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AMERICA'S SCHOOLS: PROVIDING EQUAL OPPORTUNITY OR STILL SEPARATE AND UNEQUAL?

HEARING

BEFORE THE

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

EXAMINING EDUCATIONAL EQUITY AND RESOURCE ADEQUACY AMONG PUBLIC SCHOOL SYSTEMS WITHIN AND AMONG STATES

MAY 23, 2002

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AMERICA'S SCHOOLS: PROVIDING EQUAL OPPORTUNITY OR STILL SEPARATE AND UNEQUAL?

THURSDAY, MAY 23, 2002

U.S. SENATE,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:37 a.m., in room SD–430, Dirksen Senate Office Building, Hon. Christopher J. Dodd presiding.

Present: Senators Kennedy, Dodd, Wellstone, and Enzi.

OPENING STATEMENT OF SENATOR CHRISTOPHER J. DODD

Senator DODD [presiding]. The hearing will come to order.

Good morning, everyone, and thank you for joining us here this morning at our hearing on "America's Schools: Providing Equal Opportunity or Still Separate and Unequal?"

I am pleased that my colleague and friend from Wyoming is here with us this morning, and pleased as well to recognize our two distinguished colleagues from the other body—my good friend Chaka Fattah, whom I have admired immensely for many, many years, and Johnny Isakson, we are delighted to have you here as well. We do not know each other as well, but I know of you, and I am delighted that you could take some time to be with us this morning.

The way we will proceed is that I will open with some comments, turn to my colleague from Wyoming for any opening comments he may have, and then turn to our colleagues for their testimony.

Just to let you know, Superintendent Catchpole, we will probably call on you first on the second panel, because Senator Enzi has to leave, and we want to give him the opportunity to hear you.

Again, thanks to all of you for joining us in this very important discussion. I have put a chart up here which shows the difference in quality of schools available to rich and poor students in developed nations.

As you can see from the chart, regretably, our country ranks at the very bottom of all industrialized nations in that differential. So I am interested in hearing the thoughts of witnesses on how we can address this.

Last year, Democrats and Republicans worked very closely with the President to pass the "No Child Left Behind Act," to hold schools accountable for closing the achievement gap for low-income students, minority students, limited English-proficient students,

and students with disabilities, to hold schools accountable for all students performing at a very high level.

There is no more important goal to our Nation's future than ensuring that every child has the opportunity through education to reach his or her potential as an individual and as a citizen of our great country. But today, we are going to hear that the Federal Government and State governments are not doing their part to help our country's children reach that goal.

It is all well and good for us to hold schools accountable—we should—but we and States must also be accountable. It is not enough just to ask parents and students to do more; every part of society must contribute and be held to a standard if we are going to improve the quality of education.

Nearly 50 years ago, the Supreme Court in the landmark case of *Brown* v. *Board of Education*, said that the American promise of equal opportunity was empty without equal educational opportunity. That 9-to-0 decision, I think, reflects the view of an overwhelming majority of Americans.

But today to a great extent, whether an American child is taught by a high-quality teacher in a small class, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from the educational resources that have been shown to be essential to a quality education still depends on where the child's family can afford to live.

Today, low-income, minority, urban and rural children do not have equal educational opportunity, so that for many of them, the American promise is empty. This is simply unacceptable. Regardless of one's ideology, regardless of one's political persuasion, it ought to be as we enter the 21st century totally unacceptable that we would say to a child in America that your opportunity to succeed and to contribute to your family and this Nation depends upon the economic circumstances into which you were born.

It is unacceptable that our schools, which must prepare students to succeed in the 21st century, are still being financed by a system that is rooted in the 19th century.

It is unacceptable that a country which purports to make education its top domestic priority devotes less than 2 percent of its total Federal budget to education from K through 12.

That is why the Senate last year voted overwhelming to support an amendment that Senator Collins of Maine and I offered which authorized full funding of Title I in elementary and secondary education. I think it is why the Senate as well, with bipartisan support, voted to finally meet the goal that Congress and the President set some 27 years ago to fully fund the Federal share of the Individuals with Disabilities Education Act.

That is why I offered the amendment, which I would not have thought would be so controversial in 2001, to ensure comparability of educational resources within States, which is already required within school districts, by the way. The law says that within a school district, there must be comparable educational opportunity. We also set a standard at the national level saying that schools have got to do more. But, we have left out the States as far as accountability for achieving those goals.

Although the amendment did not pass, more than 40 of our colleagues recognized that a system which, according to the World Economic Forum's 2001–2002 Global Competitiveness Report, ranks us last among developed nations in the difference in the quality of schools available to rich and poor students, must be changed.

One reason Democrats were able to work so closely with the President last year was that he assured us that he agreed with us that neither reforms nor resources alone, but reforms and resources together, were the keys to helping schools provide our children with the education they need and deserve.

But this February, just a few weeks after he signed the No Child Left Behind Act, the President released his education budget, and the resources were not there—far from it. In fact, the President's budget would take a giant step backward by reducing Federal support for education reforms, including for hiring and training quality teachers, after-school programs, bilingual programs, and helping schools stay safe and drug-free at the same time as it would siphon nearly $4 billion from low-income public schools for private school vouchers.

The budget would serve only 40 percent low-income children under Title I. Instead of joining the bipartisan effort to fully fund special education, the budget would provide an increase which, if we provided the same increase every year, would never fully fund special education.

Even though we are facing a shortage of 2 million teachers, and the President spoke in his State of the Union Address of the importance of a high-quality teacher in every classroom, the budget would eliminate high-quality training programs for nearly 20,000 teachers in this country.

When you say that you are going to leave no child behind, that comes with responsibilities as well. But the President's budget does not meet those responsibilities, and it would leave millions of children, unfortunately, behind.

Holding schools to high standards of student achievement is extremely important, but it is not the same as reaching those standards. If we do not make sure that every school has the tools that it needs—and we are going to hear today that many schools do not have those tools—we will be like parents with two children, telling them they expect both of them to work hard and do well in school but that they will only help one of them with their homework, will only allow one of them to use the family's encyclopedia or computer, and will only allow one of them to study in a warm room while the other must study in the unheated basement.

I know that States have made some progress over the years in leveling the playing field and that they are facing terrific budgetary pressures themselves, and I know that the Federal Government is facing its own deficits instead of surpluses—although in large part, that is because the President made a choice to place a higher priority on tax cuts for the wealthiest Americans than on educational resources.

But providing enough resources for education should not be a choice. We do not and we should not ever say that we would like to do more about national security, but times are tough. I do not

think we can accept that argument for education, either. In fact, when times are tough, increasing our investment in education may be one of the best things we can do for long-term economic strength and recovery.

According to a recent report from the Alliance for Excellence in Education, if African Americans and Hispanic Americans went to college at the same rate that whites do in this country, our gross domestic product would increase by $231 billion, and our tax revenues would increase by some $80 billion. Obviously, that is not going to happen without equal educational opportunity in our K through 12 schools.

Almost 40 years ago, President Kennedy asked whether any American would be content, and I quote: "to have the color of his skin changed and stand in the place" of African Americans who, among other things, could not send their children to the best public schools.

Today, for different reasons, we are asking a similar question about low-income Americans, minorities, urban and rural Americans, and I have no doubt that the answer is the same.

So I look forward to hearing from our witnesses this morning and having a good conversation on what we need to do to achieve equality in educational opportunity for all of our children in this country as we begin the 21st century.

With that, let me turn to my colleague from Wyoming, and then we will begin with our witnesses.

Senator Enzi.

OPENING STATEMENT OF SENATOR MICHAEL ENZI

Senator ENZI. Thank you, Mr. Chairman.

I am pleased to be here this morning to discuss the role of the Federal Government in ensuring educational equity within State and local school districts, and I would like to take this opportunity to welcome all of the witnesses. I am especially pleased that we are joined by Congressman Johnny Isakson from Georgia. During our service together on the Web-Based Education Commission, I came to greatly respect Congressman Isakson's expertise on this issue of education, and I am sure he will be able to share some valuable information with us today. He is former chairman of the Georgia Board of Education and as such is uniquely qualified to talk about the role that States play in education funding as well as the impact that Federal school funding mandates would have on States.

And of course, I am very honored today to have Wyoming's State Superintendent of Public Instruction, Judy Catchpole, with us this morning. She is currently serving her second term as Wyoming's chief education official, and during her years in office, Judy has overseen the implementation of standards-based education reform in the State of Wyoming. She has also had to deal with the impact of ongoing State legislation over equity of school financing, and that has been an ongoing litigation battle in our State for 20 years; it is required in our Constitution, and when I was in the State legislature, I had an opportunity to deal with that a little bit and to see how difficult the problem is. I am sure that she will add a valuable perspective to our discussions.

I would mention that 2 weeks ago, there was an article in the paper about Maryland taking on full funding of their education. I read all those education articles with a great deal of fascination and usually learn a tremendous amount from them and was very pleased to find that there was mention in this article that there are only two States in the entire Nation that fully fund education. One of them is Wyoming, and the other is Ohio.

In Wyoming, of course, we do not think that education is fully funded, but we are pleased that others know that we have made some tremendous strides in that direction.

The courts have not only been involved in the litigation, but the Supreme Court Justices provide oversight to the legislature. We are not sure constitutionally how that all works out, and they are considering some constitutional amendments in that regard as well.

I will say that I usually go home to Wyoming on the weekends. I head out on Friday, and if I can get there early enough, I stop in and visit some schools. I knew that Wyoming had quite a diversity of schools, how rural they are and the size of the schools, but I have come to know that a little bit better.

We have one school district that is half the size of Rhode Island, and I had the opportunity one afternoon to address every student in that district—all 111 of them. We have some bigger districts, but our biggest city is 52,253 people—not that we are keeping track exactly—but that is a much smaller school district in terms of number of students than most—our total population is smaller than the size of most districts.

We have gone for distance learning. We have found that we have not even been able to define the word "equity" very well yet. Does that mean equity of dollars, equity of buildings, equity of course offerings? Course offerings are very important. If you have a high school that has nine students in it, they want to have the same access to a variety of languages that the large schools have. When you are trying to fund sports, it is a different problem. So there are a whole variety of costs that begin with how students get to school.

We have provided this little formula in Wyoming that no grade school child should be on the bus for longer than an hour each way. It is hard to do. It means that you have some very small schools. Some schools at times have one to three students in them. So if you are providing an equity of funding per student, you cannot begin to fund that school.

So I am always fascinated with these discussions, particularly when we get to the Federal level, because I always contend that a one-size-fits-all mandate is not going to work very well for my State, and I am pleased to be here to watch out for my State and other areas that have rural problems like I mention.

The issue that we are here to discuss today is what role, if any, the Federal Government has in determining the manner in which States finance education. As we look at this issue in depth, we must remember that the Federal Government provides only 9 percent of necessary funding for education. We will all take note that this percentage has risen from 7 percent a few years ago, thanks to President Bush's commitment to education. States and communities contribute the rest of the necessary funding for education.

While the Federal investment is critically important to our Nation's neediest students, we must not forget that this investment should not allow the Federal Government to take control over what has always been a State and local function.

I want to thank you for holding this hearing, Mr. Chairman. I am pleased that we will have an opportunity to examine the implications of extending unprecedented Federal control into our Nation's schools. At the end of the day, I hope we can agree that the Federal Government must continue to target our resources to the students who are most in need, while resisting the urge to interfere with ongoing school financed litigation based on individual State constitutions.

Thank you, Mr. Chairman.

[The prepared statement of Senator Mike Enzi follows:]

PREPARED STATEMENT OF SENATOR MIKE ENZI

Thank you Mr. Chairman. I am pleased to be here this morning to discuss the role of the Federal Government in ensuring educational equity within States and local schools districts. I would like to take this opportunity to welcome all of our witnesses. I am especially pleased that we are joined by Congressman Johnny Isakson from Georgia. During our service together on the Web-Based Education Commission I came to greatly respect Congressman Isakson's expertise on the issue of education. I am sure he will be able to share some valuable information with us today. As the former Chairman of the Georgia Board of Education, he is uniquely qualified to talk about the role that States play in education financing, as well as the impact that Federal school funding mandates would have on States.

I am also honored to have Wyoming's State Superintendent of Public Instruction, Judy Catchpole, with us this morning. Judy has been involved with children throughout her life as an educator, an advocate and a public servant. She is currently serving her second elected term as Wyoming's chief education official. During her years in office Judy has overseen the implementation of standards based education reform in the State of Wyoming. She has also had to deal with the impact of ongoing State litigation over school financing. I am sure she will add a valuable perspective to our discussions.

The issue that we are here today to discuss is what role, if any, the Federal Government has in determining the manner in which States finance education. While we all understand that the primary reason the Federal Government first became involved in education was to ensure that traditionally underserved students receive an equal education, we must also remember that States and local school districts shoulder the primary responsibility for providing an education to our Nation's students. The Federal Government only provides about 9 percent of the necessary funding for education. You will all take note that this percentage has risen from between 6 percent to 7 percent a few years ago thanks to President Bush's commitment to education. States and communities contribute the rest of the necessary funding for education. While the Federal investment is critically important to our Nation's neediest students, we must not forget that this investment should not allow the Fed-

eral Government to take control over what is properly a State and local function.

As a former State legislator I have some experience with this issue since my home State of Wyoming has been involved in school funding lawsuits since the early 1980s. In fact, in 1995 the Wyoming Supreme Court found that Wyoming's State constitution established education as one of the States' top priorities. The court even went so far as to provide remedial guidelines to the State legislature for establishing an equitable funding system. Earlier this year, after a great deal of debate, the Wyoming legislature passed legislation that contained an education funding model they hope will satisfy the courts concerns.

While Wyoming's experience provides a striking example, there are at least 43 other States that have been involved in some type of school finance litigation. The issue of equalizing school finances has clearly gained the attention of States across the Nation and it is being dealt with. This is why I, and many of my colleagues on this side of the aisle, feel that there is no role for the Federal Government in this area.

I would also like to point out that while resources are important, we must also remember that simply giving schools more money doesn't equal a better education for our students. Research from the American Legislative Exchange Council indicates that there is no clear correlation between Federal spending on education and student achievement. According to their Report Card on American Education, per pupil expenditures have increased by more than 22.8 percent in inflation adjusted dollars over the past two decades nationwide, yet 69 percent of American eighth graders are still performing below proficiency in reading according to the 1998 National Assessment of Educational Progress. Clearly, improving academic achievement, and ensuring the future success of disadvantaged students, is not as simple as providing more money.

Finally, I would like my colleagues to remember that the Federal Government does not fund education with the goal of creating equity. The Federal Government targets those students with the greatest need with the hope that Federal dollars can make a real difference in the lives of these students. This does not mean that the Federal Government is not concerned about making sure that every student learns, however. As all the members of this committee are well aware, the "No Child Left Behind Act," which was signed into law by President Bush earlier this year, already provides a structure to help ensure that low-income or minority students are learning at the same rate as their peers. We must allow the new reforms in this legislation, which are geared towards equity in academic achievement, time to work so that we can see if the years of work that this committee put into education reform are successful.

I want to thank you for holding this hearing, Mr. Chairman. I am pleased that we will have an opportunity to examine the implications of extending unprecedented Federal control into our Nation's schools. At the end of the day I hope we can agree that the Federal Government must continue to target our resources to the students who are the most in need, while resisting the urge to

interfere with ongoing school finance litigation based on individual State constitutions.

Thank you, Mr. Chairman.

Senator DODD. Thank you very much, Senator Enzi.

We have been joined by the chairman of the committee, Senator Kennedy, and before turning to him for some comments, I just wanted to quote from Linda Darlin-Hammond, a Stanford professor, from some studies done. "The wealthiest 10 percent of school districts in the United States spend nearly 10 times more than the poorest 10 percent, and spending ratios of 3-to-1 are common within States. Poor and minority students are concentrated in the least-well-funded schools, most of them located in central cities or rural areas, and funded at levels substantially below those of neighboring suburban districts. A recent analysis of data prepared for school finance cases in Alabama, New Jersey, New York, Louisiana, and Texas, have found that on every tangible measure, from qualified teachers to curriculum offerings, schools serving greater numbers of students of color have significantly fewer resources than schools serving mostly white students." That is a serious problem.

Senator Kennedy.

OPENING STATEMENT OF SENATOR EDWARD M. KENNEDY

The CHAIRMAN. I want to thank Senator Dodd for his leadership on this issue of equity and adequacy in terms of funding schools. He has been the real leader in terms of getting full funding on Title I programs, and I think this hearing today is enormously important, and I am grateful to him. It is always good to see my friend from Wyoming, Senator Enzi, as well.

Massachusetts, as other States, has written in their Constitution the guarantee of education, and it is more descriptive. It was written by John Adams. David McCullough, the great historian, reminds us that it is more specific in our Massachusetts Constitution than any other State in the country.

Recently, up at the Kennedy Library, we celebrated the Profiles in Courage Awards. The first recipient was Carl Elliot from Alabama, who understood that the most important civil rights issue is education. He was targeted and buffeted about, used his whole pension and died impoverished fighting for the adequacy of education. This was before *Brown* v. *Board of Education*. This struggle is almost as old as the country, but we passed the Morrill Act because we understood the importance of trying to make education available to young people; with the GI bill, we tried to make education available; in the early 1970s, we passed the Pell Grant programs, understanding that people in need should receive a helping hand in order to continue their education.

And now, with all respect to this administration, we have passed the No Child Left Behind Act, which I support and take pride that we were able to do it with the increased funding that we had last year. And we hear a lot of speeches from the administration about the increasing funding, yet we find this year that school districts and schools have additional responsibilities and fewer and fewer resources from us.

Not only are there fewer resources, but there are appalling inequities, which is what this hearing is really all about—adequacy and equity—both are the challenge. Today, under the leadership of Senator Dodd and the excellent witnesses here, we are going to remind the American people of the great inadequacies and inequities that exist in our society in terms of the funding of education.

I thank the chairman for holding this hearing, and I hope we are going to be able to take some action on the issue as well.

I want to particularly welcome our two House members for being here, both of whom have spent a good deal of time on this issue. I think Mr. Fattah makes more phone calls over here on issues of education than anyone has received in recent times, but we are always glad to receive them.

Thank you very much, Mr. Chairman.

[The prepared statement of Senator Kennedy follows:]

PREPARED STATEMENT OF SENATOR EDWARD M. KENNEDY

Thank you Congressman Fattah and Congressman Isakson and everyone else for coming this morning. And thank you Senator Dodd and Congressman Fattah, in particular, for continuing to fight for school finance equity and adequacy.

School finance is the most important civil rights issue in education since school desegregation. Last week's anniversary of the *Brown* v. *Board of Education* case is bittersweet for many of us. While undoubtedly, progress has been made in the civil rights battle for educational opportunity, in many ways our schools fail to meet even the 176-year-old discredited *Plessy* v. *Ferguson* standard of "separate, but equal." The majority of Latino and African American children remain in racially isolated schools and remain disproportionately concentrated in poorly financed schools.

In America, the children who need the most that public education has to offer too often get the least, while those who need the least get the most.

Inequities in school finance are dispiriting and inadequacies in education resources too often are appalling. Those who say that investing more money in education makes little difference do not send their children to inequitable and inadequate schools—schools without books, schools without certified teachers, schools in which teachers dip into their own pockets for school supplies.

This is wrong. It is wrong that children in the same town are treated differently, just because they go to different schools. And the President's budget just makes matters worse.

The new education reform bill passed only months ago places substantial new demands on local schools, teachers, and students. Students will be tested on more challenging curricula and schools and teachers will be held accountable for results. But schools cannot achieve high standards on low budgets. We have an obligation to match new education reforms with new resources, so that all children will have a fair chance at academic success, no matter what school they attend.

Many of us have been fighting the Administration's latest budget that provides no new resources for public school reform, that embraces huge additional tax cuts for the wealthy, and that diverts public dollars to private schools. We have to win the fight for more

Federal education resources if we are to have any chance at remedying local school inequities and inadequacies, any chance at improving education through standards-based school reform.

Educational equity and adequacy is an educational imperative, an economic imperative, and a moral imperative. Thank you again Senator Dodd and Congressman Fattah for your past work on this issue. I look forward to working with you both and others in the future on this important area.

Senator DODD. Thank you very much, Mr. Chairman.

We have been joined by Senator Wellstone as well, and Senator, if you do not mind, I would like to turn to the witnesses and then come back to you so we can get started.

Senator WELLSTONE. Fine.

Senator DODD. I thank both of you for being here. Senator Kennedy is absolutely right about your interest in education, Congressman Fattah. I have never known a member who has spent as much time focusing on every level of education as you have. Your interest in this subject matter goes back to your days serving at the local level in Pennsylvania, through now your fourth term as a Member of the House of Representatives representing the 2nd District of Pennsylvania, which includes parts of Philadelphia and Delaware County. You have been a leader in innovative education policy, and it is a pleasure to have you with us.

