unnecessary Federal regulations. And that in one sentence is a description of Ed-Flex.

Because the Ed-Flex program is currently a demonstration program, we have a lot of data available about it. Again, over the course of the debate, we will come back to some of the outcomes of Ed-Flex and give some examples of how it is being used. The key thing is that Ed-Flex gives flexibility to find some of the solutions to specific problems that vary from school to school, school district to school district, and community to community. It allows that element of responsiveness to specific needs. In addition, it allows a degree of creativity, and innovation. These things are critical especially when we see the trends that I just showed on TIMSS which clearly indicate that we can't just do more of the same; we can't just throw more money at existing programs; we can't accept the status quo; we can't do a lot of the things that at first blush we might think work, because we have tried it in the past and it hasn't worked.

Over the past 30 years, we have been flat in terms of our student performance in this country. Now, some people will stand up and say, yes that is true, but look at some results released last week or look at some from 5 years ago where there is a little bit of improvement. I will tell you—and I can bring those charts—if you plot it out year by year performance for students has been stagnant in the 4th, 8th and 10th grades. The problem is that the other countries that have allowed creativity and innovation are all improving and we are being left behind.

So I don't want to underestimate the power of that innovation, the power of that creativity. We like to think it all begins in this room here with the Congress; in truth, it begins in those classrooms with hard-working teachers, with hard-working school attendants, with those Governors who recognize that they really have made progress and need some flexibility.

We will hear a number of examples of how flexibility and accountability have worked. In Maryland, we have seen that the Ed-Flex program has allowed a school to reduce the teacher pupil ratios from 25 pupils to 1 down to 12 to 1. They felt that was important and they received a waiver that allowed them to accomplish this based on their particular needs.

In Kansas, waivers have been used to provide all-day kindergarten, because this was a priority for them. It was a dimension where they had a specific need.

They were also able to have a pre-school program for 4-year-old children. They also saw they weren't doing very well in reading, so they were able to implement, through the waiver program, new reading strategies for all students.

Now, the waiver issue will come up, and whenever you hear "waiver," people have to think, and they should

think, "accountability," We are saying, accomplish certain goals, but do it in a way that meets your specific needs with programs that you believe will work at the local community level. It is critical that we build in strong, accountability measures.

If we look at the history, again referring to Senator WYDEN's initial request to have the General Accounting Office look at some of the Ed-Flex programs, we can see in GAO's report in November of 1998, that the "Department of Education officials told us they believe that the 12 current Ed-Flex States have used their waiver authority carefully and judiciously." This is an important statement because we are going to hear some rhetoric, and we heard a little bit this morning, that if you give this freedom, people are going to abuse it. People say there is no evidence. Based on what the Department of Education has concluded and reported to us through the General Accounting Office, the waiver system has worked well.

Ed-Flex is a bipartisan plan. It is a common sense plan that will give States and localities and school districts the flexibility, which I have already been stressing. Now I want to stress the accountability provisions. Accountability is critical to the overall success of the program. It has to be built in. The two words I want my colleagues to remember are "flexibility" and strong "accountability." Those are two important principles behind this bipartisan bill.

Now, the accountability measures in the current Ed-Flex programs—we have 12 programs with this 5-year history—are very good. I want my colleagues to understand that accountability has been strengthened. We have given even more teeth to ensure accountability in the bill and in the managers' package that has been put forward. Under current law there is less accountability than what we are proposing. Under current law, a State need only have what is called a comprehensive reform plan to participate in Ed-Flex. Even though the current 12 state program has less accountability than what we are offering, have been told by the GAO, that the Department of Education says there has been a judicious and careful use of this waiver authority.

Behind me is a chart which, again, is going to be difficult to read from far away. It is a pyramid and it is tiered, because we have accountability measures built in at the Federal level, which is at the top; we have accountability measures built in at the State level, which is the middle; and at the bottom of that, we have strong accountability measures built in at the base, at the local level.

At the local level, there is a requirement to demonstrate why the waiver is needed. You have to spell that out very specifically. The applicant has to say how that specific waiver will be used to meet the purpose of the underlying program. Again, we are not changing the purpose of the program. You have

to specifically say how that waiver will be used, and then you have to have specific measurable goals written out in that waiver application. You will be held accountable for all of that. There are additional accountability measures in the bill, but I have summarized accountability at the local level.

At the State level, again we include strong accountability measures because we address things that are called "content standards" and "performance standards" and "assessments." In addition to those content standards and performance standards, States are required to monitor the performance of local education agencies in schools which have received a specific waiver. That includes the performance of students who are directly affected by those waivers. Then, for those low-performing schools or school districts that are identified, the State must engage—and these are the key words—in "technical assistance and corrective action." And then the last, in terms of the State level, the State can terminate a waiver at any time; the ultimate power. If the State says things are not going right, it may terminate the waiver.

At the Federal level, indicated on the chart at the top of the pyramid, we have an additional backup, an important element, I think, to demonstrate the pyramid effect of this. That is, the Secretary is required to monitor both the performance of the States and also to have the ability to, as you can at the State level, terminate that waiver at any time.

I think this three-tiered level of accountability is something that is very, very important when we give that flexibility to achieve the specific goals which are outlined. That, I believe, is a real recipe for success as we work towards educating our children and improving those scores that have been referred to already this morning.

I will just spend a couple of more minutes, I think, so we can move on with other people's comments. But as I pointed out, we have experience with this. This is not a program that we pulled out of the sky and said, let's try it out, some experimental program, rushing this through the legislative process. I think we need to recognize right up front that we have a 5-year history with it. It has been a demonstration project, it has been endorsed by the Department of Education, it has been endorsed by the President of the United States, it has been endorsed by Democrats and Republicans, and something which I think is critically important is the fact that all 50 Governors have said this program is right; it is what is needed to best educate that child who is in the school system in his or her State.

The Governors are in a position, I believe, both to judge but also to lead, as we go forward. I have behind me a resolution that passed just last week from the National Governors' Association. The headline or title is, "Expansion of

Ed-Flex Demonstration Program To All Qualified States and Territories." It was a resolution. NGA doesn't do a whole lot of resolutions, but this is a major priority for our Governors who understand, like we do, addressing as a nation, that we must put education at the very top of our priorities. Let me just read the first sentence:

The governors strongly affirm that states are responsible for creating an education system that enables all students to achieve high standards and believe that the federal government should support state efforts by providing regulatory relief and greater flexibility.

Skip on down just a little bit to the second paragraph so we can look back to the past from the Governors' perspective. Again, this is Democrats and Republicans, bipartisan, which is the nature and the real power of this bill. They say:

Ed-Flex has helped states focus on improving student performance, by more closely aligning state and federal education improvement programs and by supporting state efforts to design and implement standards-based reform.

And then just their last sentence:

Ed-Flex will provide states and territories with increased incentives to strengthen state efforts to adopt meaningful standards and assessments with greater accountability.

As I mentioned earlier, we ran out of time to pass Ed-Flex last year. It is coming back to the floor now. It has been passed in the Labor and Human Resources Committee and the now Health, Education, Labor, and Pensions Committee, where we had the opportunity to discuss many of these amendments. We have an opportunity to pass this legislation very, very early in this Congress so it will be to the benefit of hundreds of thousands of children in the very near future. That is why we really should not put this off. Some people have said, Why don't you consider this in the Elementary and Secondary Education Act? That is unnecessarily pushing a bill off that we know will benefit children today, putting it off for a year or a year and a half unnecessarily, given the tremendous consensus that has been reached around this particular bill.

In closing, let me just say I think the time really has come that we lend our efforts to give States and give localities and give schools and give school districts the flexibility they need, and the tools that they need, to accomplish the jobs that we, as a society, have entrusted them to do.

Ed-Flex is not the cure-all. It is not going to be the answer to all of our education challenges. But what it is, is a modest first step at moving toward that common goal that we all share.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I think all of us in the Senate are looking forward to these next few days during which we will have an opportunity to address the fundamental issue which

is on the minds of most families in this country—certainly the working families in this Nation—and that is whether we, as a Federal Government, are going to be partners with state and local governments as we try to address the critical issues facing our public schools—whether our children are going to be able to make academic progress and have the opportunity to achieve their full potential.

Public education is basically a partnership, and one in which the Federal Government has had a very limited role, historically. The principal responsibility has been local governments, and the States have had some interest. The Federal Government has really had a limited interest. As has been pointed out, approximately 7 cents out of every dollar that is spent locally that can be traced back to the Federal Government. Two cents of that is actually in nutrition and the support of breakfast and lunch programs. It comes down to about 4 cents out of every dollar that is actually appropriated by the Federal Government.

So all of us are interested in how we can use scarce resources. What we are talking about here today is not expanding that in any way. We are talking about whether, of that 4 cents, maybe 2 cents will be able to have greater flexibility at the local level.

The question is what are the priorities for us at the Federal level? It has been generally agreed that the priority for us at the Federal level is going to be targeting the neediest and the most disadvantaged children in the country. We, as a society, feel that we have some responsibility, some extra responsibility—that it is not just a local responsibility to try to deal with those needy children, but that we have a national responsibility. That was the basis for the title I programs.

Over a long period of time, we have debated about how that money can most effectively be used to enhance academic achievement and accomplishment. As has been pointed out today, and as was pointed out in the President's excellent statement earlier today over in the Library of Congress, we know what needs to be done. It is a question now of whether we, as a country and a society and a people, are willing to do it.

During the next few days, we will have an opportunity to look at a number of different features of the education priority. We are dealing now with the Frist-Wyden legislation, and I want to speak to that for a few moments and make some observations and also address, later in the afternoon, what I think could be useful changes in the legislation.

I commend Senator FRIST and Senator WYDEN for their initiative, and I have voted for this legislation to come out of our committee both last year and this year—and, as a matter of fact, I was the author, with Senator Hatfield, in 1994 that initially set up the Ed-Flex—and I have followed it very

closely. I am glad to have a chance to reflect on some of the observations that I have made over the years in watching that. But we will also have an opportunity to debate whether we, as a Senate, are going to go on record as supporting smaller classrooms from the early grades.

We will have a chance to hear an excellent amendment from the Senator from Washington, Senator MURRAY, on that particular issue. We made a commitment to the school districts across the country last year that we were going to start this process. It was going to go in effect for some 6 years. We made the commitment for the first year, but the school districts across the country are wondering whether this is going to be a continuum. Certainly it is extraordinarily timely that we provide that kind of authorization for smaller classrooms, so that the school districts all across the country will have some certainty as to what the education policy at the congressional level will be on that issue.

The President has included the resources to fund that initiative, in excess of \$11 billion, in his budgets over the next 5 years. That is very important, and we will have an opportunity to address that issue.

Senator BOXER wants to address afterschool programs. I think we have seen, with a modest program in the last year, the beginning of the recognition of the afterschool problem. Every day, there are some 5 to 9 million children between the ages of 9 and 14, who too often find themselves not attending to their homework, but rather find themselves involved in behavior which is inappropriate.

What we have seen is that where these programs have been developed—where children are able to work in the afterschool situation, being tutored perhaps in their subject matter or encouraged to participate in literacy programs—those children are doing much better academically and socially as well. And when they have the opportunity to spend time with their parents in the evening time, it is quality time, rather than parents telling children as soon as they get home, "Run upstairs and do your homework." This has been very, very important, and Senator BOXER has an important proposal to authorize and to enhance the commitment in those areas.

There will be modest amendments in other areas. I know Senator HARKIN has a proposal with regard to school construction. I know Senator BINGAMAN has an amendment about school dropouts. Some of these are programs that we have debated in the past and have been actually accepted by the Senate. There are other programs as well, issues involving technology and other matters that will eventually be addressed and brought up. We are not interested in undue delay, but we also believe that there is no issue which is of greater importance to American families, and we ought to be willing to address these issues.

We just passed an increase in military pay. There were 26 amendments on that particular proposal. I do not expect that we will have as many on this, but nonetheless it is important that we do have a chance through today and through the remainder of the week and through the early part of next week to address some of these issues. We welcome this chance to focus on the issues of education and also on what our policies are going to be.

Just to review very briefly, Mr. President, this chart demonstrates quite clearly a rather fundamental commitment. That is, for every dollar that is spent by the States, they spend 62 cents in addition to that for the needy children in their State. The corresponding Federal dollar amount is \$4.73. This is a really clear indication of what we are talking about, primarily with Title I, which is the principal issue here—the resources that are being provided are going to the neediest children in this country.

And, interestingly, in the reauthorization bill of 1994, we changed the direction of Title I to very high poverty areas—very high poverty areas—not just poverty areas but very high poverty areas. And when we have a chance, as I will in just a few moments, to go through and see what the distinction has been in targeting more precisely the resources, there has been a very important indication of progress among the children in getting a much more targeted direction in terms of resources. This is part of the reason why some of us believe that, in addition to being able to get some kinds of waivers from the Federal programs in the area of Title I, we ought to insist that we are going to require that there be academic achievement and student improvement if we are going to move ahead. We are finding now, under the most recent report of Title I, that for the first time we are making noticeable and important gains on Title I. That has escaped us over the almost 30 years, but now we are making some real progress in the area of Title I. I will have a chance to review that, but this is basically an indication to show the targeting of Title I.

Secondly, Mr. President, while we are looking at the issue of flexibility at the present time, I just want to point out what we have done in terms of Ed-Flex. In 1994, we passed what was called the Hatfield-Kennedy amendment on the elementary and secondary education bill. That amendment provided that six States at that time would have Ed-Flex. The Governors then, once they were given that kind of approval, would be able to waive particular requirements if any community within the State wanted to do so. When we came to the Goals 2000, we added another six States and we permitted the Secretary of Education to provide Ed-Flex to any school district in the country.

So what we have seen is, with all of the various applications that have been

made in the period since then, some 54 percent have been approved; 31 percent, when they brought those measures up to the Department of Education, were shown to be unnecessary and therefore withdrawn; and only 8 percent were disapproved. This is a pretty good indication that any school district that wanted to seek a waiver of any of these rules and regulations has been permitted to do so. In the State of California, there have been more than 1,000 applications that have been approved. That is the current situation in which we find ourselves.

On the issue of accountability, the real question is, "In the waiver of these regulations, are we going to be able to give the assurance that we are going to have student achievement?" What we are basically saying is, if we are going to give you 5 years of waiving the regulations, which take scarce resources, and target it on needy children, are we going to insist that the children are going to have student achievement? That is what we are asking.

