

and out-of-State enrollment as well. It would encourage States to produce and publish data on remediation rates on students, so we can better understand which high schools are truly preparing their students for postsecondary education. Much of the data is already collected by the States. So the additional burden would be minimal.

Ensuring students coming out of high school are college and career ready is an important goal of the bill. Our commonsense bipartisan amendment would help track whether that goal is being met.

The amendment is supported by the Business Roundtable, Leadership Conference on Civil Rights, Education Trust, National Center for Learning Disabilities, National Council of La Raza, the U.S. Chamber of Commerce, and America Forward.

There is one other amendment I have, and I will close on this. When it relates to high school athletics, many of us are concerned about the incidents of concussions occurring in sporting events. I filed an amendment based on my Protecting Student Athletes from Concussions Act. It is supported by the American Academy of Neurology, American College of Sports Medicine, Illinois High School Association, NCAA, Major League Baseball, National Basketball Association, National Football League, National Hockey League, and many others.

It directs States to develop concussion safety plans for public schools to protect student athletes from this dangerous injury. Most importantly, it would require the adoption of a “when in doubt, sit it out” policy, promoted by the medical community. This means that a student athlete suspected of a concussion would be removed from play and prohibited from returning to play that same day, no matter what. It doesn’t make any difference how much he pleads or what the score of the game is or who is sitting in the stands. If you think you have evidence of a concussion, be safe. Don’t put that student athlete back on the field.

It would take the decision on when to put an injured athlete back in the game out of the hands of the coach, the athlete, and the parents. While I don’t believe we will be able to get the adoption of the full amendment, I am pleased that a substitute includes a clear statement that allows funds to be used to develop these policies. I thank Chairman ALEXANDER and Senator MURRAY for working with us to include that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, my dear friend, the senior Senator from Kansas, is going to speak next, but he has graciously allowed me to have the very few minutes I asked for, and then he will be recognized as soon as I give my statement.

(The remarks of Mr. LEAHY pertaining to the submission of S. Res. 222

are printed in today’s RECORD under “Submitted Resolutions.”)

Mr. LEAHY. I yield the floor, and I thank the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I thank my colleague. I hope he gets better from his cold. He did our sports presentation for us this morning. Maybe he could do the sports news for us every morning.

Mr. LEAHY. If the Senator will yield, it is not a cold. There are a few more pollens in the air that we Vermonters are not used to.

Mr. ROBERTS. I understand.

#### EVERY CHILD ACHIEVES ACT

Mr. ROBERTS. Madam President, I rise to talk about the bill we have before us today.

We in the Senate have a unique opportunity long overdue and a responsibility to reauthorize the Elementary and Secondary Education Act. The acronym is ESEA. This legislation is long overdue. It is vital for our children and their future that we get it right when addressing education policy. The consequences will be seen for years to come.

I would like to acknowledge and especially commend the work of Chairman LAMAR ALEXANDER and Ranking Member PATTY MURRAY, who worked so hard to get us to this point. This is something rather unique in the Senate. We are coming together. We are percolating with regards to important bills. This is a tremendously important bill.

Due to their bipartisan leadership, the Every Child Achieves Act was approved back in April by the HELP Committee, of which I am a proud member, 22 to 0. I was very proud to vote yes.

Let me repeat that. It passed 22 to 0. Because of that hard work, led by Senators ALEXANDER and MURRAY, we are currently debating ESEA in the Senate for the first time since 2001. That is 14 years—14 years—that we have not had a reauthorization bill come to the Senate floor, and there is a lot of hope that it will pass. This is a prime example of what is possible when the Senate functions as it should and committees are actually able to legislate.

Recently, 10 national education groups, representing educators, principals, school boards, superintendents, chief State school officers, parents and PTAs, and school business officials, called on the Senate to consider the Every Child Achieves Act to reauthorize the ESEA.

Daniel Domenech, executive director of the School Superintendents Association, wrote this in a letter:

The nation’s K-6th graders have spent every day of their K-12 experience under an outdated and broken ESEA. Our students want and deserve more.

His remarks perfectly summarize the issues at hand.

I want to turn to a critical issue for States and school districts. Over the

last few years, the administration has doubled down on Federal mandates and has used the waiver process to create law by fiat—thereby circumventing Congress and allowing those who have a Federal agenda in Washington to make too many decisions that are best left to the States and the school districts. It is evident that waivers have been granted only to those States that agree to implement the administration’s preferred education policies. That is just not right.

In fact, the New York Times has referred to the waiver process as “the most sweeping use of executive authority to rewrite Federal education law since Washington expanded its involvement in education in the 1960s.”

Under section 9401 of current law, the “Secretary may waive any statutory or regulatory requirement of this Act for a state education agency, local education agency, Indian tribe or school” if that entity receives funds and requests a waiver.

Language included in the Every Child Achieves Act amends section 9401 to clarify that the waiver process is intended to be led by State and local requests, not Washington mandates. This will help ensure the process is State-driven and will allow for greater flexibility and innovation.

In July 2011, the Congressional Research Service issued a report providing an overview of the Secretary’s waiver authority under ESEA and warned of potential legal limits and challenges to the Secretary’s flexibility proposal.

The report states: “If the Secretary did, as a condition of granting a waiver, require a grantee to take another action not currently required under the ESEA, the likelihood of a successful legal challenge will increase.”

I have worked long and hard for language in the bill—years and years—that will prohibit the Secretary from imposing any additional requirements to waiver requests not authorized by the Congress. I am fully committed to fighting this one-size-fits-all Federal education agenda because I firmly believe local control is best when it comes to education.

The Every Child Achieves Act, in its current form, puts an end to Washington mandates and allows Kansans to make their own decisions about the best way to improve education. While this legislation heads in the right direction in reducing the Federal footprint, I want to remind my colleagues it is important that we avoid adding back Federal mandates and prescriptive requirements.

As we move forward, I will continue to push to return K-12 education decision-making to State and local control, where we can establish the best policies to ensure that every child receives the highest quality education.

Now, I would like to briefly discuss something called Common Core and the Federal overreach in education. Common Core started out as a State-

led effort to create high standards that States would voluntarily adopt, but the administration had different ideas.

In homes across America, parents are raising questions about what their children are being taught. In many cases, parents are hearing that local curriculum decisions have been driven by the Common Core education standards that most States adopted in a hurry under Federal pressure with little or no public input.

Decisions about what children are taught are best made on the local level as close to parents as possible. The Federal Government should not have overriding influence over State and local education decisions. Simply put, the Department of Education has incentivized and coerced States into implementing Common Core education standards. Some within our education community in Kansas have even called this practice a bribe.

The administration made it a criterion for States to adopt Common Core standards to have a reasonable chance to receive Federal funding under the multibillion-dollar Race to the Top Program and used Federal funds to develop Common Core-aligned tests. They have also threatened to withhold waivers from the onerous provisions of the No Child Left Behind Act if States do not adopt Common Core or similarly aligned standards and assessments. This is wrong.

For that reason, earlier this year, I reintroduced the LOCAL Level Act, S. 182, to explicitly prohibit the Federal Government's role and involvement in Common Core. My legislation would strictly forbid the Federal Government from intervening in a State's education standards, its curricula, and assessments through the use of incentives, mandates, grants, waivers or any form of manipulation. Simply put, my legislation will preserve State education autonomy.

A State will now be free from Federal interference in how to decide whether to use Common Core or any other type of academic standard. I am pleased the bill before us includes the language from my LOCAL Level Act and will, once and for all, end the administration's use of waivers to force or incentivize States to adopt Common Core standards.

It will end the Obama administration's—and, for that matter, any future administration's—ability to use any tool of coercion to force States to adopt Common Core or any set of standards at all, whether it is Common Core by another name or some new set of standards—period.

I thank Chairman ALEXANDER for including my language because I firmly believe it will prohibit the administration from finding additional ways to promote a State's adoption of Common Core.

I want to emphasize setting high standards for our schools, our teachers, and our children obviously is the right thing to do. But we will decide those

standards in Kansas, and those decisions will be made in other States as well. We need to get the Federal Government out of the classroom and return our community decisions back to where they belong—in the community.

If the Every Child Achieves Act becomes law, we can finally say goodbye to Federal interference in what we teach our kids in school. Chairman ALEXANDER has stated that with this bill, we have the first opportunity in 25 years to restore decision-making back to States, local school districts, superintendents, principals and teachers, local school boards, parents, and especially the students. He is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I rise to express my strong support for the Every Child Achieves Act that is pending before the Senate. I want to commend Chairman ALEXANDER and Ranking Member MURRAY for working in such a great bipartisan fashion that brought this bill to the floor that will improve the quality of education for children across our country.

The Every Child Achieves Act puts States and local officials back in control of our local schools. As we heard from the Senator from Kansas, Mr. ROBERTS, his hard work on this bill also stops the Department of Education from conditioning Federal funding on the adoption of national standards like Common Core.

Importantly, this bill also makes sure parents and taxpayers continue to have access to important information about how the schools in their communities are performing. The Every Child Achieves Act deserves the Senate's support this week. Last week, the Senate unanimously adopted an amendment that will allow community school programs the flexibility to use Federal funds to pay for a site resource coordinator at their school or local education agency. This is important to the State of West Virginia. We have community schools. Community school programs provide important health, nutrition, and other key services for many of our West Virginia students who are, unfortunately, living in poverty.

The amendment passed last week will allow those programs to better coordinate with community partners to provide resources and support for our children in need. I was happy to work with Senator BROWN and my fellow Senator from West Virginia, Mr. MANCHIN, to see that that amendment passed.

I also want to talk briefly about a bipartisan amendment I introduced with Senator DURBIN—he spoke about it a few minutes ago on the floor—that takes important steps to create transparency for students and families. It does so by allowing students and parents to know the quality and progress of their schools as it relates to college readiness.

This amendment will require States and local educational agencies to in-

clude postsecondary enrollment data on the existing report card measures that are included in the Every Child Achieves Act. It also encourages the inclusion of data on postsecondary remediation.

It is supported by dozens of organizations, including the College Summit, the Business Roundtable, and the U.S. Chamber of Commerce, because this amendment seeks to improve the education outcomes of our students.

Parents and students alike deserve to know they are being adequately prepared to enter and succeed in postsecondary education. Including these simple, easy-to-understand measures on State and local report cards will provide them with the information they need to make informed choices about their future education. Additionally, the data will help States and school districts target limited resources to the schools that need it most. This amendment was carefully crafted to avoid putting onerous and additional burdens on our schools and States. Nearly all States already have made the investments necessary to collect, link, and report this data. In fact, the majority of States are already reporting it. Currently, 40 States produce high school feedback reports that include postsecondary enrollment data. More than 30 States already include some measure of postsecondary success, such as remediation rates.

Adding postsecondary enrollment and remediation rates to existing report card measures included in Every Child Achieves Act would make sure students, parents, educators, and policymakers have access to critical information about how well our high schools are preparing students to enter and succeed in postsecondary education. The end result will be successfully restoring decisionmaking to those who know best—the students and their parents.

I urge everyone to support this amendment and also to support the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### STUDENT NON-DISCRIMINATION ACT

Mr. FRANKEN. Madam President, I rise to speak about the urgency of passing the Student Non-Discrimination Act, which takes the same protections that children have against discrimination on the basis of race and national origin and gender and disability, and it extends those protections to lesbian, gay, bisexual, and transgender children—LGBT children. That is it. It is a simple bill. It stands for the principle that LGBT kids have a right not to be bullied just because of who they are.

There are people who will say: What can you do to stop bullying? Kids will be kids. Boys will be boys. I don't think that is right. Because what we