Your colleague, Johnny Isakson, second term, 6th District of Georgia, which includes part of Cherokee, Cobb, Fulton, and Gwinnett Counties. You are a member of the House Education and Workforce Committee and last year were very much a part of the conference committee when we dealt with the bill that Senator Kennedy has referenced and I have talked about, the No Child Left Behind Act.

We are honored to have both of you here to talk about this issue.

Let me turn to you first, Congressman Fattah, and then Congressman Isakson.

And then, I would like to—because both of you are so interested in the subject matter—have you come up here and join us after your testimony and listen to the witnesses, because obviously, if we are going to talk about solutions, it is going to have to come out of both bodies, and it has got to be bipartisan. So I invite both of you to stay for a while, or as long as you can, to hear the testimony.

Chaka, thank you.

STATEMENT OF HON. CHAKA FATTAH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. FATTAH. I appreciate that invitation, and I will take you up on it.

I want to thank you for your leadership here in the Senate on this issue, both today and on many days prior to this morning. And to be here with the full committee chairman—he talks about my phone calls—I am glad that he has been here to answer so many calls and for our work together on Gear Up, which is now benefitting over 1.5 million children in all of our States, moving young people through the educational pipeline; and to Senator Wellstone,

who has a background and a continuing interest particularly in this issue and has spoken out on it most forcefully.

Senator Enzi and I served on the Web-Based Education Commission, and I know, as he has recounted, that his State, with the *Clearmont* decision and issues going through the courts there, has really been leading the country in grappling with this issue; but yet still today, there is a lot more than remains to be done, both in Wyoming and across the board.

Mr. Chairman, if I could, I would like to enter into the record just a few documents if you would consent. The first is a new bill that we have fashioned based on all the comments from the Senate debate on the comparability amendment, which you were so gracious to offer, from all sides of that issue and where we got, as you said, over 40 votes in the Senate, and in the House, I offered H.R. 1234, the Equal Protection School Finance Act, and we got 183 votes. But from all of the dialogue, I have now fashioned some new language that I think meets the concerns raised by all parties, and we have presented it to the panel. It is going to be entitled the Student Bill of Rights, and it articulates the question that was asked of you on the Senate floor—what does comparability mean—and we lay out seven very specific, fundamental ingredients that are needed for a child to learn. They include a fully-qualified teacher, and as the President indicated in the State of the Union speech, that should really be our goal in terms of education reform. It talks about updated textbooks and computer-to-student ratio, guidance counselor access, library access at the school level.

These seven fundamentals, we think, answer the question about what do children need to adequately live up to their potential. What this new language would call for is not Federal control. What it would do, however, is call for a report card on States to ascertain to what level there is a disparity in the provision of these fundamentals in terms of an education being provided.

Let me just tell you that in New York City this morning, some 20 percent of the teachers are not certified and not fully qualified under State law in New York. In Philadelphia, 50 percent.

Senator DODD. By the way, just to give an idea, I think that is around 13,000—is that correct—in New York alone?

Mr. FATTAH. That is correct, and in Philadelphia, we have 65 percent of what the State says are unqualified teachers in one of our 501 school districts. In Chicago, the *Chicago Sun-Times*, in its survey discerned that if you happen to be a low-income student in the City of Chicago, you are 23 times more likely to have a teacher who has failed all five of the basic skills tests on the Illinois teacher's exam. A recent study showed 42,000 spread between cities in California.

There is a continuing problem of lack of access to textbooks. There are schools in our country today with over 1,000 students who have fewer than 10 computers in the whole school building.

So we have a real problem. And as the Federal Government, under the leadership of President Bush, now insists, and I think properly so, that students be tested in federally-mandated tests in every school ever year, I think we have a responsibility to ensure that these students have a teacher and have textbooks so that they can properly demonstrate to what level their potential exists.

It is inappropriate for us to try to discern whether a child can swim if there is no water in the pool for them to demonstrate their capability. We have students who go through middle and high school never having been taught by a math instructor who majored or minored in math.

I read the Arkansas case last night, where the affidavit submitted by Roy King said that he was the only math teacher for his whole school district. The problem is that he did not major or minor in math. His degree was in physical education. He made less than $12,000 a year and made another $5,000 driving a school bus. And he had four textbooks to offer the students.

There are, throughout our country, these kinds of disparities.

I also want to enter into the record the legislation that brought each of our States into the Union, in which there was an irrevocable commitment that had to be made in order to States to join this Union that they were going to provide for public schooling. That is the origin of all these commitments listed in these State constitutions. And we have had litigation, as your colleague has indicated, in Wyoming for 20 years, but in many States for many more years, that has yet to satisfy the responsibility to provide an adequate education for poor students.

[The documentation was not available at press time.]

In fact, we have a situation where the students who are the most disadvantaged when they show up at the schoolhouse door are, in fact, the least likely to have any of what we now know to be the fundamental needs in order for them to receive a quality education. We talk about low-income students not performing well. The truth of the matter is that they are not being given an opportunity at all to demonstrate their ability to perform.

So, rather than stigmatize the children, my legislation seeks to force States in order to remove themselves from what would be a highly public list of States that, under this bill as I am going to introduce it, the Student Bill of Rights, would be identified as States providing an unequal education, that they do something about it. We give them multiple years to develop a remedial plan and implement it. We do take your suggestion, Chairman Dodd, to penalize them only in the outyears, the third year out, if they do not implement a remediation plan—just the administrative dollars that accompany Federal grants—so that there would be a penalty, and there would be some ability to enforce this.

My legislation would also require some studies. One that I think would be important is in the area of defense. We have tens of thousands of young people who are volunteering to serve in our military but are not capable of passing the academic tests administered by the Department of Defense for military service. These are students who, when you look at where they come from, are coming out of these low-performing schools. The Bush administration said just a few days ago that there are some 7,000 failing schools in our country. We have to do something about this.

As I conclude, I want to enter into the record a listing of findings in these various State equity cases around the country where it has been determined that this problem is, in fact, so, and I want to read into the record just one of them, the most recent, from North Carolina, where the court found that "The clear, convincing and

credible evidence presented in this case demonstrates that there are many children who are at risk of academic failure who are not being provided with an equal opportunity to obtain a sound, basic education, as mandated by the Constitution of this State."

[The documentation was not available at press time.]

That could be true in any State in our Union this morning, and it is impossible for us as a country to move forward in the area of education without finally addressing this question of how we encourage and require States to provide a more equal playing field.

I want to enter into the record some of the rules that accompany some of our professional sports. The NBA has a set of rules, and the NHL; all of our teams operate under a system that allows competition to take place under a fair process.

[The documentation was not available at press time.]

As I spoke to President Bush on this issue, I reminded him of his days heading up a baseball team in which all the teams come with the same set of rules, and then you can discern what someone's ability is, because they are all playing the same game by the same set of rules.

Poor children today and every day that has preceded this hearing have been in a situation in which their opportunities for a higher education, for a job, for the ability to be productive citizens, for their opportunity to assert their citizenship and to vote in Federal elections, to serve on Federal juries, to be a part of this country, are handcuffed from the beginning.

In Wyoming, the situation is not as bad as in Pennsylvania. In the suburban classrooms surrounding Philadelphia, we spend $70,000 more per classroom on average than we spend in Philadelphia each year for the 12 years of a child's education. In Wyoming, that differential is only $37,000 a year.

But in every State, the poorest of our children are getting the least of the resources, and at the end of the day, we stigmatize them, and we will further stigmatize them with these federally-mandated tests by saying that they somehow not measured up, when the truth, we really know. And this hearing gives us a louder microphone to speak from, because there is no more important legislative body than the U.S. Congress, and this is the upper chamber.

So it is a pleasure to be here. It is not often that Members of the House get over here to talk to our colleagues in an informal way. I appreciate this hearing, and I hope the record this morning will reflect the beginning of a new era of reform in which we do not just talk about students being accountable, but parents and teachers, and that we say to the States, which make every important decision about schools—they decide the number of days kids go to school, they decide who is certified to teach and who is not, they decide the taxing formulations that are used to finance districts, they decide how many districts they are going to be. There was a time in our country when there were more than 1,000 school districts in Arkansas, and one in Hawaii. These are arbitrary decisions made by State governments. They decide on property taxes or sales taxes or income taxes.

But however the rules are constructed, somehow, in every State, poor kids are left in the shadows. And hopefully, today, we will let

some sunshine in, and I hope this will be the impetus for us to take legislative action to correct this without infringing on States' responsibilities, but with those responsibilities that States have, there is a responsibility of the Federal Government, and that is to ensure that every citizen in these United States has an opportunity to what we understand to be in the U.S. Constitution, that is, the pursuit of life, liberty, and the pursuit of happiness.

Thank you.

Senator DODD. Thank you very much, Congressman. That was very, very helpful, and we will have some questions for you in a minute.

I would just note that there was a time when a child in Connecticut or Wyoming or Pennsylvania or Georgia may have been competing only with a child in other parts of the State, or maybe in the neighboring States. But in the 21st century, our kids are competing with kids in Beijing and Moscow and Sydney and Paris and so on. So we have got to start thinking in the context that how well a child is doing in your State, or mine, or my friend from Wyoming's, has a direct bearing on all of us. The days when we did not have to think about that are long past, and we have got to be conscious of the new markets and the new realities.

[The prepared statement and attachments of Hon. Chaka Fattah follow:]

PREPARED STATEMENT OF HON. CHAKA FATTAH

Thank you, Chairman Kennedy, Ranking Member Gregg, and Senators of the committee for providing me the opportunity to lend my voice to the debate over the Federal Government's role in improving our Nation's education system. I would like to especially take this opportunity to express my gratitude to Senator Christopher Dodd who has joined me, among others, in the fight to eliminate educational inequities and resource inadequacies in our Nation's public school system. It is a pleasure to testify before a committee that has recently worked so tirelessly to find the right mix of policies and resources in the "Leave No Child Behind Act" necessary to properly educate our Nation's young. While I applaud your effort as a first step in the right direction, it goes without saying that our work as education policymakers is far from complete.

Today, I am here as a sincere advocate for what I believe is missing, both in theory and in practice, from the approach taken in H.R. 1 to improving our public school system. To accomplish the goal of providing every student with a high quality education, we must act decisively to eliminate inequities that exist among public school systems within and among States. Therefore, I come here this morning, calling upon our Nation's leaders to make certain that all children, regardless of income level or place of residency, are provided adequate educational resources to become successful members of society. In order to accomplish such a fundamental feat, we must require that our Nation's public school systems provide all students seven essential elements for learning, which include: (a) instruction from a highly qualified teacher; (b) rigorous academic standards; (c) small class sizes; (d) up-to-date instructional materials; (e) state-of-the art libraries; (f) updated computers; (g) qualified guidance counselors.

Senators, we know that public schools work. They perform wonderfully, everyday, for millions of students and parents living in more affluent neighborhoods, where abundant resources are readily available and invested accordingly in order to assure that their children have access to a high quality education. Unfortunately, these same opportunities do not exist for the countless number of students attending public schools throughout our Nation's rural and urban communities. Since a high quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, an effective national defense, and to achieve our historical aspiration to be one Nation of equal citizens, the call for dismantling separate and unequal State public school systems that subject millions of equally deserving and aspiring students to inferior education and guidance must not go unheeded.

Therefore, I am preparing to introduce legislation, entitled the "Student Bill of Rights," which seeks to remedy our country's current education anomaly, by holding States accountable for providing every student within their jurisdiction equal access to a high quality education. As the President's Commission on Educational Resource Equity found in 2001, "A high quality education is essential to the success of every child in the 21st century." To deny children such opportunities or access is, in essence, a denial of their basic right to become prosperous and competent adults, not to mention, highly intellectual individuals. For it is education that provides us with the values and skills necessary for living productive lives. If no child is to be left behind, then all children must be given an equal opportunity to compete. And that is the underlined objective of the "Student Bill of Rights."

The "Student Bill of Rights" will require States to certify with the Secretary of Education that their Public School System operates on an equal statewide basis in terms of offering all students access to some of the scientifically proven educational inputs necessary to achieve high academic outcomes. For example, according to a report published by the National Science Foundation on "Women, Minorities, and Persons with Disabilities in Science and Engineering," the unequal participation of minorities in science and mathematics education can be directly attributed to the differential access to qualified teachers, and differential access to resources and curricula emphasizing advanced science and math. Moreover, in the President's State of the Union Address, President Bush addressed the importance of education reform by challenging America to "provide a qualified teacher in every classroom" as the first building block for real education reform. This same concept is embodied in my proposed legislation by requiring that States provide all students, suburban and urban alike, with instruction from highly qualified teachers in core subject areas of reading, mathematics and science. We will find that access to a fully certified teacher throughout the duration of a student's learning experience significantly increases the chance of reaching the high academic standards put forth in "The Leave No Child Behind Act."

In addition to high quality instruction, access to rigorous academic standards, curricula, and methods of instruction with respect to each school district in a State is unquestionably and fundamentally necessary if we are serious about eliminating the achievement gap between high performing school districts and those with less impressive academic scores. Students of all backgrounds need and deserve to learn a foreign language, physics, or calculus. Particularly, those students interested in attending an institution of higher education. Furthermore, the number and type of advanced placement courses available in secondary schools should be comparable across local education agencies in order to give every child a fair opportunity to succeed. Unfortunately, there is nothing level about the educational playing field in America with regard to access to formidable curricula and methods of instruction.

The "Student Bill of Rights" recognizes the importance of eclucating all students, and specifically disadvantaged students in smaller classes. Numerous studies indicate that smaller classrooms allow for greater student to teacher interaction and more student centered learning. States should make a substantial effort to meet the 17 or fewer students per classroom guidelines, as recommended by the National Center for Education Statistics. My own State of Pennsylvania has one of the widest disparities in the Union on this score. While the average classroom size is 28 children in the City of Philadelphia, surrounding school districts not only boast class sizes of 21 students or fewer, but also report higher academic achievement, which is not surprising given the levels of inequity. It is particularly regrettable that this problem continues in the field of education. Especially since the heart and soul of the American system of universal education is the desire to give all children the opportunity to succeed and to make the most of their talents. Not only is this fair to the children, but we know that we will all benefit from a more productive and cohesive society where all children have a chance to develop their abilities and participate in our economy.

Lastly, if we are serious about our partnership with State governments in the struggle to improve public education, then we must make certain that students living in lower income localities enjoy the same or comparable resources that have proven to be so beneficial for students in more affluent school districts. In addition to the principles mentioned previously, States should also make certain that they are providing all students equal and adequate access to updated textbooks and instructional materials; state-of-the art libraries and media centers; up-to-date computers; and qualified guidance counselors. Whether individually or collectively, each of these elements make a unique contribution to the academic and educational development of a child. Failure to provide students with these educational compliments, which is indicative of the current state of affairs throughout our country, amounts to the perpetuation of a self-reinforcing distribution of opportunity in this

country which is fundamentally unequal. Under such conditions, it is not startling to learn that the achievement gap between the poorest school district and the wealthiest school district students is becoming increasingly wider.

Senators, we can no longer allow children from economically distressed districts to be consigned to inferior education and unequal educational opportunities. If we want our Federal dollars to be effective in helping students, we need to make sure that the State is not depriving them of the resources they need. Again, at minimum, students need instruction from a highly qualified teacher; rigorous academic standards; small class sizes; up-to-date instructional materials; state-of-the-art libraries; updated computers; and qualified guidance counselors. Unfortunately, these seven keys are missing, for the most part, from the most troubled public school systems—small rural districts and large urban systems serving predominantly poor students, some of which spend at a rate higher than the national or their State average. Unlike wealthier districts, these LEA's inherit dilapidated, under-funded conditions with outdated instructional systems, inefficient operating systems, and no systems of accountability of any kind. I mention this not only to acknowledge that these intolerable conditions exist, but to assert that they must be addressed if we are to dispose of the radically differential educational achievement among districts in a State.

In closing, we are not alone in the view that resource equity is an important element in improving our schools. In fact, some 70 suits have been filed in over 43 States by school districts, along with parents and civil rights groups, claiming that not only do current public school funding systems perpetuate gross disparities in the resources that are available to districts of different wealth, but that they are also designed to meet minimum standards rather than providing the high quality, world-class education our children need to compete in today's global economy. The continual denial of States to provide children their due right to an equal and high quality educational experience is a blatant contradiction to the landmark ruling in *Brown* v. *Board of Education* which decreed that "the opportunity of an education, where the State has undertaken to provide it, is a right which must be available to all on equal terms." Thus, as disparities in resources, and more importantly, disparities in outcomes persist, it is clear that we have yet to fulfill our duty to the millions of children being educated in under-served poorly staffed, and technology-deficient State public school systems.

Thank you.

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(Original Signature of Member)

107TH CONGRESS
2D SESSION

H. R. _____

To provide for equal educational opportunities for students in State public school systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FATTAH introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for equal educational opportunities for students in State public school systems, and for other purposes.

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 "Student Bill of Rights".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purposes.

TITLE I—EQUAL EDUCATIONAL OPPORTUNITIES IN STATE PUBLIC SCHOOL SYSTEMS

Sec. 101. State-by-State report card on America's schools.
Sec. 102. Fundamentals of educational opportunity.
Sec. 103. Annual report on educationally unequal State public school systems.
Sec. 104. Accountability through constructive engagement and reallocation of Federal resources.
Sec. 105. Civil action for enforcement.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

Sec. 201. Effects on economic growth and productivity.
Sec. 202. Effects on national defense.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.
Sec. 302. Rulemaking.

1 **SEC. 3. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) A high-quality, highly competitive education
4 for all students is imperative for the economic
5 growth and productivity of the United States, for its
6 effective national defense, and to achieve the histor-
7 ical aspiration to be one Nation of equal citizens. It
8 is therefore necessary and proper to overcome the
9 nationwide phenomenon of educationally unequal
10 State education systems, in which high-quality pub-
11 lic schools serve high-income communities and most
12 poor-quality schools serve low-income rural and
13 urban communities.

1 (2) There exists in the States an ever-widening
2 educational opportunity gap characterized by the fol-
3 lowing:
4 (A) Highly differential educational expend-
5 itures within the States from public school dis-
6 trict to public school district.
7 (B) Growing disparities in the States in
8 students' access to the necessary elements of
9 quality education.
10 (C) Radically differential educational
11 achievement among school districts in the
12 States as measured, for example, by the fol-
13 lowing:
14 (i) Grade-level achievement in reading
15 and mathematics on State academic
16 achievement tests and measures and on the
17 National Assessment of Educational
18 Progress.
19 (ii) Advanced placement courses of-
20 fered and taken.
21 (iii) Scholastic Aptitude Test (SAT)
22 and ACT Assessment scores.
23 (iv) Drop-out rates and school-comple-
24 tion rates.

1 (v) College-going and college-comple-
2 tion rates.
3 (vi) Job placement and retention rates
4 and indices of job quality.
5 (3) As a consequence of this educational oppor-
6 tunity gap, the quality of a child's education now de-
7 pends largely upon where the child's family lives,
8 and the detriments of low-quality public education in
9 educationally unequal school districts are imposed
10 particularly on—
11 (A) children living in rural and urban
12 areas;
13 (B) children from families of low income;
14 and
15 (C) minority children.
16 (4) Since 1785, the Congress of the United
17 States, exercising the power to admit new States
18 under Article IV, section 3 of the Constitution (and
19 previously, the Congress of the Confederation of
20 States under the Articles of Confederation), imposed
21 upon every State, as a fundamental condition of the
22 State's admission, requirements that one, and some-
23 times two, square-mile lots in every township be
24 "granted and . . . reserved for the maintenance and
25 use of public schools", that "schools and the means

of education shall be forever encouraged", and that "State conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States . . . that provision shall be made for the establishment and maintenance of systems of public schools which shall be open to all children of said States". (See Ordinances of May 20, 1785, and July 13, 1787; Act of March 3, 1845, 28th Cong. 2d Sess., 5 Stat. 789, Chap. 76 (admitting Iowa and Florida); Act of February 22, 1889, 50th Cong., 2d Sess., Chap. 180 (admitting States created from the Dakota Territories); and the Acts of Congress pertaining to the admission of each of the States.)

(5) Over the years since the landmark ruling in *Brown v. Board of Education*, 347 U.S. 483 (1954), when a unanimous United States Supreme Court held that "the opportunity of an education. . . , where the state has undertaken to provide it, is a right which must be made available to all on equal terms", courts in 43 of the States have heard challenges to the establishment, maintenance, and operation of separate and educationally unequal State public education systems.