And I mentioned, at least to my colleague and friend, Senator WYDEN, that we could add those words in three different places in the legislation along with the language that is in here and resolve at least one of the concerns that I have, and that I think a number of others have as well.

We have seen since it has passed out of our Committee, as I am sure has been explained by the authors of the legislation, that they provide changes to try to reflect greater accountability. And we very much appreciate that. That is in the managers' package, and it is a good start. I believe the authors have gone through that in some detail. If not, I will take some time to do that briefly later in my discussion. But this is where we are, Mr. President.

What we are interested in is student achievement. What we are going to insist on is to make sure that if we are going to give over to the States the resources targeted for these particular areas, that they are going to be able to come back over the period of the following 2, 3, 4, 5 years and demonstrate the student achievement. That is what we are interested in and what we want to address here later this afternoon.

Mr. President, education is a top priority in this Congress, and few other issues are more important to the Nation than ensuring that every child has the opportunity to attend a good, safe, and modern public school. The Ed-Flex Partnership Act can be a useful step toward improving public schools, but to be effective, it must go hand in hand with strong accountability.

Current law already contains substantial flexibility. As I mentioned, the 1994 amendments to the Elementary/Secondary Act reduced paperwork and increased flexibility. Since then, two-thirds of the Act's regulations—two-thirds—have been eliminated. States now have an option to submit a single consolidated State application instead of separate applications, and all but

one State has adopted this approach. Schools and school districts already have great flexibility today and paperwork is not their top issue.

According to the General Accounting Office report that was quoted earlier today, "information, funding, and management," not paperwork, are the primary concerns of school districts. Provisions for increased flexibility, such as waivers, "do not increase federal assistance to school districts, nor do they relieve districts of any of their major financial obligations." That is the finding of the General Accounting Office.

It is interesting to me, Mr. President. I would have thought there would be much more authority and much greater credibility if those who were talking about this would be able to demonstrate that the States themselves were willing to waive their statutes and regulations. That has not been the case. In some instances States have, but in many they have not. As the General Accounting Office report shows, even if you granted it, it would not make a great deal of difference, because there are so many State regulations and statutes that are in existence, that are related to this program, that it would not really have the kind of beneficial result many of us would like.

I am always glad to hear our good friends the Governors talk about reducing the regulations, when we have seen a reduction in the regulations by two-thirds since the authorization of 1994, and yet we have not really heard from them, nor have we heard here on the floor of the Senate, how the States themselves have changed their statutes and rules and regulations in order to be more flexible during this period of time.

In fact, in many cases it is the State's redtape, not the Federal bureaucracy, that will keep schools from taking full advantage of the flexibility that the law provides. Ten States cannot waive their own regulations and statutes because State law does not permit it in order to match this.

It is good, as we start off on this, to have some idea about the scope of this whole debate. I think it is going to be useful if we get through this part of it in the next day or so. The real guts of the whole debate is going to be next week when we come to the questions of classrooms and afterschool programs.

But I do want to make some additional points. In fact, in many cases, as I mentioned, it is the State's redtape, not the Federal bureaucracy, that will keep schools from taking full advantage of the flexibility that the law provides. That is why, if tied to strong accountability, expanding Ed-Flex makes sense, so all States can ease the burden on local school districts as they obtain increased Federal flexibility.

One requirement to be eligible for Ed-Flex is that a State must be able to waive that State's statutory or regulatory requirements which impede State or local efforts to improve learn-

ing and teaching. That step will ensure that the real paperwork burdens on local school districts are diminished. As I mentioned, we have 10 States that do not have that capacity or willingness to do so.

Families across the Nation want Uncle Sam to be a partner, a helping hand in these efforts. Parents want results. They want their communities, States, and the Federal Government to work together to improve public schools. In doing our Federal part, we should ensure that when we provide more flexibility, it is matched with strong accountability for results, so that every parent knows their children are getting the education they deserve.

I support the Frist bill because it provides flexibility and takes some steps towards holding States accountable. But it isn't enough. Congress has the responsibility to ensure that Federal tax dollars are used effectively to help all children learn. Just giving States more flexibility will not do the job. A blank check approach to school reform is the wrong approach. Our primary concern in this legislation is to guarantee that accountability goes hand in hand with flexibility. Strong accountability measures are essential to ensure that parents and communities across the country have confidence in the waiver process.

Another fundamental requirement is that States and districts must provide parents, educators, and other interested members of the community with the opportunity to comment on proposed waivers and make those comments available for public review. These public comments should be submitted with State or local waiver applications. What we are talking about is parental involvement. And we will have an opportunity to address that.

I am sure we will hear the response back, "Why are we going to do that?" That is going to require more action at the State level. We are going to have hearings in order to hear parents' views about it. But the fact of the matter is, unless you get the parents involved, you are not going to do the job. The parental involvement is essential. We will have a chance to go through that in the most recent title I report.

And you can't show me where in the Frist-Wyden proposal they are going to guarantee that the parents are going to have a voice in the final decision that is going to be made here. It just is not there. You show me a community where you have intense parental involvement, and you are going to see a school system that is moving in the right direction. You show me a community where parental involvement is distant or remote, and you are going to see a school that is in decline. Those are not my conclusions—those are the conclusions of the educational community. We want to make sure that parents are going to be involved when waivers are being proposed to get their kind of input. And there will be the transmission of their views to the Secretary.

Mr. President, it is essential that States and districts provide parents, educators, and other members of the community with the opportunity to comment on proposed waivers and make their comments available for public review. These public comments should be submitted with State or local waiver applications.

That is what we are talking about. Just make that change. Public comments should be submitted with State or local waiver applications. That would move us in a very, very important, very positive way—we get the student accountability and we get the parental involvement. Those are the measures we are looking at, Mr. President.

We must also ensure that all students, particularly the neediest students, have the opportunity to meet the high State standards of achievement. Fundamental standards should not be waived. Parents need to know how their children are doing in every school, and in the poorest performing schools, parents also need help in achieving change.

Under Title I, disadvantaged students have the opportunity to achieve the same high standards as all children. School districts must provide realistic assistance to improve low-performing schools. Flexibility makes sense, but not if it means losing these essential tools for parents and communities to achieve reform and improve their schools.

There were four very important changes in the 1994 authorization: first was a significant reduction in paperwork; second, the targeting of the highest incidence of poverty; third, the heavy involvement of parents in terms of the participation; and fourth, and perhaps most importantly, high standards.

We move away from dumbing down. We establish high standards for poor children as well as children that were coming from other communities. Those factors have had an important positive impact. We are finally getting there.

We must ensure that increased flexibility leads to improved student achievement. Accountability in this context means that States must evaluate how waivers actually improve student achievement—open-ended waivers make no sense. Results are what counts. Student achievement is what counts.

The Secretary of Education should be able to terminate a State's waiver authority if the student achievement is not improving after 5 years. States must be able to terminate any waivers granted to a school district or participating schools if student achievement is not improving. If waivers do not lead to satisfactory progress, it makes no sense to continue.

What I have been mentioning here is being practiced in one of the Ed-Flex States, and is showing remarkable improvement in terms of education. That state is Texas, where they have real student achievement, real accountability, parental involvement, and spe-

cific student achievement goals. That is true accountability.

If you review the different State annual reports, there is a dramatic contrast between what has been implemented by the State of Texas in using the greater flexibility to enhance student achievement and what has happened in many of the other States. True accountability is what we want to achieve if we are going to have the Federal funds.

Each of these requirements is sensible. No one wants a heavy-handed Federal regulation of State and local education. That is not the issue. The real issue is accountability. These important requirements are well designed to achieve it. We should do nothing to undermine these principles, especially when we have new evidence that they work, particularly for the neediest students.

"The National Assessment of Title I," released earlier this week, shows that student achievement is increasing and that the Federal Government is an effective partner in that success. The glass on the table is half full, not half empty as critics of public schools would have you believe. This is good news for schools, good news for parents, good news for students, and it should be convincing evidence to Congress that many of the reforms we put in place in recent years are working.

Since the reauthorization of Title I in 1994, a nonpartisan Independent Review Panel, made up of 22 experts from across the country, has overseen the program. Title I is the largest Federal investment in improving elementary and secondary schools. Title I helps to improve education for 11 million children in 45,000 schools with high concentrations of poverty. It helps schools provide professional development for teachers, improve curriculums, and extend learning time so students meet high State standards of achievement.

Under the 1994 amendments to Title I, States were no longer allowed to set lower standards for children in the poorest communities than they set for students in more affluent communities. The results are clear: even the hardest-to-reach students will do well when expectations are set high and they are given the support they need.

Student achievement in reading and math has increased, particularly in the achievement of the poorest students. Since 1992, reading achievement for 9-year-olds in the highest poverty schools has increased nationwide by a whole grade level. Between 1990 and 1996, math scores of the poorest students rose by a grade level.

Students are meeting high State standards, too. Students in the highest poverty elementary schools improved in five of six States reporting 3-year data in reading, and in four out of five States in math. Students in Connecticut, Maryland, North Carolina, and Texas made progress in both subjects.

Many urban school districts report that achievement also improved in their highest poverty schools. In 10 out

of the 13 large urban districts that report 3-year trend data, there were increases in the number of elementary students in the highest poverty schools who met the district or State standards of proficiency in writing or math. Six districts, including Houston, Dade County, New York, Philadelphia, San Antonio, and San Francisco made progress in both subjects.

Federal funds are increasingly targeted to the poorest schools. The 1994 amendments to Title I shifted funds, as I mentioned, away from low-poverty schools into high-poverty schools. Today, 95 percent of the high-poverty schools receive Title I funding, up from 80 percent in 1993.

The percent of schools with parent compacts—agreements between teachers and parents about how they will work together to help the children do better—rose from 20 percent in 1994 to 75 percent in 1998. A substantial majority of the schools find their compacts are important in promoting parents' involvement, especially in higher poverty schools. Parent involvement is a key element in terms of academic achievement, and that is why we believe their voice regarding waiving the requirements should be heard and at least considered.

Title I funds help improve teaching and learning in the classroom. Ninety-nine percent of Title I funds go to the local level; 93 percent of those Federal dollars are spent directly on instruction, compared to only 62 percent of all State and local education dollars that are spent on instruction.

We are going to hear a lot as we debate education about where the Federal money that is appropriated goes, in terms of Federal bureaucracy and administration, State bureaucracy and how much of the money goes to the local level. This is the most recent report that has been done by independents. It shows that local school districts get 95.5; State administration is 4 percent, Federal administration is one-half of 1 percent. State administration of their own programs are considerably higher, as the chart indicates.

All of these steps are working together to improve student achievement. The best illustrations of these successes are in local schools. In Baltimore County, MD, all but one of the 19 Title I schools increased student performance between 1993 and 1998. The success has come from Title I support for extended year programs, implementation of effective programs in reading, and intensive professional development for teachers.

At Roosevelt High School in Dallas, 80 percent of the students are poor. Title I funds were used to increase parent involvement, train teachers to work with parents, and make other changes to bring high standards to every classroom. Reading scores have nearly doubled, from the 40th percentile in 1992 to the 77th percentile in 1996.

During the same period, math scores soared from the 16th percentile to the 73rd percentile, and writing scores rose from the 58th to the 84th percentile. That is remarkable.

What happened in this area? We got the parents involved and we enhanced the training of teachers to work more effectively with the parents to bring the high standards into every classroom.

The Baldwin Elementary School in Boston, where 80 percent of the students are poor, performance on the Stanford 9 test rose substantially from 1996 to 1998 because of the increases in teacher professional development and implementation of a reform to raise standards and achievement for all children.

In 1996, 66 percent of third grade students scored in the lowest levels in math. By 1998, 100 percent scored in the highest level. In 1997, 75 percent of fourth graders scored in the lowest levels in reading. By 1998, no fourth graders were at the lowest level, and 56 percent were at the highest level.

We have seen that the National Assessment of Title I shows that high standards and parental involvement get better results for children, particularly the neediest children. That is what we would like to see come through this legislation—where you get the flexibility, but you are also going to be able to demonstrate enhanced student achievement and parental involvement. Those are the two key requirements.

The improvements so far are gratifying, but there is no cause for complacency. Clearly, more needs to be done. We must build on these successes to ensure that all children have the best possible education. Increasing flexibility without accountability will stop progress in its tracks. But just increasing flexibility with accountability won't do the job either.

We must provide more support for programs like Title I to make these opportunities available to all children. We must do a better job of supporting the States and local communities in their efforts to hire and train teachers. The National Assessment of Title I found that too many students in too many Title I schools—particularly those with high concentrations of low-income children—are being taught by unqualified teachers.

The teacher shortage forced many school districts to hire uncertified teachers, and asked certified teachers to teach outside their areas of expertise. Each year, more than 50,000 underprepared teachers enter the classroom. One in four new teachers does not fully meet State certification requirements. Twelve percent of new teachers have had no teacher training at all. Students in inner city schools have only a 50 percent chance of being taught by a qualified science or math teacher. In Massachusetts, 30 percent of teachers in high-poverty schools do not even have a minor degree in their field.

In addition, many schools are seriously understaffed. During the next decade, rising student enrollments and massive teacher retirement mean that the Nation will need to hire 2 million new teachers. Between 1995 and 1997, student enrollment in Massachusetts rose by 28,000 students, causing a shortage of 1,600 teachers—without including teacher retirements.

We must fulfill last year's commitment to help communities hire 100,000 new teachers, as part of our national pledge to reduce class size. Research has documented what parents and teachers have already known—that smaller classes enhance student achievement.

It is equally important to help communities recruit promising teacher candidates, provide new teachers with trained mentors who will then help them succeed in the classroom, and give current teachers the ongoing training they need to help keep up with modern technology and new research.

Another major need is in the area of afterschool activities. According to the National Assessment on Title I, opportunities for children to participate afterschool and summer school programs have grown from 10 percent of Title I schools to 41 percent in 1998. That has made an important contribution to the enhancement of these children's achievement. But more needs to be done. We must increase support for afterschool programs.

In addition, children who have fallen behind in their school work need opportunities to catch up, to meet legitimate requirements for graduation, to master basic skills, and to meet high standards of achievement. A high school diploma should mean something—it must be more than a certificate of attendance. It should be a certificate of achievement. High-quality afterschool and summer school academic improvement activities should be available to every child in every community in America.

