

Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell

NOES—163

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello

Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCauley
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Herrera Beutler
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble

Courtney
Critz
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hincheey
Hochul
Holt
Inslie
Israel

Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Long
Ros-Lehtinen
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberti
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (IN)

Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush

Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Sutton
Thompson (CA)

Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—31

Austria
Bachmann
Barletta
Bass (NH)
Bishop (UT)
Bonner
Culberson
Denham
Giffords
Green, Gene
Griffin (AR)

Hirono
Holden
Honda
Hoyer
Lewis (GA)
Lungren, Daniel
E.
Lynch
Marino
McClintock
Miller, Gary

Neal
Paul
Reyes
Roskam
Smith (NJ)
Stark
Sullivan
Van Hollen
Young (AK)
Young (FL)

□ 1404

So the resolution was agreed to.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

Stated for:
Mr. DENHAM. Mr. Speaker, on rollcall No. 694 I was inadvertently detained. Had I been present, I would have voted "aye".

Stated against:
Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall Nos. 693 and 694, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. BASS of New Hampshire. Mr. Speaker, on rollcall votes 693 and 694, my votes were not recorded. Had I been recorded, I would have voted in the affirmative on both ordering the previous question and adoption of the rule providing for consideration of H.R. 2218, to amend the charter school program under the Elementary and Secondary Education Act; and for consideration of H.R. 1892, to authorize appropriations for FY 2012 for intelligence activities of the U.S. Government, the Community Management Account, and the CIA Retirement System.

EMPOWERING PARENTS THROUGH QUALITY CHARTER SCHOOLS ACT

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2218.

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

There was no objection.
The SPEAKER pro tempore. Pursuant to House Resolution 392 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2218.

□ 1405

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the consideration of the bill (H.R. 2218) to amend the charter school program under the Elementary and Secondary Education Act of 1965, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.
The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. KLINE) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise today in support of H.R. 2218, and I yield myself such time as I may consume.

The Empowering Parents through Quality Charter Schools Act is a key component of our efforts to reform the Nation's education system and ensure more students have access to a quality learning experience. I join my colleagues on both sides of the aisle who have been strong proponents of charter schools for the breadth of opportunities they offer students and parents.

These innovative institutions empower parents to play a more active role in their child's education and offer students the priceless opportunity to escape underperforming schools. They also open doors for educators to experiment with the fresh teaching methods uniquely geared to meeting the needs of their individual students.

The stories of charter school success are impressive. Students who previously had little hope have been inspired by excellent teachers to reach new heights. The tales of groundbreaking programs and initiatives at local charter schools have motivated surrounding public schools to improve. Parents have witnessed children of all backgrounds transition from struggling to excelling as a result of their charter school education.

Unfortunately, there are not enough charter schools to meet demand and hundreds of thousands of students remain on wait lists each year.

□ 1410

The legislation we consider today takes important steps to encourage and support the establishment of more high-quality charter schools in communities across the United States.

The bipartisan Empowering Parents through Quality Charter Schools Act will consolidate funding under the Federal Charter School Program into the existing State grant program. This will allow State educational agencies, State charter school boards, and governors the freedom to award subgrants to support new charter schools as well as replicate or expand high-quality charter schools.

To ensure States are facilitating the growth and expansion of charter schools, this act will give funding priority to those that lift arbitrary caps on the number of charter schools permitted in the State. The legislation

also will provide priority to States that take additional steps to encourage charter school growth, such as allowing more than one State or local agency to authorize charter schools, or promoting charters as a solution to improve struggling public schools.

As we work to increase the presence of charter schools in the United States, we must also protect limited taxpayer funds and make sure every dollar is well spent. It has been said that charter schools are the epitome of performance-based education: In exchange for increased flexibility and autonomy, these schools are held accountable for results. The Empowering Parents through Quality Charter Schools Act will ensure charter schools continue to be held accountable by supporting an evaluation of schools' impact on students, families, and communities, while also encouraging shared best practices between charter and traditional public schools.

Charter schools are a valuable part of our efforts to improve the education available to our children. This legislation does not represent the whole solution. All of us recognize that additional measures must be enacted to support excellence and innovation in the American education system. However, this act takes an important step in the right direction.

I am very pleased that members of the Education and Workforce Committee have put their differences aside and worked through a very bipartisan process to develop an exceptional piece of legislation. I would like to thank Members and their staffs for these efforts. I urge my colleagues on both sides of the aisle to join with us in supporting this positive legislation.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 5 minutes.

I rise today in support of the Empowering Parents through Quality Charter Schools Act, and I want to thank the chairman of the committee, Mr. KLINE, and the subcommittee chair, Mr. HUNTER, for all of their cooperation and support in working with the minority on this side of the aisle on this legislation. Both sides of the aisle have strong proponents of this legislation and of the charter school movement in this country.

This legislation, because of that cooperation, is the first bipartisan piece of reauthorization of the Elementary and Secondary Education Act. It passed the Education Committee with bipartisan support, and I'm hopeful that it will receive similar support from the full Congress.

This country is facing a severe education crisis. Our schools are simply not meeting the educational needs of our students, and it is a threat to our global competitiveness and to our economic security.

Charter schools began 20 years ago as a laboratory for innovation to help tackle the stagnant education system

at that time and to give options to parents who felt helpless. These schools have often become the myth busters of what is possible for a demographic of children that have all too often been written off. Currently, they serve about 4 percent of all public school students. In urban areas, that number is much higher. Charter schools are not a silver bullet and will not solve all of the education challenges, but they have become an important part of the education system. We need to update the law to reflect that reality.

The Empowering Parents through Quality Charter Schools Act encourages effective reforms that will help transform schools and communities.

First, this bill makes significant improvements to the existing Charter School Program and addresses issues that we have heard from education advocates across the country. It rightfully returns charter schools to their original purpose—public schools that identify and share innovative practices that lead to improvements in academic achievement for all public schools. It requires that charters be brought back into the traditional public school system as opposed to running in a parallel system. And it requires charters to actually serve all student populations and therefore provides more parents with real choices.

Second, this bill prioritizes accountability. It puts student achievement first, and it greatly increases the accountability of charter school authorizers and oversight by State education authorities.

Third, this bill addresses a recurring problem in charter schools, which is the lack of service to students with disabilities and English language learners. In this bill, we dramatically improve access for underserved populations. We require better recruitment and enrollment practices for underserved populations.

Lastly, this bill rightly focuses on our students and what they need to succeed. In many States, high-performing charter schools are a great option for some students. These schools are closing achievement gaps and shattering the low expectations that have stood in the way of student success.

Charter schools have been on the forefront of bold ideas and innovation in education. They have shown that, given the right tools, all students can achieve at high levels. We are learning from great charter schools about what works for students and what students need to be able to compete in the global economy. Replicating this success will help our students, our communities, and our economy.

With this legislation, we can help ensure that the positive reforms happening at some charter schools will happen at all charter schools, and we can help ensure that best practices are shared throughout that school district. But this legislation is only one piece of the education reform puzzle. Unfortunately, we are not taking up the whole

Elementary and Secondary Education Act, but just one part.

This country is in the midst of the most dynamic education reform atmosphere that I have seen in my tenure in Congress. The reauthorization of the Elementary and Secondary Education Act presents an opportunity to take hold of that momentum and bring our education system into the future.

The bill before us today is good, but we need to do much more. It will be a tremendous disservice for our children and our country if we do not provide relief for schools that are struggling under an outdated law. This relief should come in the form of a full, comprehensive reauthorization of ESEA. To do that, we must take on all of the real issues facing all our schools, not just charters. We need to address accountability, data, assessments, and college- and career ready standards and modernizing the teaching profession. We all have to hold true to the reason that the Federal Government has a role in education in the first place: to ensure equal opportunity for every student in this country to access a great education.

We know what it will take to fix our schools. It isn't a mystery. But accomplishing that goal isn't easy. It takes real political will to overcome ideology and to stay focused on what's best for kids.

I hope my colleagues will join me in supporting this legislation, and I hope that we can get to a much more comprehensive reauthorization of ESEA in the near future.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, at this time, I am very pleased to yield 5 minutes to the gentleman from California (Mr. HUNTER), the chair of the K-12 Subcommittee.

Mr. HUNTER. I also want to extend my appreciation to Chairman KLINE for his leadership and tireless work toward improving the quality of education for America's children, as well as Ranking Member KILDEE, my colleague on the subcommittee and full committee, Ranking Member MILLER, as well as JARED POLIS from Colorado, who is not even on this full committee but was very supportive of this legislation.

Mr. Chairman, the Empowering Parents through Quality Charter Schools Act is a bill that will have a direct impact on our Nation's children. Expanding access to high-performing charter schools has the potential to make a world of difference for students across the Nation simply by adding a much needed layer of choice and competition that is good for the entire school system, not just charters.

Unlike traditional public schools, the charter school model is not limited by a one-size-fits-all approach. Instead, these institutions enjoy increased freedom from State and local rules and regulations in exchange for greater accountability.

Also, the flexibility afforded to charter schools allows teachers and school

administrators to adjust schedules and course work to better serve a wide range of students in their individual communities, including disadvantaged students. For example, a Louisiana charter school established in the wake of Hurricane Katrina enrolled many students who had fallen significantly behind other students their age after the disaster forced them to miss a full year of school. Despite these difficult circumstances, dedicated teachers tailored ground-breaking coursework to meet the needs of these students. Student achievement levels soared, and this charter school is now the third most successful high school in New Orleans.

Improved academic achievement in even the most troubled school districts is one reason why charter schools are in such high demand, with more than 400,000 students across the Nation on wait lists. Even so, many States have imposed arbitrary caps on the total number of charter schools permitted as well as the total number of students allowed to attend these schools. These provisions unnecessarily stifle parental choice and keep students trapped in low-performing schools.

Charter schools also have difficulty securing adequate funding. Current law awards funding for the establishment of new charter schools but does not support funds for replication, updates, or improvements. As a result, charter schools with a proven record of high student achievement may be unable to secure funding to replicate their educational model in a new community.

The Empowering Parents through Quality Charter Schools Act will help put an end to these barriers to charter school growth by streamlining and modernizing the Federal Charter Schools Program.

□ 1420

The law will facilitate the ability of States to access funding for the expansion and replication of the best charter schools through the simplification of the Federal grant program. Additionally, the legislation incentivizes charter school development by offering priority grant funding to States that remove arbitrary caps on charter school growth.

Charter schools provide an opportunity for students who might otherwise spend their formative years stuck in subpar classrooms. We cannot allow arbitrary measures or partisan differences to stand in the way of providing all children access to a high quality education. I strongly encourage my colleagues on both sides of the aisle to unite in support of a better future for the Nation's students and vote "yes" on the Empowering Parents Through Quality Charter Schools Act.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise today to express my strong support for H.R. 2218, the Empowering Parents

through Quality Charter Schools Act. This bill strengthens our Nation's charter schools by making much needed improvements to current law, and I commend Chairman JOHN KLINE and Ranking Member GEORGE MILLER of the Education and Workforce Committee for their leadership on this issue.

As ranking member of the Subcommittee on Higher Education, I want to help K-12 schools to give us college-ready high school graduates and to send them to colleges or 4-year universities. That's why I support H.R. 2218.

In regard to accessibility, this bill helps to ensure that English language learners and students with disabilities have an opportunity to attend and excel in high quality charter schools. Under this proposal, charter school authorizers must ensure that charter schools comply with the Civil Rights Act, as well as Individuals With Disabilities Act and the Rehabilitation Act, and monitor the schools in recruiting, enrolling, and meeting the needs of students with disabilities and English language learners.

I am pleased that the manager's amendment to H.R. 2218 requires authorizers to ensure that charter schools solicit and consider input from parents and community members on the implementation and operation of charter schools.

This bill prioritizes high quality charter schools. By adding a new definition for high quality charter schools and providing priority consideration for States with high quality charter schools, this bill encourages States to set higher expectations for our Nation's charter schools.

This legislation improves charter authorizing. H.R. 2218 ensures that authorizers within the State monitor the performance of charter schools and require charter schools to conduct and publicly report financial audits.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. HINOJOSA. In my congressional district, the IDEA public high schools, a network of high quality public charter schools, have done a terrific job of preparing minorities, English language learners, and students with disabilities for college and careers. Currently, IDEA public schools operate 20 schools in 10 communities in the Rio Grande Valley.

This year, all the IDEA public schools were rated exemplary, the highest district rating issued by the Texas Education Agency; and our IDEA college preparatory school in Donna, Texas, has been recognized as one of the very best high schools in the Nation. In fact, 100 percent of IDEA public school graduates are enrolled in a community college or university.

I urge my colleagues on both sides of the aisle to support H.R. 2218.

I applaud Tom Torkelsen, JoAnn Gama, co-founders of the IDEA Public Schools, as well as the teachers, parents, staff, and community members for their outstanding track record and unwavering commitment to fulfill IDEA's mission of 'College For All Children.'

Our nation's public charter schools must strive to be high-performing and inclusive; have the highest standards of excellence, accountability, and transparency; and foster strong, healthy partnerships with traditional public schools that yield successful outcomes for all students.

Mr. KLINE. I yield 4 minutes to the gentleman from Tennessee, a member of the committee and the chairman of the Health Subcommittee, Dr. ROE.

Mr. ROE of Tennessee. Mr. Chairman, I rise in strong support of the Empowering Parents through Quality Charter Schools Act. It's heartening to see strong, bipartisan support for a bill that will do a lot of good for America's children.

A high quality education should be the birthright of every American child. As a society, we must ensure that they have the tools needed to chase their dreams and to succeed in an increasingly competitive global marketplace. A child growing up in Cocke County, Tennessee, today will some day compete for jobs with young people in China, India, and around the world. It's our duty to prepare our children and this great country for this reality.

Sadly, we're falling short in this responsibility. While many of our traditional public schools are outstanding, others leave students falling through the cracks. That's why an increasing number of parents are turning to charter schools to educate their children. But the supply has been unable to keep up with the demand. An estimated 420,000 students are on the waiting list to be admitted to charter schools. It's heartbreaking to know that the trajectory of these children's lives will be, in no small part, determined by a lottery. We can and must do better.

H.R. 2218 will help more students gain access to a quality education by facilitating the development of high performing charter schools. It reauthorizes the charter school program, which provides start-up grants to help charter schools open the doors, buy classroom materials, and teach new students. The bill also encourages States to support the development and expansion of charter schools, while ensuring an emphasis on quality and innovation.

The best educational system is one in which parents, teachers, and local school boards collaborate to set the agenda, not Washington, DC. This bill puts more power in the hands of those who know our children best and their needs best.

Charter schools are not a silver bullet, but they offer a way out for students who otherwise would be trapped in a failing school. Every charter school that is supported through this program is one more choice a parent will have to ensure their children's future success.

I thank my colleagues for their bipartisan support, and I urge my colleagues to vote "yes."

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Chairman, I rise to speak on H.R. 2218, the Empowering Parents through Quality Charter Schools Act.

During my first visit to a charter school years ago, when charter schools were first on the horizon, I was so impressed. I was impressed with the small class sizes. I was impressed with the level of parental involvement and the individualized learning programs. In fact, when I left the school, I was actually teary; I mean, I was overcome because I wanted every single child in the United States of America to have this same rich educational experience.

All charter schools aren't quite that successful and all public schools aren't failing, but charter schools were created to develop best practices and innovative learning methods, and, if they were successful, those methods could be brought back and used in all public schools. While some charter schools have found new ways to promote academic achievement, other public schools have yet to benefit from this investment.

This bill will return charter schools to their original mission by helping improve the public school system and ensuring that charters no longer operate in isolation without strict accountability.

For many years, I've been concerned that charter schools, using taxpayer dollars, would function at the expense of public schools instead of complementing them. For instance, without reform, the most talented and motivated students could simply go to the charter schools, while public schools would be left with the most challenging situations, especially students with disabilities, English language learners, and students who come from broken homes and are having a hard time just keeping up in general. And that was totally contrary to the intent of the charter schools movement; it would weaken, rather than strengthen, our public school system.

So to address this problem, this bill stood up and, in a very bipartisan way, our committee put together a bill that we have here on the House floor that requires charter schools to adopt practices that promote inclusion, that allow for increased enrollment of students with disabilities and limited English skills, and provides an information sharing system regarding systems programs.

There are many other necessary reforms included in H.R. 2218, and they'll all ensure charter schools fill their original purpose. With these reforms, charter schools will play the constructive role in our education system that they were designed to play.

Mr. KLINE. Mr. Chairman, I am pleased to yield 3 minutes to the gen-

tleman from Michigan, the chair of the Workforce Protection Subcommittee, Mr. WALBERG.

□ 1430

Mr. WALBERG. I thank the chair and committee leadership for bringing this bill forward, H.R. 2218, for which I urge my colleagues' support.

In the Northwest Ordinance, the same language in that ordinance, as well as what was then put into many of our State constitutions, says this: "Religion, morality, and knowledge being necessary to good governments and the happiness of mankind, schools and the means of education, shall forever be encouraged."

I believe this bill, H.R. 2218, does just that. It's a simple bill. It promotes a charter school program that accomplishes three goals. Those being, one, to provide parents greater options for their children's education; two, consolidating education programs and reducing the authorization level; and, three, supporting the development of high-quality charter schools. That's what we're about in education. That's what we ought to be concerned with.

This bill accomplishes our goal of modernizing and streamlining the program by consolidating the current programs to one program and one authorization line. The result in savings still affords the taxpayer, the parent, and the educator with even more opportunity for growth of proven charter school models and new innovative charter schools.

The bill ensures that charter schools and charter school authorizers reach out to parents to serve students who can benefit from these schools. The legislation supports quality initiatives in the authorizing world without putting any new mandates on the schools.

The legislation has broad support, including a community that includes the U.S. Chamber of Commerce, Business Roundtable, National Alliance of Public Charter Schools, Texas Charter School Association, Chiefs for Change, the National Association of State Directors of Special Education, just to name a few.

Charter schools were created in Michigan, my State, 15 years ago. And since that time nothing but proven educational success has taken place, with children in tough school districts before now receiving education that is promoting success for them and their future prosperity in an education opportunity that expands in the real-world experience.

For that reason and many others, I urge the support of H.R. 2218 as a proposal that does exactly what our Northwest Ordinance says. It encourages schools and the means of education for quality, students, and future people that will work in our system.

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

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

Mr. ANDREWS. I thank my friend for yielding.

In the earliest days of our Republic, our prosperity came from our abundant natural resources. Then in later days, our prosperity came from the fact that we were bordered by two vast oceans to our east and west which gave us an isolated domestic market.

In the days after the Second World War, our prosperity was grounded in the fact that we were the sole remaining industrial power untouched by the Second World War, relatively speaking.

All of those advantages relatively speaking are gone; and the way we're going to be prosperous today and in the future is by having the best educated, best motivated workforce anywhere in the world. We're not going to have that best educated and best motivated workforce without a high-quality education for every child in America.

I see this bill as a step in that direction by enriching and making more accountable the charter school movement in our country.

Make no mistake about it: all charter schools are not perfect. Many charter schools, frankly, are very troubled. But the charter school movement has been a positive step forward for our country. This bill adds accountability to that movement and adds new resources that I think are welcome.

I would echo the words of Ranking Member MILLER and note that 90 percent of children in America's schools are in public schools. And the principal legislative action we have on those public schools is the Elementary and Secondary Education Act. I know that the chairman of the committee has worked very diligently to prepare the committee for the work we could do on that. And I'm hopeful that we can have the same kind of cooperative effort for the ESEA reauthorization as we have for this charter school bill.

There is much more to do, but today is a good first step. I urge a "yes" vote.

Mr. KLINE. I yield 3 minutes to the gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Thank you, Chairman KLINE.

Mr. Chairman, first let me thank Representative HUNTER, Chairman KLINE, Ranking Member MILLER, and others for their hard work and leadership on this legislation.

I rise today as a cosponsor of H.R. 2218, the Empowering Parents through Quality Charter Schools Act. Where American education was once a world leader, over the past few decades we are losing our advantage. The Empowering Parents through Quality Charter Schools Act will facilitate the development and replication of high-performing charter schools that will help America regain its stature as a leader in educating its citizens.

Charter schools are created through a contract with local education providers that allow flexibility and innovation in educating our children while maintaining the same requirements and accountability of traditional public schools. Charter schools are able to

bring innovation and special programming into the curriculum that is uniquely tailored to the needs of their specific student population. This not only allows choice for parents whose children may be better suited for this kind of flexibility, but also can inspire progress in traditional schools by raising the bar and creating greater transparency.

By increasing funding opportunities for the replication of successful charter schools and facilities assistance, H.R. 2218 encourages States to invest in charter schools.

Further, H.R. 2218 supports the evaluation of the impact of charter schools on their students, faculty, parents, and communities to ensure that high-quality education is available for every child and parents can choose the correct venue for their child's education.

In my district in Evansville, Indiana, Signature School was ranked the top high school in the Midwest and the number three charter school in the country by *The Washington Post*. These rankings were based on data that indicate how well a school prepares its students for college based on Advanced Placement tests or International Baccalaureate completions. Signature School is an example of a high-performing charter school that this legislation aims to replicate.

Replicating schools like Signature School that have a proven history for effectively preparing our children for college is not only in the best interest of students and parents but also in the best interest of the economy. By increasing the number of students that are college ready, we build a more educated generation, more prepared to take on the complex jobs in health care, engineering, science and technology and others that future industries will demand.

With an unemployment rate near 9 percent, educating our students is critical. By increasing our students' access to high-quality charter schools, H.R. 2218 will prepare our children for the high-tech jobs of the future. This is essential if we are to maintain our competitiveness in a global economy.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Colorado (Mr. POLIS), the intellectual architect of all of this.

Mr. POLIS. I thank the gentleman from California and the gentleman from Minnesota.

There is a lot of good in public education today. When we look across our country, just as we see examples of what doesn't work—drop-out factory schools where kids are falling further and further behind each year, schools that are unsafe learning environments for their kids—just as we have that, we also have examples of what works, what works with our most at-risk populations in this country showing that every student in this country can learn and can achieve, given the right opportunity and the right school environment.

Now, charter schools aren't the silver bullet or the solution, but they are a tool in the arsenal of school districts in the States to address the learning needs of all students.

Nationally, there's over 5,000 charter schools representing just over 5 percent of all public schools in the country. Many of those charter schools couldn't have gotten off the ground without the Federal start-up grant that this bill reauthorizes. Importantly, again because we have examples that this works, this bill, for the first times, allows States to use the money to expand and replicate learning models that work.

I point to one in Colorado, the Ricardo Flores Magon Academy. Ninety-three percent free and reduced lunch, 86 percent English language learners, and yet they scored far above the State average in the past 3 years, 95 to 100 percent proficient in math and about 20 percent higher than the State average score—the State average score that includes wealthy suburban districts as well.

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Yes, these students can learn, and schools like Ricardo Flores Magon Academy will now under this new authorization have access to expansion and replication money.

So, when models work—whether that's a model like KIPP nationally, which has successfully served some of our most at-risk communities, or whether it's grassroots efforts across our country—they will be able to access resources to serve more students and grow or to open up additional branches of the same school. National, State, and local research consistently shows that, yes, not all charter schools work. Some underperform other public schools. Some perform at the same level, and some do better.

What we do with this bill is we provide for best practices nationally. We've learned a lot in the last 10 years with regard to charter schools. We now have some best practices in this bill, like removing caps on the number of charter schools in districts. Through the manager's amendment, we ensure that charter schools can participate in food services as well as in transportation services in districts. I want to point out the importance of the transportation because, to make choice meaningful, to add the emphasis to choice, you have to have transportation options to get the most at-risk kids to school; otherwise choice is simply an empty promise.

By focusing Federal investments, as H.R. 2218 does, it ensures that we maximize the impact of our limited Federal resources on improving student achievement and reducing the learning gap across the country. To succeed as a Nation, we need to do a better job with our human capital in preparing the next generation of Americans for the next generation of jobs, and this bill will be an important tool in that arsenal.

I strongly support this bill.

Mr. KLINE. Mr. Chairman, may I inquire as to the time remaining on both sides?

The CHAIR. The gentleman from Minnesota has remaining 16 minutes. The gentleman from California has remaining 15 minutes.

Mr. KLINE. It is my understanding that the gentleman from California has several more speakers.

Mr. GEORGE MILLER of California. They're here in spirit. They're not here in person, unfortunately.

Mr. KLINE. I am prepared to reserve and let you call on speakers.

Mr. GEORGE MILLER of California. I thank the gentleman. I have one or two other speakers. We've put out a call to them, but they've not responded. I'll see if we can maybe fit them in on the manager's amendment if they want to speak because I'll be very brief on the manager's amendment on this side.

So let me just close by again thanking everyone on the committee for their support. I certainly want to thank the staff on both sides of the aisle but particularly the staff on this side of the aisle, and the members of our committee, for helping me with this legislation. I want to recognize Jamie Fasteau, Ruth Friedman, Kara Marchione, Laura Schifter, Daniel Brown, Megan O'Reilly, and Adam Schaefer for all of their contributions to this successful bipartisan effort.

Finally, I would just like to say, as many speakers have said, all charter schools aren't perfect; this isn't a silver bullet. What we hope to be able to do is to really continue to grow the entrepreneurial spirit of young people across the board looking at our education system, thinking how it can be done better, what are the best practices, what are the indicators of successful schools, of successful learning environments, of successful teaching environments for teachers, for students, and focusing on the academic achievement and the benefits to the students. And then to be able to share those models across the charter school spectrum, across the traditional public school spectrum so that all of us can learn and benefit from that, and most importantly so we can create those environments where America's children will have the opportunity to have access to a first-class education that will serve them the rest of their lives.

I believe that that effort is facilitated by the charter school movement. I believe that this legislation is a substantial improvement on the original authorization for charter schools to participate in this area, and I look forward to the passage of this legislation.

With that, I've danced as long as I can. I yield back the balance of my time.

Mr. KLINE. I yield myself the balance of my time.

Mr. Chairman, I want to add my thanks to those of Ranking Member MILLER's to the staffs on both sides, to

the members of the committee on both sides, and to our colleagues not on the committee, like Mr. POLIS, for their input and help on this legislation.

All of us were elected to Congress with the promise to enact laws that will make this country a better place for our children and our grandchildren. This starts with ensuring that every child has access to a quality education.

For many students and their parents, charter schools are a beacon of hope and, in some cases, the only beacon of hope. They symbolize opportunity, choice, and educational excellence, and it is past time to ensure more families and communities across the United States have access to these groundbreaking institutions.

By approving the Empowering Parents through Quality Charter Schools Act today, we can help put more students on the path to a successful future. I urge my colleagues to put differences aside and to join together in supporting this legislation for the sake of those students trapped in underperforming schools across America.

I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Empowering Parents through Quality Charter Schools Act”.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. PURPOSE.

Section 5201 (20 U.S.C. 7221) is amended to read as follows:

“SEC. 5201. PURPOSE.

“It is the purpose of this subpart to—

“(1) provide financial assistance for the planning, program design, and initial implementation of charter schools;

“(2) expand the number of high-quality charter schools available to students across the Nation;

“(3) evaluate the impact of such schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

“(4) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;

“(5) improve student services to increase opportunities for students with disabilities, English language learners, and other traditionally underserved students to attend charter schools and meet challenging State academic achievement standards; and

“(6) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, monitoring, and evaluation of such schools.”.

SEC. 4. PROGRAM AUTHORIZED.

Section 5202 (20 U.S.C. 7221a) is amended to read as follows:

“SEC. 5202. PROGRAM AUTHORIZED.

“(a) *IN GENERAL.*—This subpart authorizes the Secretary to carry out a charter school program that supports charter schools that serve elementary school and secondary school students by—

“(1) supporting the startup, replication, and expansion of charter schools;

“(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

“(3) carrying out national activities to support—

“(A) charter school development;

“(B) the dissemination of best practices of charter schools for all schools; and

“(C) the evaluation of the impact of the program on schools participating in the program.

“(b) *FUNDING ALLOTMENT.*—From the amount made available under section 5211 for a fiscal year, the Secretary shall—

“(1) reserve 15 percent to support charter school facilities assistance under section 5204;

“(2) reserve not more than 5 percent to carry out national activities under section 5205; and

“(3) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 5203.

“(c) *PRIOR GRANTS AND SUBGRANTS.*—The recipient of a grant or subgrant under this subpart, as such subpart was in effect on the day before the date of enactment of the Empowering Parents through Quality Charter Schools Act, shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.”.

SEC. 5. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

Section 5203 (20 U.S.C. 7221b) is amended to read as follows:

“SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

“(a) *IN GENERAL.*—From the amount reserved under section 5202(b)(3), the Secretary shall award grants to State entities having applications approved pursuant to subsection (f) to enable such entities to—

“(1) award subgrants to eligible applicants for—

“(A) opening new charter schools;

“(B) opening replicable, high-quality charter school models; or

“(C) expanding high-quality charter schools; and

“(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1) and work with authorized public chartering agencies in the State to improve authorizing quality.

“(b) *STATE USES OF FUNDS.*—

“(1) *IN GENERAL.*—A State entity receiving a grant under this section shall—

“(A) use 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the entity’s application approved pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (a)(1); and

“(B) reserve 10 percent of such funds to carry out the activities described in subsection (a)(2), of which not more than 30 percent may be used for administrative costs which may include technical assistance.

“(2) *CONTRACTS AND GRANTS.*—A State entity may use a grant received under this section to carry out the activities described in subparagraphs (A) and (B) of paragraph (1) directly or through grants, contracts, or cooperative agreements.

“(c) *PROGRAM PERIODS; PEER REVIEW; DIVERSITY OF PROJECTS.*—

“(1) *PROGRAM PERIODS.*—

“(A) *GRANTS.*—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

“(B) *SUBGRANTS.*—A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

“(2) *PEER REVIEW.*—The Secretary, and each State entity receiving a grant under this section, shall use a peer review process to review applications for assistance under this section.

“(3) *DIVERSITY OF PROJECTS.*—Each State entity receiving a grant under this section shall award subgrants under this section in a manner that, to the extent possible, ensures that such subgrants—

“(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

“(B) will assist charter schools representing a variety of educational approaches.

“(d) *LIMITATIONS.*—

“(1) *GRANTS.*—A State entity may not receive more than 1 grant under this section for a 5-year period.

“(2) *SUBGRANTS.*—An eligible applicant may not receive more than 1 subgrant under this section per charter school for a 5-year period.

“(e) *APPLICATIONS.*—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

“(1) *DESCRIPTION OF PROGRAM.*—A description of the entity’s objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including a description—

“(A) of how the entity—

“(i) will support both new charter school startup and the expansion and replication of high-quality charter school models;

“(ii) will inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

“(iii) will work with eligible applicants to ensure that the applicants access all Federal funds that they are eligible to receive, and help the charter schools supported by the applicants and the students attending the charter schools—

“(I) participate in the Federal programs in which the schools and students are eligible to participate; and

“(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

“(iv) in the case in which the entity is not a State educational agency—

“(I) will work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and

“(II) will work with the State educational agency to adequately operate the entity’s program under this section, where applicable;

“(v) will ensure eligible applicants that receive a subgrant under the entity’s program are prepared to continue to operate the charter schools receiving the subgrant funds once the funds have expired;

“(vi) will support charter schools in local educational agencies with large numbers of schools that must comply with the requirements of section 1116(b);

“(vii) will work with charter schools to promote inclusion of all students and support all students once they are enrolled to promote retention;

“(viii) will work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to participate in charter schools;

“(ix) will share best and promising practices between charter schools and other public schools;

“(x) will ensure the charter schools they support can meet the educational needs of their students, including students with disabilities and English language learners; and

“(xi) will support efforts to increase quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(E);

“(B) of the extent to which the entity—
“(i) is able to meet and carry out the priorities listed in subsection (f)(2); and

“(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and replicable, high-quality charter school models, and expanding high-quality charter schools;

“(C) how the entity will carry out the subgrant competition, including—

“(i) a description of the application each eligible applicant desiring to receive a subgrant will submit, including—

“(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and management organizations, including the administrative and contractual roles and responsibilities; and

“(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, and how a school’s performance on the State’s academic accountability system will be a primary factor for renewal; and

“(ii) a description of how the entity will review applications; and

“(D) in the case of an entity that partners with an outside organization to carry out the entity’s quality charter school program, in whole or in part, of the roles and responsibilities of this partner.

“(2) ASSURANCES.—Assurances, including a description of how the assurances will be met, that—

“(A) each charter school receiving funds under the entity’s program will have a high degree of autonomy over budget and operations;

“(B) the entity will support charter schools in meeting the educational needs of their students as described in paragraph (1)(A)(x);

“(C) the entity will ensure that the authorized public chartering agency of any charter school that receives funds under the entity’s program—
“(i) ensures that the charter school is meeting the obligations under this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, and section 504 of the Rehabilitation Act of 1973; and

“(ii) adequately monitors and helps the schools in recruiting, enrolling, and meeting the needs of all students, including students with disabilities and English language learners;

“(D) the entity will provide adequate technical assistance to eligible applicants to—

“(i) meet the objectives described in clauses (vii) and (viii) of paragraph (1)(A) and paragraph (2)(B); and

“(ii) enroll traditionally underserved students, including students with disabilities and English language learners, to promote an inclusive education environment;

“(E) the entity will promote quality authorizing, such as through providing technical assistance, to support all authorized public chartering agencies in the State to improve the monitoring of their charter schools, including by—

“(i) using annual performance data, which may include graduation rates and student growth data, as appropriate, to measure the progress of their schools toward becoming high-quality charter schools; and

“(ii) reviewing the schools’ independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring any such audits are publically reported; and

“(F) the entity will work to ensure that charter schools are included with the traditional public school system in decision-making about the public school system in the State.

“(3) REQUESTS FOR WAIVERS.—A request and justification for waivers of any Federal statutory or regulatory provisions that the entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity’s program under this section, and a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

“(f) SELECTION CRITERIA; PRIORITY.—

“(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (e), after taking into consideration—

“(A) the degree of flexibility afforded by the State’s public charter school law and how the entity will work to maximize the flexibility provided to charter schools under the law;

“(B) the ambitiousness of the entity’s objectives for the quality charter school program carried out under this section;

“(C) the quality of the strategy for assessing achievement of those objectives;

“(D) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

“(E) the proposed number of new charter schools to be opened, and the number of high-quality charter schools to be replicated or expanded under the program;

“(F) the entity’s plan to—

“(i) adequately monitor the eligible applicants receiving subgrants under the entity’s program; and

“(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies;

“(G) the entity’s plan to provide adequate technical assistance, as described in the entity’s application under subsection (e), for the eligible applicants receiving subgrants under the entity’s program under this section; and

“(H) the entity’s plan to support quality authorizing efforts in the State, consistent with the objectives described in subparagraph (B).

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State entities to the extent that they meet the following criteria:

“(A) In the case in which a State entity is located in a State that allows an entity other than the State educational agency to be an authorized public chartering agency or a State in which only a local educational agency may be an authorized public chartering agency, the State has an appeals process for the denial of an application for a charter school.

“(B) The State entity is located in a State that does not impose any limitation on the number or percentage of charter schools that may exist or the number or percentage of students that may attend charter schools in the State.

“(C) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

“(D) The State entity supports full-, blended-, or hybrid-online charter school models.

“(E) The State entity is located in a State that uses charter schools and best practices from charter schools to help improve struggling schools and local educational agencies.

“(F) The State entity partners with an organization that has a demonstrated record of success in developing management organizations to support the development of charter schools in the State.

“(G) The State entity demonstrates quality policies and practices to support and monitor charter schools through factors, including—

“(i) the proportion of high-quality charter schools in the State; and

“(ii) the proportion of charter schools enrolling, at a rate similar to traditional public

schools, traditionally underserved students, including students with disabilities and English language learners.

“(g) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to open new charter schools or replicable, high-quality charter school models, or expand existing high-quality charter schools.

“(h) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period and at the end of such grant period, a report on—

“(1) the number of students served and, if applicable, how many new students were served during each year of the grant period;

“(2) the number of subgrants awarded under this section to carry out each of the following—

“(A) the opening of new charter schools;

“(B) the opening of replicable, high-quality charter school models; and

“(C) the expansion of high-quality charter schools;

“(3) the progress the entity made toward meeting the priorities described in subsection (f)(2), as applicable;

“(4) how the entity met the objectives of the quality charter school program described in the entity’s application under subsection (e);

“(5) how the entity complied with, and ensured that eligible applicants complied with, the assurances described in the entity’s application; and

“(6) how the entity worked with authorized public chartering agencies, including how the agencies worked with the management company or leadership of the schools in which the subgrants were awarded.

“(i) STATE ENTITY DEFINED.—For purposes of this section, the term ‘State entity’ means—

“(1) a State educational agency;

“(2) a State charter school board; or

“(3) a Governor of a State.”

SEC. 6. FACILITIES FINANCING ASSISTANCE.

Section 5204 (20 U.S.C. 7221c) is amended to read as follows:

“SEC. 5204. FACILITIES FINANCING ASSISTANCE.

“(a) GRANTS TO ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—From the amount reserved under section 5202(b)(1), the Secretary shall award not less than 3 grants to eligible entities that have applications approved under subsection (d) to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(2) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term ‘eligible entity’ means—

“(A) a public entity, such as a State or local governmental entity;

“(B) a private nonprofit entity; or

“(C) a consortium of entities described in subparagraphs (A) and (B).

“(b) GRANTEE SELECTION.—

“(1) EVALUATION OF APPLICATION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

“(2) DISTRIBUTION OF GRANTS.—The Secretary shall award at least one grant to an eligible entity described in subsection (a)(2)(A), at least one grant to an eligible entity described in subsection (a)(2)(B), and at least one grant to an eligible entity described in subsection (a)(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

“(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

“(d) APPLICATIONS.—

“(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

“(A) a statement identifying the activities proposed to be undertaken with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

“(B) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

“(C) a description of the eligible entity’s expertise in capital market financing;

“(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

“(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

“(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities.

“(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“(f) RESERVE ACCOUNT.—

“(1) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

“(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

“(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

“(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

“(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond

counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

“(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with such subsection.

“(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

“(h) AUDITS AND REPORTS.—

“(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(2) REPORTS.—

“(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of its operations and activities under this section.

“(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

“(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

“(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

“(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

“(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

“(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

“(vi) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this section (excluding subsection (k)) during the reporting period.

“(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

“(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

“(j) RECOVERY OF FUNDS.—

“(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier

than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

“(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

“(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

“(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under paragraph (1).

“(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

“(k) PER-PUPIL FACILITIES AID PROGRAM.—

“(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term ‘per-pupil facilities aid program’ means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

“(A) that is dedicated solely for funding charter school facilities; or

“(B) a portion of which is dedicated for funding charter school facilities.

“(2) GRANTS.—

“(A) IN GENERAL.—From the amount reserved under section 5202(b)(1) remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

“(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

“(ii) 80 percent in the second such year;

“(iii) 60 percent in the third such year;

“(iv) 40 percent in the fourth such year; and

“(v) 20 percent in the fifth such year.

“(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost of establishing or enhancing, and administering the per-pupil facilities aid program.

“(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of such funds provided to charter schools increases with each successive grant.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

“(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

“(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State, and local public funds expended to provide per

pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

“(4) REQUIREMENTS.—

“(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

“(B) STATE LAW.—

“(i) IN GENERAL.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

“(I) is specified in State law; and

“(II) provides annual financing, on a per-pupil basis, for charter school facilities.

“(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with access to adequate facility space may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

“(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.”.

SEC. 7. NATIONAL ACTIVITIES.

Section 5205 (20 U.S.C. 7221d) is amended to read as follows:

“SEC. 5205. NATIONAL ACTIVITIES.

“(a) IN GENERAL.—From the amount reserved under section 5202(b)(2), the Secretary shall—

“(1) use not less than 50 percent of such funds to award grants in accordance with subsection (b); and

“(2) use the remainder of such funds to—

“(A) disseminate technical assistance to State entities in awarding subgrants under section 5203;

“(B) disseminate best practices; and

“(C) evaluate the impact of the charter school program, including the impact on student achievement, carried out under this subpart.

“(b) GRANTS.—

“(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 5202(a)(1), subparagraphs (A) through (C) of section 5203(a)(1), and section 5203(g).

“(2) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under this subsection shall have the same terms and conditions as grants awarded to State entities under section 5203.

“(3) ELIGIBLE APPLICANT DEFINED.—For purposes of this subsection, the term ‘eligible applicant’ means an eligible applicant that desires to open a charter school in—

“(A) a State that did not apply for a grant under section 5203;

“(B) a State that did not receive a grant under section 5203; or

“(C) a State that received a grant under section 5203 and is in the 4th or 5th year of the grant period for such grant.

“(c) CONTRACTS AND GRANTS.—The Secretary may carry out any of the activities described in this section directly or through grants, contracts, or cooperative agreements.”.

SEC. 8. RECORDS TRANSFER.

Section 5208 (20 U.S.C. 7221g) is amended—

(1) by inserting “as quickly as possible and” before “to the extent practicable”; and

(2) by striking “section 602” and inserting “section 602(14)”.

SEC. 9. DEFINITIONS.

Section 5210 (20 U.S.C. 7221i) is amended—

(1) in paragraph (1)—

(A) by striking “and” at the end of subparagraph (K);

(B) by striking the period at the end of subparagraph (L) and inserting “; and”; and

(C) by adding at the end, the following:

“(M) may serve prekindergarten or post secondary students.”;

(2) in paragraph (3)(B), by striking “under section 5203(d)(3)”;

and

(3) by inserting at the end the following:

“(5) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term ‘expansion of a high-quality charter school’ means a high-quality charter school that either significantly increases its enrollment or adds one or more grades to its school.

“(6) HIGH-QUALITY CHARTER SCHOOL.—The term ‘high-quality charter school’ means a charter school that—

“(A) shows evidence of strong academic results, which may include strong academic growth as determined by a State;

“(B) has no significant issues in the areas of student safety, financial management, or statutory or regulatory compliance;

“(C) has demonstrated success in significantly increasing student academic achievement and attainment for all students served by charter schools; and

“(D) has demonstrated success in increasing student academic achievement for the subgroups of students described in section 1111(b)(2)(C)(v)(II).

“(7) REPLICABLE, HIGH-QUALITY CHARTER SCHOOL MODEL.—The term ‘replicable, high-quality charter school model’ means a high-quality charter school that will open a new campus under an existing charter.”.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 5211 (20 U.S.C. 7221j) is amended to read as follows:

“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart \$300,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.”.

SEC. 11. CONFORMING AMENDMENTS.

(a) **REPEAL.—**Subpart 2 of part B of title V (20 U.S.C. 7223 et seq.) is repealed.

(b) **TABLE OF CONTENTS.—**The table of contents in section 2 is amended—

(1) by striking the item relating to section 5203 and inserting the following:

“Sec. 5203. Grants to support high-quality charter schools.”;

(2) by striking the item relating to section 5204 and inserting the following:

“Sec. 5204. Facilities Financing Assistance.”; and

(3) by striking subpart 2 of part B of title V.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part A of House Report 112–200. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KLINE

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 112–200.

Mr. KLINE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, beginning on line 6, strike “English language learners” and insert “limited English proficient students”.

Page 5, line 19, insert “or subpart 2” after “this subpart”.

Page 7, line 16, insert “GRANT NUMBER AND AMOUNT;” after “REVIEW;”.

Page 7, line 17, insert “; WAIVERS” after “PROJECTS”.

Page 8, after line 6, insert the following:

“(3) GRANT NUMBER AND AMOUNT.—The Secretary shall ensure that the number of grants awarded under this section and the award amounts will allow for a sufficient number of new grants to be awarded under this section for each succeeding fiscal year.”.

Page 8, line 7, redesignate paragraph (3) as paragraph (4).

Page 8, after line 15, insert the following:

“(5) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5210(1), if—

“(A) the waiver is requested in an approved application under this section; and

“(B) the Secretary determines that granting such a waiver will promote the purpose of this subpart.”.

Page 11, line 16, strike “English language learners” and insert “limited English proficient students”.

Page 12, line 5, strike “expanding” and insert “the expansion of”.

Page 12, line 7, insert “of” before “how”.

Page 12, line 17, strike “and”.

Page 13, after line 2, insert the following:

“(III) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school receiving funds under the entity’s program; and”

Page 13, line 4, strike “and”.

Page 13, line 9, strike the period and insert “; and”.

Page 13, after line 9, insert the following:

“(E) of how the entity will help the charter schools receiving funds under the entity’s program consider the transportation needs of the schools’ students; and

“(F) of how the entity will support diverse charter school models, including models that serve rural communities.”.

Page 13, line 22, strike “the charter school” and insert “each charter school”.

Page 14, line 1, strike “and”.

Page 14, line 2, insert before the semicolon, “, the Age Discrimination Act of 1975, and title IX of the Education Amendments of 1972”.

Page 14, beginning on line 3, strike “the schools” and insert “each charter school”.

Page 14, beginning on line 6, strike “English language learners” and insert “limited English proficient students”.

Page 14, line 7, insert “and” after the semicolon.

Page 14, after line 7, insert the following:

“(iii) ensures that each charter school solicits and considers input from parents and other members of the community on the implementation and operation of the school.”.

Page 14, line 15, strike “English language learners” and insert “limited English proficient students”.

Page 14, beginning on line 22, amend clause (i) to read as follows:

“(i) assessing annual performance data of the schools, including, as appropriate, graduation rates and student growth; and”.

Page 15, line 8, strike “and”.

Page 15, line 12, strike the period at the end and insert “; and”.

Page 15, after line 12, insert the following:

“(G) the entity will ensure that each charter school in the State make publicly available, consistent with the dissemination requirements of the annual State report card,

the information parents need to make informed decisions about the educational options available to their children, including information on the educational program, student support services, and annual performance and enrollment data for the groups of students described in section 1111(b)(2)(C)(v)(II)."

Page 16, line 17, insert "proposed" before "number".

Page 17, line 7, strike "and".

Page 17, line 10, strike the period at the end and insert "; and".

Page 17, insert after line 10, the following: "(I) the entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State."

Page 18, beginning on line 7, strike subparagraph (D).

Page 18, line 9, redesignate subparagraph (E) as subparagraph (D).

Page 18, line 13, redesignate subparagraph (F) as subparagraph (E).

Page 18, line 18, redesignate subparagraph (G) as subparagraph (F).

Page 18, line 20, strike the comma after "factors".

Page 19, line 2, strike "English language learners" and insert "limited English proficient students".

Page 19, after line 2, insert the following:

"(G) The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.

"(H) The State entity authorizes all charter schools in the State to serve as school food authorities."

Page 19, line 12, insert "by each subgrant awarded under this section" after "number of students served".

Page 19, line 14, strike "grant" and insert "subgrant".

Page 20, line 10, strike "in which the subgrants were awarded" and insert "that received subgrants under this section".

Page 20, line 23, strike "not less than 3 grants to eligible entities that have" and insert "grants to eligible entities that have the highest-quality".

Page 20, line 24, after "subsection (d)" insert ", after considering the diversity of such applications,"

Page 21, beginning on line 11, amend subsection (b) to read as follows:

"(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval."

Page 26, beginning on line 2, strike "subsection" and insert "paragraph".

Page 32, line 23, strike "To" and insert "Except as provided in clause (ii), to".

Page 33, line 7, strike "A" and insert "Notwithstanding clause (i), a".

Page 33, line 10, insert ", but which does not have a per-pupil facilities aid program for charter schools specified in State law," after "space".

Page 34, line 7, insert ", and eligible entities and States receiving grants under section 5204" before the semicolon.

Page 36, line 8, strike "inserting" and insert "adding".

Page 37, line 4, strike "subgroups" and insert "groups".

The CHAIR. Pursuant to House Resolution 392, the gentleman from Minnesota (Mr. KLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise in support of the manager's amendment offered by myself and Mr. MILLER.

In all our goals for an improved education system, one stands above the rest: ensuring students have access to a quality education. My colleagues and I firmly believe supporting the growth of high-performing charter schools will help us reach that goal.

Charter schools epitomize choice and flexibility in education, and represent an efficient way school districts can transform an underperforming traditional public school into a dynamic learning institution. Thanks to the additional autonomy afforded to these institutions, charter schools have become renowned for their ability to effectively meet the needs of the unique student population.

A great case study of adaptability of charters is Locke High School, located in the tough South Central area of Los Angeles. Students in this area face a multitude of challenges—from gang violence to poverty to troubled homes. Locke High School had some of the lowest test scores and highest dropout rates in the country. Only roughly 5 percent of its students went on to 4-year colleges and universities.

In 2007, the LA Unified School District agreed to transform Locke High School into a public charter school. Charter school officials instituted broad changes to the school, such as improved facilities, new teachers, parental volunteer hours, uniforms, and strict disciplinary measures. As a result, attendance rates have increased to 90 percent—a real success story.

Stories of charter schools that inspire success in students no matter the circumstance exist beyond Locke High School. These institutions have benefited children and communities in cities across the United States. Unfortunately, charter schools are not growing as they should. This act will facilitate the development of high-performing charter schools by consolidating Federal funding streams, incentivizing States to support the development and expansion of these institutions, and evaluating the benefits these schools offer to students and their families.

However, as my colleagues and I continued to work together on this legislation, we realized even more could be done to help charter schools assist a variety of students, including those most at risk. The accomplishments of a charter school like Locke High School should be encouraged and supported. That's why we have developed language in the manager's amendment that would offer incentives to States that use charter schools to reach out to special populations, such as at-risk students.

Additionally, Members on both sides of the aisle decided steps must be taken to help Federal Charter School Program grants remain on a sustainable path. The manager's amendment directs the Secretary of Education to undertake proper planning efforts to ensure sufficient new grants can be awarded annually to the best applicants.

As we work to ensure all students have access to a quality education, this act is a step in the right direction. Mr. Chairman, the manager's amendment makes commonsense adjustments to improve the underlying legislation, and I urge my colleagues to lend their support.

I reserve the balance of my time.

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Mr. GEORGE MILLER of California. Mr. Chairman, I claim time in opposition, although I am not in opposition to the manager's amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. I will be brief here because I want to yield to the gentleman from Colorado, but I want to point out that the manager's amendment again was a lot of hard work by the staff to put together the various ideas from the members of the committee on both sides of the aisle, but I think they have done a spectacular job, and the chairman and myself both support this legislation.

I am very supportive of the efforts in the manager's amendment to make sure that parent and community input is a priority in the implementation of the charter school improvement and the operation of those charter schools. We require that, as you consider the beginning of a charter school, you take into consideration, and the State entities take into consideration, the input of parents and the community. I think this is very important.

We know that there are many, many parents that want to be involved in creating charter schools, sustaining a charter school, thinking about what they want to do with the schools in their neighborhood. I think this is an important component that I hope to see in the reauthorization of the ESEA, that more consideration is given to community and to parents about how we turn schools around so that they have some skin in the game, they have some interest in the game, and they have a stake in the outcome of that.

The manager's amendment also requires that each charter school in the State make publicly available information on the educational program, the student support services, teachers, and annual performance enrollment data for all students by the subgroups, and it strengthens the application process that includes application and description of how schools will consider the transportation needs of their students, and also on how the schools and entities will support diverse charter school models, including those serving rural areas.

With that, I would like to yield to the gentleman from Colorado to talk about the replication of high-quality charters.

Mr. POLIS. I thank the gentleman.

Mr. Chairman, again, this process really demonstrates strong bipartisan leadership and a commitment to our

Nation's children from both Chairman KLINE and Ranking Member MILLER, as well as all the members of the committee and their staff. And I express not only my deep appreciation but, I am sure, the deep appreciation of the many millions of children that this bill will help provide additional opportunities for to them both.

This manager's amendment makes a good bill even better, including allowing priority for States that allow charters to have autonomous school food services. It's critical charter schools are allowed to have independent food services. Many lack cafeteria space in some facilities, and this amendment will prioritize States that allow for that. We all know how important nutrition is for success. Transportation to and from charter schools is also critical.

The bill also allows for the expansion, for the very first time, a replication of successful charter school models, again deferring to States in that regard. Previously, these monies were only eligible for the establishment of innovative new charter schools, a worthy goal and one that is preserved under this bill as well. But we are now 10 years later down the road. We know a little bit about what works and what doesn't work.

Based on that, the bill in the manager's amendment, A, upped the ante on the best practices for the States in terms of being good authorizers, and, B, allowed some of the funds to be used to expand and replicate proven success, as well as preserving some for the continued innovation, which is also necessary to drive our education system forward.

This manager's amendment also supports dropout prevention and recovery and rural needs. Figuring out how charter schools can fit in the context of rural and smaller school districts has also been an important learning curve over the last 10 years. This bill and the manager's amendment incorporate some of the very best thinking in that regard in terms of making sure that States have plans to ensure that charter schools can also benefit rural areas.

This bipartisan amendment exemplifies the great work of the committee leadership overall in the bill and truly does improve upon the base bill. I am very proud to be strongly supportive of the manager's amendment as well as the underlying bill.

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

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

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. DAVIS OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 112-200.

Mrs. DAVIS of California. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 17, redesignate paragraph (1) as paragraph (2), and insert the following:

"(1) improve the United States education system and educational opportunities for all Americans by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy;"

Page 3, line 20, redesignate paragraph (2) as paragraph (3).

Page 3, line 22, redesignate paragraph (3) as paragraph (4).

Page 4, line 1, redesignate paragraph (4) as paragraph (5).

Page 4, line 5, redesignate paragraph (5) as paragraph (6).

Page 4, line 10, redesignate paragraph (6) as paragraph (7).

The CHAIR. Pursuant to House Resolution 392, the gentlewoman from California (Mrs. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. DAVIS of California. Mr. Chairman, this amendment simply stresses the need to constantly seek ways to improve and find innovative ways to teach our students in the public education system.

Given the state of the economy, we need to encourage economic and job growth from every angle. We need to do whatever is possible to compete in the global economy. The best way to stay on the cutting edge is to build a workforce that can compete against the best and the brightest in the world. We need schools to find new and innovative ways to teach our students, particularly in the key subjects of math, science, and engineering.

One example of an innovative school is the High Tech High charter school in San Diego, which has the goal of bringing highly skilled employees into the workforce.

With the support of technology companies such as Qualcomm and Microsoft, High Tech High has taken innovation in its curriculum to a new level. Since 2003, the result has been that 100 percent of High Tech High's graduates have gone on to attend college at such universities as NYU, MIT, and Yale.

High Tech High has successfully found innovative ways to teach innovation. And what does innovation in education mean? It means teachers and principals who find ways to inspire and get students excited to learn. It can mean teaching students and children how to think, how to work together, how to think across disciplines, and, most importantly, how to act on their knowledge. It will take innovation to meet these goals to consistently improve instruction in the classroom.

Steve Jobs, as we know, led Apple to become one of the largest and most successful technology companies in history. His visions led to such products as the iPod, the Mac computer, and, recently, the iPad.

Mr. Jobs once said Apple's success is not just about how much money it in-

vests in research and development; it's about the people and creative vision. "It's about the people you have, how you're led, and how much you get it," Mr. Jobs told Fortune magazine in 1998.

"People," Mr. Chairman, "people" is the key word. With better and more innovative schools, we will have more creative people entering our workforce.

Unfortunately, the World Economic Forum just announced that the United States dropped to fifth place in the world's most competitive economies behind nations such as Switzerland and Singapore. Well, Mr. Chairman, that's the wrong direction and we need to turn it around.

If America is going to reach its potential, we need schools that cultivate entrepreneurs and visionaries. We need more companies such as Apple that can compete globally.

Please join me in stressing the need to support innovation, beginning with our approach to education. I applaud the efforts of our bipartisan team here that's worked so hard on this underlying bill and the amendments.

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

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment, although I do not intend to oppose it.

The CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE. Thank you, Mr. Chairman.

This amendment is entirely consistent with the underlying purpose of the charter school movement. It improves the bill. I support the amendment.

Mr. GEORGE MILLER of California. Will the gentleman yield?

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

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this legislation.

I think one of the intents of this bill and, hopefully, in our reforms of the Elementary and Secondary Education Act is to keep our eye on global competition and understand that we must prepare today's students for tomorrow's global economy and the global competition that that suggests.

I strongly support and have had long conversations with the gentlewoman on this amendment and agree to it.

Mr. KLINE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mrs. DAVIS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 112-200.

Mr. PAULSEN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after “period” insert “, unless the eligible applicant demonstrates to the State entity not less than 3 years of improved educational results in the areas described in subparagraphs (A) and (D) of section 5210(6) for students enrolled in such charter school”.

The CHAIR. Pursuant to House Resolution 392, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

□ 1500

Mr. PAULSEN. Mr. Chairman, I rise today in support of the underlying bill, H.R. 2218, the Empowering Parents through Charter Schools Act, and to offer this amendment that will give America’s students more opportunities to succeed.

My amendment will make it easier for successful charter schools to replicate and expand in a timely manner because by giving these schools the ability to receive an expansion grant after 3 years rather than the current 5 years, they will be able to grow and offer quality education to even more students and provide expanded choices to parents in a shorter period of time.

So this amendment will also strengthen the bill by continuing to break down barriers to help quality charter schools grow to meet their staggering demand.

Currently, Mr. Chairman, an estimated 420,000 students across the country are being kept on waiting lists to attend the charter school of their choice. We should be giving these students more opportunities to attend and learn and be successful.

My home State of Minnesota has seen tremendous success because we have been a pioneer in expanding educational options and choice. In 1991, we were the first State to pass a charter school law, and we now have 149 registered charter schools with over 35,000 students attending them. Today, over 40 States and the District of Columbia have established charter school laws of their own.

I support the underlying bill which was crafted bipartisanly. It encourages States to support the development of charter schools. It streamlines funds to reduce administrative burdens and improve funding opportunities for the replication of successful charter schools and facilities assistance. It also supports an evaluation of the school’s impact on students, families, and communities while encouraging best practices sharing between charters and traditional public schools.

There is no doubt that charter schools are a prime example that innovative education methods are constantly at work, and this bill will give our schools the ability to do even more for our children.

We all know that these charter schools consistently rank as top per-

formers among the U.S. Department of Education’s Blue Ribbon Schools, and multiple national rankings of the Best High Schools in America. It is no surprise that public support and demand for these charter schools is steadily increasing.

So, Mr. Chairman, the legislation recognizes the opportunity to enhance the empowerment of parents and should go forward, allowing them to play an active role in their child’s education. This amendment will give the most successful schools the ability to grow and offer even more quality education options to more parents and students.

I want to thank Chairman KLINE for his leadership, the ranking member from California for his leadership, and I also want to thank Representative POLIS for cosponsoring this amendment and for his leadership and his true advocacy, his steadfast advocacy for expansion of school choice and opportunities across the country.

I reserve the balance of my time.

Mr. POLIS. I claim time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. POLIS. Mr. Chairman, I am proud to bring forward this bipartisan bill. Let me express why it is important. To delay the expansion of a successful charter school for 5 years and prevent States from having the flexibility to deploy these resources after 3 proven years only consigns more kids to failure and lack of opportunity. It is an important amendment because it provides flexibility for States and charter schools to expand what works. And 1 year could be an aberration, 2 years of proven success can be lucky, but 3 years of success is hard to dispute.

When a school has 3 years of proven success, to make it wait 5 full years before it’s eligible to expand with Federal money only consigns all of those students who would have been served to otherwise reside on the waiting list and are forced to attend schools that provide less educational opportunity. We are only young once in life, and that’s why with regard to education and improving the quality of our public schools, we all feel the fierce urgency of now.

When a charter school starts out, it is not possible to predict whether it will be successful or not, and that’s the purpose of the innovation grants. Without this amendment, charter schools that have proven success could be forced to wait 5 years before being able to replicate and expand, a wait that our Nation can’t afford and, most of all, those kids on the waiting list can’t afford.

This revision is especially needed for charter schools that don’t use the grants for planning, which is another year before the charter school starts, so it could be 1 year or 3 or 4 years. But

if they don’t use the year for a planning year, it is actually a full 5-year wait before the school would have access to expansion and replication resources without this amendment. So I am particularly glad of Mr. PAULSEN’s effort to bring this forward.

The national activity section of the bill already reflects this. In fact, the national activity section provides funding after 3 years of demonstrated success, but that’s only 2.5 percent of the total funds of the bill. Most of the funds under this bill are pushed to the States and allowed for the dual purpose of innovation and expansion and replication. And essentially what this bill remedies, it reflects the national activities language in saying that the States have the discretion, they are actually allowed to require 5 years of demonstrated success. I wouldn’t encourage them to do that, but they have the flexibility to do it with 3 years of demonstrated success to ensure that proven educational opportunities for kids can reach more kids sooner under this amendment which is why I am proud to lend it my support.

I yield back the balance of my time.

Mr. PAULSEN. Mr. Chairman, I ask for adoption of this bipartisan amendment and the underlying bill, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. LUJÁN

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 112-200.

Mr. LUJÁN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 11, line 12, insert before the semicolon “, including, where appropriate, instruction and professional development in science, math, technology, and engineering education”.

The CHAIR. Pursuant to House Resolution 392, the gentleman from New Mexico (Mr. LUJÁN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. LUJÁN. Mr. Chairman, the United States has the best research facilities and educational facilities in the world, and we continue to be a leader in developing cutting-edge technology in fields spanning from renewable energy to medicine. But our Nation’s competitiveness depends upon our ability to educate our students and equip them with the skills they need to succeed in the jobs of the future.

The President, congressional leadership, and business have all agreed that our Nation must do better in order to compete and excel globally in science, technology, engineering and math, or STEM fields. My amendment today simply says that entities include in their application a description of how

the school's program would share best practices between charter schools and other public schools, including best practices in instruction and professional development in STEM education. This amendment supports the identification of best practices and encourages opportunities for teacher training and mentoring in STEM.

According to the National Center for Education Statistics, U.S. high school seniors recently tested below the international average for 21 countries in mathematics and science. This is simply not acceptable. We must make a commitment to restore science and innovation as keys to a new American economy. We must ensure that America's students are trained to be innovators, critical thinkers, problems solvers, and prepared to become part of the work force for the 21st century.

I urge my colleagues to support my amendment.

Mr. GEORGE MILLER of California. Will the gentleman yield?

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

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, thank him for offering the amendment, and I rise in strong support of this amendment.

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

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment, but I do not intend to oppose it.

The CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE. This amendment simply emphasizes the importance of STEM education. It is widely recognized in the business community, the education community and throughout America that there is a growing gap that we need to fill in STEM education. By underscoring the importance of STEM education, this is helpful to the bill. I encourage my colleagues to support the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. LUJÁN).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. POLIS

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 112-200.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 17, beginning on line 14, strike subparagraph (A), and insert the following:

“(A) In the case of a State entity located in a State that allows an entity other than a local educational agency to be an authorized public chartering agency, the State has a quality authorized public chartering agency that is an entity other than a local educational agency.”.

The CHAIR. Pursuant to House Resolution 392, the gentleman from Colo-

rado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, again, one of the best practices that I think we have learned over the last 10 years is the importance of having alternative authorizing agencies. In fact, 32 States have created alternative authorizing agencies, including my home State of Colorado which has a charter school institute. In other States it takes the form of vesting mayors, university board of regents, or State boards of education as alternative authorizers.

□ 1510

Doing so ensures that bold ideas for charter schools brought forth by parents and grassroots community members are more likely to get a fair shot at being considered if there is an alternative authorizer, instead of what's already in the bill, which also should be present, which is an appeals process. An appeals process automatically kind of sets up a kind of adversarial relationship. We have that as well in Colorado. When I served on the State Board of Education, we heard appeals processes. So if a district turned down a charter school, it was appealed to the State Board. We could then overrule that district and force them to grant it. But it set up a very adversarial relationship.

What has proven to work better in 32 States that have it is having an alternative authorizer in addition to an appeals process so that districts that simply don't want to be in the charter authorizing business or that refuse to grant any charter schools or don't have an application process for them can simply allow another entity to provide the quality oversight that's needed for a charter school in the district.

One of the great evolutions of the last 10 years has been the responsibility of charter school authorizers. It's not simply a charter school that needs to reform. It's the authorizer, the public entity, that needs to hold that charter school responsible for the performance of its students. In my State of Colorado, our charter school institute approved 22 charter schools serving 10,000 students in the 6 years that we've had it. That's 22 out of about 120 charter schools that exist in the State. The State University of New York and the University of Indiana in Michigan have also approved some of those States' most successful charter schools.

Local school boards look at things in a different way sometimes. They appropriately consider their district's own financial situation when voting on charter schools. But that focus sometimes interferes with their consideration of the greater good and local control. Quiet, quality, viable public school choices for parents and students that address the diverse learning needs of their district. Unreasonable denials by school districts can be appealed in

States. And that's already one of the provisions of this. But from my own experience on the State Board of Education, I know that the appeals process is really less desirable for a number of reasons. First of all, it's only reactive and only addresses the merits of whether a particular school board denial was valid or not. It's not proactive in terms of developing innovative learning models and supporting the quality, development, and authorizing practice of charter schools. Two, appeals can address school district delays in approving charter schools. There's also a way of kind of killing by delay—burying under paperwork, unreasonable request after unreasonable request from the school district to the founders of the charter school that ultimately lead to the abandonment of the idea.

Appeals are often limited in scope and criteria. And appeals are also a drain on State resources, State Board of Education members' time, Department of Education staff time, State attorney generals' time. So while they have their role, it really should be a last resort and shouldn't be prioritized as the best practice. That's why I'm proposing to add a priority for multiple charter authorizers. Again, States will be able to determine the best form that that should take.

I should also point out this is very important for rural areas and small districts. It is very, very difficult if not impossible for a small district or rural school district to be a quality authorizer. In many cases, they recognize that, and would rather not be. In fact, in Colorado, most of the districts that have welcomed the State authorizer and said for the local applicants to apply to them instead of their district are districts that know that they can't engage in a meaningful approval or oversight process. By having a State-wide entity you allow some scale to the very important business of being an authorizer—a scale that small and rural districts lack. We can empower community members in those districts with the power of school choice and charters by ensuring that there is a multiple authorizer.

This amendment is supported by the National Alliance for Public Charter Schools as well as—and very important, a newer entity at the national level—the National Association for Charter School Authorizers, which is actually composed of districts and State authorizing agencies, both of whom have endorsed this amendment.

Again, it simply establishes this as a priority for funding, ensuring that this best practice that we've come to learn over the last decade can better be reflected and that hopefully States that haven't yet had the chance to look at a way to create an alternative authorizing agency will be able to learn from the States that have under this, and do so, to ensure that charter schools get a fair hearing, prevent the adversarial outcomes that too frequently come from the appeals process, and ensure

that choice is given meaning in rural school districts and small school districts.

I urge support of my amendment, and I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition, although I do not intend to oppose the amendment.

The CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE. Thank you, Mr. Chairman.

The gentleman from Colorado has very succinctly, clearly, and I would even say eloquently explained the problem in the authorizing business in charter schools and offered a very, very good solution. This is a good amendment. It improves the bill. I support it.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. MOORE

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 112-200.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 20, line 13, insert “or” after the semicolon.

Page 20, line 14, strike “; or” and insert a period.

Page 20, line 15, strike paragraph (3).

The CHAIR. Pursuant to House Resolution 392, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Thank you, Mr. Chairman.

I encourage my colleagues to support my amendment to H.R. 2218, which would strike a provision that allows Governors to apply and receive direct grants from the Federal Government and preempts State education agencies from their oversight and operational responsibilities. Let me say before I defend this amendment that I think that H.R. 2218 makes very critical changes to the charter school program that are long overdue, and it moves in the right direction in terms of being more inclusive of students, including groups that have typically had limited access to charters such as students with disabilities and English language learners. I believe that my amendment will secure and protect these improvements and expansions of charter school programs.

I really question the wisdom of putting Governors' offices in the business of overseeing charter programs and implementing these extremely complex programs. We do know that Governors' offices do not have the infrastructure, expertise, or staff to do the job—a job which includes close monitoring of schools, holding authorities account-

able, and much more. These are intricate programs with multiple moving parts that require time and labor-intensive administration.

I do believe that in my own State of Wisconsin, for example, we have constitutionally elected superintendents of public instruction. And it should remain within their purview to oversee and administer this program. Certainly, we all want Governors to be involved. But I think that my amendment makes it really clear that the ultimate responsibility should stay with those State public instruction agencies.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. All across the country we've seen Governors and other State and local officials stand up in support of important education reform efforts that put the interest of children first. The underlying legislation before us today expands the number of State entities that may compete for charter school funding, allowing Governors to act on their support for charter schools. It addresses a real concern that has arisen in States that do not have a State education agency which supports charter schools.

Today, there are more than 420,000 students on charter school wait lists. And we've all seen the recent documentaries, “Waiting for Superman” and “The Lottery.” These chronicle low-income students trapped in failing schools, desperate for better education opportunities. Instead of helping States meet this truly incredible demand for more high quality charter schools, unfortunately, this amendment would actually stifle charter school growth by limiting a Governor's ability to support these institutions.

At the core of this bill is our desire to see more quality charter schools available for more students. More choice, more opportunity. Less “Waiting for Superman.” And so I oppose this amendment because it works in opposition to what the underlying bill is trying to do and what we're trying to do—and that's give the States more opportunities to create and replicate more quality charter schools.

□ 1520

Mr. GEORGE MILLER of California. Will the gentleman yield?

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

Mr. GEORGE MILLER of California. I know Ms. MOORE has reserved her time so she can respond to this, but I just want to say I think we tried to work this out in this legislation in the fashion that if a Governor makes application, he must do this in conjunction with the SEA. And the idea that the Governor would do this on his own, or whatever, we forced that working together simply because, as you point out, most Governors' offices would not

have the internal capacity to carry out the responsibilities under the grant. But to deny the Governor the opportunity seems to me doesn't make sense when it's required that the SEA be involved.

I will just say I know why you're offering the amendment, and I am obviously reluctant to oppose it, but I think we have addressed this concern in the legislation.

I thank the gentleman for yielding.

Mr. KLINE. I reserve the balance of my time.

Ms. MOORE. I want to thank the gentlemen for responding, even though they are opposed.

Let me say that I am old enough to have gone through several gubernatorial races; and Governors run for office based on crime prevention and crime control, economic development, lowering taxes, environmental protection, and even welfare reform. And so the public in many States have elected to elect separate constitutional officers that deal solely with educational opportunity. And by not adopting this amendment, we are literally cutting off the legs of the statewide constitutional officers to do the only duty for which they are elected, and that is for educational purposes, and transferring those duties to a Governor whose agenda may have nothing to do with education at all.

With respect to the notion that the Governor has to work with the statewide superintendent of public instruction, under current law right now, superintendents do work with the Governor. And so I am sad that this is being opposed by both the majority and the minority on this committee because I do think that, rather than expanding opportunities for these 420,000 charter school students, it is going to really put them all under the purview of some ideology of some Governor, Democrat, Republican, independent, whatever. They are going to be subsumed by ideology instead of under the purview of a publicly elected State public instruction superintendent.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, again, I rise in opposition to this amendment. I believe that the underlying legislation, as Ranking Member MILLER alluded to, has language in it that strongly encourages, at the very least, Governors to work with their SEAs. But I would underscore the point that States are different. Some States are set up with different relationships between the different elected officers. They're not all elected the same way they are maybe in Wisconsin or something. Our underlying purpose here is to expand access to quality charter schools, and I believe this amendment gets in the way of that.

So I oppose the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Ms. MOORE).

The amendment was rejected.

AMENDMENT NO. 7 OFFERED BY MR. HOLT

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 112-200.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, after line 19, insert the following: “(6) PRIORITY.—In awarding grants under this subsection, the Secretary is encouraged to give priority to States that encourage green school building practices and certification.”.

The CHAIR. Pursuant to House Resolution 392, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. I thank Chairman KLINE, Ranking Member MILLER, and their staffs for their work to produce this reauthorization bill that makes a good deal of progress from the existing law. I share many of the concerns of our colleagues who want to see even more improvement in the accountability, equity and transparency of charter schools as we continue to move the bill forward.

I have a simple amendment today in this bill that reauthorizes the Charter School Program. My amendment encourages the Secretary of Education to award a priority for green school building practices to ensure that any Federal investment in charter school facilities would improve the energy efficiency and environmental advantages of those schools.

Energy bills are the second highest operating expenditure for schools after personnel costs. So we must do all we can to help schools implement green building practices and reduce their energy costs. My amendment will help ensure that schools spend educational resources on educating students rather than heating and cooling inefficient buildings.

According to the Environmental Protection Agency, 30 percent of energy consumed in buildings is used unnecessarily or inefficiently. By using green building techniques to eliminate areas where energy is used unwisely and is wasted, a school's operating costs can be reduced significantly. A dollar wasted on inefficient heating is lost forever. A dollar invested in a child will pay dividends forever.

The U.S. Green Building Council supports this amendment and in a letter to me they wrote: “On average, green schools save \$100,000 per year—enough to hire two new teachers, buy 200 new computers, or purchase 5,000 new textbooks.” They go on to note that green schools don't cost more, but in fact can be built at or below regional cost and operated within existing facilities' budgets and save money.

Now, I'm disappointed that the bill we are considering today reauthorizes only charter school programs. We should be considering full reauthorization of the Elementary and Secondary Education Act. We should be considering a public school construction bill. Assisting local school districts with school construction and modernization would help rebuild and upgrade local schools and create jobs.

But I do want to see this amendment included in the bill. It will help schools all across America. It will save energy; it will create jobs; it will improve education.

I urge its passage.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. HOLT. Mr. Chairman, may I inquire of the time remaining, please.

The CHAIR. The gentleman from New Jersey has 2 minutes remaining.

Mr. HOLT. I yield 30 seconds to the gentleman from California.

Mr. GEORGE MILLER of California. I rise in support of this amendment. I think it is very important for all the reasons the gentleman from New Jersey cited.

In terms of the savings, we are seeing more and more schools taking economic liabilities, if you will, such as parking lots and vacant land around the school, turning them into economic assets, and saving the kind of money—it has been recorded now for a number of years the money that is actually saved in these design practices in the schools that free up those resources for other educational purposes.

I want to thank the gentleman for offering the amendment.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I think the gentleman from New Jersey has, as he put it, good language that should not only be included in this bill, but I think in other relevant construction bills as well.

Very simply, it encourages the Secretary to give priority to States that encourage green building practices and certification. Again, that could be as simple as a State making sure that those options are available. Other States have tax credits or other methods of incentivizing green school development.

When we are talking about our national energy policy, we are talking about how frustrated our constituents are with gas prices; we're talking about our national security as a Nation and our energy security. I think that for this Congress to ensure that in every bill, large and small, we encourage—again, without any mandate to school districts, without any requirement, but encourage the Secretary to give priority to States that have at least some system for encouraging green school building development, I think this is a good thing to start right here in a small way, in a bill that certainly won't on its own turn around the energy future of our country, but on its

own does have the potential to help drive scale of green technology without compromising educational outcomes.

Again, I think this is an appropriate addition to the bill and will hopefully lead to improvements of energy efficiency in charter schools across the country.

I thank the gentleman for yielding.

□ 1530

Mr. KLINE. Mr. Chairman, I claim time in opposition to this amendment.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. The underlying bill maintains and strengthens Federal support to assist charter schools in accessing credit for facilities construction, as it has in the past and will in this, but it doesn't get into the details of school construction. It doesn't take another step towards getting the Federal Government involved in school construction.

I understand there's a great excitement in some areas about putting green in any construction, or in anything for that matter. If it's green, apparently it's better.

This amendment, I'm afraid, will actually weaken efforts at the State level to fund school construction. It will dramatically increase the cost of building elementary and secondary charter schools. Where there's already limited funds available, some States, school districts, and charter schools will be forced to use union workers to construct public charter schools and to comply with this need for green schools.

Instead of imposing new burdens on charter schools, we should support State and local efforts to raise student academic achievement, stay out of the school construction business. This amendment is not an appropriate role for the Federal Government. I urge opposition to the amendment.

I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I think the chairman of the committee reads too much into this amendment. It says, in awarding grants, the Secretary is encouraged to give priority to States that encourage green building practices and certification. In other words, if it certifiably will save energy and thereby save the school district money, it should be encouraged. What in the world could be wrong with that?

I would urge my chair to reconsider after he has read this amendment and support us in the passage of this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Chair announced that the ayes appeared to have it.

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

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. KING OF IOWA

The CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 112-200.

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 36, line 22, insert "and" after the semicolon.

Page 37, line 2, strike "; and" and insert a period.

Page 37, beginning on line 3, strike subparagraph (D).

The CHAIR. Pursuant to House Resolution 392, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Thank you, Mr. Chairman. The gentleman from Iowa is happy to be recognized.

Addressing this issue, in particular it's this: that the intent of this bill is a good intent, and I support it, providing an extra incentive for high quality charter schools. It rewards those high quality charter schools with an opportunity to receive grants that are rewards for that excellence that's there, and I certainly support the initiative and the philosophy behind that.

It also identifies high quality charter schools as those that have achieved strong academic results, student safety, financial management, statutory and regulatory compliance, and has demonstrated significantly increasing student academic achievement for all students. And I emphasize "all students."

But when I read the bill, then it says, also has demonstrated success in increasing student academic achievement for the subgroups of students described in, and that's where a lot of people stop reading the bill. But when you go back and look at the reference, it sets it up so that it requires not just that the schools be open and available to students that meet these categories, four categories, Mr. Chairman—economic disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency—but, in fact, the language of the bill requires that all four categories must be met in order to qualify for these grants.

I know there's misinformation out there, but this language has been something we have drilled through now for days.

What my amendment does is strike that requirement that they meet all four categories. They will have to show academic achievement for all students, and that's what I hope to achieve with this amendment. We go back to all students, which automatically includes the redundant list that is, I think, unnecessarily in the bill. And the result will be, if the King amendment doesn't

go on, then we'll have high quality charter schools that will have to meet four standards, those four standards of minorities and disabilities, economically disadvantaged, and limited English proficiencies.

For example, an inner city school that might have all African American students with no limited English proficiencies might qualify on the other three categories but be disqualified because they must meet all four. That's the purpose of my amendment. I urge its adoption.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment offered by Mr. KING of Iowa.

We should be very clear about this amendment, what it would do and why it would be incredibly detrimental to our students, our schools, and to our country.

In this bill, we require the performance of poor and minority students and students with disabilities to be considered when measuring the success of charter schools. That's as we chose to do when we passed No Child Left Behind, not a perfect education act by any means. But a very important component was the disaggregation of the data so that the parents of each and every one of those children, so the community leaders representing each and every one of those children would know how those children were doing.

We used to have the day when we asked how these students are doing, how this school is doing and all we got were the averages, and everybody said, oh, it's better. The fact of the matter is this is to assure that we understand how those children who have access to these schools, how, in fact, they're individually doing.

These are Title I public schools. They happen to be charter schools. And the point of that is to make sure that poor and minority children, English learners, students with disabilities have the full access to an appropriate education. And to go back to a time when we start to hide those results or we don't hold schools accountable for that is to rip away the fabric of accountability that parents and communities and taxpayers are asking for from those schools.

The idea that you would be held accountable for English learners if you had no English learners in your school is simply hokum. It just isn't what the law says.

This would be an absolute disservice to parents, to the students, and to our communities. It takes us back to the time prior to No Child Left Behind when schools would participate in hiding their failures and champion what they were trying to present to the community as their successes, and that's

why we have the charter school movement. That's why we have accountability now that we never had before. That's why this amendment is opposed by so many people who are involved in the promotion of the educational opportunities for these populations: the National Alliance for Public Charter Schools, the Center for American Progress, the Children's Defense Fund, and many others on the list that I would ask to be put into the RECORD. The National Council of La Raza, the National Disability Rights Network.

LIST OF GROUPS AGAINST KING AMENDMENT

The National Alliance for Public Charter Schools; 50CAN; Center for American Progress; Children's Defense Fund; Democrats for Education Reform; Education Equality Project; KIPP; Massachusetts Charter Public School Association; National Council of LaRaza; National Disability Rights Network; NewSchools Venture Fund; Council for Exceptional Children; National Center for Learning Disabilities; Easter Seals Leadership Conference on Civil Rights.

NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS,

Washington, DC, September 8, 2011.

DEAR MEMBERS OF CONGRESS: On behalf of nearly 2 million children attending more than 5,000 public charter schools across the country, we applaud you on your successful efforts to bring H.R. 2218, Empowering Parents through Quality Charter Schools Act, to the House Floor for a vote. This legislation will improve the core federal charter school programs that are imperative in helping charter schools overcome state and local inequities as they work to provide more families with high-quality public school options.

We urge you to reject the amendment offered by Representative Steve King (R-IA). Rep. King's amendment would strike a key provision that defines a high-quality charter school as one that is showing achievement gains for students from historically disadvantaged groups, including low-income and minority students, students with disabilities, and students who are non-native English speakers. As you well know, demonstrating student achievement for all children is imperative for a successful accountability system and one that we fully support.

Thank you for your consideration of this important matter.

Sincerely,

The National Alliance for Public Charter Schools, 50CAN, Center for American Progress, Children's Defense Fund, Democrats for Education Reform, Education Equality Project, KIPP, Massachusetts Charter Public School Association, National Council of LaRaza, National Disability Rights Network, NewSchools Venture Fund, Texas Charter School Association, Wyoming Association of Public Charter Schools.

COUNCIL FOR EXCEPTIONAL CHILDREN,

Arlington, VA, September 7, 2011.

Re: Oppose Amendment #9 to H.R. 2218: Empowering Parents through Quality Charter Schools Act

DEAR MEMBER OF CONGRESS: On behalf of the Council for Exceptional Children (CEC), whose members serve over 10 million children and youth with disabilities and/or gifts and talents as teachers, administrators, parents, and researchers, I urge you to vote against amendment #9 to H.R. 2218, the Empowering Parents through Quality Charter Schools Act offered by Congressman King (IA). This misguided amendment would

weaken protections for students with disabilities in charter schools, and severely undermine the bill, which CEC supported and which passed out of the Education and the Workforce Committee on a bi-partisan vote.

CEC and its members have long been concerned by reports that demonstrate both a lack of access for students with disabilities to charter schools and a lack of oversight to ensure that students with disabilities in charter schools are appropriately served and receive all of their rights under the Individuals with Disabilities Education Act (IDEA). Several provisions within H.R. 2218 support increased access, service and accountability, thereby addressing many of the existing issues for students with disabilities in charter schools. Key to addressing these issues, however, is a provision within H.R. 2218 which defines a High Quality Charter School as one that has demonstrated success in increasing academic achievement for all students, and specifically students with disabilities. Congressman King's amendment would remove this important requirement and lower the standard. Specifically, it would strike language that requires charter schools to have a record of success in working with student subgroups (i.e. students with disabilities, students from low-income backgrounds, English language learners) to receive federal dollars. Striking this important language would weaken protections added in direct response to reports of inequities in charter schools. If included, CEC would no longer support this legislation.

Provisions for students with disabilities in H.R. 2218 have bi-partisan support and represent a step forward for education policy in our nation by acknowledging that charter schools must include and appropriately serve students with disabilities. CEC supports the passage of H.R. 2218, as it passed out of the Education and the Workforce Committee, and, therefore, urges you to vote against Amendment #9 by Congressman King (IA). This misguided amendment will only weaken this bill and allow inequities for students with disabilities to continue.

Please do not hesitate to contact me with any questions.

Sincerely,

DEBORAH A. ZIEGLER,
Associate Executive
Director, Policy and
Advocacy Services,
Council for Exceptional
Children.

NATIONAL CENTER FOR
LEARNING DISABILITIES

Washington, DC, September 8, 2011.

DEAR REPRESENTATIVE: The National Center for Learning Disabilities urges you to oppose the King amendment to H.R. 2218, the Empowering Parents through Quality Charter Schools Act. This amendment would roll back an important and much needed provision focused on the achievement of students with disabilities and other at-risk populations.

H.R. 2218 makes a number of improvements in how charter schools will enroll, serve, and be held accountable for the achievement of all students, including students with disabilities. Unfortunately, the King amendment would reverse one of these significant improvements by striking the focus on achievement of students with disabilities, English language learners, and other at-risk populations from the definition of a high quality charter school. Rather than embracing the bill's emphasis on improving educational experiences for all students, the amendment alters this critical improvement made to ensure high quality charter schools are focusing on every enrolled student, including those with disabilities and other at-risk populations.

This bill and its focus on all students represents a critical first step to improving the quality of instruction and educational experiences provided in charter schools. Chairman Kline and Ranking Member Miller deserve credit for crafting a bipartisan bill that will help both charter schools and the students with disabilities which they serve. The King amendment reverses this course and we urge you to oppose the amendment.

Sincerely,

JAMES H. WENDORF,
Executive Director.

NATIONAL DISABILITY
RIGHTS NETWORK,

Washington, DC, September 8, 2011.

DEAR REPRESENTATIVES: On behalf of protection and advocacy agencies that represent students with disabilities and their families, we thank you for your work to bring the "Empowering Parents through Quality Charter Schools Act" (H.R. 2218) to a floor vote. The National Disability Rights Network (NDRN) is the national membership association for the 57 Protection & Advocacy (P&A) agencies that advocate on behalf of persons with disabilities in every state, the District of Columbia, and U.S. territories. For over 30 years, the P&A agencies have been mandated by Congress to protect and enhance the civil rights of individuals with disabilities of any age and in any setting. A central part of the work of the P&As has been to advocate for opportunities for students with disabilities to receive a quality education with their peers.

NDRN believes that H.R. 2218 improves for students with disabilities the current charter school program, but we urge you to reject the amendment offered by Representative King (R-IA). The amendment strikes a critical provision included in the definition of a high-quality charter school. A successful accountability system is imperative to ensure that charter schools are meeting the needs of students with disabilities, and the amendment will remove the provision that requires high quality charter schools to demonstrate their success in increasing student academic achievement for underserved groups of students, including students with disabilities.

Thank you for considering our views. If you have any questions, please do not hesitate to contact Cindy Smith, Public Policy Counsel at cindy.smith@ndrn.org or 202-408-9514 ext 101.

Sincerely,

CURT DECKER, J.D.,
Executive Director.

EASTER SEALS,

OFFICE OF PUBLIC AFFAIRS,

Washington, DC, September 8, 2011.

DEAR REPRESENTATIVE: Today, you will have the opportunity to vote on H.R. 2218, Empowering Parents through Quality Charter Schools Act. Easter Seals urges you to vote in favor of this legislation that seeks to improve the federal charter school program and make charter schools more available to students with disabilities.

We urge you to oppose the amendment offered by Representative Steve King (R-IA) to H.R. 2218. Our experience is that students who have their academic progress measured and reported get taught. Mr. King's amendment strips away key policies within the Elementary and Secondary Education Act that require the disaggregation of data of student progress by student subgroup. Currently students with disabilities are a subgroup for which disaggregated data is required. Easter Seals strongly believes that such data is essential for students with disabilities to have opportunities to achieve academic success.

For nearly 100 years, Easter Seals has been advocating for public policies that allow

children and adults with disabilities to live, learn, work and play in their communities. Thank you for considering our views.

Sincerely,

KATY BEH NEAS,
Senior Vice President, Government Relations.

With that, I would like to yield 1 minute to the gentleman from Minnesota (Mr. KLINE), the chairman of the committee.

Mr. KLINE. I thank the gentleman for yielding.

I reluctantly rise in opposition to the gentleman from Iowa's amendment. That's an unusual place for me to be on the floor of this House, but I believe that the gentleman from California has correctly outlined the problem.

One of the strengths of an otherwise pretty seriously flawed law in No Child Left Behind was the disaggregation of data. It was allowing parents and, in this case, authorizers and Governors and school boards to look in and make sure that there was no element in a school body that was being left behind. It is important, since we're trying to replicate high quality schools, that that information be available. I'm afraid the gentleman from Iowa's amendment would, in fact, end up masking that information and depriving those who need to make decisions of the kind of information they need in order to make sure that we're replicating high quality charter schools.

□ 1540

Mr. GEORGE MILLER of California. I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT).

The CHAIR. The gentleman is recognized for 1½ minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa.

The purpose of No Child Left Behind was to ensure that all children are provided a quality education regardless of race, ethnicity, income, language, status, or disability. Although the original legislation was not perfect and needs improvement, it has helped shed light on achievement gaps facing certain groups of children who are in fact being left behind by the current system. We are aware of this deficiency in its enormity because we collect data by subgroups, and we can begin to fix the problem through educational reform.

Now, this bill we're debating today is limited to charter schools. H.R. 2218 includes a definition of high quality charter schools as a school that has demonstrated success in increasing student achievement for subgroup students described in ESEA, namely economically disadvantaged students, students of racial and ethnic minorities, students with disabilities, and students with limited English proficiency.

Unfortunately, this amendment would strip away the efforts to identify the students who are not performing and will cover up the fact that some groups of students are in fact being left behind. Any school that is leaving groups of students behind should not be

considered high quality. I think we really ought to be collecting this data for all of the schools, not just those trying to achieve high quality, but we need to hold all schools accountable for the success of all students. This amendment goes in the opposite direction, and therefore ought to be defeated.

Mr. KING of Iowa. I yield myself such time as I may consume.

First, I appreciate the tone and the tenor of this debate, and I'm completely convinced that all parties involved here want to accomplish the same thing, and that is to provide an opportunity for all young people in America to achieve to the extent of their ability. That's the purpose of this legislation that's before us, high quality charter schools, and it's the intent of Mr. MILLER and Mr. SCOTT and Mr. KLINE and everyone else that likely will vote for this bill. It's also my intent.

I strongly want to see people reach the highest level of their achievement. We need to be in the business in this Congress and aware of it on a daily basis of seeking to increase the average annual productivity of our people. We can do that one at a time, every three-hundred-and-six millionth of us. Every one of us that increases our productivity on a daily basis helps the whole.

Every class, every generation of people that improves their productivity is good for all of us. It takes the load off of the higher earners to have the income coming on the lower earners, for example. It brings that balance about. I want that. I think that's the intent of this bill.

When the gentleman from California says it's not what the law says, that I have somehow misunderstood this, I will tell you that I think it has been misrepresented by some analysts behind the scenes—not on this floor—and I will just read this into the record in short version. I will compress it and then I will give you the quote.

High-quality charter schools means a charter school that, A, shows strong academic results; B, that has no significant issues in the areas of student safety, financial management, statutory, regulatory compliance; C, has demonstrated success in significantly increasing student and academic achievement and attainment for all students served by charter schools. I want that. We want that.

But D says, has demonstrated success in increasing student academic achievement for subgroups of students described, and they are this: economically disadvantaged students. Now, that's fine. Most kids are going to be economically disadvantaged. Some students from racial and ethnic groups, that may not be the case. North Dakota or Montana, for example, might have to go a long way to find someone who meets that category.

Students with disabilities? Perhaps, but not always. Are we going to ask them to go out and recruit students

with disabilities in order to qualify as a high school, and a high-academic achieving school, high-quality charter school?

And the fourth one is students with limited proficiency. That doesn't exist in every region in America where there is a need for a charter school.

This sets up a requirement that all four categories be met. If we wanted reporting, as the chairman of the committee has suggested, I would say then let's ask for a report rather than write this all in as a requirement that can't be met because there only can be two results of this. Either we're going to follow the law, if it becomes law, in which case many, many schools will be disenfranchised, will not be able to become high-quality charter schools, or we're going to ignore the law. I don't like either of those results.

I want to follow in here with the intent of this legislation. That's why I've offered this amendment. I would urge its adoption.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

Mr. KLINE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mr. WOMACK, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2218) to amend the charter school program under the Elementary and Secondary Education Act of 1965, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those immediately to his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will

not be allowed. Members may reserve their seats only by physical presence following the security sweep of the Chamber.

Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:35 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 3 o'clock and 47 minutes p.m.), the House stood in recess until approximately 6:35 p.m.

□ 1843

JOINT SESSION OF CONGRESS PURSUANT TO HOUSE CONCURRENT RESOLUTION 74 TO RE- CEIVE A MESSAGE FROM THE PRESIDENT

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 43 minutes p.m.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The joint session will come to order.

The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Virginia (Mr. CANTOR);

The gentleman from California (Mr. MCCARTHY);

The gentleman from Texas (Mr. HENSARLING);

The gentleman from Texas (Mr. SESSIONS);

The gentleman from Georgia (Mr. PRICE);

The gentlewoman from Washington (Mrs. MCMORRIS RODGERS);

The gentleman from Texas (Mr. CARTER);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. BECERRA);

The gentleman from Maryland (Mr. VAN HOLLEN); and

The gentlewoman from New York (Ms. HOCHUL).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from New York (Mr. SCHUMER);