1 (6) In 1970, the Nixon Commission on School
2 Finance found the following:
3 (A) Significant disparities in the distribu-
4 tion of educational resources have developed
5 among school districts. Though every State has
6 made some effort over the years to reduce these
7 disparities, the results have been only partially
8 successful at best. That is because the States
9 have relied on local district financing for the
10 bulk of educational revenues. Major structural
11 reforms in current systems of school financing
12 can increase the ability of the Nation to serve
13 the educational needs of all citizens.
14 (B) Education must, in the first place, be
15 accorded its position as a service to the Nation
16 that is as fundamental to the lives of Americans
17 as any other, perhaps even more so. For edu-
18 cation, after all, provides values and skills, the
19 means for living productive lives in an ever
20 more complex social environment. Literally,
21 Americans cannot survive as a Nation or as in-
22 dividuals without it. This Nation cannot con-
23 tinue to finance and distribute education as it
24 has in the past.

1 (C) The only equality appropriate to a free
2 society is equality of opportunity to perform to
3 the limits of one's potential and to make a max-
4 imum contribution to the common good. What
5 complicates the attainment of such a state of
6 equality, especially in educational opportunity,
7 is the variation in circumstances in which peo-
8 ple find themselves. In some cases these cir-
9 cumstances aid self-fulfillment; in others they
10 impose crippling handicaps.
11 (7) In 1999, the National Research Council of
12 the National Academy of Sciences published a report
13 entitled "Making Money Matter, Financing Amer-
14 ica's Schools", by the committee on education fi-
15 nance, which found the following:
16 (A) Money can and should be used more
17 effectively than it traditionally has been to
18 make a difference in United States schools. To
19 promote the achievement of a fair and produc-
20 tive educational system, finance decisions
21 should be explicitly aligned with broad edu-
22 cational goals.
23 (B) To this end, the emerging concept of
24 funding adequacy, which moves beyond the
25 more traditional concepts of finance equity to

1 focus attention on the sufficiency of funding for
2 desired educational outcomes, is an important
3 step.
4 (8) In 2001, the President's Commission on
5 Educational Resource Equity found that "[a] quality
6 education is essential to the success of every child in
7 the 21st century and to the continued strength and
8 prosperity of the Nation. . . . [L]ong-standing gaps
9 in access to educational resources exist, including
10 disparities based on race and ethnicity".
11 (9) In a 2001 review of disparities in edu-
12 cational and financial resources, the Secretary of
13 Education found that, as recently as the 1996–97
14 school year, high-minority public school districts in
15 25 of 40 States reviewed received substantially less
16 total revenue per pupil than low-minority districts on
17 a cost-adjusted average revenue basis.
18 (10) Each State government has the final au-
19 thority in determining every important aspect and
20 priority of the public school system that will provide
21 elementary and secondary education to children in
22 the State, including decisions and standards related
23 to—

1 (A) the structure of the public school sys-
2 tem as a whole, including the sizes, numbers,
3 and types of school districts;
4 (B) the distribution of financial resources,
5 including authority and limitations on the levy
6 and use of local taxes;
7 (C) curriculum development and implemen-
8 tation;
9 (D) teacher qualifications;
10 (E) student promotion and retention
11 standards;
12 (F) attendance requirements; and
13 (G) assessment of student achievement.
14 (11) Since 1965, the Congress, in exercising its
15 spending authority, has provided substantial Federal
16 financial assistance to the States for the improve-
17 ment of their public school systems. In their expend-
18 iture and oversight of this assistance, the States
19 have failed systematically to achieve the purpose of
20 the Congress in providing the assistance, namely the
21 effective education of all the children of the United
22 States.
23 (12) The Federal Government has a substantial
24 interest in ensuring that States using such assist-
25 ance in their public school systems provide a high-

1 quality education by ensuring that all students have
2 equal access to the fundamentals of educational op-
3 portunity (as described in subsection (b)(1)).
4 (b) PURPOSES.—The purposes of this Act are the fol-
5 lowing:
6 (1) To hold States accountable for providing all
7 students access to the following fundamentals of
8 educational opportunity:
9 (A) Instruction from highly qualified
10 teachers in core subject areas.
11 (B) Rigorous academic standards, cur-
12 ricula, and methods of instruction.
13 (C) Smaller class sizes.
14 (D) Up-to-date textbooks, instructional
15 materials, and supplies.
16 (E) Up-to-date library resources.
17 (F) Up-to-date computer information tech-
18 nology.
19 (G) Quality guidance counseling.
20 (2) To ensure the right of every student in pub-
21 lic elementary school and secondary school to equal
22 educational opportunities.
23 (3) To end the pervasive pattern of education-
24 ally unequal State public school systems.

TITLE I—EQUAL EDUCATIONAL OPPORTUNITIES IN STATE PUBLIC SCHOOL SYSTEMS

SEC. 101. STATE-BY-STATE REPORT CARD ON AMERICA'S SCHOOLS.

(a) DETERMINATION OF EDUCATIONALLY UNEQUAL STATES.—Not later than October 1 of each year, the Secretary, in consultation with the Council of Great City Schools and the American Association of School Administrators, shall determine whether each State maintains an educationally unequal public school system. The Secretary may make a determination that a State is an educationally unequal State only after notice and opportunity for hearing.

(b) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations under subsection (a).

(c) EDUCATIONALLY UNEQUAL DEFINED.—In this Act, the term "educationally unequal" means, with respect to a State system of public elementary and secondary education (or a public school district within such system), educationally inadequate and educationally and fiscally discriminatory, based on the disparity (as determined by the State's success in providing the fundamentals of educational opportunity identified in section 102) between

1 high-performing districts and lower-performing districts in
2 the State, including lower-performing districts that are—
3 (1) rural public school districts;
4 (2) urban public school districts; or
5 (3) public school districts in which 25 percent
6 or more of the students live in families below the
7 poverty line (as that term is defined in section 9101
8 of the Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 7801)).

10 **SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPOR-**
11 **TUNITY.**

12 The fundamentals of educational opportunity are the
13 following:
14 (1) INSTRUCTION FROM HIGHLY QUALIFIED
15 TEACHERS IN CORE SUBJECT AREAS.—Instruction
16 from highly qualified teachers in the core academic
17 areas of reading, mathematics, and science, as meas-
18 ured by the following (with respect to each school
19 public district in the State):
20 (A) The proportion of teachers who are ex-
21 emplary teachers (as that term is defined in
22 section 9101 of the Elementary and Secondary
23 Education Act of 1965 (20 U.S.C. 7801)).
24 (B) The proportion of teachers who are
25 highly qualified (as that term is defined in sec-

1 tion 9101 of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 7801)).
3 (C) The proportion of teachers who have
4 obtained full State certification as a teacher or
5 passed the State licensing examination and who
6 hold a license to teach in the State, other than
7 teachers described in subparagraphs (D) and
8 (E).
9 (D) The proportion of teachers who have
10 obtained State certification as a teacher
11 through an alternative route to certification.
12 (E) The proportion of teachers who have
13 obtained State certification or licensure based
14 on a waiver of requirements on an emergency,
15 temporary, or provisional basis.
16 (2) RIGOROUS ACADEMIC STANDARDS, CUR-
17 RICULA, AND METHODS OF INSTRUCTION.—Rigorous
18 academic standards, curricula, and methods of in-
19 struction, as measured by the following (with respect
20 to each public school district in the State):
21 (A) The extent to which elementary schools
22 or secondary schools (as appropriate) require
23 the following standards of student academic
24 achievement:

(i) For students in third and fourth grades, achieving or exceeding the reading level for their respective grades.

(ii) Completion of algebra, geometry, trigonometry, and calculus.

(iii) Completion of laboratory science courses, including biology, chemistry, and physics.

(iv) Completion of a foreign language course.

(B) The extent to which public schools utilize the following rigorous academic curricula:

(i) An elementary school curriculum requiring, for each grade level, at least one course in each of the following:

(I) Reading or language arts.

(II) Mathematics.

(III) Science.

(IV) Social studies.

(V) Art.

(VI) Physical education.

(ii) A secondary school curriculum requiring at least the following:

(I) Four years of English.

1 (II) Three years of a foreign lan-
2 guage.
3 (III) Four years of mathematics
4 (including precalculus or higher).
5 (IV) Three years of science (in-
6 cluding biology, chemistry, and phys-
7 ics).
8 (V) Three years of social studies.
9 (VI) One or more honors or ad-
10 vanced placement courses.
11 (C) The number of advanced placement
12 courses offered in secondary schools,
13 including—
14 (i) among the students who take an
15 advanced placement course, the proportion
16 who complete such a course; and
17 (ii) among the students who take an
18 advanced placement examination, the pro-
19 portion who become eligible to receive col-
20 lege credit on the basis of performance on
21 the examination.
22 (D) The extent to which elementary
23 schools and secondary schools use research-
24 based comprehensive school models that focus
25 on redesigning and integrating all aspects of

1 the school (including curriculum, instruction,
2 assessment, teacher training and professional
3 development, school governance and manage-
4 ment, and parent and community involvement)
5 in a coordinated manner.
6 (3) SMALLER CLASS SIZES.—Class sizes that
7 are substantially equal to the class sizes of high-per-
8 forming districts in the State, as measured by the
9 following (with respect to each public school district
10 in the State):
11 (A) The average class size and the range
12 of class sizes in elementary schools and sec-
13 ondary schools.
14 (B) The proportion of classes with 17 or
15 fewer students in elementary schools and sec-
16 ondary schools.
17 (4) UP-TO-DATE TEXTBOOKS, INSTRUCTIONAL
18 MATERIALS, AND SUPPLIES.—Textbooks, instruc-
19 tional materials, and supplies that are as current
20 and complete as high-performing districts in the
21 State, as measured by the following (with respect to
22 each public school district in the State):
23 (A) The age of textbooks used in reading,
24 mathematics, the sciences, history or social

1 studies, literature, and foreign languages in ele-
2 mentary schools and secondary schools.
3 (B) The proportions of students who begin
4 each school year with school-issued textbooks.
5 (5) UP-TO-DATE LIBRARY RESOURCES.—Up-to-
6 date, state-of-the-art library resources, staffed by a
7 full-time librarian certified under applicable State
8 standards, as measured by the following (with re-
9 spect to each public school district in the State):
10 (A) The proportion of elementary schools
11 and secondary schools staffed by a full-time li-
12 brarian certified under applicable State stand-
13 ards.
14 (B) The average age of all library volumes
15 in the libraries of elementary schools and sec-
16 ondary schools.
17 (6) UP-TO-DATE COMPUTER INFORMATION
18 TECHNOLOGY.—Computer information technology
19 that is substantially equal, in terms of the computer-
20 to-student ratio and the quality of the equipment, to
21 high-performing districts in the State, as measured
22 by the following (with respect to each public school
23 district in the State):
24 (A) The ratio of computers to students in
25 elementary schools and secondary schools.

1 (B) The proportions of computer labora-
2 tory courses in elementary schools and sec-
3 ondary schools.
4 (C) The following information relating to
5 computers that are accessed by students at
6 school:
7 (i) The types of computers and soft-
8 ware.
9 (ii) The average age of the computers
10 and software.
11 (iii) The average processing speed of
12 the computers.
13 (iv) The availability of Internet
14 connectivity.
15 (7) QUALITY GUIDANCE COUNSELING.—Quali-
16 fied guidance counselors who are substantially equal,
17 in terms of the counselor-to-student ratio and the
18 qualifications of the counselors, to those in high-per-
19 forming districts in the State, as measured by the
20 following (with respect to each public school district
21 in the State):
22 (A) The ratio of students to qualified guid-
23 ance counselors in elementary schools and sec-
24 ondary schools.

1 (B) The number and percentage of guid-
2 ance counselors in elementary schools and sec-
3 ondary schools who have obtained certification
4 under an applicable State or national program.

5 **SEC. 103. ANNUAL REPORT ON EDUCATIONALLY UNEQUAL**
6 **STATE PUBLIC SCHOOL SYSTEMS.**

7 (a) ANNUAL REPORT TO CONGRESS.—Not later than
8 October 1 of each year, the Secretary shall transmit to
9 the Congress a full and complete report providing—
10 (1) a detailed analysis of the public school sys-
11 tem of each State determined under section 101 to
12 be an educationally unequal State; and
13 (2) relevant information about any activities
14 undertaken in each educationally unequal State dur-
15 ing the preceding year (including the results of such
16 undertakings) to eliminate—
17 (A) an educationally unequal public school
18 system; and
19 (B) differential access to each of the fun-
20 damentals of educational opportunity described
21 in section 102.
22 (b) CONTENTS OF REPORT.—The analysis under
23 subsection (a)(1) shall include the following information:

1 (1) BASIC PUBLIC SCHOOL SYSTEM INFORMA-
2 TION.—The following basic information related to
3 the public school system of each State:
4 (A) The number of public school students,
5 schools, and districts in the system.
6 (B) The average per-pupil expenditure and
7 the range of per-pupil expenditures for—
8 (i) high-performing districts; and
9 (ii) each category of lower-performing
10 district (as described in section 101(c)).
11 (C) A summary of any changes in the data
12 required in subparagraphs (A) and (B) for each
13 of the preceding 3 years, except that the sum-
14 mary may be based on such data as are avail-
15 able for the first three reports under subsection
16 (a).
17 (D) Such other information as the Sec-
18 retary, in consultation with the Council of
19 Great City Schools and the American Associa-
20 tion of School Administrators, considers useful
21 and appropriate to include.
22 (2) STATE ACTIONS TO REMEDIATE EDUCA-
23 TIONALLY UNEQUAL SCHOOLS.—For each education-
24 ally unequal State, a detailed description and evalua-
25 tion of the success of any actions taken (or to be

1 taken) by the State to eliminate the disparities re-
2 sulting from the State's educationally unequal public
3 school system.

4 (3) SUCCESS IN PROVIDING FUNDAMENTALS OF
5 EDUCATIONAL OPPORTUNITY.—For each State, a
6 detailed analysis of the State's level of success in
7 providing the fundamentals of educational oppor-
8 tunity identified in section 102, including the infor-
9 mation used to measure the State's success in pro-
10 viding such essential keys.

11 (4) REMEDIATION PLANS OF EDUCATIONALLY
12 UNEQUAL STATES.—A copy of each 2-year remedi-
13 ation plan (including any amendments or updates)
14 submitted by an educationally unequal State in the
15 preceding year under section 104.

16 (c) SCOPE OF REPORT.—The reporting required for
17 the preceding year under subsection (a) shall cover the
18 school year ending in the spring of the calendar year in
19 which the report is required to be submitted, with the ini-
20 tial report due upon completion of the first full school year
21 after the date of enactment of this Act.

22 (d) SUBMISSION OF DATA TO SECRETARY.—Each
23 State receiving Federal financial assistance for elementary
24 and secondary education shall submit to the Secretary, at
25 such time and in such manner as the Secretary may rea-

1 sonably require, such data as the Secretary deems nec-
2 essary to make a determination under section 101 and to
3 submit the report under this section. Such data shall in-
4 clude the information used to measure the State's success
5 in providing the fundamentals of educational opportunity
6 described in section 102.

7 **SEC. 104. ACCOUNTABILITY THROUGH CONSTRUCTIVE EN-**
8 **GAGEMENT AND REALLOCATION OF FED-**
9 **ERAL RESOURCES.**

10 (a) TWO-YEAR REMEDIATION PLAN TO ELIMINATE
11 DISPARITIES.—

12 (1) SUBMISSION.—Not later than 1 year after
13 a determination under section 101 that a State is an
14 educationally unequal State, the State shall prepare
15 and submit to the Secretary a remediation plan to
16 eliminate the disparities in the State's educationally
17 unequal public school system within 2 school years
18 after submission of the plan.

19 (2) CHANGES.—A State may make changes to
20 its remediation plan in order to better eliminate such
21 disparities or to take into account significantly
22 changed circumstances.

23 (3) DISAPPROVAL.—The Secretary may dis-
24 approve a remediation plan (or a change to such a
25 plan) if the Secretary determines, after notice and

1 opportunity for hearing, that the plan (or change) is
2 inadequate to eliminate the disparities in the time
3 required (as described in paragraph (1)).
4 (b) CONSEQUENCES OF NONREMEDIATION.—Not-
5 withstanding any other provision of law, if the Secretary
6 determines under section 101 that a State required to sub-
7 mit a remediation plan under subsection (a) is an educa-
8 tionally unequal State—
9 (1) at the end of the second school year after
10 the plan is required to be submitted, the Secretary
11 shall withhold from the State any funds otherwise
12 available for the administration of Federal elemen-
13 tary and secondary education programs until the
14 Secretary determines that the State is no longer an
15 educationally unequal State, at which time the Sec-
16 retary shall make available to the State such funds
17 under such programs (including the funds withheld
18 under this paragraph); and
19 (2) at the end of the third school year after the
20 plan is required to be submitted, the Secretary shall
21 provide for the reallocation of all funds provided to
22 the State under Federal elementary and secondary
23 education programs, from local educational agencies
24 that are not serving educationally unequal districts

1 to such agencies that are serving educationally un-
2 equal districts.
3 (c) TEMPORARY WAIVER.—The Secretary may waive
4 the requirements of ineligibility or reallocation under sub-
5 section (b) for each State for not more than one year.
6 (d) FEDERAL ELEMENTARY AND SECONDARY EDU-
7 CATION PROGRAMS DEFINED.—In this section, the term
8 "Federal elementary and secondary education programs"
9 means programs providing Federal financial assistance for
10 elementary or secondary education, other than programs
11 under the following provisions of law:
12 (1) The Individuals with Disabilities Education
13 Act (20 U.S.C. 1400 et seq.).
14 (2) Title III of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 6801 et seq.).
16 (3) The National School Lunch Act (42 U.S.C.
17 1751 et seq.).
18 (4) The Child Nutrition Act of 1966 (42 U.S.C.
19 1771 et seq.).
20 **SEC. 105. CIVIL ACTION FOR ENFORCEMENT.**
21 A student, parent of a student, public school teacher,
22 or public school district in an educationally unequal State
23 (as determined under section 101) aggrieved by a violation
24 of this Act or a failure to carry out a remedial plan sub-
25 mitted under section 104(a) may bring a civil action

against the appropriate official in an appropriate United States district court seeking injunctive and other appropriate relief to enforce the requirements of this Act or of such a remediation plan, together with reasonable attorney fees and the costs of the action, without regard to the citizenship of the parties or the amount in controversy.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

SEC. 201. EFFECTS ON ECONOMIC GROWTH AND PRODUCTIVITY.

(a) STUDY.—The Commissioner of Education Statistics (appointed under section 403 of the National Education Statistics Act of 1994 (20 U.S.C. 9002)), in consultation with the Council of Great City Schools and the American Association of School Administrators, shall conduct a comprehensive study concerning the effects on economic growth and productivity of eliminating disparities in educationally unequal public school systems. Such study shall include the following:

(1) The economic costs to the Nation resulting from pervasive national disparities in the quality of basic education and the maintenance by States of educationally unequal public school systems.

1 (2) The gains in productivity and economic
2 growth to be expected when State public school sys-
3 tems provide substantially equal high-quality edu-
4 cation to all students (as measured by the standards
5 for determining educationally unequal States under
6 section 101), regardless of—
7 (A) where the students live;
8 (B) the wealth or income of the students'
9 families;
10 (C) the wealth or income concentration in
11 the students' communities; or
12 (D) the race, national origin, gender, dis-
13 ability, language, or religion of the students.
14 (b) REPORT TO CONGRESS.—Not later than 1 year
15 after the date of enactment of this Act, the Commissioner
16 of Education Statistics shall submit to the Congress a
17 final report detailing the results of the study required
18 under subsection (a).
19 **SEC. 202. EFFECTS ON NATIONAL DEFENSE.**
20 (a) STUDY.—The Secretary of Defense, in consulta-
21 tion with the Chairman of the Joint Chiefs of Staff and
22 the Secretaries of the military departments, shall conduct
23 a comprehensive study concerning the effects on national
24 defense of eliminating disparities in educationally unequal

1 public school systems. Such study shall include the fol-
2 lowing:
3 (1) The costs and other detriments to national
4 defense resulting from pervasive national disparities
5 in the quality of basic education and the mainte-
6 nance by States of educationally unequal public
7 school systems, including the effects of education
8 deficits arising from low-quality schools on—
9 (A) knowledge and skills necessary for the
10 effective functioning of the Armed Forces;
11 (B) the costs to the Armed Forces of
12 training; and
13 (C) efficiency resulting from the use of so-
14 phisticated equipment and information tech-
15 nology.
16 (2) The gains to national defense, in efficiency
17 and otherwise, to be expected when State public
18 school systems provide substantially equal high-qual-
19 ity education to all students (as measured by the
20 standards for determining educationally unequal
21 States under section 101), regardless of—
22 (A) where the students live;
23 (B) the wealth or income of the students'
24 families;

(C) the wealth or income concentration in the students' communities; or

(D) the race, national origin, gender, disability, language, or religion of the students.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a final report detailing the results of the study required under subsection (a).

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

In this Act:

(1) The terms "elementary school", "secondary school", "local educational agency", "parent", and "per-pupil expenditure" each have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) The term "public school system" means a State's system of public elementary and secondary education. Such term does not include a State's system of higher education.

(3) The term "rural public school district" means a public school district served by a local educational agency that is an eligible local educational

1 agency under section 6211 of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C. 7345).
3 (4) The term "urban public school district"
4 means a public school district served by a local edu-
5 cational agency that—
6 (A) enrolls at least 25,000 students;
7 (B) serves the largest city in a State; or
8 (C) is so designated by the Secretary.
9 (5) The term "high-performing district" means
10 a public school district in the top 10 percent of high-
11 est performing school districts in a State, as deter-
12 mined on the basis of the performance of students
13 in the district on statewide student academic assess-
14 ments, including the following:
15 (A) Student academic assessments in read-
16 ing or language arts, mathematics, and science
17 under section 1111(b)(3) of the Elementary
18 and Secondary Education Act of 1965 (20
19 U.S.C. 6311(b)(2)).
20 (B) National student academic assess-
21 ments of reading and mathematics under the
22 National Assessment of Educational Progress
23 carried out under section 411(b)(2) of the Na-
24 tional Education Statistics Act of 1994 (20
25 U.S.C. 9010(b)(2)).

1 (C) State student academic assessments of
2 reading and mathematics under the National
3 Assessment of Educational Progress carried out
4 under section 411(b)(3) of the National Edu-
5 cation Statistics Act of 1994 (20 U.S.C.
6 9010(b)(3)).
7 (6) The term "lower-performing district" means
8 a public school district that is not a high-performing
9 district in a State.
10 (7) The term "State" means the several States,
11 the District of Columbia, and the Commonwealth of
12 Puerto Rico.
13 **SEC. 302. RULEMAKING.**
14 The Secretary may prescribe regulations to carry out
15 this Act.

Senator DODD. Congressman Isakson, we welcome you, and we are anxious to hear your testimony.

STATEMENT OF HON. JOHNNY ISAKSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. ISAKSON. Thank you, Senator Dodd, Senator Enzi, Senator Wellstone. It is a pleasure to be in the Senate, and it is particularly a pleasure to be with my good friend, Chaka Fattah; we have done a lot of things together, and I think we share precisely the same passion for education. And I am pleased that Senator Enzi asked me to come and testify with regard to the original intent, which I believe was House bill 1234, and the issue of financing schools, but I will address some of the other things that Chaka mentioned in just a moment.

In light of the opening statements, I would like to give you a little bit of background on me so you understand where I am coming from. I attended the first integrated schools following *Brown* v. *Board of Education* in the City of Atlanta and was in the class that admitted the first black students to the University of Georgia. I lived through the era where we went from a separate and unequal environment to begin this journey to provide an equal education for all Americans. So I was there.

I married a public school teacher who taught special education until we began raising our family. I have taught Sunday school for 25 years, chaired the State board of education, was on the education committee, and had the financial ability to send my kids to private or parochial schools and sent them to public schools because I believe that that is where the real world is, and that is where our future is. So I wanted to put that on the record.

The last point—when I left as chairman of the State board of education, I initiated a constitutional amendment which our legislature passed for a special-purpose sales tax to build schools, and we are building $6 billion worth of new schools in Georgia over a 5-year plan by raising taxes. So I do not shy away from making investments in our children.

With that said, although well-intended, for the Congress of the United States to threaten to withhold Federal funding based on an arithmetic formula for whether students are receiving equitable education would be a disaster, and let me point out why—and I can only address specific numbers in my State of Georgia, but I think they are representative of the country.

Over 50 percent of all tax dollars spent in Georgia are spent on education, and over 40 percent of them just on K–12. This year, that is over $6 billion in State tax dollars.

The ad valorem tax bill in my home county, of the $3,200 in taxes I pay on my house, $2,100 goes to public schools. In our State, about 60 percent of all property tax paid by local taxpayers goes to public education. So it is the number one expenditure at the local level, and it is the number one expenditure in State government.

The reason they tried to create an arithmetic or mathematical formula to determine equity or compliance is a disaster is because the finance of education depends on so many factors. In the State of Georgia, for example, a mill in one county may raise $12; a mill

in another county may raise $80. The State has a constitutional cap of 20 mills on ad valorem tax.

I know there are States that use severance taxes and other taxes to help finance public education, but because of that very mix, to try to create an arithmetic formula would be a mistake.

I do not disagree that there is a correlation between low performance and expenditures in certain areas, but I can show you examples of where the highest per-pupil expenditures in Georgia go into systems where there are some of the lowest-performing schools, so it is not always the equivalent to a quality education.

Chaka and I have talked about this many times. My State went through the *Dalton City Schools* v. *Whitfield County* case, which was one of the first equalization cases in the country. We have equalized funding for education in Georgia that satisfied the courts that we are providing equitable investment, but we would be in violation of the Federal statute if the bill that Mr. Fattah introduced were to have passed, because you cannot—you cannot—in a responsibility that is relegated primarily to the States and the local governments, depress the will of people to make additional investments in their schools.

Equity becomes only a baseline, but it cannot restrict the enrichment that local counties or cities may make in their schools. If you put an arithmetic formula with a deviation of only 10 percent, you would actually be lowering the investment in some of your highest investment schools which are not necessarily best-performing, all to satisfy the formula to get the Federal funding.

So not to do any degree of overkill, a mathematical formula is a horrible mistake. It is by no means a mistake for all of us to look to everything we can do to improve the public education of every child in America. I think Chaka has hit on a good point. He has moved from money as the indicator to quality of teachers, to quality of environment, to other factors that go into education, and there are a lot of factors that go into the education of a child.

I would be pleased to work at any time, as I think I demonstrated in the conference committee on No Child Left Behind, with any politician, regardless of party, to do anything we can to improve the education of our children as a partner with the States and local school boards that have the responsibility of doing it, as well as the American taxpayer.

Our children are a message we send to a time that you and I will never see, and the message that America sends to the future should be as great as the message that past generations have sent to today's time. But I will promise you that equitable financial investment is in no way an indicator. If it were, the people of the United States of America, who pay each of us approximately $150,000, would all determine they are getting equitable representation and intellect from every Member of Congress, and I do not think anybody would agree with that. There are varying degrees of input, experience, longevity, intellect, ability, and everything else.

It is a component, but it should never be the component that determines whether or not Federal funds are invested in America's poorest and most deserving children and those with disabilities.

I thank the Senator for affording me the time.

Senator DODD. Thank you very much, Congressman. I appreciate your testimony.

Let me turn to my colleague from Minnesota to see if has any opening comments, and then we will have a few questions.

OPENING STATEMENT OF SENATOR PAUL WELLSTONE

Senator WELLSTONE. Thank you, Mr. Chairman.

This is not really an opening comment, but I do want to react, and I want to hear from Mr. Price and the other witnesses as well, so I will try to be brief.

On your last point, Congressman Isakson, I think you are right—people would not agree with the proposition that everybody gets the same quality representation. On the other hand, there would be a hue and cry from all over the country if the Representative from State of Georgia were paid less than the Representatives from other States. I think people in the different States would say that that was absolutely outrageous.

Mr. ISAKSON. I do not dispute that at all.

Senator WELLSTONE. If it is okay with the two of you—and I think this is an important piece of legislation, and I certainly know what my friend from Pennsylvania is trying to do in really trying to force this equity question, and I am kind of sympathetic to some of the comments that Congressman Isakson made in terms of baseline spending versus whether you draw the line on how much can be spent—but could I get back to this debate, because both of you have spoken about it, about ESEA in terms of where the resources are? To me, that is the question that is before us here and now.

I want to ask two questions. Number one, for Congressman Isakson, given what you have said about what the role of the Federal Government is, I found myself in an odd position as a liberal out on the floor of the Senate, saying that I did not really think the Federal Government ought to mandate that every school district test every child in grades 3, 4, 5, 6, 7, and 8. I thought that that was an overreach, frankly.

But most important of all, I think the position that I took—and now I feel horrible about it, because I think it really has turned out to be true—was that we need resources to fund the reform. Right now, I do not see the resources, be it living up to our commitment on special education, or be it Title I, or be it what we do pre-K, or be it what we do after school, or be it what we do in terms of teacher recruitment and teacher retention. I do not see any of the resources that a; make it possible for each of these kids to do well on what we hope will be high-quality tests, and b; if they do not do well, make it possible to provide the additional help for them to do well.

Can I ask the two of you whether I am right or wrong that what you have here is a Federal mandate to test every child, but you do not have a Federal mandate that every child has the same opportunity to do well? Isn't that the contradiction? Isn't that the harsh contradiction we are now faced with?

I frankly wish we would not put so much emphasis on the testing, to be perfectly honest, and I would love to have a discussion about that some other time. But could I ask just that one question—am I right or wrong? I am in school every 2 weeks, and I

taught, and I believe in it, and you do, but I find this to be a charade.

I will tell you what I am hearing in Minnesota—I am sorry, 30 more seconds—in our State, people are furious. We are cutting teachers, we are cutting pre-kindergarten programs, we are cutting after-school programs, and people in Minnesota, starting with the education community, feel robbed. They never got the special ed money, they are not getting what they need on Title I or any of the rest of it.

The Federal Government does not provide the biggest part of K through 12 education spending, but why haven't we lived up to our responsibility to fund what we should be funding? Where are the resources? Isn't it a charade to have all this testing to say that we have accountability, and then we do not invest the resources to make sure the children have the same chance? That is my question—and when are we going to do it? We had better do it this session.

Mr. ISAKSON. Senator, do you want me to respond to that?

Senator WELLSTONE. That would be great.

Mr. ISAKSON. First of all, I will say that I do not think any of us are ever going to be satisfied with the investment made in education for all the reasons we all believe in it. But let me specifically answer your question.

When we passed No Child Left Behind, and we passed the Labor-HHS budget and funded the Department of Education, everybody in here knows that we made the largest increased investment in the poorest kids in America that this country has ever made since Title I was started. So I think the point should be made that in the year in which we initiated testing, we also initiated enriched funding only—or primarily—for those kids which the intent of this bill is talking about.

Was it enough? That is an argument that we could have forever.

Senator WELLSTONE. Well, no—let me ask you—was it enough?

Mr. ISAKSON. I just said at the beginning that you are never going to find us to agree it is enough. But I want to answer your question. It is the largest increase that we have had.

Now, as far as testing is concerned, I am going to be very honest and very blunt about this, and I know there will be some people who disagree with me. In a lot of America's schools where a lot of America's poorest children go, for a number of years, they have been chronologically promoted because of their age to a point where they either no longer legally had to go to school, or they had the will and the way to drop out. That is an accurate statement. Some have called it "social promotion." There are lots of different reasons. Maybe it is the environment they came from; maybe it is discipline; maybe it is absolutely abject, terrible teachers. But that has happened.

Testing and accountability on the schools raises the visibility of the performance of those schools, and I have found personally—and I ran the State school system in Georgia—that we give a bum rap to teachers. Teachers have the hardest job in America. But there are a lot of administrators who do a lot of averaging to end up giving statistics that appear that a system is meeting a certain level. When we disaggregated, and we tested in reading and math in

third through eighth grade, in my opinion, we made the largest move toward ending social promotion and lowering the dropout rate in America that you will ever have. We increased the investment in the very children that you ask about.

Was it enough? Nobody in this room would ever agree that it was enough. But it was the largest increased investment that we have made in some time. So my answer to your question is that the testing was absolutely essential, because for 35 years, we invested $125 billion and did not improve the plight of our lowest-performing kids. Now we are going to have a measurement to find out if we are or we are not.

Mr. FATTAH. Let me say this in response to your question, Senator. You are absolutely right that there is a dearth of Federal commitment in terms of what we need to do relative to the mandates in No Child Left Behind to help schools. But let me also say that even if it were fully funded, the issues that bring me to the Senate this morning would still exist. That is to say, even if we fully funded all of the Federal programs, which are the most targeted programs that exist in this country in terms of helping impoverished children, we would still have the differentials that exist between high-achieving districts and low-performing districts.

I will enter into the record and just read one paragraph from an editorial by Bob Hubert at *The New York Times* just 2 or 3 days ago. Talking about New York City, he says: "In many ways, New York City students of all colors are treated the way black students were treated in the pre-Brown era. They are measured against standards that are the same for all, but they are not given the fundamental educational tools that are necessary to reach such high levels of competence."

It is not about the pay of members of the Senate or the House that would interfere with your analogy. What happens if a member of Congress is asked to represent their district but not have access to telephones, not have access to staff, not have the ability to serve on a committee, not be able to speak on the floor of the House?

How can a youngster be required to pass an SAT to get into a State college, but for middle school and high school, never have a science teacher who majored or minored in science or math, not have access to textbooks? How can these students achieve?

The point I raise to you is that we need to try to encourage States—and in my new legislation—and I agree with and I have heard all the comments about the original document; that is why we changed our formula and changed our approach—what we want to do is ask the Federal Government to require States to say that every child be given a qualified teacher in the core subjects, that they be given updated textbooks, that they have the same access to computers that children in the higher-achieving districts have in those States, that they have the same access to guidance counselors.

The question in any family is not how many dollars are available, but let us at least have everyone be able to participate and benefit by whatever resources are available. So it is not just a question of what the resources are, but how can we better provide them so that every child in every circumstance in this country has a fair opportunity.

Senator WELLSTONE. Congressman—and this is the final 30 seconds—I so appreciate it, and I know where you are heading, and Jonathan Kozol would love you. This is right out of his books, and you know his work, and he knows your work, and I know exactly where you are heading, and thank God for your voice and the direction you say we are going.

I just do not want to lose sight of what I consider to be a here-and-now battle, which is what in the world ever happened to Leave No Child Behind?

Congressman Isakson, I am not just trying to be Mister Stroke Man here. You have so much credibility, and you know your stuff and all the rest, but where I beg to disagree with you is that, frankly, when I see the number of kids who were eligible for Title I this year, in real dollar terms, we did not bump it up. There were many more kids eligible.

I know what Senator Dodd tried to do on the floor. And when I go to our schools, and I see a pathetic increase in the overall ESEA budget this past year versus what we did before, and I see this mandate that we laid on the States, I understand it when, in the schools that I visit, the teachers look at me and say, "Fine. Big surprise. Our kids did not do as well as the kids in very affluent suburbs. And now we ask you: Where are the resources for us to make sure these kids have the same chance? Now what are we to do?" And do you know what? The resources are not there.

Therefore, I want to shout it from the mountaintop at this hearing—I consider this Leave No Child Behind piece of legislation to sort of be a contradiction, with a goal you cannot reach on a tin cup budget—that is what we got from this administration. I am furious the bill went through, because we never backed it up with the resources. I was just going to say it, and I said it. I am done.

Senator DODD. Okay. You said it.

Senator WELLSTONE. I feel better.

Senator DODD. Thank you very much.

I will turn to my colleague from Wyoming in just a moment, but let me just ask one question. Congressman Isakson, as I was listening to you, I was familiar with what Congressman Fattah had offered earlier and what his new proposal is, and I would ask whether you are aware of the new proposal and whether your criticism of it would be the same as before, or whether there is a different approach being set out here?

And second, all of us are reluctant to get into the business of punishment and reward—although we do it in a number of areas already. We say under Federal law that within a school district, you have got to have comparable services. That has been in Federal law for years. It is one of the reasons why Title I funds exist. We now are saying that children are now going to have to be tested every year. So we have applied a pretty rigid standard, and we have said to schools that if you do not meet this standard, we are going to shut you down.

Why is there such a reluctance for us to say something to the political structure which is most responsible for the quality of education—our States? I come from the most affluent State in the country, and yet, in this tiny 40 mile by 100 mile State, we have tremendously affluent districts and tremendously poor districts.

Why can't we say something to States about adequacy? I do not want to see Fairfield, CT or Ridgefield, CT—where it is remarkable what they have done with resources to commit to a wonderful education—forced into a race to the bottom, but I don't want to keep saying to a child in Bridgeport who lives 15 minutes away from Ridgefield: "I am sorry, but you were born in the wrong place. I know it is a great State, and this is a wealthy country, but if you had been born 15 miles down the road, your Government would do more in order to help you maximize your potential."

How do you justify that and not say to the States as well, "We want to help you. This is not about criticizing you. We want to figure out how you can close these gaps."

How do you answer that?

Mr. ISAKSON. Well, first, I appreciate the question because I want to reiterate what I said at the beginning. I was asked to come here to talk about H.R. 1234, and I did a good job of telling you why I did not agree with that.

Senator DODD. Yes, you did.

Mr. ISAKSON. Well, maybe not a good job——

Mr. FATTAH. And I heard you, and I have changed.

Mr. ISAKSON. And he has heard it before.

To Chaka's credit, and the credit of a lot of other people, I think the seven measurements that he mentioned are certainly measurements that contribute to an improved education. This has been a work in progress, so I have seen bits and pieces over the last week, but I do not get into this "We are on one side, and you are on another, so I am not for it"—I kind of do what I think is right—and if we are improving kids and their plight, we are doing things right.

But, I appreciate so much what you said about Bridgeport and Fairfield, and I have been to your great State and have seen the evidence of the wealth as well as the difficulties that all of us have in all of our States.

Let me tell you, there are a couple of facts we should all know. We ought to have a certified teacher in every classroom. There are not enough certified teachers in America to put in every classroom. So we need to start—instead of trying to fool people to think they are out there, but we just do not have them in the class—we have got to start providing direction, resources, and partnerships with the institution of education to get those teachers in classrooms.

On school construction, which has something to do with pupil-teacher ratio, because every time somebody throws out this—and I had to do it in the State, so I know—when somebody says, "I want to lower the pupil-teacher ratio from 25-to-1 to 23-to-1," they just spent $100 million to build classrooms to put those new classes in. There are lots of things that we need to look at, and it has got to be a Federal-State partnership.

There are clear indicators in some of the things that Chaka mentioned that have a lot to do with—I have always hated "adequacy"; I think "excellence" is the better word. One of the reasons, Senator Wellstone, why the testing is so important is because it will give us an indicator—I did not say "the" indicator—but it is going to give us an indicator of the performance we are getting with what we do have and what we are investing. And then, if we focus on

recognizing that we do not have enough certified teachers, and we need more, somehow we have got to break through the philosophical alternative certification versus classical certification and find a way to get certified teachers in the classrooms without politicizing—I try never to do that.

Also—and I know there have been comments about disappointments in No Child Left Behind—but I can tell you as one who has worked with education for a long time and been a Republican, I am so delighted that my President has taken an issue that for years, our party did not address and made it paramount. I am very proud of that.

Senator DODD. I agree with you.

Mr. ISAKSON. The fact of the matter is that when I was chairman of the State board of education, I went to Texas and actually watched what they were doing, because they started getting results in closing the achievement gap. And that is what is so important, because education has institutionally averaged its way into mediocrity in many elements of testing by saying, well, our system is doing pretty good because we are averaging our best with our worst, so we are in the middle.

Now, with the disaggregation, I think we are going to begin to see some verification of some of the very factors that Chaka has mentioned, and hopefully, as we work with this, we can find ways to take his seven indicators and possibly others and find ways to have Federal-State partnerships to solve the problem, which I would be totally supportive of.

So I appreciate the Senator giving me the chance to feel better, as Senator Wellstone does, and so you did not think I was totally trashing my good friend from Philadelphia, I was only talking about the error of his ways with regard to financial formulas.

Senator DODD. Senator Enzi.

Senator ENZI. Thank you, Mr. Chairman.

I was upset earlier at some of the comments about tin cup budget—I have heard your speech on it before, and I have gathered some statistics—but I realize that that is not what this hearing is about. We have been devoting 7 percent of the Federal budget to education for years, and we finally got to 9 percent, and it is going up. Now what we are trying to do is get the money directed to the right places, and I am going to try to contain my questions to that aspect.

I really do appreciate—and I have not had a chance to look through it all yet; I have your comments from today—they are very nicely put together.

Mr. FATTAH. Thank you.

Senator ENZI. There is some extremely helpful information in there, and it is interesting to see the court cases in the different States. There is probably a little bit more background on some of those court cases that needs to be put out there, and perhaps that will happen in the testimony from Wyoming regarding our case.

At the beginning, we were funding the big schools too much and the small schools not enough, so we reacted to a court case early-on and skewed it the other way completely; now we are trying to bring it back in line where I guess it would be the inner city of Wyoming, but in a town of about 22,000, it is hard to relate to that.

One thing we are trying to do here today, and in each of the States, is focus on what education is about, which is learning and achieving—not about being allotted a certain amount of money. But there is a relationship, and we need to figure out how that relationship works.

Wyoming would be in violation of your bill. As hard as we have worked on equity, we would be in violation of your bill. But we might be in violation in a little different way than is expected, and that is that one of the poorest areas of our State is the reservation, and they have been funded in an amount about three times as much as the rest of the students in the State.

One way that our State tried to solve this problem was to come up with a cost of education. We recognized that there were differences in different parts of the State in being able to buy things. We had the milk controversy where in one corner of the State, milk cost almost twice as much as in the other part of the State. We try to make sure that all the kids get milk, so we had to equalize the milk funding.

Another problem is with getting certified teachers. I think Wyoming would have one of the highest rates of certified teachers, but the competition is not between other school districts getting them; we have some boom areas of the State, some areas that are high in energy development, and those people can go out and run a road grader or a truck, or some of them even just drive a car, and make five times as much as a teacher. That should never happen, but it does. If we want to keep teachers, they are not paid the same amount as the workers in the mines, but they have to pay more in that area than in other areas of the State. So we have tried to recognize some of those cost differentials that allow districts to get the kind of help that they need.

I mentioned the class size disparity. Some of that is forced by distances that the kids have to travel—but it all has to be funded. So I guess I am still back at the point of trying to determine what "equity" is, and if either of you want to comment on that, I would appreciate it.

Mr. FATTAH. First of all, Senator, I appreciate what you said about your home State, and I have paid some attention to the efforts there in terms of the "hold harmless" and the small towns and the cost-of-living features. It is part of the continuum of this effort to get to a circumstance in which children would have more equal opportunity. Your State has grappled with it more than most and has been more aggressive and more creative in a number of different ways.

What I have tried to say in the new version of my bill, which I think my colleague has said nice things about this morning, is not to focus on the question of money, because somehow, when I talk about money, people get excited, and they either say that money does not matter, and it is not the reason why these children are not performing—and my old answer to that was that if it did not matter, let us equalize it—and then, some who supported my position would say that it does matter, and I would say that if it does matter, we should equalize it.

But when I come to Washington, I have learned that there is a reluctance to get into the issue of the actual financial basis for

school funding which all of these court decisions that I have laid out have focused in on, that is, if you take poor communities and finance them based on the property tax, you inevitably create a circumstance in which they are going to have lower-funded schools. There is no way around it, and those children are going to be ill-served.

I think it was the Wyoming case in which one of the gentlemen who represented the teachers' union stated that it was not the kid's fault if he was not born next to an oil well. So the point becomes that I tried to move from the question of money to something that we can agree on, which is that a kid should have a qualified teacher in the classroom, a kid should have a textbook—there are textbooks in libraries, unfortunately, in some of our States, one of them a State near you, that were printed 30 years ago, one of which was titled, "Asbestos: The Miracle Mineral." We know better now, but that book is still on the school library shelf, and we need to do something about it. I think kids need a library, they need access to guidance counselors.

What I am saying is let us take the things that we agree on, whatever they happen to be, and let us measure whether States, on an annual basis, are doing more to have those things provided to every child or whether they are doing less, and let us hold them to a standard on that.

I started with the notion that we should have a drastic penalty on States. Senator Dodd has moderated my view on that to the point where we would just have a symbolic penalty where 1 percent of the administrative cost would be withheld, but when they started making progress, they would get that, too, so it would never be a real penalty.

What I am seeking to do is simply get us in the business of saying to State governments: We want a real partnership with you. We have, as you have indicated, added a great deal in terms of Federal investment on a percentage basis to education. Are efforts will be frustrated if State governments do not insist that whatever they are doing in their high-achieving districts—I am not talking about small class sizes out of thin air—I do not care what the class size is; whatever the class size is in your State for high-achieving districts, you should try to create a circumstance where that class size exists in your low-achieving districts, because it might follow that if we do what we are doing in our high-achieving districts, in our low-achieving districts, we might get a comparable result.

It did not take Einstein to say it, but he said it—he said "if you keep doing what you have been doing, you are going to keep getting what you have been getting."

Therefore, we have to do something different here if we want a different result.

Senator DODD. Very good. Anything else, Senator Enzi?

Senator ENZI. Congressman Isakson, do you have a comment?

Mr. ISAKSON. Yes. I will be brief, Senator Dodd.

Senator Enzi, again, I did say nice things about Chaka's new approach, because it goes from the arithmetic formula that creates unintended consequences to beginning to ask ourselves what is it that we need to do.

And I just want to inject—and I am not lobbying here, Chaka—but the word I mentioned about the Federal-State partnership, we put in H.R. 1 the school report card so that people in the State will know whether their schools are failing. We might work toward a report card here, where States are performing and take the results, Senator Wellstone, the initial results that we get out of testing and other measurements and their disaggregation, so we can truly zero in.

Knowledge is a powerful thing, which is why all of us believe in education; it is also powerful in politics. And if people know where the problems are, and they know where their State rates, not in some mathematical formula, but in the number of people dropping out or the number of people who are poor-performing, regardless of their race or creed or color—we care about every child—that is meaningful.

So the outline that Chaka has done here is for us to try as politicians and those who care about education to find those things that we all agree are important to an adequate, or hopefully, a quality or an excellent education, and then find ways in which we can form partnerships to reach the goal of every child and every State and every school district getting there. And that partnership is not totally a financial partnership. A lot of it has to do with other investments of other types of capital.

Senator DODD. In fact, I would be very interested in introducing with my colleagues here, with Senator Enzi and others, a comparable bill to see if we cannot pull some things together.

I appreciate it very, very much. We could actually spend all morning with you. We have another panel of witnesses, and I do not want to tie people up, but you are welcome to stay if you like, because you care so much about it, and you bring a wealth of information.

I have to be careful here—I do not want our friends in Georgia or Pennsylvania to get nervous about your presence here, sitting at a table in the Senate—but neither one of them is around this morning, so we will try to smuggle you in if you want to come on up and sit with us.

Mr. FATTAH. Okay.

Mr. ISAKSON. Thanks for the opportunity, Senator, and the only reason I will not stay is that we have missed a couple of votes already, and I do not want my opponent to get too excited, so I am going to get over there and cast a few.

Thank you very much for the opportunity.

Senator DODD. Thank you very much. I appreciate your being with us, and we will stay in touch with you on this. We would very much like to work with you.

Senator DODD. Let me call up our second panel.

Hugh Price is president and chief executive officer of the National Urban League, one of the country's premier civil rights organizations, with a long history of expertise about the commitment of equal opportunity, including equal education opportunity, beginning his work New Haven, Connecticut, as a legal assistance attorney. We appreciate having you here, Hugh. It is an honor to have you with us today.

Michael Rebell is executive director and counsel for the Campaign for Fiscal Equity, which includes the Advocacy Center for Children's Educational Success with Standards. He has been in the forefront of the national movement for equal educational opportunity, both as a litigator and an author. He taught courses on law and education for many years at Yale Law School and is currently adjunct professor at Columbia University, at the Columbia Law School.

Mary-Beth Lang teaches at Waltersville Elementary School in Bridgeport, Connecticut. She has had 32 years as a teacher, has taught kindergarten, first, second, third, and fifth grades. She is currently a literary resource teacher and lives in Fairfield, which is the neighboring town to Bridgeport. I made reference to those two communities earlier, not without reason, knowing that Ms. Lang was going to be joining us.

Our last witness is the witness that I have already indicated we would allow to go first because of the commitments of my colleague from Wyoming, and we know he wants to be here to hear Judy Catchpole. Judy is serving her second term as Wyoming's superintendent of public instruction. She also serves on the executive board of directors of the Council of Chief State School Officers. She has been involved with children for many, many years as an educator, an advocate, and a volunteer.

Judy, we are honored that you made the long trip from Wyoming to be with us, and as I said earlier, why don't we begin with you. Since we have already been talking about Wyoming with you in the audience, we would be happy to hear your comments.

By the way, any and all supporting documentation, graphs, charts that you would like to include as part of the record, I will ask unanimous consent that they be so included. Congressman Fattah had earlier asked for some information to be included, and all of that information, we will make a part of the record. Your statements will all be included in the record as well. I read them last night, and some of them are a little long. I am going to put this clock on, and again, it is not to deprive you of an opportunity to be heard, but I want you to keep an eye on it so we can get through the testimony. So if you could to some extent—because it is going to be difficult to get through them in the 5 or 6 minutes that we normally allocate here—keep an eye on the clock, and when the light turns red, try to find a way to get to the bottom line if you could.

Judy, welcome.

STATEMENT OF JUDY CATCHPOLE, STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, CHEYENNE, WY

Ms. CATCHPOLE. Good morning, Mr. Chairman, Senator Enzi, Senator Kennedy, and Senator Wellstone. Thank you for this opportunity to be here to speak with you today.

It might surprise you to learn that the evolution of education equity in Wyoming certainly mirrors the development in other States. What we know is that across this country, as State agencies, we all face many of the same challenges.

The "how" of meeting these challenges is a question that we have grappled with across State boundaries and across economic bar-

riers. For example, as we sit here today, some 43 States find themselves in some state of litigation of education equity and school finance; and indeed, so it is in the State of Wyoming where, over 20 years ago, our Supreme Court first ordered an "equitable" system of funding schools. At that time in our State and around the Nation, equal dollars was assumed to mean equal education. That indeed proved to be an erroneous assumption, and in 1995, the Wyoming court moved, as have many other courts across the country, to a position that looks at both equity and adequacy in determining whether or not a child has equal access to education.

While the United States Constitution is silent on the right to a public education, the Wyoming Constitution is indeed not. Our Constitution requires a "proper and thorough" education, allowing those words to define themselves over time.

We have embraced the direction of our State's Constitution. We have realized that the concept of equity is not easily defined. Although we have had many court decisions, we cannot regulate equity.

In order to achieve the concept of equity, we have built a funding model in Wyoming that provides the same dollar amount for each student and then, depending on unique local demographics, that amount is adjusted.

Several years of debate, discussion and hearings have resulted in a product that we now believe is equitable, yet it defies a concrete definition. After all of those adjustments, we arrive at a dollar amount per student as the basis for comparison. It ranges from a low of $7,009 per student to a high of $14,715. Those calculations are based on data, and they are applied uniformly to each student.

As we have struggled to provide equity and adequacy in Wyoming, we have a variation of spending per pupil of 25 percent. We have a system that accepts "equal" as meaning something far, far different than "the same."

In Cheyenne, WY, where the students receive the lowest dollar per student, Central High School offers 225 courses, including over 13 advanced placement courses. Wheatland, a rural district 80 miles away, receives almost $1,000 more per student, yet it offers only 100 courses for high school students. In Wheatland, the high school does not offer advanced physics, but you can take advanced studies in Shakespeare.

Is this an equitable system? I would suggest to you that based on my experience, it is. The residents of these Wyoming communities would tell you that the students in their schools are receiving an education that is, in the words of the Wyoming Constitution, "complete and uniform, proper and adequate."

Last winter, this Congress passed sweeping Federal reform designed to address the needs of both Los Angeles and Wyoming in the No Child Left Behind Act. I know that you spent a lot more time worrying about what happens in our largest cities, but thanks to Senator Mike Enzi, you also spent time wondering about what happens in rural Wyoming communities.

I am here to tell you that No Child Left Behind will work in Wyoming. It will work with flexibility, with hard work, and the utilization of scientifically-based programs. With No Child Left Behind, you have already taken enormous steps to assure equity, adequacy,

and the opportunity for all learners. Make no mistake—States, districts, and schools will labor intensively to comply with these new provisions. For the first time in our Nation's history, we as educators and administrators will be responsible for the real achievement of all students. We will have to deliver. I embrace this opportunity.

All 50 of our Nation's chief State school officers are painfully aware of the unacceptable gap in achievement between advantaged and disadvantaged students. In each of our States, plans are already underway to address these issues. Provisions of No Child Left Behind will assure goals, indicators, and targets. The elimination of this gap stands as our number one priority.

As you look at the Federal role in assuring equity, let me encourage important restraint. No Child Left Behind takes the Federal Government into uncharted territory. Let this law work. Federal funding has always targeted our most needy populations of students. Whether it is Title I, school nutrition, or IDEA, your goal has always been in supplement and not supplant.

Please bear in mind that the Federal contribution, which has increased from 6 to 9 percent due to the commitment of our President, George Bush, is still a very small proportion of total education expenditures. This agreement between the Federal Government and the States has kept an important balance in the local traditions and the national importance of education.

We implement these laws, and we accept the burden of rules and regulations and paperwork because we know that in most cases, this increases opportunities for our students. No Child Left Behind will strain that. And we will accept these new laws because we see the wisdom behind them.

As you consider the guarantee of equity in education, please bear in mind the wonderful progress that is offered by No Child Left Behind. Please continue to honor the historic traditions of local control and of States' rights. Please recognize the wonderful work that is being done this very day by States and local districts to implement No Child Left Behind and to guarantee opportunity for all students.

Thank you.

[The prepared statement of Judy Catchpole follows:]

PREPARED STATEMENT OF JUDY CATCHPOLE

Good morning, Mr. Chairman, members of the committee. Thank you for this opportunity to provide perspective on this morning's topic, providing equal opportunity for education.

I am currently serving in my 8th year as Superintendent of Public Instruction for the State of Wyoming. Thanks to Senator Mike Enzi, I am confident that each of you knows about our State. We are one of those square States west of the Mississippi. It may surprise you to learn that the evolution of education equity in Wyoming mirrors the developments in other States. What we have learned over the past several years in education is that we face many of the same challenges. Surely, we all have the same goals for our children: We want our schools to produce lifelong learners, contributing citizens and productive workers.

The "how" of reaching that is a question we have grappled with across State boundaries and across economic barriers. The question of equity becomes more complex as we debate and discuss the issue. And again, events in Wyoming are so very similar to those in other States, I shall use us as an example.

As we sit here today, some 43 States find themselves in some phase of litigation of education equity and school finance. The Supreme Courts in 19 of those States

have found school funding systems wholly unconstitutional. The spectre of litigation lingers in States and districts all across our country.

And so it is in the State of Wyoming, where over 20 years ago our Supreme Court first ordered an "equitable" system of funding schools. At that time, in our State and around the Nation, equal dollars were assumed to mean equal education. That proved to be an erroneous assumption, and in 1995 the Wyoming Court moved—as have other courts in the last decade—to a position that looks at both equity and adequacy in determining whether or not a child has equal access to education.

While the United States Constitution is silent on the right to a public education, the Wyoming Constitution is not. Indeed, our constitution has established education as a right of all citizens. Oh, that our founding fathers might have envisioned what words such as "complete and uniform" really mean in 2002. Our constitution requires a "proper and thorough" education, allowing those words to define themselves over time.

We have embraced the direction of our State's constitution, and as times have changed, so have we. And as times have changed, we have realized that the concept of "equity" is not easily defined. Though we have court decisions coming upon court decisions, we cannot regulate this concept. In the world of schools, from the inner cities (which Wyoming has none of), to the remote outpost (and we have several), each school is full of individuals. Each of those individuals brings a unique contribution to the mix.

In order to achieve the concept of equity, we have built a funding model that provides the same amount for each student, and then depending on unique local demographics, that amount is adjusted. Several years of debate, discussion, hearings have resulted in a product we believe is equitable, and yet it defies a concrete definition.

After all those adjustments, we arrive at a dollar per student as the basis for comparison. It ranges from a low of $7,009 per student in Cheyenne (which is where our largest district is located) and goes to a high of $14,715 per student in Arvada/Clearmont a small community in the northern part of our State. Those calculations are based on data, applied uniformly to each student. And yet, we all ask is it "fair" to provide $7,500 more for that student in Arvada/Clearmont?

As we have struggled to provide equity and adequacy in Wyoming, we have a variation of spending per pupil of 25 percent. We have a system that accepts "equal" as meaning something far different than "the same."

In the aforementioned community of Cheyenne, where the students receive the lowest dollar per student, Central High School offers 225 courses, including over 13 advanced placement classes. Just 80 miles up the road, Wheatland, Wyoming is a rural farm community. That district receives almost $1,000 more per student. That high school offers about 100 courses for those students. In Wheatland, the high school does not offer advanced physics, but you can take advanced studies in Shakespeare.

Is this an equitable system? I would suggest to you, based on my experience that it is. The residents of these Wyoming communities would tell you they believe their local schools are good ones, and that the students in their schools are receiving an education that is, in the words of our Wyoming Constitution "complete and uniform, proper and adequate."

This is a time in our country when the focus in all 50 States is on ensuring that all students have access to an adequate education. My counterparts in the other 49 States struggle daily with this challenge. We share a united sense of purpose. We have found that many processes indeed lead to increased student achievement. Yet, we also know that the paths we take to provide equal opportunity rely entirely on the individual needs of our students.

We have grown over the past decades. We now fully understand that a check list on inputs and rules does not provide adequacy or equity. States have discovered that an appropriate blend of accountability and flexibility is needed to provide opportunities for children.

This Congress took an important step last winter, with the passage of the "No Child Left Behind Act." In exchange for valuable Federal dollars, States are expected to develop the research-based systems that truly lead to student achievement.

In accepting the needed Federal funds, we accept the responsibility for implementing those systems. And rounding out the partnership, we have been given some flexibility in determining how we will meet the goals of the Act.

Just as the status of school finance litigation has evolved to a consideration of the adequacy of education, so has the role of the Federal Government in recognizing that individual States, and local districts must be empowered to make good decisions about how students learn.

Some of you may have heard Wyoming's former Senator Al Simpson refer to our State as "the land of high altitude and low multitude," and indeed it is true. Spanning some 97,000 square miles, with a population of just under 500,000, Wyoming is home to 382 schools and approximately 87,000 students. In 38 Wyoming towns there is a single elementary school.

Last winter you passed a sweeping Federal reform designed to address the needs of both Los Angeles and Wyoming. I know you spent a lot more time worrying about what happens in our largest cities. Thanks to Mike Enzi, you also spent time wondering about what happens in a rural community. I am here to tell you that "No Child Left Behind" will work in Wyoming—with a lot of hard work.

Even as we speak, States are submitting their initial plans on implementation of that new law. Each plan is based on the specific needs of the schools and students within the boundaries of each State. With that law, you have already taken enormous steps to assuring equity, adequacy and the opportunity for all learners.

Make no mistake: States, districts and schools will labor intensively to comply with the new provisions. Some will fall short, and there are consequences when that occurs. For the first time in our Nation's history we, as educators and administrators, will be responsible for the real achievement of all students. We will have to deliver. I embrace this opportunity. Knowing that this is a process that will truly make a difference for the students in the classroom, I am willing to accept the great changes and challenges inherent in that law.

All 50 of our Nation's chief State school officers are painfully aware of the unacceptable gap in achievement between advantaged and disadvantaged students. In each of our States, plans are already underway to address these gaps. Provisions of "No Child Left Behind" will assure goals, indicators and targets. The elimination of this gap stands as our number one priority.

One key element in assuring equal opportunity is the move to assure that every child is taught by a qualified teacher. Clearly, improving teacher quality is a major initiative in all 50 States. School districts must be able to hire and retain talented individuals to teach in our classrooms.

And again, no single method, rule or regulation will assure qualified teachers. A nationwide discussion of teacher shortages reveals certain specifics about this problem. There is no general shortage of teachers. There are indeed shortages in specific content areas such as math, science, special education, bilingual education and technology education. There are shortages in certain locations such as low-income urban and remote rural schools, and in fast growing districts of the southern and western United States.

No single Federal policy can address these specific needs. Instead, the answer lies within local boards and the ability to pay more for teachers in hard-to-staff schools; and in the ability to retain the teachers in those schools.

We frequently hear about the need to assure equity in the availability of technology. Yet, the use of technology in the delivery of education is best under certain circumstances and with specific types of students.

As you look at the Federal role in assuring equity, let me encourage important restraint. "No Child Left Behind" takes the Federal Government into uncharted territory. Let this law work.

And bear in mind the historic role the Federal Government plays in providing educational opportunities. Using the tried and true, "carrot and stick," the Federal Government provides needed financial resources, but with "strings attached." While the Federal contribution is welcome, bear in mind that it contributes just 9 percent of the resources in schools.

States have accepted the responsibility of educating students and welcomed the opportunity to provide lifelong skills and learning. What we know about "what works" in our schools has come as a result of local and State initiatives.

Federal funding has always targeted the most needy populations of students. Whether it is Title I, school nutrition or IDEA, your goal has always been to "supplement and not supplant." This agreement between the Feds and the States has kept an important balance in the local traditions and the national importance of education.

In recent decades you have been an important partner with the States in creating open doors for all children. I will share gently that you have also opened the doors on an incredible bureaucracy. Back in the square States, and in the triangle States, and the just plain strange States, we labor under the rules and requirements of the Federal Government. We implement these laws and accept the burdens of rules and regulations because we know, in most cases, that these increase opportunities for children. "No Child Left Behind" will strain that. And we will accept these news laws because we see the wisdom behind them.

As you consider the guarantee of equity in education, please bear in mind the wonderful progress offered by "No Child Left Behind." Please continue to honor the historic traditions of local control and States' rights. Please recognize the wonderful work being done by States and local districts to guarantee opportunity for all.

Senator DODD. Thank you very much, Ms. Catchpole.

Mr. Price, thank you for being here.

STATEMENT OF HUGH B. PRICE, PRESIDENT AND CHIEF EXECUTIVE OFFICER, THE NATIONAL URBAN LEAGUE, NEW YORK, NY

Mr. PRICE. Thank you very much, Senator. I would like to thank you and Senator Enzi, Senator Wellstone, Senator Kennedy, obviously, and your designated hitter, Congressman Fattah, for having this hearing today. This committee has been a vigilant and vigorous friend of America's children.

I have submitted written testimony, and in a shameless act of self-promotion, I would like to submit for the record an advance proof of a book I am going to be publishing at the end of August titled,"Achievement Matters." I could not resist that.

Senator DODD. I will not put the whole book in the record, but we will take note of it—with copies for all the Members who are here, of course. [Laughter.]

Mr. PRICE. I will do that.

The National Urban League is the oldest and largest community-based movement empowering our folks into the economic and social mainstream, and our more than 100 affiliates work vigorously to help ensure that our children are well-educated, because we believe as you do that education opens the door to the American mainstream.

When I and many of us in this room were growing up in the 1940s and 1950s, roughly 80 percent of all the jobs in the U.S. economy were either unskilled or semi-skilled jobs. We did not worry about leaving no child behind, because there was a place for them in the U.S. economy, whether they were well-educated or not.

But today, 85 percent of all jobs are skilled or professional jobs, and therefore, education is critically important to economic success. What we have not done and what this is a struggle to do is to bring reality on the ground in our schools in line with the rhetoric that we will leave no child behind.

We know from the National Assessment for Educational Progress that nearly two-thirds of our children in the fourth grade are reading below basic, which is not a sustainable situation, and that is why we at the Urban League have launched our Campaign for African American Achievement, to spread the gospel of achievement among our children. We have teamed up with Scholastic Magazine to create a guide called "Read and Rise" to help empower parents to know what they can do to ensure that their children are proficient readers.

I want to salute President Bush, Senator Kennedy, all the members of the committee, and Secretary Paige for the bipartisan spirit that led to the passage of the Leave No Child Behind legislation. This is a very important leap forward in Federal leadership on this issue.

Our view, frankly, is that vigorous Federal leadership and pressure on every other player is critically important. We believe that education is a Federal issue; it is a national issue. A child educated in Wyoming is just as likely to end up in Atlanta, and therefore, the State of Georgia has a much interest in the quality of education in Wyoming as Wyoming does. We think that the U.S. economy is contingent on and dependent on high-quality education across the country, so we believe that there should be no shirking on this issue, and I am delighted with the leadership that this committee has provided.

The challenge now is to match the aspirations of the Act with the appropriations, and frankly—and I am where Congressman Fattah is—I think the equalization debate or the equity debate is critically important, but I think we almost have to call and raise that debate and ask the question, what is required in order to do what must be done to make sure we do not leave any children behind, and to do so with dispatch, not with all deliberate speed.

Urban and rural school districts with the greatest number of kids who are at risk of being left behind have the least capacity financially to make certain that they are not. These districts are tax-poor, as we all know, and the States by and large have not equalized funding despite decades of litigation and favorable court decrees. We all know that there are substantial correlations between levels of school funding and school success.

I think the discussion of the $5 billion that is part of the legislation and the debate over whether or not it will be there for me is the starting point of this conversation, not the ending point.

What is necessary in order to get the job done? I think we know that we have to expand our quality child care for children. There have been debates, and we have been pushing coverage of Head Start; we have got to continue to push. We also have to be sure that there is high-quality child care with appropriate doses of preliteracy preparation for the children of parents who are cycling off public assistance and moving into the labor force. Otherwise, custodial care for their children just repeats the cycle.

Second, there has to be an intense emphasis on and full funding of the efforts to promote early literacy, with instructional approaches that are substantiated by research, reading specialists in all of the classrooms, and community mobilization efforts to make sure parents know what they have to do.

We have to have high-quality teachers for all children. In New York City, the schools with the lowest scores on State exams have the highest percentage of uncertified teachers, and the suburbs of New York pay about 25 percent more than New York City does.

I just came up from Nashville this morning, and the fellow who was driving us around there said that he and his wife are about to move from Nashville to Ridgefield, CT, because his wife is a Spanish teacher, and she is going to make so much more money in Ridgefield that it makes sense for them to uproot the entire family. That is Nashville's loss, obviously, and Ridgefield's gain. But it illustrates a point about how we have to think about teachers, and that is that we cannot think about it as a musical chairs, competitive, free market game. Our view is that we have got to pay teachers like professionals, and I see no reason why young teachers

should not be paid in the same way that young lawyers, young accountants, and young M.B.A.s are. If we want more high-quality, motivated people in the profession, we have got to pay them like professionals, and that is going to cost money.

We have to invest in extensive professional development for teachers, which requires fewer classes that they teach every week, more planning time, et cetera.

We need intensive interventions for young people who, as a result of the diagnostic power of these tests, are at risk of falling behind. And summer school is not the answer. Just as the private sector has undertaken what might be called just-in-time inventory management, we need just-in-time interventions the moment we see that a child is at risk of falling behind. That costs money.

We need new public school models for kids. In Senator Kennedy's district in Springfield, our Urban League is partnering with the Massachusetts National Guard, and they have created the New Leadership Charter School which, in just a few years, is one of the highest-ranked schools in the City of Springfield. It has a longer school day—it goes half-day on Saturday. It goes about 2 dozen more days during the school year. That costs money.

We need smaller schools. We have got to break up these mammoth, anonymous schools, whether it is new buildings or decentralizing or condominiumizing these massive middle schools and high schools, because the Bank Street College Study shows that there are substantial benefits that accrue from smaller schools. And we have to dramatically expand after-school programs for kids. We know that that helps to reduce their propensity to engage in teen crime and teen sex, and that there are academic gains that are quite significant.

So I would urge you to do everything in your power to match the appropriations to the aspirations under the act. In health care, there is a favorite saying that "an ounce of prevention is worth a pound of cure." We seem to have a blank-check attitude toward criminal justice in this country but are rather stingy when it comes to education. In our view—and I do not know the proper ratio, but I will make one up—$1 of education is worth $10 of imprisonment.

Thank you very much, Senator.

Senator DODD. Thank you very much, Mr. Price. We appreciate your testimony.

[The prepared statement of Mr. Price follows:]

PREPARED STATEMENT OF HUGH B. PRICE

The Urban League is the nation's oldest and largest community-based movement devoted to empowering African Americans to enter the economic and social mainstream.

The Urban League movement was founded in 1910. The National Urban League, headquartered in New York City, spearheads our non-profit, non-partisan, community-based movement. The heart of the Urban League movement is our professionally staffed Urban League affiliates in over 100 cities in 34 States and the District of Columbia.

The mission of the Urban League movement is to enable African Americans to secure economic self-reliance, parity and power and civil rights. We thank the Senate, and the chairman in particular, Senator Kennedy, and Senator Dodd for this opportunity to share the thoughts of the League on this important topic.

The National Urban League is pleased that the President and Congress have made education a priority. We are concerned however, that education funding continues to be unequal between poor and wealthy school districts.

1. FACTS ABOUT SCHOOL FUNDING

• It is well researched that school funding affects students' ability to succeed academically. Students in under-funded school districts routinely score lower on standardized tests than do students in well-funded districts.

• Throughout the United States, there exists substantial variation—both across and within States—in per-pupil expenditures in elementary and secondary education.

• Perceived inadequacies in the amount of funding provided for education, and concerns about the equity of its distribution, have led to education finance systems being challenged in the courts in many States, mostly on State constitutional grounds.

• While much of the responsibility for resolving education policy issues has been relegated to the States, the Congress has identified a Federal role in influencing the amount and the distribution of education expenditures across school districts.

• The "No Child Left Behind Act" requires the States to adopt a specific approach to testing and accountability, intended to lead to higher achievement for all children. The legislation sends the message that the Federal Government will be assuming a more forceful role in elementary and secondary education, one that makes unprecedented demands on States and local school districts to raise academic achievement and take direct action to improve poorly performing schools. In exchange for meeting the new demands, poorer school districts will receive additional Federal funding, and all States and school districts will have greater flexibility in how they use Federal funds.

• But, the new law has not given States, students, teachers, parents and community-based organizations everything that is needed for our children to have a fair shot at succeeding. Even with the passage of the historic education bill, the education our children receive is not on par. The problem continues to be with the "tough love" approach that many States have already implemented with carefree abandon.

• The question I ask of elected officials who are so obsessed with tougher standards and standardized tests, is whether their focus is just as intense on what it takes to help meet the higher expectations.

2. LOOKING AT INEQUALITY IN SOME STATES

I have attached two figures to give examples of the size of inequality in per-pupil expenditures in four States, represented here on this committee: Connecticut, Massachusetts, Ohio and Tennessee. The range of resources available in the current operating budgets between school systems, however, can mask a key variable—depreciation. Urban sprawl brings with it the construction of brand new school buildings; buildings that because of their newness have high depreciation, versus the aging infrastructure in too many cities, where fully depreciated school buildings have no value. With the presence of technology, and the need to have technologically-ready buildings, the rate of depreciation has accelerated. Of course, many cities know this all too well—at least from professional sports team owners who want 20 and 30 year old stadiums torn down for brand new facilities.

But, I will keep to showing the differences in current expense per pupil. Figure 1 shows the range from the lowest to the highest per pupil expenditure among districts in each of the four States. It also shows the average, or mean per pupil expenditure, and the median (half the districts spend more, half spend less). The range, from high to low, in Massachusetts and Ohio is more than twice the mean expenditure of districts in the State. An easy way to summarize the amount of inequality is to compare the variance, or average distance from the mean, as a ratio to the mean. This way, inequality is expressed as a percentage of mean per pupil school expenditure in the State. Viewed in that relative way, the amount of inequality is greatest in Massachusetts, and least in Tennessee, among the four States of Connecticut, Massachusetts, Ohio and Tennessee.

Why is inequality between school districts in a State a civil rights issue? Because school districts within States not only vary by expenditure per pupil, but they also vary in the racial composition of the school districts. By using the coefficient of variation to measure the school expenditure inequality in a State, it is easy to decompose that variance into a portion that follows the variation in the racial makeup of the State's school districts, and a portion that does not.[1]

[1] The National Urban League Institute for Opportunity and Equality did this work. The current expenditure per pupil cost was regressed on the percentage of non-white students in the school system, weighted by the square root of the number of students in the school system. The variance of that measure of racial composition can be shown to be a form of the S index, a com-

Figure 2 shows the extent to which the differences in the racial makeup of the school districts can be said to explain, or accompany, differences in per pupil expenditures. Among the four States, Ohio, where the level of segregation between the school districts accounts for 45.1 percent of the variation in per pupil expenditures, is where there is the strongest relationship between the racial composition of the school district and per pupil school expenditures. Tennessee, where the figure was 12.7 percent, has the weakest relationship between the racial composition of the schools and per pupil expenditures. Connecticut and Massachusetts were in between those two States.

Data for other States could have been shown. This was just to highlight how there can be a relationship between differences in the racial makeup of school districts and their resources. What we must strive to do, of course, is to fight this unequal distribution of opportunity for America's children. But, we must also remember the unfortunate way that inequality may accompany some of the persistent disparities between the races.

3. FEDERAL FUNDING UNDER THE "NO CHILD LEFT BEHIND ACT"

Under the "No Child Left Behind Act," significant new assessment and accountability requirements will be imposed on schools. The schools that may have the greatest difficulty meeting the new Adequate Yearly Progress requirements will likely be Title I schools. In addition, all of the sanctions for failing AYP apply only to Title I schools. But, this should not be. Federal sanctions for local schools should be tied to holding States and school districts accountable for all their children, in all their schools, not just sanctions for Title I funds to Title I schools. The Federal sanctions will be imposed on Title I schools for failing to meet its State set standards. Yet, Federal funds are not withheld when States fail to meet their State Supreme Court orders to equalize funding and educational opportunity. Also, a portion of Title I funds will be used for transportation for school choice and supplemental services, reducing the levels available for instructional improvement. New teacher quality requirements will be imposed, starting with Title I schools in the upcoming school year. Finally, Title I paraprofessionals are now subject to strict new quality standards.

However, the Federal Government only provides enough funding to fully serve 40 percent of eligible students. For fiscal year 2002, the average funding per Title I child is $1,020. The "No Child Left Behind Act" unfortunately did not authorize moving to fully funding for Title I. Still, an increase of $5.65 billion is needed above the fiscal year 2002 appropriations amount to reach the fiscal year 2003 "No Child Left Behind Act" level, and another $2.24 billion to get on a path to fully fund Title I in 10 years. That level of funding represents the promise made to our children, and must be kept.

Title I funds could be used to expand pre-K programs, increase and improve professional development for teachers and training for paraprofessionals, and generally improve the quality of instruction. The "No Child Left Behind Act" was the culmination of well meaning compromises on all sides. Walking away from the commitment to fully fund the Act is, at best, disingenuous to that effort.

4. NATIONAL URBAN LEAGUE'S REFORM AGENDA

Here is the National Urban League's reform agenda aimed at transforming all urban schools into high performing schools:

A. Assert No-Nonsense State Leadership and Responsibility

Urban and rural children are caught in an unconscionable trap between lofty standards and lousy schools. I say the trap is unconstitutional as well. Why? Because it's the States that set the standards. It's the States that bear ultimate responsibility for low-performing public schools. It's the States that tolerate stark differences along ethnic and socioeconomic lines in school facilities, academic tracking and teacher quality.

States claim they cannot afford to invest more in urban and rural schools. That's baloney. They are squandering billions of dollars annually to incarcerate thousands of nonviolent offenders who aren't a menace to anyone.

Conventional wisdom holds that public education is a local responsibility. I don't buy that argument either. Chances are that children raised on farms in Idaho will

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monly used measure of segregation. So, the correlation between that measure of the racial composition of the schools and per pupil expenditures decomposes the variance in school inequality to yield a component related to segregation between school districts.

manufacture Saturn automobiles in Tennessee. Youngsters reared in Chattanooga will become investment bankers on Wall Street.

Society has a compelling interest in the quality of America's high school graduates that justifies aggressive leadership by States and by the Federal Government.

No longer should poor and minority children be held hostage to communities with low tax bases, with weak commitments from States to provide quality education, and skinflint taxpayers who oppose providing equal and adequate support for all schools in their State.

No longer should unqualified teachers, outdated books, over-crowed classrooms and crumbling facilities and abandoned communities, stunt the untapped potential of our young people. We cannot afford to be so cheap.

Having imposed high standards on all children, the Government now has the moral, financial and legal obligation to guarantee high quality education for every child.

B. "Professionalize" the Teaching Profession

The hidden scandal behind those lousy test scores is the poor quality of teachers in many urban schools. After all, as one State education official said: "Students cannot learn what teachers don't know."

Thousands of eminently qualified motivated teachers do a marvelous job in urban schools. But the undeniable reality is that in New York City, for instance, the schools with the lowest scores on the State exams have the highest percentage of uncertified teachers. In fact, according to the National Alliance of Black School Educators, of the 80,000 teachers teaching in New York City, 13,000 are uncertified and are teaching in low-income districts.

These schools also have more teachers who barely made it past the State certification exams. Compounding the problem is the fact that surrounding suburbs pay starting teachers 25 percent more.

Given the projected shortage of principals and teachers due to retirement, plus the urgent need to increase teacher quality in urban and rural schools serving low-income children, the compensation offered education must be improved dramatically in order to create a strong demand for these jobs.

One thing that would help is to increase salaries to levels comparable with other professions. If education truly is as important to society as we say, why not offer young graduates with masters' degrees the same initial salaries as young MBAs, attorneys and engineers? Since most urban and rural districts are strapped financially, the Federal and State governments should take the lead in financing the economic incentives needed to attract stronger educators to these school districts.

C. Challenging Courses for All

When I was growing up, the teachers in my schools focused on educating a small proportion of pupils well. The economy needed a few managers and lots of laborers and factory workers. As a matter of equity and economic necessity, we expect all students today to meet lofty standards.

Yet our school systems are mired in obsolete and elitist thinking about which students are capable of achieving at high levels. It's as though deep in their hearts, they believe the thoroughly discredited thesis of the borderline racist book, "The Bell Curve."

How can black and Latino children possibly meet exacting academic standards when they're systemically excluded from rigorous courses geared to those standards?

According to the Education Trust, high scoring white and Asian students are twice as likely as high scoring African American and Hispanic youngsters to be assigned to college prep courses. Those miserable test results in New York City have served also to expose the widespread pattern of tracking young minority children into basic and special education courses.

School districts must cease these discriminatory educational practices towards African American, Hispanic and other children of color. Washington should not only sanction school districts that do not meet the State performance objectives. Washington should increase Federal assistance for those school systems that:

- End tracking of African American, Hispanic and other children of color into dead-end, non-college preparatory courses, to increase their offerings of Advanced Placement Classes, or reward States that actively encourage districts to increase such classes;
- Create programs of intervention and prevention of reading deficiencies to insure that children are not disproportionately placed in special education classes.

D. Close the Gap

We should not stop at Title I funding, though. The gaps in achievement begin earlier. There must be ways to help children transition from home to school. And this

means building the blocks for early literacy. When I say we all should focus on early literacy, I mean we should make certain that every child can read, write and compute at grade level—or better—by the time she or he graduates from elementary school. So, we acknowledge and appreciate the $1 billion request to support scientifically based early reading programs. But, that is only part of the bill due. We must also provide the needed funding for quality child care to make any proposals to reauthorize the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 a real chance for poor children to succeed.

Parents can start their children out on the right track by enrolling them in high quality preschool programs and childcare that prepare them for reading. They shouldn't settle for babysitting or custodial care. Let's ensure that every Headstart program, preschool center, day care program and K–5 charter school is deeply committed to early literacy and has the skilled faculty, curriculum and, in the final analysis, results to prove it. Agencies that work with parents and caregivers, whether in parenting programs, job training centers or digital campuses, should impart an understanding of the importance of early literacy and help equip them for the critical role they must play.

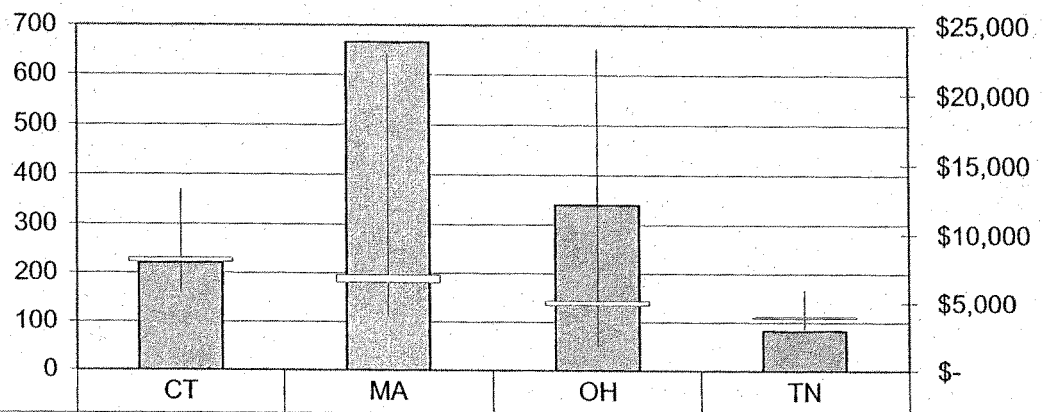
The National Urban League has teamed up with Scholastic, the world's largest publisher of children's books and magazines, to create a guide for parents on how to help children become good readers. The guide is called "Read and Rise" and it's chockfull of practical tips that really work. You can get it through the Urban League or from Scholastic. You can get it online at the National Urban League website at *www.nul.org/readandrise* and on Scholastic's website at *www.scholastic.com/readandrise*.

We're determined to saturate our community with Read and Rise. We've started out by distributing 250,000 copies. Urban League affiliates are getting it out to parents and caregivers in their programs.

The National Urban League is committed to America's children having the education opportunities they need. But, we must have the Federal Government equally committed. We cannot tolerate high dropout rates in any community, and support the targeted efforts to reduce the unbelievably high Hispanic dropout rates. We cnnnot tolerate leaving children behind because we cannot address limited English proficiency, or accommodate the needs of students from our growing melting pot. We cannot leave America's children in any trap set by adults.

Thank you.

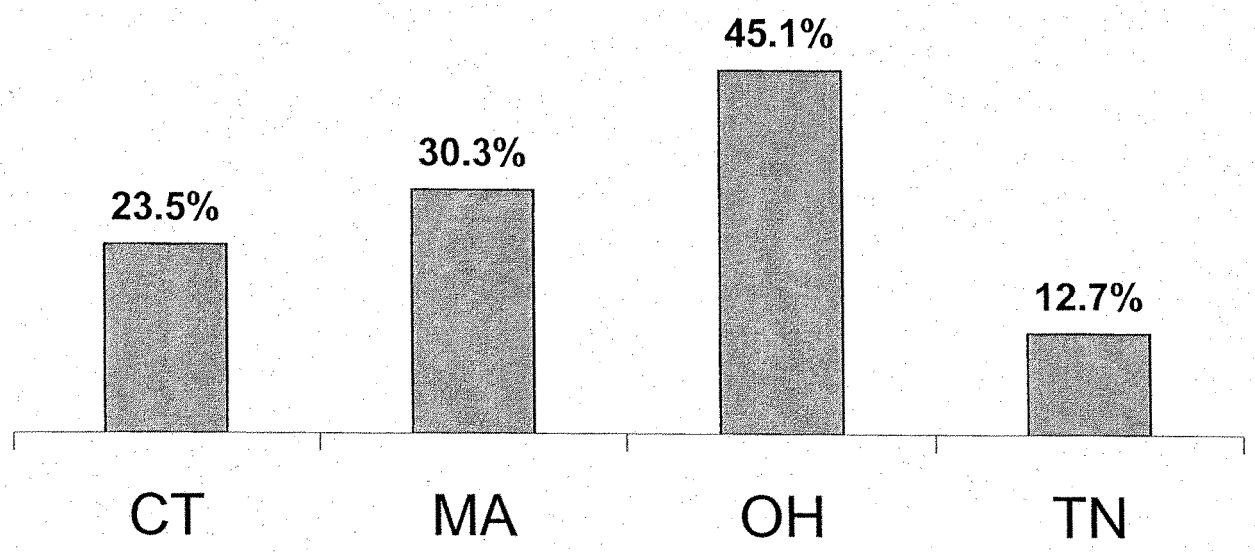
Figure 1. What is the Level of Inequality?



	CT	MA	OH	TN
Coefficient of Variation	220	665	340	83
Median	$7,919	$6,414	$4,808	$3,856
Max	$13,210	$22,981	$23,315	$6,019
Min	$5,652	$3,981	$1,762	$3,057
Mean	$8,240	$7,019	$5,148	$3,991

Source: National Urban League Institute for Opportunity and Equality; computed using data from the National Center for Education Statistics

Figure 2. Percent of Per Pupil Expenditure Explained by Racial Segregation Between School Districts



Source: National Urban League Institute for Opportunity and Equality; computed using data from the National Center for Education Statistics.

Senator DODD. Mr. Rebell, thank you for being here.

STATEMENT OF MICHAEL A. REBELL, EXECUTIVE DIRECTOR AND COUNSEL, CAMPAIGN FOR FISCAL EQUITY, NEW YORK, NY

Mr. REBELL. Thank you very much, Mr. Chairman.

In my testimony, what I would like to do is highlight and go into a little more detail on a couple of themes that have been raised by the members and others who have testified this morning.

The first is the stark fact which was well-illustrated by Senator Dodd's chart that he put up at the beginning of the hearing, that in the United States of America today, the reality is that children with the greatest educational needs on average receive fewer resources than children with lesser educational needs. In a democracy of the 21st century, quite frankly, I think that that is a scandal. We are the only large industrial nation that reflects that pattern, and clearly, something needs to be done about it.

This is not a new problem. This body has been aware of it. The Federal courts and the State courts have been aware of this issue for decades, and there has been progress, and let us acknowledge that.

But I think we have come to a point, as Congressman Isakson was saying, that there has to be a new look here at a Federal–State partnership and a new focus on the problem that so many speakers have already identified, that the No Child Left Behind Act has given us a very clear framework on what the goals are, how we can assess whether students are meeting those goals, but the core accountability here is not necessarily the children's test scores—it is whether both the State and Federal Governments are going to provide the resources that allow all children to have a fair opportunity to reach that goal.

I would like to acknowledge both the progress that has been made in the No Child Left Behind Act on a bipartisan basis by President Bush and by all Members of Congress. I want to specifically express my appreciation for the work of this committee in the amount of funding that was provided for Title I last year, and for Senator Dodd and Senator Kennedy and others, who I know worked so hard to get that targeted funding and the education finance incentive grants, which are a real start in the right direction on what needs to be done.

But obviously, there is a need for a lot more to be done. In thinking through where to go on this, the fact that we have had litigation, as Ms. Catchpole put it, in 43 out of the 50 States over the last 30 years really provides an empirical groundswell of data and information not only on what the problems are but on what can be done about these problems.

There has been litigation in virtually every State of the Union, and they have served an enormously beneficial purpose. The litigation in the State of Connecticut, for example, the *Sheff* case, really highlighted the extent to which, almost 50 years after *Brown* v. *Board of Education*, the racial disparities in education remain enormous, and the concentration of poverty and minority students in large city districts has not been dealt with in any forceful way.

I think the litigation in Senator Enzi's State, the Wyoming litigation, has gone the furthest of any State in the country in showing us a direction for remedying these types of conditions because the kind of detailed costing-out methodology that the Senator and Ms. Catchpole alluded to is really the direction in which I think all States need to go, in order to put a focus on exactly what the disparities are and what are the resources needed to overcome the disparities, in order to give all children an opportunity.

I know it has been a complex task. I know the *Campbell* case was first decided in 1995, and it is now 7 years later, when you seem to have come to a point where most—not everybody is ever going to be satisfied—but most people think that Wyoming has come up with an equitable approach.

I take note of the fact that in the neighboring State of Maryland, right in shooting distance—that is the wrong word; I am sorry—in hailing distance of where we are at the moment, there recently was another well-conceived educational reform that was based on a similar methodology of trying to determine precisely what resources are required to provide the key elements of education to all students throughout the State. I think this is consistent with the kinds of concepts that Congressman Fattah was talking about. He laid out seven areas of major resources that all children should be entitled to. That kind of analysis is the starting point of the methodologies they have used in Wyoming and Maryland to try to hone in on precisely what amount of dollars is needed to reach those goals. And as we have seen in Wyoming, it may be that because of the cost-of-living, the price of milk, whatever it is, in different areas of the State, you will not wind up with exactly the same amounts. It may be that to meet the needs of students with special circumstances, you are going to have to have extra funding to provide more time on task, to provide one-on-one instruction, and the other specific techniques that research and experience have shown really make a difference with at-risk children.

So in the Maryland example, I think the proportion of supplemental funding that was determined through the costing-out methodology was that at-risk children in inner city areas like Baltimore required something like 110 percent additional funding over the base adequacy amount for students in general throughout the State. That recommendation that came through this type of expert analysis was accepted by the Maryland legislature, and their new reform which is going to be phased in over the next 5 or 6 years calls for that type of increased funding to be going to students in Baltimore and other areas throughout the State.

So the methodologies are there. I think that what really needs to be done now from the Federal point of view is to focus on both the need to fund the No Child Left Behind Act, and Title I and the IDEA in particular, up to their authorized levels or in a reasonable phasing approach, to begin the path of full funding of those.

I would like to again emphasize the importance of the targeted concentration grants and the incentive grants in that regard, but I would also ask this committee to consider adding a requirement to the No Child Left Behind Act that would require States to undertake the kinds of costing-out analyses that have been done in Wyoming, have been done in Maryland, and have been done in 10

or 11 other States, so that in the first instance, we have a focus on what the actual needs are in dollar terms, and both the States and the Federal Government can know what it is that needs to be done.

That kind of knowledge allows the public to be aware of the specifics of the issue, to know exactly what resources children in certain areas are not getting and what resources those children will need to meet the challenges of No Child Left Behind and the State standards. It allows Federal funding in future years to be focused on those areas of greatest disparity in particular States, and I think it also puts additional pressure where it should be, on the States in their own internal financial schemes to bring their funding up to a level that provides an adequate education to all of their children.

Thank you.

Senator DODD. Very, very good. Thank you for that testimony as well.

[The prepared statement of Mr. Rebell follows:]

PREPARED STATEMENT OF MICHAEL A. REBELL

Good morning, Mr. Chairman and members of the committee. I am Michael A. Rebell, the Executive Director of the Campaign for Fiscal Equity, Inc., an education finance reform advocacy organization in New York. I am also an adjunct professor and lecturer in education law at Columbia University. I would like to thank you for the opportunity to testify before the committee regarding the pervasive and devastating inequities in educational opportunity faced by millions of low-income and minority students in our Nation's public schools, and the clear links between increased educational equity and higher student achievement.

The Campaign for Fiscal Equity is litigating *CFE* v. *State of New York*, a constitutional challenge to New York State's education finance system. In a landmark decision in January 2001, the trial court ruled that New York's current system of funding schools unconstitutionally denies hundreds of thousands of public school children—mostly low-income, minority students in New York City and other impoverished urban and rural districts elsewhere in the State—of their right to the opportunity for a sound basic education. The court concluded that the inequitable school finance system in New York was depriving the State's neediest students of critical educational resources, including qualified teachers, adequate school facilities, appropriate class sizes, and up-to-date instructional materials and technology.

CFE also operates the ACCESS Education Network, a national network of attorneys, policymakers, researchers, educators, and advocates that monitors school funding reform litigation and advocacy efforts across the country. The project operates a website, *www.ACCESSednetwork.ora*, that has up-to-date information on the history and status of education finance litigations and reform efforts in all 50 States.

In my testimony today, I will first provide a national overview of educational inequities, and the detrimental impact of inadequate resources—both in funding and services—on the educational outcomes of low-income students. Next, I will describe the extensive body of research that has unequivocally concluded that equity in education funding improves educational outcomes, and that money does matter in educating all of our children to be successful, productive citizens. Finally, I will lay out, in broad terms, the role that Congress can take in achieving greater funding and resource equity in every State.

OVERVIEW OF EDUCATIONAL INEQUITIES

SCHOOL FUNDING DISPARITIES

Through inequitable and inadequate funding, our States and the Federal Government have, for decades, consistently left behind millions of low-income, rural, and urban school children as their wealthier peers take full advantage of the educational resources and opportunities that are made available only to them. While qualified and experienced educators, modern school facilities that are conducive to teaching and learning, and basic instructional materials like up-to-date textbooks and science

labs are taken for granted by suburban children and their families, in countless examples across the country, chiidren in rural and urban school districts—disproportionately from low-income, non-white families—can count on none of these to be provided to them in their years in public schools.

In 2001, the National Center for Education Statistics released statistics that confirm that children who go to public schools in central cities in the United States—by and large, the country's most socioeconomically disadvantaged students—attend schools that, on average, have lower per pupil expenditures than non-urban schools. In the 1996–97 school year, per pupil expenditures in urban schools were below both the national average and the average of non-metropolitan public schools, when adjusted using the geographic Cost of Education Index (CEI). The public schools with the lowest poverty levels (less than 5 percent of the student population below the poverty level) had the highest per-pupil spending levels.

In Pennsylvania, for example, the funding of Philadelphia's school district generates per pupil expenditures below the State average and far below the surrounding suburban districts, making it difficult for Philadelphia to compete in the market for qualified teachers, especially since Philadelphia has the State's highest cost of living. In New York City, despite the fact that the city faces the highest regional costs in the State of New York and has one of the highest concentrations of at-risk students, per pupil expenditures in New York City public schools are below the State average and significantly lower than the average in the surrounding suburban counties. In recent years, New York City has spent nearly $1500 less per pupil than the State average, and at least $4,000 less than the average in the nearby suburbs, even though those districts have very low concentrations of at-risk students. In 1998–99 (the most recent year for which data is available), New York City spent $9,623 per pupil, while in nearby Long Island suburbs, Great Neck spent $17,640 per pupil and Port Jefferson spent $21,613 per pupil. In Westchester County, the average per pupil spending was $13,651, with per pupil expenditures in one district exceeding $19,000 per year.

Furthermore, during the 1990s, most increases in public elementary and secondary expenditures went to students in non-urban schools. Between 1991–92 and 1996–97, per pupil spending in central city schools remained essentially flat, with an increase (in constant 1996–97 dollars) of only $45, or less than 1 percent, over that 5-year period. In contrast, per pupil spending in schools outside metropolitan areas increased over 9 percent over the same period. (NCES 2001).

In sum, in contrast to basic principles of democracy and equal educational opportunity, the stark reality in the United States today is that children with the greatest needs are actually given the least resources. The United States is the only major developed country in the world that exhibits this shameful pattern of educational inequity.

What is the cause of these extensive patterns of educational inequity? Much of it surely is the continuing legacy of the dual school systems that in many States had relegated African American students to separate, grossly under-funded school systems before the United States Supreme Court outlawed school segregation in *Brown* v. *Board of Education*. But the problem extends beyond racial segregation. Millions of low-income and rural students also are denied equal educational opportunities, by a system of education finance that relies on local property assessments and local property taxes to fund most educational expenditures.

Residents of low-income school districts around the country, both urban and rural, typically tax themselves at much higher rates than residents of wealthier districts. Because of lower property values and reduced home-ownership in poorer areas, however, the greater tax effort in these communities produces significantly lower revenues. Lower income communities—invariably those with the highest spending needs for education and other important services—simply cannot fund public education at adequate levels; they require State and Federal funding to provide students in these communities with comparable educational opportunities.

Ironically, this inequitable pattern of educational funding has its roots in one of the most notable attributes of the American education system—namely, local control of education. Although local governance remains a viable and significant vehicle for civic participation and commitment to education, the 19th century property-based funding system that continues to accompany it is an unnecessary and unacceptable anachronism in the 21st century. Just as virtually all of the States, with Federal encouragement, have established State-wide academic standards to ensure that all students are educated in accordance with contemporary needs, all of the States, with Federal encouragement, should ensure that adequate resources are in place to ensure that students in every school district have a fair opportunity to meet those standards. State-wide standards for funding adequacy, like State-wide standards for academic performance, need not conflict with continued adherence to the American

tradition of local control of education. On the contrary, fair funding will, in fact, empower many poor school districts, especially in urban and rural areas, and allow them to actually take control of their educational destinies.

FUNDING INEQUITIES ARE A NATIONAL PROBLEM

The basic pattern of severe financing inequities has for decades impeded educational opportunities for low-income children throughout the United States. Almost 30 years ago, at a time when civil rights advocates were realizing that the promise of *Brown* v. *Board of Education* could not be achieved without remedying the huge resource deficiencies in the schools most minority students attended, this issue was brought before the United States Supreme Court. This 1973 litigation, *San Antonio Independent School District* v. *Rodriguez*, starkly illustrated the basic pattern of funding inequities: per capita spending for the largely Latino students of the Edgewood, Texas school district was exactly half the amount spent on the largely Anglo students in the neighboring Alamo Heights school district (even after Federal Title I funding was taken into account), even though the Edgewood residents had assessed themselves a 25 percent higher tax rate. The United States Supreme Court acknowledged and decried this pattern of inequity, but because the court held that education is not a "fundamental interest" under the Federal Constitution, it denied plaintiffs any relief. Since most State constitutions do consider education to be a "fundamental interest" and/or contain specific provisions that guarantee students a right to an adequate education, reformers turned to the State courts. In what has probably been the most extensive area of State constitutional activity in American history, since *Rodriguez* there have been litigations challenging inequities in State education finance systems in 43 of the 50 States.

Overall, plaintiffs have prevailed in a majority of these litigations, especially in recent years. Indeed, since 1989, when the standards-based reform movement began to provide State court judges with "judicially manageable" tools for remedying the patterns of funding inequities, plaintiffs have prevailed in about two-thirds of these litigations. Thus, in States like Arizona, Kentucky, New Jersey, Texas, Vermont and Wyoming, extensive successful reforms have been implemented as a result of plaintiff successes in these litigations. In places like New Hampshire and Ohio, plaintiffs won major victories from the courts, but battles are still raging about the nature of the remedies that need to be put into place. In other States like Illinois, Pennsylvania, Rhode Island, and Virginia the cases were dismissed and the inequitable funding structures remain largely in place. The difficulty of achieving successful reforms at the State level is illustrated by the fact that in some States, like California and Connecticut, where plaintiffs won initial victories a number of years ago, problems persist and new litigations were commenced years after the initial cases had been terminated. Moreover, in other States like New York, North Carolina, and South Carolina, where the defendants had prevailed in the 1980s, plaintiffs who brought new cases in the 1990s have succeeded in getting the courts to reconsider the issues.

In sum, while State courts have effectively remedied persistent inequities in a number of States, from a national perspective the complex and uneven nature of State-level education funding reform remains highly unsatisfactory. Millions of students in a majority of States continue to be denied the type of educational opportunities contemplated by the NCLB Act and in most of these jurisdictions neither the legislative nor judicial branches are acting to correct flawed financing systems. Clearly, persistent and egregious inequities in basic educational funding are a national problem that are inconsistent with the aims of the NCLB—and inconsistent with the effective functioning of our democratic society. Justice Powell's decision for the majority in *Rodriguez* acknowledged that "The electoral process, if reality is to conform to the democratic ideal, depends on an informed electorate: a voter cannot cast his ballot intelligently unless his reading skills and thought processes have been adequately developed."

Because no claim was made in *Rodriguez* that any child was receiving less than the minimum amount of education necessary to attain this level of skills, the Supreme Court did not further consider the issue of whether the exercise of civic responsibilities under the First Amendment to the Federal Constitution would require some level of adequate educational opportunity. The standards-based reform movement and the NCLB Act have, however, now highlighted the issue of adequacy, and have demonstrated that there are feasible methods for assessing whether children are, in fact, receiving an adequate education and the importance of their doing so. Clearly, then, ensuring that all students are, in fact, provided the opportunity for a basic, adequate education has become a national issue, of which Congress must take note.

INEQUITABLE AND INADEQUATE RESOURCES

Teachers

Qualified and experienced teachers—the most important resource in our public schools—are in shortest supply in schools that serve our neediest children. School districts with low teacher salaries cannot recruit and retain qualified teachers, losing the best-qualified candidates to wealthier school districts that can pay higher salaries or to better-paying jobs in other sectors of the economy. Courts in several States have ruled that inequitable outcomes of public school students are strongly linked to high proportions of unqualified teachers—measured in terms of lack of appropriate certifications, poor undergraduate preparation, low performance on teacher certification exams, and high teacher turnover—in low-income urban and rural school districts.

In Arkansas, for instance, a court recently found that ". . . disparity . . . in teachers' salaries . . . are so great that they work to destabilize the education system by driving qualified teachers away from districts where they are most needed. Schools and school districts with more disadvantaged students need more qualified teachers per student. However, the schools with the highest number of disadvantaged students are typicaily the schools which have the lower teacher salaries." For example, 94 percent of the students in the small rural Lake View School District in Arkansas are eligible for free or reduced-price lunches. According to the court, "Lake View provides an example of the limitations of a poor school district . . . Lake View has one uncertified mathematics teacher for all high school mathematics courses. The teacher is paid $10,000 a year as a substitute teacher which he supplements with $5,000 annually for school bus driving . . . In his geometry class he does not have compasses. Only one of four chalkboards is usable. His computer lacks hard- and software . . . and the printer does not work. Paper is in short supply and the duplicating machine, an addressograph, is generally overworked so that frequently documents, including examinations, have to be handwritten on the chalkboard." For Lake View students who do move on to college, "the college remediation rate is 100 percent" because of the grossly inadequate instruction and curriculum available to them in high school.

Within New York State as a whole, according to the New York State Board of Regents, African American and Latino students are taught by the least qualified and most inexperienced teachers. Seventy-three percent of all minority public school students in New York State are enrolled in New York City public schools. New York City provides a classic example of the least-qualified teachers being put to work in the most challenging conditions in public schools in the State. The court, in 2001 in *CFE* v. *State* found that 13.7 percent of New York City's public school teachers were uncertified, compared with only 3.3 percent of those in the rest of the State. The Court also took note of a study which indicated that 31.1 percent of teachers newly employed in New York City had failed the basic liberal arts State certification test at least once, compared with 4.7 percent in the rest of the State, and that 42.4 percent of the math teachers currently teaching in New York City's public schools had failed the math content test for certification at least once.

The cause of this is no surprise. Salaries in the surrounding suburbs are 20–36 percent higher than those paid in the city, according to figures cited by the court. The result of this, year after year, is the same, as New York City and other low-wealth urban and rural districts face a chronic teacher shortage and are forced to fill thousands of slots with uncertified and under-qualified candidates. The *New York Times* reported just last week that for the 2001–2002 school year, only 27 percent of the 7,405 new teachers hired bay the New York City public schools possessed traditional certification. Another 23 percent possessed the less-stringent alternative certification, but a full half of all new teachers hired this year possessed no certification at all and many of them lacked requisite course work or had failed the State certification exams.

In North Carolina, the trial court in *Leandro* v. *State* recently found that the criteria needed to provide at-risk students with the equal opportunity to obtain a sound basic education are: effective, competent, and motivated principals; highly quality teachers who teach in their fields of expertise, safe and orderly school environments; high expectations of teachers and students; ongoing professional development for teachers; and smaller classes in early grades for at-risk children. The court cited the North Carolina Commission on Raising Achievement and Closing Gaps (the "Bridges Commission"), which concluded: "Most policymakers, parents, educators, and researchers now generally agree that nothing is more closely tied to student achievement and underachievement than the preparation, support and quality of classroom teachers. It follows then, that nothing is more critical to our efforts to close the achievement gap than making certain that every student, especially those

who have been traditionally underserved by public schools, has access to competent, caring, qualified teachers in schools organized for success."

Facilities

At-risk students are too often subjected to substandard school facilities that, at the minimum, hinder teaching and learning, and at worst, pose clear threats to their health and safety. The complaint in *Williams* v. *State*, a current class-action lawsuit in California filed on behalf of the State's disadvantaged school children, presents a sobering body of evidence concerning the conditions under which low-income and minority children currently attend school in California.

In San Francisco, Oakland, Fresno, Los Angeles, and elsewhere, schools are "infested with vermin and roaches," have unstaffed and rarely updated libraries, lack computers in the classrooms, and conduct classes in rooms too small for the actual large class sizes and in spaces altogether unsuitable for instruction, such as open library spaces, gymnasiums, auditoriums, or poorly partitioned classrooms. For example, in Mark Keppel High School in Alhambra, the school's 2,100 students must share a single science lab, meaning that many science classes forgo lab work altogether. In Stonehurst Elementary School in Oakland, a class of students meet permanently on the auditorium stage; from 9 to 1:30 every Tuesday and Thursday their teacher must compete against music lessens that occur simultaneously in the same auditorium space. The racial inequities in the case are clear: whereas 59 percent of all California public school students are students of color, 96.4 percent of the population of the plaintiffs' schools is non-white.

In Ohio, low-income students in both urban and rural districts are schooled in equally unacceptable facilities. Students in Cleveland, Youngstown, and other urban districts attend schools that are overcrowded and dilapidated, with insufficient funds for maintenance and major roof and window leaks causing on-going degradation. In the *DeRolph* v. *State of Ohio* school finance case, plaintiffs presented numerous examples that highlight the school facility problems in that State. At the intermediate and high schools in Coal Grove, Ohio, there are no art or music rooms. The intermediate school has no science labs, and one shower room serves both boys and girls. One of the high school's science labs has no running water or gas. In the town's elementary school, temperatures often exceed 100 degrees at the beginning and end of the school year; if more than three teachers run fans at the same time, however, the school's circuit breaker fails. In Mt. Gilead, some students are being educated in former coal bins and in Flushing, students as recently as the early 1990s had to use outhouses.

Compare these conditions to facilities at prosperous Granville High School 100 miles from Coal Grove, which has five language labs with cordless headsets, a greenhouse between two biology rooms, state-of-the-art classrooms and technology for industrial arts and computer-assisted design, art facilities with separate rooms for kilns and sculpture, carpeted locker rooms with individual showers and installed hair dryers, a library with rooms for group study, and dark room and television production facilities.

The disparities in facilities between school districts in Ohio are rooted in tremendous funding inequities. In 1999–2000, Cuyahoga Heights, a wealthy Cleveland suburb, received $16,447 per student in State and local funds. Tri-Valley Local, a low-wealth rural school, received just $4,532 per student. This pattern is mirrored by countless other examples across the State. Some of the most egregious facilities problems in Ohio have since been addressed through the Ohio School Facilities Commission, established in 1997 in response to the Ohio Supreme Court's decision in favor of piaintiffs in the school funding litigation, but all sides agree that billions of dollars more are needed, in Ohio alone.

These examples, however, are not limited to Ohio and California, but are indeed representative of a pervasive national problem, with countless other similar examples of unacceptable school facilities in school districts in every State.

IMPACT OF INADEQUATE RESOURCES ON STUDENT ACHIEVEMENT

One crystal-clear conclusion reached by policy researchers, courts, and State governments around the country is that inequitable and inadequate education funding has a direct and damaging impact on the educational achievement of low-income, non-white children. In the United States, poverty and race are inextricably linked: in the late 1990s, roughly 35 percent of black and Latino children were living in poverty, compared with about 15 percent of white children. (U.S. Census Bureau, 1998).

Most recently, in Maryland, the State Commission on Education Finance, Equity, and Excellence completed a study of the State's public school funding in January 2002. The Commission found a strong and consistent correlation between a school's

percentage of students eligible for free or reduced-price lunch and the school's test scores. The commission concluded that schools educating low-income students need more resources to be able to improve outcomes for their students.

Nationally, long-term trends in academic performance, assessed by the National Assessment of Educational Progress (NAEP), show a persistent and troubling achievement gap between white and non-white students in the United Stales. The Department of Education began monitoring this achievement gap in 1971, and until the late 1980s it found that there was significant progress in reducing the disparities in educational outcomes between minority and non-minority students due to the extensive Title I and other supplemental funding that took hold in the 1970s. During the 1990s however, since the level of Title I funding was reduced, the gap has steadily widened once more.

The achievement gap between whites and non-whites in reading performance is particularly disturbing. In 1971, the average reading score of black 17-year-olds was below that of white 13-year-olds. (NCES, Condition of Education 2001, Indicators 10, 11). By 1988, the black-white gap in reading scores had dropped by over 60 percent, from a gap of 53 points in 1971 to 20 points in 1988. By 1999, however, the difference in white and black reading scores had steadily risen 55 percent from 1988 levels to a 31-point gap. In 30 years, the only "progress" made by black students was that the average black 17-year-old's reading score was now nearly on par with—but still slightly below—that of the typical 13-year-old white child. The average Hispanic 17-year-old was also outperformed in reading skills by average 13-year-old white students. Overall, achievement by all three groups has improved, but the gaps between white and non-white students persist.

Trends in mathematics performance are similar. From 1973 to 1999, white 17-year-olds' performance on the NAEP has been consistent: the average white high school senior is proficient in "moderately complex procedures and reasoning," which includes an understanding of numbers systems, geometric concepts, and the ability to undertake such tasks as computing with decimals and fractions, evaluating formulas, understanding graphs, and using logical reasoning to solve problems. The average black 17-year-old is proficient in none of these basic skills. The average mathematics scale score of a black 17-year-old in 1999, 283, is identical to the average score of the average white 13-year-old. Like their eighth-grade white counterparts, black high school seniors are proficient in "numerical operations and beginning problem-solving," described as "an initial understanding of the four basic operations," or the basic ability to add, subtract, multiply, and divide, as well as the ability to analyze "simple logical relations." Hispanic 17-year-olds fared slightly better, with an average score of 293, which still placed them in the same achievement rubric as their black peers. (NCES, Condition of Education 2001, Indicator 12).

According to 2000 Census data, 9.4 percent of white Americans between the ages of 20–24 are not high school graduates. The rate of high school dropouts among blacks aged 20–24, at 19.5 percent, is over twice that of whites. Hispanics fare the most poorly: 37.7 percent of Hispanics in that age cohort have not finished high school. These statistics correlate closely to college attendance and graduation rates: while 34 percent of whites in their late 20s hold at least a bachelor's degree, only 17.8 percent of blacks and 9.7 percent of Hispanics have graduated from college. According to Harvard professor Christopher Edley, the consequences of this "growing separateness by color and class in our schools . . . are evident in learning outcomes, but also in such broader societal outcomes as shared community and intercultural competence in the workplace, the political arena, and the civic sphere generally."

The economic consequences of high school dropouts are also significant, according to analyses by Columbia University economist Henry Levin. In 1994, Levin concluded that as at-risk populations make up a larger proportion of the labor force, "their educational preparation will be visited on the competitive positions of the industries and States in which they work and on our national economic status. Employers will suffer in terms of lagging productivity, higher training costs, and competitive disadvantages." Clearly, this is already happening. In three national education summits, convened in 1989, 1996, and 1999, attended by the President, governors and chief State school officers of all 50 States, and national business leaders, participants agreed that a set of national educational goals was necessary to prepare American students to compete in the national and global economies. The general consensus of these national leaders, as indicated in a report issued from the 1996 summit, was that the national education system was not keeping up with the pace of change in the larger economy, which requires that all high school graduates, whether they are continuing their education or are moving directly into the workforce, have higher levels of skills and knowledge, including the ability to "think their

way through the work day, analyzing problems, proposing solutions, communicating, working collaboratively, and managing resources such as time and materials."

In the decades ahead, as non-white students increasingly constitute the majority of the populations in States including California, Texas, Mississippi, Louisiana, and New Mexico, the societal costs of allowing these inequities to remain unchecked and unremedied will become progressively more intolerable and unacceptable to business leaders and to the Nation as a whole.

FUNDING EQUITY WILL IMPROVE EDUCATIONAL OUTCOMES

RESEARCH LINKS ADEQUATE RESOURCES WITH STUDENT ACHIEVEMENT

Although some reports and scholarly articles have asserted the inherently illogical proposition that "money doesn't matter" in regard to educational achievement, most education economists take issue with these conclusions and the statistical methodologies used to reach them and find clear links between additional funding of specific resources and higher student achievement. (See, e.g., Hedges and Greenwald, "Have Times Changed? The Relation Between School Resources and Student Performance" in "Does Money Matter?", Gary Burtless, ed. Washington, DC.: Brookings Institution Press, 1996).

Judges in 11 of the 12 cases in which testimony has been made by Eric Hanushek—a prominent promoter of the notion that "money doesn't matter"—have rejected this position because of their common-sense recognition that, as stated by the chief justice of the Arizona Supreme Court:

> [L]ogic and experience tell us that children have a better opportunity to learn biology and chemistry, and are more likely to do so, if provided with the laboratory equipment for experiments and demonstrations; that children have a better opportunity to learn English literature if given access to books; that children have a better opportunity to learn computer science if they can use computers, and so on through the entire State-prescribed curriculum . . . It seems apparent to me, however, that these are inarguable principles. If they are not, then we are wasting an abundance of our taxpayers' money in school districts that maintain libraries and buy textbooks, laboratory equipment and computers. (*Roosevelt Elementary Sch. Dist. No. 66* v. *Bishop*, 877 P2d 806, 822 (Ariz. 1994) (Feldman, C.J., specially concurring).

In the real world, no one doubts that "money makes a difference." The outcomes of the landmark Tennessee STAR Project class size reduction experiment demonstrate this point well. STAR was a comprehensive, carefully planned and executed study that followed the academic achievement over time of thousands of students placed in classes of different sizes. A number of analyses of the STAR study have concluded that students placed in small classes from kindergarten to third grade—especially poor and minority students—show lasting gains in educational achievement. In the most recent analysis of STAR data, released in 2001, Princeton economists Alan Krueger and Diane Whitmore found that the average test scores of black students who spent their first four years in smaller classes were consistently higher throughout their time in public school than peers who were not enrolled in small classes from grades K–3. Krueger and Whitmore concluded that if all students were enrolled in small classes, the persistent gaps in standardized test scores between black and white students would be markedly reduced.

A number of prominent education experts have found that money spent on specific educational resources has a direct and dramatic effect on student achievement. Ronald Ferguson of Harvard's Kennedy School of Government has conducted research that links better qualified teachers, teacher salaries, and higher student performance. Dr. Ferguson has argued that highly qualified teachers can help a student overcome other obstacles to success. "While factors like poverty and parents' education levels are often linked with low achievement," said Dr. Ferguson, "the effect of excellent teachers can be so strong that it compensates for other factors and helps disadvantaged students achieve at high levels."

Education experts also widely agree that additional time on task is an essential part of ensuring that at-risk students have the opportunity for adequate educational opportunities. Through increased instructional time, provided by, among other things, extended school day and summer programs, student performance rises. According to Christine Rossell, a Boston University political scientist, time on task is the single greatest predictor of student achievement. Herbert Walberg, a University of Chicago education researcher, has concluded that after-school programs, Saturday programs, and summer school all improve learning.

Let me give a specific, powerful example, from my experience in New York, that is applicable nationwide. Reading Recovery is a remarkably successful literacy pro-

gram for the lowest performing first-graders, many of whom are low-income, minority students. Participating students receive daily one-on-one 30-minute tutoring sessions from certified teachers who have at least 3 years of teaching experience and receive extensive professional development. Even though students are chosen because they are in the bottom 20 percent of their classes, between 1989 and 1996, 83 percent achieved grade-level proficiency after only 20 weeks in the program. The impact of Reading Recovery has been like putting a rocket on a kid's back. But unfortunately, most schools and districts educating low-income students do not have sufficient funds to implement the program fully. In New York City in 1999-2000, there was funding for only 3,000 of the 17,000 students in the bottom 20 percent of their first-grade classes, and cuts in next year's budget will likely reduce that number.

The ultimate truth is that money well-spent will make an enormous difference. In the past, some school districts that received increased funding misused their resources. Accountability means currently being implemented by most States and the NCLB Act are geared to ensure that school officials properly utilize current funding. At this time, the focus should be on methods for assuring that poor and minority students have critical educational resources, such as qualified teachers, pre-kindergarten, small class sizes, and extended school days and school years. State legislatures, executive branches, and courts have an obligation to the students in poorer districts to appropriate a fair share of educational resources—and to see that effective accountability mechanisms are put into place that ensure that these additional resources are effectively used so that they result in actual and sustained gains in student achievement.

COSTING-OUT: LINKING RESOURCES TO ACTUAL NEED

There is a broad national consensus on the resources needed by at-risk students to be successful: highly qualified teachers, small class sizes, appropriate instructional materials, safe and modern school facilities, and continuous intervention programs that provide "more time on task" including early childhood education, remediation programs, and after-school programs, among others. While common sense would indicate that aid to schools should be based on the actual costs of these resources, and the specific needs of students, only recently have States begun to seriously link funding to actual need and to undertake the critical task of "costing out" the per pupil expenditures necessary to provide students in low-wealth districts equitable educational opportunities.

A costing-out study determines the amount of money actually needed to make available all of the educational services required to provide every child an opportunity to meet the applicable State education standards. A variety of approaches for undertaking such studies have been used in recent years in many States, including Alaska, Illinois, Ohio, Oregon, New Hampshire, Wisconsin, and Wyoming—in some cases as part of the development of a new funding system ordered by a State court.

Historically, most State education finance systems have purported to establish, as their basic building block, a "foundation amount" that presumably would guarantee sufficient funding for each child to obtain an adequate education. From the beginning, however, in most States no real methodology was used to determine what the foundation amount should be. Instead, legislatures tended to establish the foundation based on the amount of funding they were willing to allocate for educational services with little regard for actual needs. Moreover, the base amounts that initially were established eroded dramatically over time because of budget pressures, competing political priorities, and inflation. The significance of the costing-out approach is that it determines a true foundation amount by identifying the specific resources and conditions necessary to provide all children a reasonable educational opportunity and then systematically calculates the amounts necessary to fund each of these prerequisites.

A good example of the costing out approach is the study recently conducted in Maryland. Outside consultants convened expert panels of experienced educators to designate the resources schools need in order to produce acceptable levels of student achievement. For low-income students, the panels identified specific educational resources, programs, and services that they deemed necessary, primarily more teachers and other personnel to provide full-day pre-kindergarten and kindergarten, smaller class sizes, and extended day and summer school programs.

After reviewing this costing-out study and two others, the Maryland commission concluded that the base per-pupil cost of providing an adequate education to students who are not "at-risk" of academic failure is $5,969 in Maryland, and that providing adequate educational resources to enable low-income students to attain the targeted passing rates for all students on State assessments will require an addi-

tional $6,566 per pupil, for a total of $12,535. Although, in practice, school districts will have flexibility in how they spend the additional money, the commission's report presented examples of how it expects these funds to be used. The commission's recommendations emphasize services and supports for pre-school and elementary school children to address learning deficiencies as early as possible.

An example of a hypothetical Maryland elementary school illustrates the essential resources additional funding provides. In an elementary school of 1,000 K–5 students plus 52 low-income students in pre-kindergarten and the statewide average of 31 percent low-income students, the additional funds would total $2,377,000. To properly staff and support the pre-K, kindergarten, smaller class sizes, and extended day and summer school programs and support services deemed essential for the low-income students, this money would be spent on 22 additional certified teachers, approximately 30 additional teacher aides, two library/media aides, four guidance counselors, two therapists, two health technicians/nurses, two parent liaisons, and two additional administrative support staff. Some of these funds would also purchase additional technology and professional development.

PROPOSED CONGRESSIONAL ACTION

Congress can take the lead in focusing attention on inequitable educational opportunities as a national problem that requires sound and consistent solutions in every State. First, Congress should amend the "No Child Left Behind Act" to ensure the resources necessary to provide all children the opportunity to meet high standards. There is a broad consensus on the programs and reforms that are needed to increase student achievement; as Congress rightly supports high standards for all children, it must not let these meaningful standards-based reforms become unfunded mandates to States, districts, and schools. The evidence establishes that qualified teachers, adequate facilities, appropriate instructional materials and technology, and increased instructional time are the key resources needed to raise student achievement. All students can learn, and learn to high standards; Federal support of these critical resource areas is necessary to ensure that support of high standards does not push the neediest children further behind. It is incumbent upon the Federal Government to contribute its fair share to fully funding these critical resources as a major step in rectifying the gross inequities found in every State. To do this, Congress should act immediately to fully fund both IDEA and Title I—which has clearly been successful in making significant strides to close the achievement gap in the past—and to ensure guaranteed authorization of full funding for the entire duration of the act.

Second, Federal education funding in general, and Title I funding in particular, should be linked to a comprehensive, methodical, and needs-based costing-out of standards-based education in every State. The Federal Government should couple full funding of Title I and IDEA with accurate assessments of the actual costs associated with the resources funded by Federal aid, like facilities and qualified teachers. For example, as a condition for maintenance of existing funding, or increased Federal aid, every State should demonstrate that it has conducted a thorough costing-out of standards-based education, and can link Federal aid to correcting specific resource deficiencies, such as qualified teachers in every class, identified through this process. Sound costing-out processes should take into account the critical resources necessary to raise student achievement, regional cost variations, and the numbers of impoverished students, English language learners, and special needs students in individual districts.

Linking Federal aid to costing-out at the State level would accomplish three major goals: First, it encourages States, regardless of litigation status, to determine the actual costs of educating children based on a consistent, specific set of State-designated standards. In many States, this would be the first time the true costs of adequate educational opportunities would be ascertained. Second, it would allow the Federal Government to target aid toward remedying specific deficiencies in line with standards that will be used to assess their effectiveness. It will be much more difficult for critics to levy the charge that increased funding is being "thrown at" the problem when it is clearly tied to specific resources and goals. Finally, it holds the government at the Federal and State levels accountable for reform. Too often, "accountability" in education debates simply refers to punitive measures on children; it is time to recognize that every level of the system must be held accountable, and by costing-out education in specific, transparent terms, it is harder for the Government to shirk its own accountability for the resources crucial to making reforms work.

In conclusion, as Americans and members of a democratic society, we must ground our actions in the basic premise that all children—even those put at risk

of academic failure by poverty, race, ethnicity, and immigration status—can learn. As Justice Leland DeGrasse eloquently articulated in his decision in CFE, "Demography is not destiny. The amount of melanin in a student's skin, the home country of her antecedents, the amount of money in the family bank account, are not the inexorable determinants of student success." All children, he concluded, "are capable of seizing the opportunity for a sound basic education if they are given sufficient resources." It is time to tackle our collective responsibility to all children head-on and with the fullest resources we can provide. If, in the years and decades ahead, we are to truly leave no child behind, we must remedy the missing link to success for the "No Child Left Behind Act," and ensure that adequate resources are both put into place and effectively used to provide all students with a meaningful educational opportunity.

Senator DODD. I am pleased to introduce Ms. Lang, whom I have already talked about as being a teacher for many years. In fact, I have a sister who has about the same length of teaching time in Connecticut as Ms. Lang; she teaches as an early childhood development specialist in Hartford, CT, at the Kennelly School, one of the inner city schools.

I have spoken at every public high school in my State in the last 15 years, and I go back to my inner city schools almost every year, so I am very familiar with the high schools in Bridgeport and Fairfield where you live, and I get lobbied extensively—Judy, you will appreciate this—by my sister on education issues. I was at her school recently and did some reading for her, which I enjoyed.

So it is a pleasure to have a teacher with us today who I think tells an important story. We appreciate your presence.

STATEMENT OF MARY-BETH LANG, TEACHER, BRIDGEPORT, CT, ON BEHALF OF THE NATIONAL EDUCATION ASSOCIATION

Ms. LANG. Thank you. Good morning, Senator Dodd and Senator Enzi.

In 8 days, I will assume the presidency of the Bridgeport Education Association, an affiliate of the National Education Association; but today I come to you as a teacher, a parent, and a citizen who is convinced that today's education system is the foundation of tomorrow's society. I am grateful to the committee for giving me a few minutes of your valuable time.

I suspect that few in this room except Senator Dodd know of the Rooster River in Connecticut. Most of the time, it is little more than a creek that flows into the Long Island Sound. On the west side of the Rooster River is the City of Fairfield, the town where I have lived and raised my children. On the east side is the City of Bridgeport, the city where I have taught for 32 years. Maps will show a dotted line down the Rooster River that, in terms of educational opportunities, might as well be an ocean.

My children attended a school with spacious classrooms, a well-stocked library, an all-purpose room, as well as a separate gym. