

Senate Floor Statement
No Child Left Behind Act and Education Funding
January 9, 2003

Mr. GREGG. Mr. President, I wanted to speak today on a number of issues--primarily on the issue of the legislation we passed a year ago, which was landmark legislation, called "No Child Left Behind." It fundamentally changed the way the Federal Government and many of our educational institutions across the Nation will approach the education of low-income especially, but children generally.

Yesterday was the 1-year anniversary of this extraordinary bill, the most significant piece of education reform legislation passed by the Congress. It was the primary domestic policy initiative of the President in his first 2 years in office. It continues to be one of his primary focuses. The No Child Left Behind bill had as its goal essentially a few items. No. 1 was that low income children who for years have been basically warehoused through our system will no longer be put into that situation. Low-income children especially will be given the opportunity to learn and compete in our society and be given the opportunity to receive an education that will allow them to participate in the American dream; and that no child--low-income or not--should be left behind by our educational system. It did this and it tries to accomplish this goal by basically empowering the local school districts, the teachers, the principals, and the school boards, with more opportunities for educating the low-income child. It gives them more flexibility over the dollars the Federal Government puts back into the school districts and gives them more dollars. At the same time, it is saying to the school districts and the States that we are going to give you more dollars and more flexibility for handling the dollars and, in addition, we are going to expect results, accountability; and the children, as they move through their educational experience--in the elementary school systems, especially--are actually learning to their grade level.

We are going to have standards and tests--not developed by the Federal Government but, rather, by the local communities and the States--and those standards and tests are going to be set by the local communities and the States. Once they are set, we are going to expect that the children in those schools in those districts will have the educational experience that will allow them to reach those standards and goals set out by the States and local communities. So we will have accountability.

Most important, we are going to give the parents of those children the opportunity to see how successful their children are, to learn whether or not the schools they are in are teaching their children at a level that gives the children the ability to compete in America and participate in the American dream.

If the school systems regrettably do not succeed, if after years of effort in trying to bring them up to speed they are unable still to educate the children at a level that is competitive with their peers, then we are going to give the parents and the school systems tools to allow those schools to reform and we are going to give the parents tools to get their children other options for education.

So under this bill, we would basically do four things: 1) put more money into the system; 2) put

more flexibility into the system for the use of that money; 3) expect accountability; and 4) empower parents to take action to try to correct the situation of their child not getting the education and assistance that they need.

This bill, this concept, obviously, is a huge and fundamental change. There is clearly going to be, and there has been, a period of adjustment and ramping up and organizing that is necessary to put this type of change in place. We are just really in the early stages of that effort. In fact, the States, under this bill, do not have to have their plans in and approved until the end of this month. So as a practical matter, many States have not even ordered their plans in order to respond to the issue of how you bring your children up to speed and how you make sure no child is left behind. A few States have. The President yesterday recognized five States that have put in place plans that meet the basic goals of the No Child Left Behind bill, which is to create a system where there is accountability and where parents will know how much their children are learning and where, if it doesn't work, if some schools are not reaching the levels of success that are required, then there will be options for those parents, such as public school choice, such as getting tutorial support for their children, or such as just reform fundamentally the school that is having problems.

Five States have already accomplished that: Ohio, Massachusetts, New York, Indiana--I am not sure of the fifth. But these States have a lot of kids in their school systems and they have been able to pull together the plans to be successful under the No Child Left Behind bill.

As these States and communities and school systems have tried to get organized to be ready for the No Child Left Behind initiative and tried to address the issue that I think we all want to accomplish--to make sure the school systems of America are strong, vibrant, and are giving children what they need in order to learn--as that has happened, unfortunately, there has been an undercurrent of opposition growing. I am not sure what is energizing it. Some is initiated by the fact that many of our States and local school districts are going through very difficult economic times now, and therefore they are under strain financially, and that is understandable. Some of it is initiated simply because there are, unfortunately, people in the educational community--certainly not the majority and certainly not even a large percentage, in my opinion, because I think the vast majority of people in education really want to succeed and they want this bill to work and they understand the importance of making sure our children learn or they would not be in education. It is a very altruistic undertaking.

Some at the higher levels of some of our professional organizations basically don't like the idea of accountability. They don't like the idea that there will be a scorecard that parents can look at to determine whether or not children are getting an education that will make them competitive in America and give them a shot at the American dream. For years, unfortunately, kids have been allowed to slip through the system, to be warehoused and just pushed on. That simply is not acceptable under this bill. That means people are going to have to perform to bring those kids up to the ability to read and write and do the basic elements that are required in order to be a literate person in America. Unfortunately, some people do not like that pressure being put on them to be accountable.

Then there is the problem, unfortunately, to some degree, of the old-fashioned ``we are headed

into a Presidential election, so let's be partisan."

Today I want to spend some time going over what we as the Republican Party have put forward in resources to support the bill and why I believe we have committed the type of resources that are necessary to make No Child Left Behind successful because we have heard a number of speeches made on the other side of the aisle by, unfortunately, Members who should be familiar with this issue but who appear to not be familiar with the facts attacking the issue of whether or not this President has made a strong enough commitment in the area of funding to support the No Child Left Behind bill.

It is important to do this in a juxtapositional manner. This President came into office saying he was going to make education a No. 1 goal. He was the successor to an administration which did not make education the No. 1 goal of its administration. I believe it is important to reflect on the fact that we, as Republicans, have truly committed significant resources, especially in comparison to the prior administration in this area.

For example, since 1996, when Republicans took control of the Congress, Federal spending for education has more than doubled and Pell grants, which are the maximum awards--Pell grants being higher education grants--have increased by 62 percent from \$2,400 up to \$4,000.

Looking at the programs which are covered by the No Child Left Behind bill, funding has increased by 49 percent, almost 50 percent in the last 2 years. That means that funding for education has grown faster as a function of the Federal Government than any other element of the Federal Government. That includes Health and Human Services and Defense. Defense is up 48 percent; Health and Human Services is up 96 percent; Education is up 132 percent. That is a massive increase in the commitment to education.

Republicans have committed the highest level of funding to education in the history of this country. Last year, under President Bush's leadership, we committed \$60.5 billion, for an increase of 44 percent for K-12 education and higher education. This is nearly \$20 billion more than the highest level of funding of the Clinton administration. This chart shows that: \$60 billion versus \$42 billion.

A year ago, President Bush signed into law, as I mentioned, the No Child Left Behind bill, which contained the most significant elementary and secondary education reforms in the last 30 years, and he followed it up with the largest increases in elementary and secondary education funding in the history, a whopping \$4.8 billion, representing a 28-percent increase in funding as a result of his commitment to back up that law.

In addition to increasing the funding for the No Child Left Behind bill, the Congress passed tax cut legislation that provided \$30 billion of tax relief for parents who are trying to educate their children. Our tax bill created a new deduction for qualified higher education expenses, increased the amount individuals can contribute to educational savings accounts, allowed tax redistribution from qualified tuition plans, expanded deductions which teachers can take as a result of expenses they incur to buy classroom supplies and created a loan forgiveness program for teachers.

I note that tax bill which increased spending on education by \$30 billion did not receive one vote from one member of the Democratic side of the aisle on the Education Committee. So when I hear these folks who come down to this well from the committee on which I have the honor to serve say we are not making our commitment--the Republican Party specifically, and we have heard this interminably for the last few months--we are not making our commitment to fund education, I find that hard to defend in the face of the facts which I have just outlined.

In addition to the No Child Left Behind bill and the tax bill, we have dramatically increased funding for special education under the Republican Congress. We have increased funding for IDEA by 224 percent since the Republicans took control of the Congress. In fact, unlike the previous administration which essentially level funded IDEA with every budget they sent up here, President Bush has increased funding for special education by over \$1 billion in each year of his Presidency.

There have been dramatic increases, which are shown by this chart, in the request for and the actual funding that has gone into special education as a result of President Bush being elected President, which is the exact opposite of how special education was being treated under the prior administration, where virtually no increase was occurring from the request put forward by the President, then-President Clinton, in his budget.

President Bush supported the largest increase in the title I program in history. Last year, title I received \$1.5 billion. Title I is the program that is directed specifically at low-income kids. It is the program which is the core of the No Child Left Behind bill.

Last year, President Bush, as I mentioned, put \$1.5 billion of new money into this title. He has requested an additional \$1 billion of new money for this year. When you add these together, this will be the single largest increase in title I funding in the history of the program, and these dollars are dramatic in the face of what occurred under the prior administration where the largest increase that was ever requested by the prior administration was \$200 million to \$300 million. It was not until President Bush was elected President and took up this cause of educating lower income children that significant dollars flowed into this program for the purpose of educating low-income children. This chart reflects that.

In 2 years, President Bush has increased funding by over \$2.5 billion, which represents a larger increase in funding in 2 years than President Clinton asked for in his entire 7 years by a factor of about 25 percent.

If one looks at the specific programs within the educational component, such as reading, within the last year alone, we have tripled the funds for effective reading programs. As we all know, this President and First Lady Laura Bush consider reading to be the real civil right of the 21st century. Kids have to be able to read competitively with their peers or they cannot compete in the American society. They will not have a shot at the American dream. And Mrs. Bush, who, of course, is a librarian and a former teacher, has made reading the essence of her efforts as First Lady, and President Bush has made a commitment to reading, an absolutely critical element of making sure that children are not left behind. He has developed a whole set of issues in this area

of reading.

The starkness of this chart, which shows the funding differences between the President's commitment to reading and the prior administration's commitment to reading, pretty dramatically sets out the fact that we have made the commitment on a core element of education to accomplish the goal of making sure kids are competitive and have the knowledge they need to participate in our society.

It is not just reading that we have funded with significant increases. You can look at the programs for immigrant children, where we have seen the largest increase ever in that program, to try to help kids learn English, kids who come to America and unfortunately--well, no, not unfortunately. They have come to America to participate in our dream. But they have come here speaking a different language, and this program tries to assist them.

In the area of teachers, I have heard from the other side of the aisle, Members on the other side of the aisle make representations that we have not made a commitment to teachers. They cannot possibly defend that on the facts. Within the last year, State and local school districts have received dramatic increases in funding for teacher programs, specifically \$742 million, a 35 percent increase in teachers' programs.

More important than that, we have taken off of those programs the strictures and the categorical directions which came under the prior administration. We took all the different programs for teachers, put them together, and we no longer say you have to do this with the teacher money; you have to do that with the teacher money; you have to send the teacher there; you have to give the teacher that. We say to the local school district--we say to the local principal, most importantly--you are going to get this money. You are supposed to spend it the best way you know how to get the best teachers in your classrooms. If you want to use it for merit pay, you can; if you want to use it to send the teachers to extra course curriculum activity, you can; if you want to use it for supplies for your teachers, you can use it that way. It is up to the principal and school district on how to spend that money. We are not going to decide here in Washington. We are not going to send it out with a bunch of strings leading out from this desk, telling you how to run that program. We know you, the principal, you the school district, know best what your teachers need in order to make them better and stronger participants in the classrooms.

So we are going to give you this 35 percent increase, \$742 million, without strings. We are simply going to require that at the end of the day your teachers be qualified to teach the courses they are in, a fairly reasonable requirement. I think most people think it is a reasonable requirement.

But the other side of the aisle says we haven't increased teacher funding this year. That is true. That's because we increased it by 35 percent last year. But that is such a specious argument because the dollar increase which we have put into the program has been so significant that it hasn't even been all spent. I will get to that in a second.

In addition, the President requested dramatic increases in funding for programs specifically

designed to help the neediest children--as I mentioned, title I and IDEA. For 2003, the President has requested even more money in these categories.

It should be noted that over the last several years, educational funding has greatly outpaced the rate of inflation and the rate of growth of our schools. I think this is important. We have increased elementary and secondary educational funding at the Federal level by 28 percent, whereas student enrollment over the same period has only increased by .3 percent--less than 1 percent. That is a dramatic fact and this chart shows it. I am not sure if those age: who are watching can see this. This is the .3 percent increase in enrollment. This is the increase in funding. In fact, the funding for education has grown at such a rapid rate that school districts simply have not been able to absorb it all. This is another important point. We have been putting so much money so fast into the educational system that the educational community, quite honestly, has not been able to develop the programmatic activity to handle the money efficiently and effectively yet.

There is presently \$4.5 billion of Federal funds which has been appropriated and is unspent. It has not been drawn down by the school districts or by the States. This pie chart shows where this money is. A lot of it is in the school improvement program. A lot of it is in special education. A lot of it is in education for the disadvantaged. That is the title I program. These are huge amounts of dollars.

So when the other side of the aisle comes to this floor and starts saying there is not enough money in education, we have not spent enough money at the Federal level, first off, they ought to look at the history of their leadership when they were in charge, because their leadership made nowhere near the commitment this President has made. Second, they ought to give the President credit for what he has done, which is dramatically increase the amount of funding in the area of title I activity--over 27 percent. Third, they ought to at least acknowledge there has been so much money put into the system so fast, because of this President's commitment, that the system is still trying to adjust to it and figure out how to handle it efficiently.

It is interesting to note that a great deal of the money that has not been spent here is in the two programs which were true failures that were the primary initiatives of the Clinton administration, one being class size and the other being school renovation. These two programs, which were the classic, categorical, "we know best" Washington programs, which have basically been merged now into the overall approach of giving States more flexibility and sending the money back as more of a flexible grant with results-based testing versus input control--these programs are the ones with some of the biggest dollars waiting here in Washington to be managed by the local communities.

So we spent a lot of time here talking about dollars, but let's remember something else. In the area of education it is not necessarily dollars that makes the difference. There are a lot of statistics that point this out, but I think common sense points it out as well as anything else. I think we all know a good school system depends on a lot of factors. It depends on parental involvement, No. 1. You have to have parents who want to see their kids educated, in most cases, to get participation in that atmosphere at home. It depends on a good principal, one of the most

important factors; good teachers, obviously; good facilities; and the atmosphere in the community that encourages academics in the school systems.

We know for a fact that just putting dollars into the system has not worked. That is why our system is doing so poorly. Federal funding has increased over the last 10 years, dramatically, but scores, for example, in math, have been flat. Reading scores have the same track record. Federal funding has increased dramatically, but scores in reading have been flat. When we compare ourselves to the other industrialized countries in the world, we spend more money on education than almost any other industrialized country, per pupil. We are spending \$8,000. But our reading scores, our math scores, are some of the worst in the industrialized world, whereas other nations that are spending significantly less per child are doing much better academically. Hungary is a good example.

Granted, these other nations don't have some of the issues we have. They may be more homogeneous nations, they are much smaller, so they don't have the same concerns. But the fact is that we can show that the amount of money we spend is competitive with everybody in the world, but the results are not. We as a creative Nation should not tolerate that sort of situation.

So it is not just money that is important. But, if it were just money that was important, this administration gets an A+ for having made the dollar commitment that is necessary in very difficult times.

Let's go back to the first chart. This Government, under the President and under Republican leadership, has increased spending for education by 132 percent--more than we have increased spending in any other Federal account, such as defense, which is always used as a whipping dog for some of my colleagues across the aisle for increased spending, and Health and Human Services.

When we talk about education, I do want to take a second to talk about higher education because that's another area where we have heard some fairly aggressive misrepresentation from the other side of the aisle. The fact is, President Bush has increased funding for student aid at a dramatically faster pace than the prior administration increased funding in this area. Let's compare President Bush's higher education record to that of President Clinton.

The last time the Democrats were in charge, they actually cut the Pell grant by \$100. For the year 2003, President Bush has requested the highest level of funding for student aid in the history of these programs. Under the President's budget, total funding for financial aid for higher education and kids going to college will be \$55 billion. That is a 5-percent increase over 2002.

Furthermore, the President has more than tripled the loan forgiveness activities in areas such as math and science, special education teachers, and low-income schools. And under the President's proposal, teachers would qualify for up to \$17,500 in loan forgiveness, up from the current \$5,000 that teachers get if they go into high-need schools.

The keystone of the President's effort is in the Pell grant. As I mentioned, the last time the

Democrats were in charge they cut Pell grants by \$100. President Bush has dramatically increased the Pell grant program. Whereas, President Clinton's first budget request for the Pell grant program was \$8.3 billion, his next six Pell grant budget requests were for less than that amount--less than the original amount. In his last budget--the 2001 budget--he actually increased Pell grant funding.

President Bush came in and the Pell grant account was at, I think, \$11 billion. He has increased that dramatically. Under President Bush, we have seen a \$4.5 billion increase. Needy college children who weren't getting them before will now be getting Pell grants. He has increased the funding. So it is now up to almost \$11 billion. That is a dramatic increase in Pell grant funding. He has also increased the amount of the actual grant for students under the Pell grant program.

Not only has the President made the commitment in the elementary and secondary school level, in title I, in IDEA, in reading, in immigrant education, but he has also made a commitment at the higher education level.

Let us go back to the issue of this tax cut directed at benefiting people in education. This is something that has sort of been overlooked by my colleagues on the other side of the aisle when they are attacking the President for his failure to fund education. It is pretty hard to attack him on that, but they have been making this representation.

Here is how this tax cut has worked, translated into real dollars. We put in place a new above-the-line reduction for qualified higher education expenses. It is a \$3,000 deduction today. It is going to go up to \$4,000 in 2004. And it represents an \$11 billion tax cut for Americans who are sending their kids to school. Eliminated is the 60-month limitation on the student loan interest deduction. That represents a \$3.4 billion benefit to kids who get out of school with lots of loans. We know that is one of the big issues for kids today. They leave the school system and their college experience with a lot of loans, and they have to pay them back. This is a \$3.4 billion attempt to try to reduce that burden. He has increased the annual limit on the contribution to the educational savings accounts from \$500 to \$2,000. That is a \$1.2 billion benefit to people who are trying to save to make sure that they can go to college and participate in the American dream.

He has allowed tax-free deductions for qualified tuition plans used to pay educational expenses, and he has permitted private institutions to setup those plans. This is a real benefit to people who want to get ready for education and to be sure, when they go to college, that they have the funds to pay for it, \$2.3 billion of benefits is represented by this change.

He made the income exclusion for employer-provided educational activity permanent. When your employer gives you the opportunity to go to school to better yourself, you will be able to take advantage of that. That is a \$3 billion benefit to people trying to get their education.

Over the next 5 years these changes will provide almost \$22 billion in direct in-the-pocket benefit to students and parents who are trying to make sure that their kids participate in higher education and as a result can go into the American workforce better prepared and have a better opportunity to be successful.

As this chart shows, during the last year of the Clinton administration, total higher education tax benefits amounted to \$7.6 billion. President Bush's tax benefits for helping families today represents almost a \$12 billion benefit. That is a huge difference. It is something, however, that is never mentioned by the other side of the aisle.

When President Clinton came into office in 1993, the total appropriations for discretionary student programs was about \$8 billion. President Clinton's last budget request for discretionary student aid totaled about \$11 billion, an increase of about 5.4 percent per year over 8 years.

Let us remember that during all of those 8 years we were fortunate to have a surplus and a strong economy. In contrast, when President Bush came into office in 2001, as I mentioned, the appropriations was about \$11 billion for student discretionary programs--for student activities for schools. President Bush's latest budget request for discretionary student aid will be about \$14 billion. That is an increase of 18.3 percent over the 2001 appropriations. Over 2 years that averages to a 9.1 percent increase--almost 70 percent higher than the increases during the Clinton years.

Remember that this was done and has been done during the period when we were facing a deficit. Of course, if you start adding in things such as the higher education and a tax cut, it even gets higher and more significant.

Yesterday, Senator Kennedy--soon to be, I believe, my ranking Member, I am not really sure whether he is chairman or ranking Member right now. I believe he is still chairman--who I work with on the education committee and Congressman Miller, who is the ranking Member of the House Education Committee, sent a letter to the Secretary of Education that suggested that we were underfunding No Child Left Behind; that the administration was actually providing too much flexibility under that bill to the local school districts and the States. We have talked a little bit here about the funding issue of No Child Left Behind, but let me go into some specifics.

The letter, I believe, was blatantly misleading. It talks about a \$90 million cut. The President requested a \$1 billion increase in title I and a \$1 billion increase in IDEA. It is very hard to criticize the President for cutting a \$90 million earmarked program for untested non-means-tested program--to attack the President for cutting that \$90 million when he is putting in \$2 billion of new funding that will benefit the same people in a much more aggressive way, directed with flexibility and with accountability at the local school districts. It is truly a bit of an inconsistency to attack him on that point.

Then the letter went on to say, Well, you haven't funded it up to the authorization level--No Child Left Behind. There are many pieces of legislation attached to this Congress that are funded to the authorization level.

And there is no legislation that has passed through this Congress in the last 2 years that has received the type of funding increases that the educational accounts have received, as I mentioned earlier.

Authorization levels is a term we use around here basically to set out a thematic approach to an issue; not an actual approach, a wish-list approach. That is why we almost never go to authorization levels in funding. Think of it as your credit card. You have a maximum level that you can take out under your credit card, but rarely, hopefully, do you ever get to that level. Usually you are borrowing much less than that.

Mr. President, the fact is, what counts is what is actually being spent in relation to what was spent the year before and in relation to the rest of the priorities of the Government. As I have mentioned, this President's commitment to education has been \$20 billion higher in 2001 than the Clinton administration's commitment in its last year. As a percentage of spending of the Federal Government, it dwarfs everything else. We are outspending defense by a factor of 3 and outspending health and human services by a factor of 2. Yet the letter went on to say that the funds were not adequately increased for teacher funding. I mentioned that earlier. That is because we raised it \$742 million the year before.

We have a total funding for teachers of \$3 billion in the appropriations process. So it is totally inconsistent to say: Well, they have not increased it this year--when they ignore and do not give credit for last year's \$740 million increase in teacher funding.

You can go down the list. The same is true with representations made in the area of weakening the dropout provisions or in the area of alternative certification. Just the idea that there is opposition to alternative certification is pretty outrageous. We are trying to get classroom teachers who know what they are doing. Alternative certification is one of the best ways of accomplishing that.

They went on to say we are dumbing down the tests because we are allowing a patchwork of local tests to meet the new annual testing. But that claim is absolutely inaccurate. And the Department has made it crystal clear to the States the only local tests that are available to meet the uniform tests are those that can still be compared to the rest of the States. So you do not have a dumbing down of those tests.

There are other issues in that letter which I will put in the Record--because I have obviously taken more time and appreciate the courtesy of the Senator from Minnesota in his allowing me to proceed even longer--that are simply inconsistent with the way the law is being put in place and being organized.

The bottom line is this: No child left behind is a dramatic departure from the historic role and goal and undertaking that we have had in education in this country, a dramatic departure because it says, very simply, children can learn and will learn. And we are going to require that our school systems not leave children behind. It is a dramatic departure because it empowers parents to do something when they find their children in schools that are not working. It is a dramatic departure because it gives local school districts, teachers, and principals a huge amount of flexibility to undertake the goals of educating their children. It is a dramatic departure because it has accountability, and it allows transparency on that accountability. It is a dramatic departure because it has huge increases in funding, as have been outlined by the points I have made here

today.

Rather than attacking the funding effort, and rather than attacking the underlying goals here, we should be pulling together to make sure this bill succeeds because the success of this bill is critical to the success of our Nation.

If we can produce an educational system which really does take care of all American children, which really does make sure that every child in the first grade, the second grade, and by the third grade can read, we will have made a massive stride to eliminating poverty in this country, to making our Nation prosperous, and to making sure that all Americans have a good and decent life and have a chance to participate in the American dream.

This bill was an extraordinary bipartisan success. I regret there has been this growing, orchestrated effort to basically try to undermine it. I hope my statements today have made it clear that on the facts the funding has been there. I hope that, as we move down the road in the future, we can accomplish the goals of this bill, without getting into this type of debate but will rather be focused on debates as to how we can make it work better in the actual delivery of service to the kids in America.

No child left behind is truly a historic piece of legislation. Let's try to make it work right. Let's recognize that we are working aggressively to accomplish that.

On January 8, 2002, the one-year anniversary of the passage of "No Child Left Behind", Senator Kennedy and Representative Miller sent a letter to Secretary Paige suggesting that we are imperiling the law's goals by underfunding NCLB and by providing too much flexibility in its implementation.

I ask unanimous consent that a response to Senator Kennedy and Congressman Miller's letter on No Child Left Behind be printed in the Record.

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

Let's review the letter.

Funding. Kennedy and Miller misleadingly claim that the Administration cut NCLB by \$90 million. Although it's true that \$90 million was cut from earmarks and the Fund for the Improvement for Education--which contains many untested, non-means tested programs--funding for Title I and IDEA was increased by \$1 billion. An administration that requests such an enormous overall funding boost can hardly be criticized for cutting \$90 million from untested programs that are not necessarily targeted toward either disadvantaged or disabled kids, and are therefore not critical to successfully implementing "No Child Left Behind."

The Democrats also state that the Administration's budget is \$7 billion shy of what was promised in NCLB. Let's keep in mind that authorization levels are maximum numbers that can be spent,

not necessarily what should be spent. Think of it as the maximum on your credit card. You have a maximum amount of money you can borrow on your card, but generally you don't spend all of that money. Authorization numbers are similar. They are suggested levels of funding that are not necessarily based on what is needed or what is available to spend.

Democrats know this. Back in 1995, when they passed the last K-12 education bill, the Democrat Congress and President Clinton authorized \$13 billion for education programs, yet they appropriated only \$10.3 billion. Curiously, not a single Democrat accused President Clinton of under funding education by \$2.7 billion.

Unfunded mandates. Messrs. Kennedy and Miller claim that NCLB burdens school districts and States with unfunded mandates to build schools and hire highly qualified teachers to comply with the bill's public school choice capacity requirements, but that is not the case. It should be noted that since 1995 Congress has been prohibited from passing unfunded mandates.

With regard to school construction, the U.S. Department of Education has never required school districts to build new schools to accommodate NCLB's public school choice provisions. Furthermore, the Department is still waiting for States to draw down \$900 million in school renovation funds that were appropriated in 2001.

With regard to the new teacher requirements, it should be noted that the new "high-quality" teacher requirements that were included in No Child Left Behind were coupled with one of the largest increases in teacher funding in history. Last year States received over \$3 billion to assist them with the teacher requirements--this was a 35 percent increase over anything Clinton provided for teachers. Furthermore, States are guaranteed to continue to receive at least another \$3 billion.

Weakening drop-out provisions. Kennedy and Miller say that NCLB final regulations establish an incentive for schools to focus on test scores while ignoring high dropout rates, thereby jeopardizing the law's accountability provisions. Nothing could be further from the truth; the regulations are actually stronger than the statute. The statute was unclear on graduation rates. The regulations state that even if all children are doing well in school, if dropout rates are high, then the school is still identified as in need of improvement.

Alternative certification. The Democrats criticize the Department for allowing teachers who are alternatively certified or working on becoming alternatively certified to be counted as highly qualified. This is a perfect example of how the Democrats do the teacher union's bidding by trying to prevent individuals who don't go through the traditional teacher certification process--which is dominated by the unions and their allies--from being hired by schools. They want no competition from Teach for America or other programs that encourage professionals from other fields to become teachers.

Prohibiting norm-referenced tests. Kennedy and Miller state that NCLB prohibits "norm-referenced" tests, which measure students' achievement against that of their peers. That is patently false. Although the House bill originally prohibited "norm-referenced" tests, that

provision was dropped in conference and no such prohibition is contained in the law.

Different tests for different students. The Democrats claim that the Department allows States to use a patchwork of local tests to meet the new annual testing requirements, making it impossible to measure whether achievement gaps are being closed. The Department, however, has made it crystal clear the States can only use local tests if those tests allow for a uniform or comparable measure of student performance across the State. NCLB is based on President Bush's firm commitment to reduce the achievement gap. To infer that in any way this Administration would allow States to mask the achievement gap is simply absurd.

Allowing discrimination with federal funds and denying basic civil rights protections for children. The Democrats are engaged in a bit of revisionist history when they claim that NCLB allows federal education programs to directly fund religious organizations and to permit organizations to discriminate based on religion. After many, many hours of negotiations, we reached a bi-partisan agreement to be silent, that is, to allow current law to continue to operate, on the issue of Title VII of the 1964 Civil Rights Act. Title VII prohibits discrimination based on race, sex religion, and national origin in employment, except with regard to employment by religious institutions. We did not, nor did we intend to, reverse that precedent. To claim otherwise is simply a ridiculous misinterpretation of the facts.

In sum, the letter from Messrs. Kennedy and Miller is classic political ploy. The Democrats want the Department to pile additional requirements onto States and school districts who are already doing a yeomen's job to comply with the many reforms in NCLB. This letter is nothing short of an attempt to sabotage the bill and ensure that States and school districts will be so overwhelmed that they will be unable to implement even the smallest provisions in the bill.