Finally, we must do more to see that every child in every community is learning in safe and modern facilities. Across the country, 14 million children in one-third of the Nation's schools are learning in substandard buildings. Half of the schools have at least one unsatisfactory environmental condition. It will take an estimated \$100 billion to repair the existing facilities.

Too many children are struggling to learn in overcrowded schools. This year, K through 12 enrollment reached an all-time high and will continue to grow over the next 7 years. Communities will need to build new public schools.

The agenda is broad, but the need is great. We are on the right track. There is no need to make a u-turn on education. We are making progress. We need to build on these successes and do what we can to meet the pressing needs of schools across the Nation, so that we can meet the high standards of achievement. When it comes to edu-

cation, the Nation's children deserve the best that we can give them.

Mr. DODD. Will my colleague yield for 30 seconds?

Mr. KENNEDY. Yes.

Mr. DODD. I want to commend the distinguished Senator from Massachusetts who, for years, along with our colleague from Vermont, has been such a leader in these issues. I particularly thank him for raising the issue of the after-school program. Several of us have been talking about this. As my colleague from Massachusetts knows, I offered an amendment last year when we considered the Ed-Flex bill in committee to increase federal support for after-school programs. My colleague from California is interested in the subject, as well. We would like to bring this issue up. It is a very important one which we will talk about later. I thank him for including that in his remarks as he gave an overview of where we are on education issues.

Mr. KENNEDY. I thank the Senator from Connecticut. We are all mindful that our good friend and colleague is a leader in this body in many areas, but when it comes to children's interests, he is truly our leader. And on the issue of afterschool programs, Senator BOXER has been in the forefront of that effort. We look forward to having a good debate on that issue as we move ahead as well. I thank the Senator very much for his involvement. Hopefully we will have an opportunity to consider that in the next day or so. That is certainly our hope because it is a matter of enormous importance.

Mr. DODD. I thank the Senator.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. First, Mr. President, I want to thank the Senator from Massachusetts. We have been working with him on the questions of accountability. I am hopeful that we will reach agreement on an amendment, which he may propose, so that we will not have issues in that regard. I point out that the substitute amendment which I offered today includes many improvements with respect to accountability over the bill that we passed last year out of committee 17-1.

I will run through, very briefly, the areas where we have already improved the accountability and are still attempting to reach agreement with the minority.

First, the substitute amendment I offered strengthens the accountability features already included in S. 280. It adds State application requirements relating to the coordination of the Education Flexibility plan with the State comprehensive reform plan, or with the challenging standards and assessment provisions of title I of the ESEA.

This Managers Package adds emphasis that student performance is an objective of Ed-Flex. It adds provisions regarding annual performance reviews, by the State, of local educational agencies and schools which have received

waivers, and reemphasizes the authority of the State to determine waivers if LEAs or schools are not meeting their goals. It also adds provisions of public notice and comment, and provisions requiring additional reporting by the secretary regarding his rationale for approving waiver authority and the use of that authority. We will continue to work and, hopefully, we can reach agreement so that we will not lengthen the time necessary for passing this important legislation.

Mr. President, I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the distinguished Senator from Massachusetts has given, in my view, a very important address to the U.S. Senate. I want to take a few minutes and try to respond to a number of points. The Senator has made a number of points that I certainly agree with as a Democratic sponsor of this legislation, along with the Republican sponsor, Senator FRIST. But there are a number of areas where I think the record indicates that we ought to take another look.

For example, the distinguished Senator from Massachusetts has said that, in some way, the States are being free riders here, that they are asking the Federal Government to waive various regulations, but the States are somehow not willing to do that. As our colleagues will see on page 6, line 7, it is specifically required that the States are willing to do some heavy lifting and also be part of this effort to show that they are going to try to ratchet out of their systems some of the foolish bureaucracy. This ought to be a two-way street and I think the distinguished Senator from Massachusetts is absolutely right in insisting on that. What is thus required today, the legislation spells out on page 6, line 7, that the States are not going to be able to be free riders. They are going to have to waive some of these mindless regulations as well. I think that is an important point for the U.S. Senate to consider as we go forward.

Now, another area that has been raised is this question of smaller class size. I think the Senator from Massachusetts again is absolutely right in saying that we do need additional funds to reduce class size in America. I have, on several occasions, voted for just those kinds of measures to provide additional funds to reduce class size. But I think it is important to note that Ed-Flex, now in 12 States, is helping us to reduce class size using existing law. The Senator from Massachusetts is correct; we do need additional funds to reduce class size, but let us not pass up the opportunity to use existing law, existing Ed-Flex opportunities to reduce class size. For our colleagues who would like to have a good example of how Ed-Flex helps to reduce class size, we can turn to the Phelps Luck elementary school in Howard County, MD. There they put a special priority on re-

ducing class size with their Ed-Flex waiver. They were able to lower the student-teacher ratio from 25-to-1 to 12-to-1.

As we go forward with efforts to try to get additional funding that we need to reduce class size in America, which we know is so critical in improving student performance, let us not pass up the opportunities to use the Ed-Flex program to make it possible with existing dollars to reduce class size in America.

Third, Mr. President and colleagues, there have been questions raised about whether the dollars are going to get to the neediest children, and particularly with respect to title I, which is one of the seven programs that are eligible for Ed-Flex but certainly is an especially important program to all of us.

What we have done—and we have outlined it here—is we have kept in place every single one of the core requirements with respect to title I protecting our neediest kids. It is off the table, folks, in terms of waiving any of those core requirements. You can't do it; it is off the table. And although it is hard for Members of the U.S. Senate to see these charts, we specifically outline the requirements that cannot be waived.

In addition, with respect to title I—I think there is some confusion perhaps at this point with respect to how the Ed-Flex funds can be used—under current law, you can only put those dollars into low-income school districts. That is the only place they can go. We keep that requirement. So today, and under this Ed-Flex legislation that is before the U.S. Senate, it is not possible to flex any dollars away from a program to help low-income youngsters and send them packing to another district that will not need them as much.

I would like to spend a little bit more time on this question of accountability, because this is an area where the sponsors of the legislation have been very open to trying to address the concerns of those who have begun to look at this program and may not have been familiar with it in the past.

But I want to say that we have made six changes in the legislation since it came out of the Senate Labor Committee last year by a 17 to 1 margin. In addition to the public notice and opportunities for citizen comments that the distinguished chairman of the committee, Senator JEFFORDS, touched on, there are requirements for specific measurable goals, which include student performance, which Senator KENNEDY is right to focus on. There are reports that would be required for the Congress every 2 years on how the Ed-Flex States are doing.

And then I am especially pleased that we have required now that a State review a State content and performance standard twice: First when it is decided that the State is eligible to participate, and again when deciding whether or not to grant approval for the waiver. This makes it clear that a State must

be in compliance with title I. If it is not in compliance with title I, it isn't going to get a waiver. If at any point it has been given a waiver and it is not in compliance with title I, the Secretary has the authority to come forward and revoke it.

So the accountability provisions have been especially important to the sponsors of this legislation. And this idea that somehow Ed-Flex has relaxed the standard is simply not true on the basis of the clear language of the bill. These requirements are kept in place. We have added six requirements for accountability since the legislation came out of committee.

I would like to wrap up by giving the U.S. Senate an example of how I got into this issue, because I think it is important to get beyond some of the rhetorical arguments about this legislation and talk about real people, real people who benefit, especially the low-income kids of our country.

We have a high school about an hour from my hometown in Portland. They wanted poor kids to get help with advanced computing. The problem was that the school didn't have the instructors who could teach advanced computing and they didn't have the equipment. So under current law, those youngsters, low-income youngsters, wouldn't have had the opportunity to pick up those skills to put them on the path to high-skill, high-wage jobs.

But in this rural district an hour from my home town is a community college just a short distance away that would make it possible, with instructors and equipment, for those poor kids to get help with advanced computing. So instead of students who couldn't get what they needed without additional funds, without additional redtape and bureaucracy, what this town did in rural Oregon was simply say we are going to use the dollars that we aren't equipped for at the local high school to make sure that the kids get advanced computing at a community college just a short distance away.

That is what Ed-Flex is all about—taking this regulatory straitjacket off some of the thousands and thousands of school districts across the country. They can't use the money for pork barrel projects. They can't use it to waive standards. They have to comply with accountability. But they can teach advanced computing to poor kids. That is why it is going to make a difference when we extend this to 50 States.

I am looking forward to working with our friend and distinguished colleague, Senator KENNEDY, who knows so much about this issue, on his amendment with respect to the achievement standards. My understanding is we are getting fairly close on that. I want to make sure, in particular, that we can incorporate what the schools call the student performance standards, so it includes some of the things like dropout rates and issues like that in addition to the tougher test scores. But I think Senator JEFFORDS spoke for all of us a minute or so

ago where I think we are getting close, and I want Senator KENNEDY to know that we are going to go forward in good faith and try to work that amendment out.

Finally, the last point I want to make deals with the parental involvement issue. We keep in place all requirements for parental involvement—all of it. But it seems to me, Mr. President, and colleagues, that if we are talking about the best way to get folks involved in a convenient, accessible kind of way, it is to have these Ed-Flex programs that empower local communities to set up opportunities for folks to participate.

I know that people in rural areas who are 3,000 miles away from Washington, DC, find it a lot harder to come to one of the useful hearings and forums that are held by the distinguished Senator from Massachusetts. I can get to them. I find them very, very useful. But I can tell you that folks in rural Oregon would much rather be empowered to participate at the local level than to try to say we are going to in some way skew more of the parental involvement back to Washington, DC.

At the end of the day, what Ed-Flex is all about is a third path with respect to Federal-State relations. We now have two camps on this issue. There is one camp that says only the Federal Government has the answer, that those folks at the local level can't chew gum and walk at the same time, do not trust them, and run these programs at the Federal level. Then there are a group of people 180 degrees the other way. They say that everything the Federal Government touches turns into toxic waste, just give us all the money at the local level, and we can't possibly do any worse with those dollars than the Federal Government does.

What Ed-Flex is all about—and in Oregon, particularly with Senator Hatfield's leadership, we have done it in health, in welfare, with the environment—what we have said is that Ed-Flex is a third path. And we have told the Federal Government, in areas where we have received waivers, that we will meet all the requirements of the Federal laws, all of them, and the Federal Government can hold us accountable; but in return for that commitment to comply with all of the Federal laws, give us in Oregon the chance to tailor the approaches that we are using to meet the individual needs of our community.

I feel very strongly that poor kids need the funds that are available under title I. I will fight as hard as any Member of the Senate to make sure that there is no compromise there. But I do think that in coming up with approaches to best meet the needs of kids at the local level with respect to title I, what works in rural Oregon is going to be different than what works in the Bronx, and the opportunity to get away from that one-size-fits-all approach while holding communities accountable is what Ed-Flex is all about.

So I think this is an important debate. I said earlier most Americans have no idea what Ed-Flex is all about. I bet a lot of people at this point think Ed-Flex is a guy who is teaching aerobics at the local health club. We are going to have to spend some time talking about this issue to show why it is actually beneficial in the real world in terms of serving poor kids and meeting the needs of the communities. I think we can do that.

Mr. President, I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair. It is, indeed, invigorating and encouraging to be in the Chamber today to talk about education, talking about an innovative proposal to try to reform education and also being able to have a principled debate about increasing the accountability that should be inherent in this proposal because the issue of flexibility alone without accountability could lead simply to sending funds to States without proper controls. And so I believe we will have to emphasize in this debate and ultimately in this legislation accountability as well as flexibility.

I have been working on these issues since my time in the other body on the Education and Labor Committee and here on the Labor and Human Resources Committee, and I have always tried to stress the notion of accountability because, sadly, there are too many children in this country today who are not receiving quality education, particularly in rural areas and in central cities. And if we simply transfer funds without some meaningful accountability, I think we will continue to promulgate that disadvantage and continue to do disservice to those children.

I would prefer, frankly, to look at all these issues in the context of the reauthorization of the Elementary and Secondary Education Act, because however innovative this approach is today with Ed-Flex, it is in my view a nod toward reform, a genuflection toward reform, but it is not the comprehensive reform, frankly, that we should be encouraging because that comprehensive reform requires improvement in teacher quality, the repair and modernization of schools, reduction in class size, strengthening parental involvement, equipping our libraries with the modern technology and the modern media, which is so necessary. And those are the hallmarks of real reform, and those we will encounter in a comprehensive and systematic way in the reauthorization of the Elementary and Secondary Act. But if we are to deal with and move forward on the issue of flexibility, we have to do it right, and we have to do it with respect to accountability.

I want to emphasize one other point in terms of this comprehensive approach to education reform. I hope that in this year's reauthorization we would

take special strides to try to develop ways to involve parents in the process. This might be one of the most difficult issues we face, one of the most challenging issues we face, but, ultimately, if we get it right, could be the lever that moves significant reform and in a way which we all can afford, because I don't think there is any person in this body who would say that we can do less than improve the involvement of parents in the education of their children.

The Ed-Flex bill provides flexibility to States. But, as I have stressed before, flexibility must be a carrot for and matched up with accountability.

One aspect of this—and the debate is ongoing now in discussions—and I again commend the sponsors for their willingness to talk and to discuss and negotiate these amendments, these proposed amendments—I think we have to be very clear what we are trying to use the flexibility to achieve.

In my view, we are trying to improve student performance. Our focal point should be improved student performance, and this legislation should reflect that overriding focal point. It is one thing to provide relief from forms of regulation to make the life of a principal a little easier, the life of school committee people a little easier, and maybe free up a few extra dollars along the way, but if that does not result in improved student achievement, then we have missed the boat, we have missed the point. That should be our overarching goal, and I believe the amendment Senator KENNEDY and I are proposing is a key to that, and I hope we are making progress to come to a principled reconciliation.

Mr. KENNEDY. Will the Senator yield?

Mr. REED. I am happy to yield.

Mr. KENNEDY. I want to say how much I agree with the Senator from Rhode Island. Student achievement is measured by the individual State's program. I think it is important that we underline that student achievement is measured by what is happening in the States, not by some Federal standard. That is all we are asking. The State establishes its criteria, and all we are saying is if you are going to get the additional flexibility and you are going to get the resources, that at some place someone ought to know whether the students are achieving and making progress.

Mr. REED. I think that is precisely correct. We are not talking about a national standard, a national level of achievement. We are talking about letting the States propose their levels of achievement and then measuring how well this flexibility leads to the accomplishment of their goals.

Mr. KENNEDY. This is really all we are saying. We are taking Federal resources—resources that will go into the States and to the local communities—and communities are going to use these resources in ways that are going to be consistent with the overall purpose, which is targeting the needy children, and, over 5 years at least, there will be

some progress in student achievement according to what the State has established.

Would the Senator agree with me that an example which incorporates what we are intending to do is in the State of Texas, which has set numerical criteria that are closely tied to both schools and districts, and the specific students affected by the waiver? Texas expects all districts that receive waivers under Title I to make annual gains on test scores so that in 5 years 90 percent of all the students will pass State assessment tests in reading and mathematics. Texas districts must make annual gains so at the end of the same 5 years, 90 percent of African American students, 90 percent of Hispanic students, 90 percent of white students, 90 percent of economically disadvantaged students will pass these tests. Now, there is something specific. The State establishes the criteria. They say we want the flexibility to be able to do it, and we say fine. What we have found out is that they have made great academic achievement and progress for those students.

We have another State of the 12 that says on their waiver, "We want a commitment to the identification and implementation of programs that will create an environment in which all students achieve academic potential." They got the waiver, they got the resources, and it will be a bold Secretary of Education that is going to terminate or take that away.

What we are trying to say is, as Texas has done right from the very beginning, it has got to be very specific. The State establishes their criteria and they have proposed measurable ways of evaluating whether those students are going to achieve. And they have met all their goals so far. Why do we have to spend so much time in this Chamber saying that makes a good deal of sense? We know it is something that is working. Why don't we try to accept it? That is all we are looking for—for the words "student achievement" to be included in the criteria.

I thank the Chair.

Mr. REED. I thank the Senator for his excellent comments.

I believe Texas is a great example of what we can do if we give flexibility and demand accountability. As the Senator from Massachusetts emphasized, this accountability is with respect to their own standards, but it is measurable, it is objective, and it has resulted in great success in the State of Texas. In fact, I suggest most of the proponents of this legislation point to Texas as the example of what Ed-Flex can be and should be. As the Senator from Massachusetts pointed out, part and parcel of that is not just the flexibility, it is rigorous accountability. I hope we can incorporate that notion in this legislation.

I think it is also important to recognize, too, that as we debate this Ed-Flex bill, we have yet to have the definitive results from many of the dem-

onstrations States confirming that what they have done with Ed-Flex has led to improvement in student performance or just overall improvement in the educational process. The GAO has looked at this issue. Their report certainly raises as many questions as it answers with respect to this issue as to whether Ed-Flex is working in those 12 States that already have the flexibility to do what we are proposing to do legislatively here.

The other thing I suggest, too, is it is a concern—and it is a concern that was expressed by my colleague from Oregon—about whether this may endanger funding for the neediest students. I don't think there is anyone in this body, again, who would encourage such a development. We recognize, particularly through title I, that these scarce Federal dollars are going into communities that need them desperately and, in many cases over the decades of this program, have provided a significant makeup for local funds that are not adequate for the purpose.

But what we are concerned about—and it is a concern that, again, I hope is worked out through the process of this debate and amendments—is that unwittingly we might undo some of that emphasis and effort. Again, I would not argue it is the purpose of anyone who has proposed this legislation, but we must be careful because, again, we are looking at the most vulnerable population in this country in terms of education. We are looking at a population that desperately needs the support and assistance of every level of government.

There is another aspect I would like to conclude with, and that is the participation of parents in this process. I mentioned initially, I believe one of the great challenges we have this year in our reauthorization of the Elementary and Secondary Education Act is finding ways to encourage more substantive, meaningful parental involvement. In the context of this legislation, along with my colleagues, I will propose an amendment that would allow for greater parental involvement, allow for parental input that would be available for public review and would be included in state or local waiver applications.

We are not trying to hamstring local authorities. Last year I had an amendment similar to this that had a 30-day public notice and comment requirement. That is not in this amendment. We are just suggesting, though, if we mean that we want to have parents involved, this is not only a symbolic but a very real and meaningful way to get that involvement—to encourage them to submit comments, to have those comments publicly available, and then have those comments submitted with the application.

Again, I am extremely encouraged that we are talking about educational reform. We are working together to come up with innovative ways to do what we all want to do, which is to give

every child in this country access to an excellent education. Indeed, we hope to guarantee every child in this country access to an excellent education.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to be an original cosponsor of the Education Flexibility Partnership Act. This legislation will help States and local schools to pursue innovative efforts to improve K-12 education. I commend my colleagues, Senator FRIST and Senator WYDEN, for bringing forth this legislation. Senator WYDEN has very effectively demolished the myths about this legislation. The fact is, the goal of this legislation is to improve—to improve the education that we are providing to kids all over this country. It is that simple. The legislation would accomplish that goal by extending educational flexibility to all 50 States.

The public schools in this country have made an immeasurable contribution to the success of our society and our Nation. We need to assure that future generations of Americans receive the same excellent public education that many of us were so fortunate to receive while we were growing up. Unfortunately, as the Federal Government has imposed an alarming number of well-intended regulations on our public schools, we have seen a decline in the overall achievements of our students in our public school systems.

I am very proud of the progress that Maine schools have made in improving the performance of our students through a challenging curriculum. For example, Maine students rank highly in the National Assessment of Education Progress tests. This achievement reflects the efforts of the Maine Department of Education, our teachers, our principals, our school boards, our State's elementary and secondary schools, and the University of Maine, to design and use challenging statewide learning results.

The NAEP test results show that the efforts in Maine are in fact succeeding. They show that our K-12 education system can produce high-achieving students when the standards, curriculum, and expectations are supported and designed by those closest to our schools.

The process that the State of Maine used was a burdensome one. It required seeking individual waivers from the Federal Department of Education. It was a lengthy process. It was one that involved a great deal of bureaucratic delay. It is that kind of process that would be changed by this legislation.

The fact is, Maine and the rest of our Nation still have a long way to go to improve the education of our students. America holds dear the tradition of State and local control of education. The basic responsibility for improving student achievement lies with the States, not the Federal Government. Indeed, perhaps a better name for this legislation would be "The Return to Local Control Education Act."

I believe that all of us, in all of our States, are trying to meet the challenge of greater student achievement. But our State administrators need help from the Federal Government. They do not need more dictates. They do not need more regulation. The Ed-Flex bill provides some of that help by reducing Federal intrusion into the local control of schools.

How will this legislation help? Let's look at the role of the Federal Government. Over the last 30 years, the Federal Government has layered new programs on top of old ones that themselves are not meeting their goals. This has been done with a blind commitment to the belief that yet another program devised in Washington will somehow reverse the decline in educational achievement.

We spend over \$10 billion a year to support elementary and secondary education. This Federal money is spent through so many different programs that we can't even get an accurate count of how many there are. The General Accounting Office and the Congressional Research Service estimates range from 550 to 750 separate Federal education programs. Each of these programs comes with its own objectives, statutory requirements, and administrative regulations. Collectively, they create a huge administrative burden on local schools. Indeed, while the Federal Government funds only 7 percent of our public education system, it is responsible for 50 percent of the schools' paperwork.

By passing the Education Flexibility Act, we will allow States and local school districts the flexibility they need to pursue creative and innovative approaches in using Federal funds. And the Federal dollars that they do receive will become a genuine force for education improvement. Even more important, the bill will afford States and communities the flexibility that they need to craft local solutions. Instead of struggling to make programs designed in Washington fit local needs, States and localities will have the freedom to make the changes that they know are needed in each individual school.

Because, as the Senator from Oregon put it very well, the schools in an urban environment may be very different in their needs from a school in a rural community.

The Ed-Flex Act addresses the need for change within our public schools. It will provide a way for State and local education agencies to be freed from the multitude of Federal statutes and regulations that prevent them from breaking out of the Federal education mold and creating their own exciting programs. Expanding the opportunity for Ed-Flex to every State gives our school boards, teachers, parents, and State officials the opportunity to experiment and innovate, to chart a new path for better schools, and to provide Congress with the information it needs to help promote rather than hinder educational improvement.

In closing, I urge my colleagues to vote in favor of this legislation. I

would also like to clarify that I don't think Senator KENNEDY deliberately gave me his cold from the hearing yesterday so I would be less effective in debating him today, despite the rumor to the contrary.

With that, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, does the manager of the bill want to say something?

Mr. KENNEDY. I just wanted to give the assurance to—if you will yield 15 seconds—to the Senator from Maine, as far as I am concerned, she is always effective, whether it is that clear voice that comes out from the northeast part of the country, we always listen and take great care what she says.

Ms. COLLINS. I thank the Senator.

Mr. JEFFORDS. Mr. President, I ask, with the concurrence of the Senator from Connecticut, that the Senator from Wyoming be recognized for a period of not more than 5 minutes in morning business.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. KERREY. Mr. President, I yield to the Senator from Vermont for his request.

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

Mr. JEFFORDS. Mr. President, I ask that the Senator from Wyoming be allowed to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Wyoming.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 516 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, I thank the chairman once again for the time, and I yield the floor.

Mr. KERREY. Mr. President, I rise in support of the Ed-Flex bill introduced by Senators FRIST and WYDEN. I believe it is a responsible way to help our nation's educators meet the challenges that we face in preparing our nation's young people for the 21st century.

Ed-Flex gives states the authority to grant waivers of certain Federal requirements to local school districts if such a waiver will help that school district better meet the needs of its students. But in exchange for this flexibility, the local school district must show results. If the district does not show results, the waiver is revoked. Ed-Flex gives school districts flexibility, but it also demands accountability—and we should discuss how to make the accountability measures even stronger.

In addition, under Ed-Flex states are limited in the kinds of requirements they are authorized to waive. They cannot waive health and safety requirements or civil rights requirements. And they cannot deny districts the funds they would ordinarily receive under these Federal programs. Furthermore, districts must prove that the waiver they receive truly helps them

accomplish the goal it is designed to meet: helping more students learn better.

In Nebraska we have 604 public school districts. They range in size from the small rural districts such as Tryon—which has just over 100 students, kindergarten through 12th grade—and Omaha, which has approximately 45,000 students.

A couple of weeks ago I was visited by Bob Ridenour, principal of North Ward and West Ward Elementary Schools in McCook, Nebraska. In response to the question, "What do you need to do a better job of educating your kids?" his answer was simple: More money and the flexibility to help the kids at the lowest end of the economic scale in the best way possible.

But Ed-Flex is not just about flexibility. It's also about better coordination. It allows for better coordination between the variety of local, state, and Federal education programs available to schools.

All of the principals in Nebraska would agree that the Federal education dollars they receive are vital to well-being and success of the school children within that district. But different districts have different needs. And in some instances, different districts may need to take slightly different paths to reach the common goal that all districts share: Making sure that all students have the reading, math, and social skills to succeed once they leave the schoolhouse door.

Right now, 12 States have Ed-Flex. And the feedback we have shows that they are using it responsibly and that it is showing good results. Texas has implemented Ed-Flex more extensively than any other state in the nation. Achievement scores in Texas reveal that districts with waivers outperformed districts without waivers in both reading and math. And the gains for African American students were even greater.

And Ed-Flex has allowed States like Massachusetts to assure continuity of service to schools that were eligible for title I funding one year, ineligible the next year, but expect to be eligible in the following year. In the grand scheme of things, this is a minor waiver. But to a child in that school, the assistance provided through title I dollars makes a major difference.

Now let me be clear. Ed-Flex is a sound way to give local districts the flexibility they need to do a good job of educating students. But it's only one part of a complex puzzle.

Schools also need resources. They need to have the funds to hire and train qualified teachers. They need to have the ability to reduce class sizes in the lower grades. They need to be able to provide students with real classrooms in well-equipped buildings.

And schools need to be able to provide challenging afterschool programs

so that students can work on their math, science, reading, and technology skills between the hours of 3:00 and 6:00 in the afternoon.

Last summer we helped US West form a partnership with Project Banneker, a program that is helping raise the math and science achievement levels in Omaha Public Schools. Not only did students and teachers benefit from the hands-on technology skills training, but US West benefited because they played a role in training prospective employees. We are looking forward to another productive summer with US West as we work to expand the partnership.

The Federal government can't do it all—and the Federal government should not do it all. But we should be a helpful partner in the effort to improve our nation's schools. The Federal contribution to K-12 education is relatively small—less than 10 percent. That is why it's important that we make sure our investments in education are wise ones, that they complement efforts at the state and local levels, and that the investments yield results.

We need to make sure that the most disadvantaged students have the assistance and resources that they need to succeed in school. We need to continue to invest in title I, and also figure out how to make it stronger. Nebraska received \$31 million year in title I funds last year. School districts use those funds in a variety of ways. We need to give districts the flexibility to educate those students using the best methods available, but we also must demand accountability.

I believe that the most important way in which the Federal Government can be a helpful partner is by making sure that when a young person finishes twelfth grade he or she has the skills to get a decent job. It may take a couple of years at a community college to fine-tune those skills, but the point is that only 60% of high school graduates nationwide go on to college, and by the time they are 25 years old, only about 25% have a college degree.

Now we need to do more to make higher education more affordable, and we just passed a Higher Education Act that makes significant steps toward that goal. But we also have to make sure that those who do not pursue a postsecondary degree have the skills to make a good living.

That's why I believe strongly in the value of vocational education. Two weeks ago I visited the vocational education program at Grand Island High School, in Grand Island, Nebraska. In the vocational education program at Grand Island High, students are receiving hands-on education that will translate into real jobs. Grand Island has formed a partnership with area manufacturers, and the manufacturers know that it's a good deal for them. They have said to Grand Island, You train the students, and there will be a job waiting for them when they get out of school.'

In one particular class students work together all year long to build an actual house. Every part of the house, with the exception of the foundation, is built by the students. Then, at the end of the year, they actually sell the house, taking pride in the fact that they have created a product that has tangible value to their community.

Mr. President, I believe we need to increase opportunities for these students. I support the Ed-Flex bill because I believe that if it is used wisely it can help schools accomplish important goals in educating students. But I want to make clear that it's just the tip of the iceberg. We also need to increase our investment in these students so that all students have a shot at the American Dream.

Mr. President, just briefly, I thank both the Senator from Vermont and the Senator from Massachusetts for their leadership on this as well. I want to try to briefly declare why I like this bill and what I think needs to be done in addition to it.

I had a recent conversation with one of the 604 school superintendents in Nebraska. Those schools are as small as 100 students, ranging all the way up to 46,000 students, with a lot of variation in between. I talked to a superintendent in one of the rural school districts—in my State there is more poverty in the rural areas than is in the urban areas among children—and asked what he wanted. He said, immediately, "I need, in some cases, more flexibility to implement programs. I do not want any waivers from civil rights requirements, no waivers from health or safety. But sometimes with a Federal program, the State won't allow me to do what would reasonably accomplish the objective of what the Feds want." This bill allows it. He said, "In fact, I would like to be held to even higher standards of accountability. I want you all to hold me accountable to make certain that we are getting the job done." This bill does that. It provides both flexibility and measures for increased accountability, which is precisely what we need.

I want to point out as well, Mr. President, that he went on to say that the greatest challenge is not only flexibility, but increased resources for those children of lower income working families in both rural and urban environments. He said, "If you are insistent upon making certain that we have trade policies that are open, and if you want to keep the restrictions on business to a minimum so entrepreneurs can grow, what we are going to have to do is aggressively increase the skills of people that leave high school and go right into the workforce." The only way to get that done is to start very early. And I hope that in this bill, Mr. President, that we will have an opportunity to put some amendments on it that will give us some increased funding for lowering class size, that will allow us to do some afterschool programs.

I know the Senator from Connecticut has a bill dealing with child care. To me, child care and education are almost interchangeable. It is difficult to tell one from the other. A full third of my high school students in Nebraska go immediately from high school into the workforce, and there is an increasing amount of concern at the rural level and at the community level for the skills of these young people. If you do not start it early, it is impossible for us to close that skills gap. In my judgment, with the pace of our economy and the speed with which things are changing, there is a real urgency to get out there with flexibility, which this bill does. I hope we will have the opportunity to provide some additional resources so we can make sure that, with confidence, we are saying we are doing all we can to make sure that our young people, when they graduate from high school, are prepared and have the skills that they are going to need in a very competitive world economy.

Mr. President, I thank the manager of the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I won't take a great deal of time. Senator KENNEDY, Senator JEFFORDS, Senator FRIST, Senator WYDEN and others have talked about many of the specifics of the bill before us—the Education Flexibility Partnership Act. I just want to take a few minutes to thank my colleagues for all their work on this bill.

I am very pleased that one of the first legislative matters we are taking up this year is education. This is about as significant an issue in the minds of most Americans as any. There are a lot of other questions which are very important, but none that I think dominates the concerns of Americans regardless of geography or economic circumstance as education, particularly elementary and secondary education.

Later this year, we will take up the Elementary and Secondary Education Act reauthorization, which contains the major federal programs to assist our schools. This bill requires reauthorization every 5 years. And this year is the year that we must reauthorize that basic fundamental piece of legislation that deals with the elementary and secondary education needs of America. So we will have a chance, I suspect, even then to review some of the issues that concern people. I had hoped that we could consider this initiative on Ed Flex as part of that larger bill given its relationship to those programs; however, I am still hopeful that we can include the review of this program in our work on the Health, Education, Labor and Pensions Committee.

Today, as we gather here, in many parts of the country students are still in school. Fifty-three million students, more or less, went off to elementary or secondary schools this morning, from Hawaii to Maine. Of the 53 million, 48 million are in public schools and about

5 million are in private or parochial schools across the country. The vast majority, of course, attend our public schools. And most attending our schools today are doing well and their schools are good.

I think too often we focus our attention on the things that do not work. Partly it is because that is our job. And there are a lot of gaping holes in the education reaching students across this country in the ability to learn and the opportunity to learn. But in many, many communities across this great country we find schools that are filled with learning and blessed with qualified, motivated teachers, and enriched with excellent resources from libraries to computers.

In recent years, more and more schools have joined these elite ranks. More schools are enjoying the benefits of these wonderful technologies; more schools have adopted strong and challenging standards-based reform strategies; and more fine, well-educated people are entering the teaching ranks.

But our job, as I said a moment ago, Mr. President, is not just to point out the things that are working well. If we are to improve our schools, we must also focus on the problems and how to encourage real solutions to these problems. And that brings us to this bill. It will bring us to the Elementary and Secondary Education Act as well.

Let me just share some statistics with my colleagues, briefly here, on the state of education in America.

The GAO estimates that one-third of all of the schools in the United States are in need of basic repairs and renovations. Two-thirds are in good shape. That is the good news. But still fully a third of them are in poor shape and in need of repairs and renovations.

Just to give you one example, in my home State of Connecticut, Mr. President, there was a study done on school conditions in the city of Waterbury, CT. I live in a very affluent State, but there are pockets of real poverty in Connecticut. It is a dichotomy of affluence and poverty living in a relatively small piece of geography. Waterbury, CT, has some very fine and affluent neighborhoods. But like many of our cities, there are parts of it that are not doing as well economically. Last year, in Waterbury, they found that 500 fire code violations occurred in our schools over the last five years—500 fire code violations.

Another statistic, nationwide, 53 percent of 3- and 4-year-olds participated in preschool programs.

Eight percent of second graders were detained in kindergarten or the first grade. Second Graders—it is hard to imagine why someone would be held back at that level. One could maybe see it later in the elementary grades, but by the second grade almost 10 percent are being held back.

Nearly 15 percent of middle and high school teachers in the United States do not minor or major in the area of their main teaching assignment. Again, we

have 85 percent who do. But there is a growing number, about 15 percent, who are being asked to teach at the secondary school level in a curriculum that they have not received a significant formal education.

We see, as well, that 86 percent of 18-through 24-year-olds have a high school diploma. That number, again, is getting better. But is still too high. And is way too high when one looks at some of the sub-populations of students; over a third of Hispanic Americans are dropping out. This is the fastest growing ethnic group in the United States and one-third of them are dropping out of school.

At the end of the 20th century, Mr. President, we are going to have to do better in all these indicators if we are going to compete effectively.

So I am pleased we are turning our attention to education today. But let's not delude ourselves. The bill that we are talking about here is not the answer. I respect immensely the authors of this legislation. I have a high regard for them and the motivations which caused them to propose this legislation, particularly my good friend from Oregon, who had a long and distinguished career in the other body, and who cares about young people and their educational needs, and our colleague from Tennessee, and others who are a part of this legislation. But I want to raise some of the concerns that some of us have about this bill and am hopeful that we can work through some of these issues in the coming days.

Six years ago, in 1993, we enacted the Ed-Flex Demonstration program in the hopes that it would spur school reform in our states. It was a very tightly written program with just 6 states participating. We quickly expanded that to 12, recognizing 6 States probably was not a good enough laboratory to get some decent results back to determine whether or not this new waiver authority would prove to be worthwhile.

Ed-Flex was a major departure in education policy. We were allowing, for the first time, officials to waive Federal regulatory and statutory requirements. That is not a minor thing. I mean, we are responsible to see to it that the dollars, the Federal dollars that go to education, are going to be spent well and wisely.

Now, I don't question that we can get heavyhanded, and too bureaucratic. We are all painfully aware that can happen. But to allow state officials to waive statutory and regulatory requirements is a significant departure. It is one thing to modify, to amend, to drop certain regulations, but to allow a complete waiver of statutory and regulatory requirements was a dramatic departure from our education policy.

We included protections in the law at the time. The Secretary would have to approve applications for this waiver authority. Only States with strong standards-based reforms in place were eligible, and waivers could not override

the intents and purposes of the laws or civil rights and other certain basic protections. But the idea was for flexibility in return for results. So we passed overwhelmingly this demonstration program.

But it was for a demonstration program—a test. Well, the results are not in. That is one of the difficulties here. It is not that anyone has studied this and said they are bad, they are just not in. We do not really know. It may be very good, or it may not—but raising the legitimate concerns about it is not inappropriate.

Texas is the only State, the only one, by the way, out of all 12 States, that has actually been giving us some details on how they are performing. Most others cannot produce, unfortunately, any results about student achievement results they have achieved through school reform and the Ed-Flex demonstration program.

The General Accounting Office, the GAO, has reviewed Ed-Flex and found little in the way to suggest that Ed-Flex is making a difference. Now, it may. Again, I find myself in a situation of hoping it does. I supported the demonstration program not because I anticipated it to fail, but I did it because I anticipated it to work. But I feel I have a sense of responsibility to the people of my State—that it is their dollars, in a sense, that are going to this—that I can look them in the eye and say why we are now going to pass legislation permanently establishing this. But if you ask me the question, "Do I have the empirical evidence which draws the final conclusion that in fact this can work?" I have to say, no, not yet.

Now, maybe it will come in, but it is not here yet. And so I hope my colleagues understand that those of us who are raising these questions are doing so with a deep sense of optimism that this will work, but also a deep sense of concern that we do not have the information yet to make these final conclusions.

While we don't know much about results, we do know a little about how this authority is being used. Seven of the participating 12 states have granted 10 or fewer waivers. The vast majority of waivers requested are about loosening title I requirements for targeting the neediest students. But generally, the finding suggests there is little being done with Ed-Flex that is not being done directly with the Secretary with his own waiver authority.

We hear anecdotes from Governors about how it is promoting creativity and spurring reform—but the evidence we have on how it has been used really do not back this up in the most states. But I have never had a Governor or mayor yet that wouldn't like to get all statutory and regulatory requirements of the Federal Government eliminated; that doesn't come as a great shock. They would like us to write a check, give it to them, and get out of the way. That is how Governors and mayors

think. I find it interesting that in States, when State legislatures or mayors ask Governors for similar waiver authority, I usually find the Governors are far more resistant to waiver authority at the local level than they are in asking us for it. It is where you are in the food chain in terms of your willingness to support waivers from regulation.

At any rate, we hear a lot of anecdotes from Governors and State education leaders about Ed-Flex changing the mentality of their systems and motivating school improvement efforts. I am for this. I hope it works. But I think we need to ensure that students are served by these changes. That is why we have the accountability amendments.

Senators KENNEDY, REED, and I will offer two simple amendments that I believe get to the core of improving accountability. These build on the changes that we were pleased to see the managers include the substitute bill they offered earlier today. Our staffs have been working together for weeks to beef up the accountability in this bill. I believe we have made good progress, but must do more.

The first amendment offered by Senators KENNEDY, REED and me will ensure that accountability is resulting in student achievement. Improving the performance of students is what this is all about. I am rather surprised we have been forced to offer what we think is a very common sense amendment, rather than having it just agreed to and accepted. I understand we continue to work on this and am hopeful that we will be able to resolve this without a vote.

The second amendment ensures involvement of one of the key players in school reforms, parents and the larger public. The Reed amendment ensures that parents and other local leaders can comment on applications for waivers and that these comments are given consideration.

Again, I would hope that parental involvement is one of the things all of us can agree on. In Head Start, we require that parents be involved from volunteering in classrooms to parent planning boards, then make key decisions about their community programs. We get about 80 percent parental involvement with Head Start programs. What has been terribly disappointing to me is that by the first grade parental involvement drops to about 20 percent. It immediately drops, which is terribly disturbing because there is no better way to increase a child's performance in education than to have a parent involved—visiting teachers, talking to them, going to the schools, learning what the child is supposed to be learning, involved in school governance and reform.

The requirement we would add would ensure that interested parents could be engaged in this process. I hope our colleagues would be supportive of that since it fits in with the growing con-

cern among all Democrats and Republicans that parental involvement needs to be expanded rather than contracted. The Reed amendment does not give parents or others veto power. That is not the point. It gives them the power to comment knowing their comments will be considered, which is not too much to ask. It says their comments should be available and included in the application for waiver authority.

These are simple changes that broadly improve the accountability of this bill.

We will also have the opportunity to consider several other important education initiatives—not to belittle the importance some have placed on this Ed-Flex bill, but I have never had one parent or teacher or student raise it with me.

I have heard from many concerned about class size, districts looking for reassurance that the full promise of 100,000 teachers will reach them. Class size is a critical issue to families all across the country, whether in a rural school in Idaho, or urban school in Connecticut. Parents know that class size matters—how many teachers teach how many students, how well educated they are, and are these buildings that these kids are supposed to be learning in, in good shape. We also hear a great deal about the readiness of children to learn when they enter school. We hear about afterschool.

My colleague from California, Senator BOXER, has an interest in this. My colleagues from Vermont and Massachusetts will recall last July when this specific bill was in committee, I offered an afterschool amendment to this proposal—which I hope to be offering in this debate. My colleague from California has an interest in this subject matter, as well.

Eighteen years ago our former colleague from New Jersey, Senator Bradley, and I did the initial legislation on afterschool programs in the dropout legislation. Over the years I have been deeply involved in trying to reduce this afterschool problem, of the difficulties that occur with the lack of afterschool programs. This is an issue that many people in this country would like to see us do more about.

I think most of my colleagues are aware of this, but this chart points out when juveniles are most likely to commit violent crimes. The spike is around 2:30 or 3 o'clock. That is the peak time of violent crimes among young people. The hours between 2:30 and 6:00 is when we see the largest percentage of violent juvenile crime.

It is not uncommon for communities to have curfews. Invariably the curfew suggests some time after 9 or 10 o'clock at night. In fact, 9 o'clock or 10 o'clock at night is a relatively calm period of time. It is 2:30, 3 o'clock, 3:30, 4 o'clock—when kids are home from school, but parents are not—which is the critical time period. We are told by chiefs of police and others that violent crime among young people is on the in-

crease. Afterschool programs, putting efforts into this, is something that we think would make a great deal of difference.

I hope to offer an amendment on my own or with Senator BOXER or others to deal with this issue.

Mr. President, Ed-Flex may make a difference in some States. Frankly, in my view the jury is still out for the reasons; I hope the jury comes back with good results and good reports on this. We think the accountability amendments will help here.

But this legislation on its own is no substitute for what our schools need and what parents and students across this country are demanding. I am hopeful that during these next several days we can have a real discussion on education and improve this bill with the addition of some critical timely initiatives.

I am happy to work with the chairman of the committee and the ranking member and move through these issues in an orderly way. I thank both Senators for their leadership. I commend my colleague from Tennessee and my colleague from Oregon for their fine work on this amendment.

I appreciate, again, the motivations that have given rise to this legislation. I think we can make it a better bill and add to it some of the elements that we think will strengthen the educational needs of all Americans by some of the suggestions I have made here and that others have made this afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I'll use a few moments to take a look at last year. What we are talking about right now is where we ended last year as far as passing bills on education.

Let us take a look at what we did accomplish during that period of time. This chart lists all of the bills which we passed out of our committee, almost all of them by unanimous or close to unanimous votes. They all became law. They were very important.

First of all, we had the Individuals with Disabilities Education Act, for which we had tremendous bipartisan agreement, and we took time to do it. It came out and passed practically unanimously by both the House and Senate. That is what happens when we have good, bipartisan working together.

The next one was the Emergency Student Loan Consolidation Act of 1997. We had some important problems that came up with respect to student loans, but were able to take care of them. This Act passed with a very substantial vote.

Next, was the National Science Foundation Authorization Act, which had not been reauthorized for many years. An important component of the National Science Foundation is education; we sometimes forget that. But a tremendous amount of funding for the important areas of education, in

the areas of science, comes through this bill, and that was accomplished.

Then we had a real step forward with the Work Force Investment Act of 1998, including the Rehabilitation Act Amendments. That bill has turned this country around in its attitude and ability to prepare people for the workforce. Not only that, but it recognized that workforce training is nonstop at high schools and colleges. Training goes on and on and on. We now have the non-traditional students of the past who are actually outnumbering the so-called traditional students on the recommendation that a person's job is going to change many times during a lifetime. We had close to unanimous agreement on the Workforce Investment Act of 1998.

And for the first time in 5 years, we did a thorough review of the Higher Education Act, taking into consideration the needs of the Nation. Again, with very hard work and long, long hours, we were able to complete the Higher Education Amendments. Also included were the Education of the Deaf Act Amendments of 1998. The Higher Education Amendments took a close look at not only higher education, but what higher education was doing with respect to the teacher colleges. We found we had serious problems with the teacher colleges and things had to be changed. We also recognized that we had a huge problem trying to get our teachers in schools the kind of retraining that is necessary in order to bring them up to speed on the needs not only in the next century but this century. This Act passed close to unanimously.

The work being done now in professional development—we eliminated all the bills on professional development in there. They were useless. We have now created a very firm foundation for professional development in higher education institutions to assist us in our K-through-12 education.

The Reading Excellence Act was unanimous here. In close cooperation with the President, we came out with that act, and it is in law and already having an impact upon the serious problems we have with a number of young people graduating from high school who are presently functionally illiterate and do not have the basic skills necessary to warrant a diploma. We have had what is called social promotion, and the President emphasized that we have to do away with social promotion. The way that can be done is to try to make sure every kid can read, and the Reading Excellence Act will be an important part of that.

In addition, we had the Charter School Expansion Act. As we go forward, it is necessary to experiment in the kinds of institutions we can create to have the flexibility and dedication to be able to change the relatively low results we have been getting out of our K-through-12 educational system. Some of the charter schools are working well. We have learned a lot. Those

will be models for what we can do in the public school system. It is an important step forward.

In addition, we had the Human Services Reauthorization Act of 1998. That is Head Start and other programs for the very young, as well as for those in special low-income areas. It was the first reauthorization of Head Start in many years. We came out with an excellent bill, all working together, Republicans and Democrats, and with the White House.

Finally—and this is an important act—is the Carl D. Perkins Vocational-Technical Education Act Amendments. We had not been able to get that amended in many years. We did a thorough review of its application. We upgraded it and brought it into the modern day situation.

I am pleased to say that we almost reached our goal on all the bills that we had. However, one bill didn't make it, and it was this Ed-Flex bill. The reason it didn't make it is not because the Members did not agree with what we had in the bill, but it was seen to be a vehicle on which perhaps many other ideas and thoughts about how to change education could be amended to it.

I hope that doesn't occur this time. I hope we don't find ourselves in the position of not taking a bill which everybody agrees is important. The President has said that he favors it. He gave strong words of support for it. The Governors have unanimously agreed that they want it. I hope we will be able to get this out in the next few days in order to be sure that we can give the flexibility to the States that they need.

My State has had it. It has worked very well. It is not a huge success in the sense that it is going to change that much that goes on, but it makes it easier for States to coordinate things. You have situations—at least in our State—where school districts are very close to the 50 percent or the 125 percent thresholds for poverty. If you don't quite make it, it fouls everything up. With the flexibility we have had in Vermont as one of those six States that have been able to use the flexibility, we have found that it has reduced the time and effort which go into trying to work with title I. That is all we are trying to do today.

I think we are hearing now an agreement on accountability. If we have learned anything over the past year, it has been the tremendous lack of accountability in this country in our educational system. If there is any area that we need to improve upon—and I serve on the Goals 2000 panel—it is accountability. One of the most disturbing things I have found is that we really don't know what is going on in this country. We still can't measure performance, still can't determine—in fact, in the report we have no evidence that there was any improvement from the date that we got the "Nation at Risk" report in 1983. Fifteen years and there is no measurable improvement in

our schools. But then we found that the data we were using to determine whether or not there was any improvement was 1994 data, and here it was 1998.

So we have other improvements to make, and one of those is accountability and to be able to measure what is going on in our school system. The flexibility will help the States to be able to really ascertain and work better with their school systems to determine exactly what is going on, how to measure success. That is one of the reasons. So I am hopeful that that one bill we were unable to get passed last year in the area of education, which we knew was appropriate and necessary—I hope we can get it done quickly this week.

I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I will just take a few moments to expand upon a couple of issues that have been raised over the course of the morning and early afternoon. One has to do with accountability and the other, parental involvement. Both of these are very important issues as we proceed ahead in addressing both the underlying bill and the potential amendments that are coming forward.

The Ed-Flex bill itself, again, is a bill that expands a demonstration project, which has been very successful, from 12 States to 50 States. What it does is simple. It allows schools and school districts the opportunity to obtain a waiver, and that waiver would allow them to accomplish very specific goals as set out in programs but free of the redtape and excessive, burdensome regulations, and it also allows them to say we are going to meet those goals and objectives and be held accountable for those in very strict ways that identify our particular needs. Schools have different needs; a particular school might need access to computers and another might need to have a pre-kindergarten program. Another school might need to have an afterschool tutoring program. I think the point is that we don't want to tie the hands of our local communities and our schools if they say this is what it takes for us to increase student performance, this is how we have identified, based on our own needs to achieve, these very specific objectives. Again, we are not talking about a block grant. We are not talking about changing the goals that we set out. We are saying that given the resources that we are putting in a particular area, and given the specific goals, we are going to give the local communities the opportunity to have more flexibility and at the same time demanding accountability to meet those goals.

That, very simply, is what the bill does. We have this experience with it that historically we can look to; we can learn from it. We can expand upon it. And that is where we are today.

That is what I think real leadership in education is all about. I think it is an appropriate Federal role to give that flexibility and demand that accountability. "Accountability" is tied with "flexibility."

That accountability needs to be carried out at the local level, for which I have the next chart, which was spelled out earlier. We need to have the accountability built in at the local level. We need to have the accountability built in at the State level and at the Federal level, all reinforcing each other in an appropriate hierarchical way just to make sure we are holding those schools or school districts accountable for the waiver that they have spelled out.

I have gone through the specifics earlier, but as I keep this chart up, just so people can understand how it builds one on the other, let me also make it clear that the type of waivers that we are allowing are really two kinds. One is an administrative type of waiver. That is a waiver where you unshackle the paperwork on local communities, local schools, and school districts which say that they are bombarded with paperwork and time requiring activities which keep them away from accomplishing that goal. Those sorts of administrative waivers are very important. And that is one element of the waiver system.

Another element of the waiver system about which we have talked a great deal about today is where the schoolwide waivers take place, again accomplishing the specific goals consistent with the intent of the Federal law.

We have to keep in mind that not all waivers are about student performance per se, that some waivers are about—I will describe them first—lowering that paperwork burden on both schools and school districts and at the State level.

I say that because we have to be careful, if we start modifying this bill at all, so that we don't try to connect every single waiver with an increase in student performance and use that as the judge. There are certain areas that we cannot basically come back and link that particular waiver that produces paperwork to the performance of individual students in a school.

On the issue of student performance, I think it is important to point out that Ed-Flex, as is spelled out in the underlying bill, has more accountability that we have injected into it than the Elementary and Secondary Education Act which is in existence today. That particular act authorizes over \$13 billion. We have injected in our bill, Ed-Flex, more accountability than is in that Elementary and Secondary Education Act.

I mention that again so people will know how hard we have worked in this peer approach to make sure that accountability is included.

Under current law, education programs that provide direct services to students are not specifically required

to improve student performance. Ed-Flex has more accountability built into it than the largest single Federal education law in the land.

That is point No. 1.

No. 2, it is important to understand that the accountability provisions in our bill as written—I encourage my colleagues to read that bill as written—inject more accountability than the existing 12-State demonstration project. It is important, because I want people to go back and read the bill and not just look at what is in the current Ed-Flex program and the 12-State demonstration project.

First, before a State may issue waivers, they must first provide public notice and comment. I am going to come back to that shortly because that will give me the opportunity to talk a little bit more about parental involvement. But it is very clear that by having that requirement that the community at large, including the parents, will be very much involved as they can express their concerns if they have such concerns about the waiver.

Second, before receiving any waiver in the State, local school and local school districts must establish specific measurable education goals, which may include student performance. But they have to have very specific goals spelled out.

That is important, again, so we can demand that accountability as to whether or not they meet those goals. As I pointed out before, those goals, as spelled out in the bill, may very well include student performance.

Third, every year States must monitor—this is at the State level—and review the performance of schools and school districts that have received those waivers. So we go from local up to the State level that the State must monitor. In addition, the States are required to make sure that the school and school districts that have received waivers are, indeed, making progress toward those goals; again, including school performance. Whatever those goals are they establish, consistent with the Federal intent, we need to show not only that the goals have been spelled out, but that progress on a regular basis is being met. If a school district or a school fails to meet that progress toward meeting the goals, the State at any time can revoke that waiver.

In addition, we have built in and spelled out here that the States have to offer technical assistance, if progress is not being made, and also take corrective action.

Fifth, every year the States must send a report on how Ed-Flex is working to the Department of Education; again, an accountability measure.

Sixth, again looking at the top of the chart at the Federal level, the Secretary of Education has the final say. He or she can terminate a waiver at any time.

Seventh, the Secretary must issue a report to Congress every 2 years on the

performance of students affected by the waivers.

Eighth, State waiver authority to issue waivers is thoroughly reviewed every 5 years, and is contingent upon school performance.

Earlier today, the Senator from Oregon presented the accountability checks in the bill. These accountability checks are critical.

The second issue that I wanted to refer to, again because it has been talked about, is regarding the requirements that can or cannot be waived. Again, I encourage my colleagues to go back and see what is in the legislation, because it has been written very carefully with a huge amount of input from a broad number of people. The requirements that cannot be waived in Ed-Flex—again, spelled out in the bill—include such things as: The civil rights requirements, the underlying purposes of each program or act for which a waiver is granted.

The third one that I want to stress right now—I will not go through the rest of these—as requirements that cannot be waived under Ed-Flex, is parental participation and involvement. We have heard a lot about the parents, how important it is to have the parents involved. I agree. There is nobody that cares more about their children, about the future of their children, than those parents.

One important thing is the whole notion of public notice. We talked a little bit about public notice. This is one area that has been greatly improved, I think compared to a year ago—public notice of those waivers.

First of all, let's see what is currently being done in terms of public notice of the waivers. Let's look at Texas. In Texas, at the local level requests for waivers must be reviewed by campus and/or site-based decision making committees composed of parents, teachers, and other community representatives.

The same thing in Maryland. I won't go through the details. But, if you look at these examples, you will see that through public notice, comments and concerns by the parents are made known. The parents are involved.

To take another example of public notice in current Ed-Flex States, in Michigan, it has a waiver-referent group composed of representatives from a number of people: Michigan Department of Education, local and intermediate school districts, private schools—and importantly—parent organizations.

Furthermore, if you look at the public notice, among the criteria that the Secretary uses to evaluate a State's Ed-Flex application is,

Did the State conduct effective public hearings or provide other means for broad-based public involvement in the development of the Ed-Flex plan? How has the State involved districts, schools and [very specifically] parents, community groups and advocacy and civil rights groups in the development of the plan?

These are the criteria that are used, which will be used as well under extension under our bill.

I can just go on. The other criterion that they have to use is,

How would the State provide districts, parent organizations, advocacy and civil rights groups and other interested parties with notice and an opportunity to comment on proposed waivers of Federal requirements?

Again, as you can see, parents are an integral part of this waiver process. And there is a good reason. As has been pointed out by both sides, we want parents involved. Nobody cares more about the education of the children of this country than those parents.

The National Education Association, (NEA), on February 25, 1999 made an important statement. I'd like to look at how a group that is involved in education, that is objective, that is not on one side of the aisle here, that is not just a policymaker but is a group of people who are in the field, who have a vested interest in education and education policy—how do they view the direction we are going, in terms of that overall balance? I think we can go through this first statement on the chart. It says:

... the NEA believes the Ed-Flex legislation introduced by Senators Ron Wyden of Oregon and Bill Frist of Tennessee is a step in the right direction.

Remember, we are not trying to cure all of the problems in education today. That is not our purpose in this particular bill. That is a process underway in the Health, Education, Labor, and Pensions Committee right now as we are reauthorizing the ESEA, the Elementary and Secondary Education Act. That is the appropriate forum for that. This is a very targeted bill that can be passed to the benefit of hundreds of thousands of children if we do it right over the next several days.

But going back to the NEA, because again I want to stay on this issue of parents, how do they view what we are doing from the outside with their vested interest in education, the education establishment, and, most important, the education of our children? I will turn to the second quotation from their letter. They say:

The bill has been much improved through the addition of increased accountability and coordination measures and a public comment period that permits parents and members of the community to participate actively in education reforms.

I think this again is critically important, because it demonstrates objectively that we, as a body, on a bipartisan bill, have made absolutely sure to address the accountability issue and to address the issue of including parents.

I have to say, "The bill has been improved. . . ." Those are the words of the NEA, which shows we have taken a bill that really went through committee and passed, and have been willing to work again with all interested parties to make sure that accountability, through the eight steps I outlined, through the tiered approach of the pyramid, guarantees—guarantees—that accountability.

Just so people will know, because it is always hard for people to go back

and read the bill, on the public notice and comment issue, which I think is very important—just so people will know specifically what is in the bill on public notice and comment, let me just read directly from the bill, page 13. The bill has been distributed.

Public notice and comment.—Each State educational agency granted waiver authority under this section and each local educational agency receiving a waiver under this section shall provide the public adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, and shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver.

I repeat, "shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver."

There are a number of other issues. I wanted, again, to come back to the accountability issue and parental involvement, both issues that have been addressed. People who read the bill will find the accountability and parental involvement issues very, very strongly enumerated, supported, and substantiated in the bill, again with the input of the Department of Education, from whom we solicited direct input on how to assure that accountability, and many, many other interested parties.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know the afternoon is moving along, but we are making some progress. Even as we are trying to find some areas of common ground, let me just respond specifically to the Senator from Tennessee on his provisions in this and on his statement that the criteria in this results in greater performance standards than in Title I. It is difficult to see that, because, under the provisions under Title I, the State has developed and implemented the challenging State content standard, challenging student performance standards and aligned assessments described in the Elementary/Secondary Act, and therefore it has content standards and performance standards included, while, in this legislation, Ed-Flex, it says, "made substantial progress as determined towards development." So, I think we are headed in the right direction, but I don't want anyone to think we have tougher standards in this particular proposal than we do in the underlying Title I.

Specifically in the managers' package, on page 3, you have findings:

To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

I agree. Amen. That is exactly what we want to try to use as a measurable fact. But it is only a finding, it is not part of the operative language. This is a good idea, and that is exactly what

we are trying to do, to make sure that we are going to have the students' achievement and performance, as we have outlined in the earlier debate. Managers' amendment, page 6, says an "Eligible State" is a State that:

... waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

We want to see the whole State, not just the local communities. We are able to take what the Senator has put as a finding—and we agree and put that into language—and to make sure that the State is going to have compliance, that particular provision says that a State will hold local districts accountable for results. It does nothing to say that the State will evaluate whether they have done so. It does nothing more to ensure that the State's overall waiver plans to achieve student achievement. If we have that, we have solved at least the major problem.

Look at page 9 in the managers' package, "Local Application" shall:

... describe for each school year, specific, measurable, educational goals, which may include progress toward increased school and student performance, for each local educational agency or school affected by the proposed waiver. . . .

We could solve at least one part of this by instead of saying "may include" saying "shall include." "Shall include." All we are trying to do is to make sure that—while giving the States and local communities flexibility—the fundamental purpose of Title I is going to be achieved for the reasons that have been illustrated in the very impressive report that has come out in the last 2 days about the successes of Title I. We want to make sure when we are providing this, that the principal criterion is going to be student achievement, and that is what we are going to do. The words are used but we do not find it applicable, in terms of the statewide program.

As I say here on page 9:

Local application shall describe for each school year specific measurable educational goals which may include progress toward increased school and student performance. . . .

Isn't this all about the performance of the children? Isn't that what we are attempting to achieve? That is why we are spending the resources, to enhance the students' performance. That is what we are doing. As we are prepared to see greater flexibility, we are simply saying: Okay, you get the flexibility, all we are asking for is student performance and achievement. That is what the basic debate on this is.

In the managers' package, on page 11 on State waiver approval, it says:

A State educational agency shall not approve an application for a waiver under this paragraph unless . . . the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals

with respect to school and student performance.

This, again, applies to the LEA rather than the States.

Just to sum up, Mr. President, for those who support our particular amendment, all we are saying is, yes, we will have the flexibility, but in giving the flexibility, there is some assurance that there will be an improvement in student performance and student achievement, as measured by the State plan, not by the Federal plan, but by what Alabama wants to do or what Massachusetts wants to do or what Vermont wants to do. They are setting their plans. All we are saying is, according to your own State plan, that we are going to have measurable results in terms of the performance. That is what this amendment is really about.

We have the example which we have gone over in terms of Texas where they have spelled out exactly what they are going to do. It has been enormously impressive, and the students have made very significant and important gains. And that example is being replicated by other communities. The parents understand it. The parents know what is happening in their particular schools, and they are able to make some judgments about it. Mr. President, this is what we are all working towards.

I wanted to get back into reviewing, very briefly, the absolutely splendid independent evaluation that has just been released this past week on title I and their conclusions. Those will be valuable for our Education Committee as we are looking over ESEA. They have made some very, very important recommendations, and we ought to be responsive to those.

One of their very key elements is to do the evaluation in terms of student performance. We have that. I will go back into it at another time, Mr. President, but I see my good friend and colleague, the Senator from Minnesota, on the floor, and I yield the floor.

AMENDMENT NO. 32 TO AMENDMENT NO. 31

(Purpose: To preserve accountability for funds under title I of the Elementary and Secondary Education Act of 1965)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

Mr. WELLSTONE. Mr. President, I propose an amendment numbered 32 to amendment No. 31.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. JEFFORDS. I object. I prefer to have it read.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

The legislative clerk read as follows:

On page 8, line 4, after "determines" insert "that the State educational agency is car-

rying out satisfactorily all of the State educational agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform and".

On page 12, line 22, after "hearing," insert "that such agency is not carrying out satisfactorily all of the agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform or"

On page 15, between lines 2 and 3, insert the following:

(F) standards, assessments, components of schoolwide or targeted assistance programs, accountability, or corrective action, under title I of the Elementary and Secondary Education Act of 1965, as the requirement relates to local educational agencies and schools;

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. I ask unanimous consent that the Senator from Pennsylvania have 5 minutes as in morning business.

Mr. WELLSTONE. Mr. President, parliamentary inquiry for a moment. Certainly that is fine with me. The pending business is the amendment that I have on the floor; is that correct?

Mr. JEFFORDS. That is correct.

Mr. WELLSTONE. That remains the pending amendment?

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the request? If not, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair and thank my distinguished colleague from Vermont.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 528 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senator from Louisiana be allowed to speak in debate only for 10 minutes.

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

Ms. LANDRIEU. I thank my colleague from Vermont.

Mr. President, I rise today in support of S. 280, the Education Flexibility Partnership Act, which we have spent most of the afternoon speaking about today, for several reasons.

First, this Ed-Flex bill, as we have come to call it, represents a very solid bipartisan effort to provide greater flexibility in our public schools and, hopefully, improvement. Passage now at this early stage in this Congress sends a very positive message, I think, to the American people that we want to put first things first; we want education to be a priority. We are willing now, with the ordeal of the trial behind

us, to work together across party lines for the things that are important to people back home.

Second, expanding the Ed-Flex program gives every State and school a chance to temporarily waive sometimes very restrictive specific Federal regulations to help them better meet their new standards and to help them to better utilize the tax dollars that we send to them and that they generate on their own.

Thirdly, for its timeliness, I am happy to join this debate because, next Monday, it will be my honor to host Secretary Riley in Louisiana for the first yearly conference on educational excellence in our State, as we reach out to develop stronger Federal-State partnership for reforms in education. As you know, Mr. President, it takes more than just the Federal Government's actions, but it takes our actions, with the States and local governments, to make real these kinds of reforms for the children in our schools. The conference this week in Louisiana and this bill will move us closer to that goal.

I also support Ed-Flex because it has proven to be effective over the last 4 years. As my colleague from Oregon has so eloquently pointed out, these pilot programs have worked, and that is why the bill is before us today. We know it works. States and local school districts under Ed-Flex have received waivers for several Federal education programs. These waivers will free States and school districts from unnecessary regulations that stifle innovation in education, while still ensuring the core principles that have been outlined so clearly; specifically, the civil rights principles will be honored with this bill.

At the same time, Ed-Flex is voluntary. No State, no school, no district has to apply for these waivers, but they will be available should a school or a district choose to apply. And for accountability's sake, waivers can be revoked under the current draft of the bill, if the Secretary of the Department of Education determines that these waivers granted have not improved significantly the performance of the students in that school or that district.

We know that the data resulting from certain demonstration States is very encouraging. For instance, in Texas, where this has seen its greatest use, students with Ed-Flex waivers outperform those in districts without the waivers in the Texas Assessment of Academic Skills in reading and math. In Maryland, the Ed-Flex waiver provided the opportunity for that State to provide for one-on-one tutoring in early grades in reading and math, in grades 1 through 5, and in lowering the student-teacher ratio from 25 to 1, to 21 to 1. Mr. President, with a 6-year-old who is in first grade now, let me tell you that those student-teacher ratios at that level are crucial as our young boys and girls, sons and daughters, learn the skills necessary in reading.

That is something I will speak about in a moment. But that is a flexibility that this waiver will provide.

Oregon has used the waiver authority to simplify its planning and application structure to allow districts to develop one consolidated plan that meets all State and Federal requirements.

Let me thank the distinguished authors of this bill for including language also that is already presented in the bill as drafted that will increase the accountability. Some people are worried that if you grant more freedom, we know that then comes more responsibility, and as more responsibility comes, obviously there is more accountability. We want this bill to hold us all accountable, and through the language that we were able to submit earlier, I think with an additional amendment that may be acceptable to both sides, that accountability piece will be made clear.

Let me be quick to say, as I conclude my remarks, that while Ed-Flex is a move in the right direction, much more must be done to improve education. We need to be very clear about this bill. It is a good step in the right direction. It tries to reduce bureaucracy, reduce regulation, give greater flexibility; but it is only one step. We need to do other things.

I urge this Congress, my colleagues on both sides, to support initiatives to decrease class size, particularly in the early grades. Let me share with you an alarming statistic from Louisiana that my acting superintendent and staff shared with me earlier. In the recent test of third graders in Orleans Parish in the basic reading test, 72 percent of the students failed their basic proficiency in reading at that level. In a parish outside of Orleans, a more suburban parish that is still struggling and growing, it was 14 percent. I think 14 percent is too high; I think 72 percent is tragic. We need to do everything we can to reduce class size in those early years—kindergarten, first, second and third grade—so we can prevent scores like this from being a reality.

So I urge that we pass additional amendments to decrease class size and modernize our school buildings so that our children believe what we say when we say they are important. We want them in an atmosphere to learn and not in buildings that are falling down around them, with roofs that are leaking and situations that are unsafe. I think the Federal Government has an obligation to help spend some of our dollars in that regard, in cost-effective ways.

We, as a Nation, face hundreds of issues that affect millions of lives every day, but no single issue is as important to our Nation's future as education and the challenges that our children face in the next century.

I was, as you were, Mr. President, a proud author of our pay raise increase for the military. We have a real problem, as the Senator knows, with our

readiness in the military forces because the economy is so good. It is hard for us to maintain this voluntary, well-qualified active force. Why? Because the private sector competes.

Let me say, in Louisiana a beginning teacher makes \$14,000, and in some of our parishes up to \$24,000. That is bad enough, but even after teaching 15 or 20 years, with a good record, the salaries are not that much higher, unfortunately. Our State is doing what it can in that regard, but if we can come together and pass \$10 billion additionally for the military, in terms of getting our troops ready for the new threats of the future, we most certainly can put our money where our mouth is and pass Ed-Flex and look forward to school construction and class size reduction, so that we can prepare our children for the threats that face them if they are not technologically literate, if they don't read well and communicate well. Our whole Nation will be at risk.

I am proud to join my colleagues in support of this important piece of legislation. I urge my colleagues to consider that this is a step in the right direction, but we need to do so much more. I hope we can make good progress in this Congress on these important issues. Thank you, Mr. President.

I yield the remainder of my time.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I ask that I might speak about the amendment.

Mr. JEFFORDS. Mr. President, reserving the right to object. This is for debate only.

Mr. WELLSTONE. Yes, the Senator is correct.

Mr. JEFFORDS. Then the Senator would be recognized for debate only.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I don't know whether we are going to reach agreement on this amendment or not. If we do, that is great. If we don't, then I will come back to these points again and debate it. I would like colleagues to know what is at issue here because I think this amendment goes to the very essence of accountability.

Mr. President, I have a couple of letters and talking points from the leadership conference on civil rights that I want to briefly mention to colleagues. Let me just start out and read a little bit here.

The Leadership Conference on Civil Rights has made the continuation of the standards-

based reform adopted in title I of the Elementary and Secondary Education Act a top priority in the 106th Congress. In order to protect these reforms, we urge you to support amendments offered by Senators Kennedy, Reed, Dodd and Wellstone to the Ed-Flexibility Partnership Act that are urgently needed to protect the opportunities of economically disadvantaged children, children of color, children with disabilities, and other children who need the law's protection.

Next paragraph:

While the stated purposes of S. 280 are to advance the efforts to achieve comprehensive school reform, the bill as reported by committee does not assure that States will qualify for waivers only if they can demonstrate that they have complied with a strong record of reform in the 5 years since Congress with strong bipartisan majorities adopted standards-based reform as national policy in title I of the ESEA, nor does S. 280 assure that States once having achieved Ex-Flex status will not excuse local school authorities from fundamental requirements of title I, such as maintaining high quality teaching staffs and offering afterschool and summer programs for children who need them.

That is it. That is what this amendment says. This amendment is really simple, and my colleagues have stated in spirit that they support it. This amendment simply says that we take the core requirements, and we make sure that the core requirements, the fundamental requirements of title I, such as maintaining high quality teaching staffs, or offering afterschool and summer programs for children who need them, that no local school authority can be excused from meeting these standards.

Let me again just mention what we are talking about. The requirement that title I students be taught by highly qualified professional staff—who can be opposed to that? The requirement that LEAs hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet the high standards. Who can be opposed to that? The requirement that schools provide timely and effective individual assistance for students who are farthest behind; and, finally—this is it—the requirement that funded vocational programs provide broad educational and work experience rather than narrow job training. That also applies.

All this amendment says is that we will make it crystal clear by making sure that we will have flexibility with accountability, that no State will provide a waiver to a school district from the core requirements of title I.

My colleague, Senator WYDEN, has said to me that he agrees with that. I am hoping that my colleague, Senator JEFFORDS, will agree.

That is the reason for this letter by the Leadership Conference on Civil Rights. The reason that I have been out here on the floor for hours is twofold. One, I think we ought to be focusing on what we can really do for children that will make a real difference. This piece of legislation won't. But the second is

I don't want to turn the clock backwards. I don't want to go back to pre-title I, 35 years of good history. I don't want us to essentially say that we as a Federal Government, we as a national community are going to abandon poor children, that we are going to now say for the first time that we are going to allow a State to allow a school district to exempt itself from the core requirements of good teachers, high standards, and measurement of results.

My colleagues want to argue that there is already language in the bill that says this. I don't think so. The people who I think have been involved with this, the Leadership Conference on Civil Rights for years, have put a lot of sweat and tears into making sure that there are educational opportunities for disadvantaged children, low-income children, children of color. They are very worried about the lack of accountability. This amendment is specific. It says let's make sure that we keep this accountability.

Mr. President, I am hopeful that the amendment will be accepted. I guess that we will wait and see. I will have other supporting evidence, if we go into a debate. I guess we are now negotiating on this amendment. But it is really, I mean, simple. There are a couple of things. The States have to be in compliance with title I. Who could argue that we would be interested in giving States flexibility, exemptions and all the rest, if they are not in compliance with title I?

The second thing the amendment says is no State should be able to provide a waiver to a local school authority from these basic core values, the core mission of title I. And what are these requirements? That these students be taught by highly qualified professional staff, that schools be held accountable to making annual progress toward helping students, including students with limited English proficiency, that the schools provide timely assistance to those kids who need it the most. How can anybody oppose this?

If you do not want to have accountability, and you basically want to gut part of what title I has been all about for all of these years, a program that, as Senator KENNEDY has said, worked very well, go ahead and do it. Otherwise, this amendment should be accepted.

I will wait, for we will continue to talk, and I hope that there will be support for this.

Mr. President, I have had a chance to speak a long time today. So I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. I ask unanimous consent that there be 15 minutes in order prior to the motion to table the pending amendment, No. 32, with 5 minutes under the control of Senator JEFFORDS, myself, and 10 minutes under the control of Senator WELLSTONE, and that no amendments be in order prior to the motion to table.

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

Mr. JEFFORDS. I further ask that following that vote, if the amendment is tabled, the only remaining amendments in order this evening be an amendment by Senator WELLSTONE regarding 75 percent and an amendment by Senator KENNEDY regarding accountability.

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

Under the previous agreement, the Senator from Minnesota now has up to 10 minutes for debate, the Senator from Vermont has 5 minutes for debate under his control.

Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, might I ask my colleague, I assume he would want me to take my time and then finish up; is that correct? Is that the way he would like to do it?

Mr. JEFFORDS. I would just as soon speak now.

Mr. WELLSTONE. That is fine.

Mr. JEFFORDS. Mr. President, I will take my 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, this is an amendment by Senator WELLSTONE. I will give you a little history. This bill was voted out of committee earlier this year. It was basically the same amendment which was passed out of the committee unanimously last year—I am sorry, with one objection last year. It is generally agreed to. However, there are some areas that some Members wanted to address. I rise in opposition and I will move to table the pending Wellstone amendment.

This issue was addressed in the managers' amendment package by including the eligibility of the State as a condition for approval and consideration. Also, under the eligibility requirement, States must have the very standards and assessments as laid out in title I. SEAs are prohibited from waiving statewide requirements for local school districts. And, finally, the States are required to implement corrective action pursuant to title I.

Therefore, we believe it is redundant and unnecessary. At the appropriate time I will move to table.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont has yielded back all the remainder of his time. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all let me say I very much hope that there will be strong support for this amendment I have introduced along with Senator KENNEDY. If I could just make this request of my colleagues—and I will return to the letter from the Leadership Conference on Civil Rights in a moment—I don't know why in the world we don't just get away from the paper and the words, and why we do not accept an amendment that basically says we will do what we say we will do. What in the world can be the basis of the opposition to this amendment?

This is an amendment that is strongly supported by the Leadership Conference on Civil Rights. This is an amendment that speaks to, really, their central fear about this legislation in its present form. This is an amendment that makes it crystal clear, once again, that the mission of title I, an important mission, which is the improvement of educational opportunities for poor children, will not be weakened.

This is an amendment which says that when it comes to the core requirements of title I, when it comes to the essence of what this program is about, when it comes to the essence of accountability, no State will be allowed to exempt any school district from these core requirements.

We want to make sure that, in every school district in this country, title I students will be taught by highly qualified professional staff. We want to make sure that schools are accountable for making substantial annual progress. We want to make sure that students, low-income students and students with limited English proficiency, meet these standards. We want to make sure that schools provide timely and effective individual instruction for students who are farthest behind. We want to make sure there is specific language. This is the request of the Leadership Conference on Civil Rights. This is the request of people who have given their lives to title I in this legislation, that we have specific language that makes it clear that no State will allow any school district to be exempt from these core requirements, the core components of title I.

You say you want to do this but you don't want to support an amendment that makes it clear that we will do this. My question is, Why not? In all due respect, I may be the only vote against this legislation. I know I won't be the only vote for this amendment. I think there will be a strong vote for this amendment. But in all due respect, if you are not willing to support this amendment which goes to the core of accountability, then you are doing some serious damage to title I, to the title I mission. This piece of legislation will go too long a way towards abandoning a national commitment to poor children.

Now, for the first time ever, we are saying it will be possible for a State to

give a school district an exemption from the basic core requirements of title I—from the basic core requirements. And this amendment just asks you to support what it is you say you are for.

If you want to go toward block grants, and if you want to go toward moving us away from this mission, and you want to go toward weakening accountability, then go ahead and vote to table this amendment. But I certainly hope a majority of Senators will not do so.

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

Mr. WELLSTONE. I will be pleased to yield for a question or yield time to my colleague.

Mr. KENNEDY. What we are effectively doing under the existing proposal in Ed-Flex is focusing attention on needy children, but there are some specific guarantees under title I; for example, well-qualified teachers to ensure that we are going to seek the academic enhancement and achievement of the children. That is one example. There are a series of those. As I understand the Senator's amendment, without the Senator's amendment, they will be able to waive those as well.

Mr. WELLSTONE. That is correct.

Mr. KENNEDY. This really has nothing to do with paperwork at all. We have already decided that there are going to be other kinds of safeguards to make sure that the funding is focused in terms of the needy students, but there are some specific guarantees that have been written in there, the ones that I have said. The purpose of the Wellstone amendment is to give assurance that those particular guarantees will not be waived for the neediest children, as I understand it.

Mr. WELLSTONE. My colleague from Massachusetts is absolutely correct, and I say to my colleague from Massachusetts, I will list these other core requirements. One of them has to do with title I students, that they be taught by highly qualified professional staff.

Another one is that the LEAs hold schools accountable for making substantial annual progress toward getting all students, particularly low-income students and limited-English-proficient students, to meet the same high standards, and the requirement that schools provide timely and effective individual assistance for students who are farthest behind.

I say to my colleague, the reason that the Leadership Conference on Civil Rights feels so strongly about this amendment and the reason my colleague from Massachusetts does, is we know this goes to the very mission of title I. Why in the world would we not want to have this accountability built into this legislation?

Mr. KENNEDY. This is entirely different than what we talked about in the general Ed-Flex where we had requirements that, for example, you could have a studentwide utilization of resources if it was 50 percent poor, and

then if it went down to 45, we said, OK; 40, maybe yes. Those were the general kinds of waivers. But the point that the Senator from Minnesota is trying to say is those specific criteria which have been found by educators who have really spent their lifetime focusing on the needs of the neediest children, such as qualified teachers and some commonsense protections, effectively could be waived if the Senator's amendment is not agreed to.

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 2 minutes 30 seconds.

Mr. WELLSTONE. Mr. President, the Senator from Massachusetts is absolutely correct, and this is why I speak with some indignation.

Mr. KENNEDY. Will the Senator yield for one more brief comment? I don't want to interrupt the thought line, but I have just been informed by the Administration that they support the Wellstone amendment and believe it is consistent with the Statement of Administration Policy. I ask unanimous consent to have printed in the RECORD a statement by the Administration in support of the Wellstone amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY
S. 280—EDUCATION FLEXIBILITY PARTNERSHIP
ACT OF 1999

The Administration has long supported the concept of expanding ed-flex demonstration authority to permit all States to waive certain statutory and regulatory requirements of Federal education programs in a manner that will promote high standards and accountability for results, coupled with increased flexibility for States and local school districts to achieve those results. The Administration supports amendments designed to: 1) ensure that State waivers of Federal requirements result in improved student achievement; and 2) enhance parental involvement.

In order to ensure consistency between ed-flex authority and the Elementary and Secondary Education Act of 1965 (ESEA), which will be undergoing reauthorization this year, the Administration urges Congress to sunset this legislation upon enactment of the ESEA.

The Administration strongly supports an amendment that is expected to be offered to S. 280 that would implement the President's proposal for a long-term extension of the one-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

Mr. WELLSTONE. Mr. President, I thank my colleague from Massachusetts.

Mr. President, this is not on the whole question of funds and, frankly, I have been worried about the dilution of funds. I have an amendment that will

be accepted tonight that says schools with over 75 percent low-income children have first priority to funds. And I say this to my colleague from Vermont, I really speak now with some sadness because he is going to move to table this because this goes to not technical issues, not formula, this goes to the very essence of what title I is about. This goes to the core requirements, the core mission, the core accountability, and you now have a piece of legislation that tosses that overboard.

You are overturning 35 years of important history. You are overturning 35 years of history of a commitment on the part of our National Government to poor children in America. You are overturning the hard work of many women and men who have written a title I program with accountability that has really worked well for children. That is why the Leadership Conference on Civil Rights is so strongly in favor of this amendment.

I hope my colleagues will vote against this motion to table this amendment. This is the central accountability amendment. If this amendment does not pass, we do not have the accountability that has been so important to the success of title I.

I yield back the rest of my time.

The PRESIDING OFFICER. All time has been yielded back on both sides.

Mr. JEFFORDS. Mr. President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Minnesota. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent attending a family funeral.

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (HN)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voivovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—42

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Bayh	Graham	Lincoln
Bingaman	Harkin	Mikulski
Boxer	Hollings	Moynihan
Breaux	Inouye	Murray
Bryan	Johnson	Reed
Cleland	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Lautenberg	Wellstone
Edwards	Leahy	Wyden

NOT VOTING—3

Biden	Byrd	Torricelli
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The motion to lay on the table amendment No. 32 was agreed to.

Mr. JEFFORDS. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. HAGEL). The pending business is the substitute of the Senator from Vermont.

Mr. JEFFORDS. It is my understanding that two amendments would be in order, if offered—the Kennedy amendment and a Wellstone amendment.

The PRESIDING OFFICER. The Senator is correct. Those are the two pending amendments that will be agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 33 TO AMENDMENT NO. 31

(Purpose: To prohibit waivers with respect to serving eligible school attendance areas in rank order)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 33 to amendment No. 31.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 15, between lines 2 and 3, insert the following:

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

Mr. WELLSTONE. Mr. President, this amendment simply requires that schools with over a 75-percent low-income student population must receive funds first, as a matter of priority—first, in terms of the allocation of the title I money—and that those neediest schools with a population of low-income students over 75 percent would have first priority in receiving those funds.

It is accepted by both sides. I thank my colleagues, Senator KENNEDY, Senator JEFFORDS, Senator WYDEN, and Senator FRIST, as well.

Mr. JEFFORDS. Mr. President, I have no objection to the amendment.

Mr. HAGEL. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 33) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 34 TO AMENDMENT NO. 31
(Purpose: To ensure that increased flexibility leads to improved student achievement)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. REED, Mr. DODD, and Mr. WELLSTONE, proposes an amendment numbered 34 to amendment No. 31.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 7, line 21, strike “and” after the semicolon.

On page 7, line 24, strike the period and insert “; and”.

On page 7, after line 24, insert the following:

(v) a description of how the State educational agency will evaluate (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers.

On page 9, line 22, strike “which may include progress toward” increased school and student performance.

On page 11, line 17, insert “in accordance with the evaluation requirement described in paragraph (3)(A)(v),” before “and shall”.

On page 12, line 14, before the period insert “, and has improved student performance”.

On page 16, line 9, insert “and goals” after “desired results”.

On page 16, lines 10 and 11, strike “subsection (a)(4)(A)(ii)” and insert “clauses (ii) and (iii) of subsection (a)(4)(A), respectively”.

Mr. KENNEDY. Mr. President, I will just take a moment of the Senate’s time. We had a good opportunity during the course of the afternoon to talk about the student performance. We have worked out language which I think responds certainly to my concerns and, hopefully, is consistent with what Senator FRIST and Senator JEFFORDS were doing. Now the States will be able to receive Ed-Flex, but they will also—in the application, there will be an indication about what their expectation in the State is in terms of the students’ performance, consistent with what the overall State plan is to

enhance academic achievement. It also will take in student performance after 5 years, should there be the request for the continuation of this legislation.

I thank my colleagues and friends. I think we really have the best of all worlds here. I am grateful to Senator JEFFORDS and Senator FRIST for working this through.

Mr. JEFFORDS. Mr. President, I think the amendment is a helpful addition to the bill. We appreciate the efforts of Senator KENNEDY and are happy to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 34) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, under the Wellstone and Kennedy amendments, would Michigan be able to continue their current Ed-Flex authority?

Mr. KENNEDY. Yes, Michigan would be able to continue its current Ed-Flex plans.

Mr. LEVIN. In January, 1998, Michigan moved to lower the poverty threshold statewide from the 50 percent poverty level in title I to 35 percent. Would either the Wellstone or Kennedy amendment prohibit Michigan from continuing to allow these waivers under Ed-Flex that is improving reform in the affected schools?

Mr. KENNEDY. No.

Mr. President, we have made some progress today. We are looking forward to having some debate on the Bingaman amendments tomorrow, followed by my friend and colleague, Senator KERRY. We will indicate to the membership that we will tentatively get started sometime around 11, and we will let the floor managers know at least in what order we will want to offer our amendments.

Obviously, they have their own rights. But we will try to keep them as fully informed as possible so that we can all be as prepared on these amendments as possible.

Mr. JEFFORDS. Mr. President, I thank my good friend and Senator from Massachusetts. I deeply appreciate the cooperation we have had today. We moved along well. We are well on our way. I look forward to seeing the wonderful cooperation that we will have as we proceed on this bill. I look forward to seeing you all again in the morning.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Members permitted to speak therein for up to 10 minutes each.

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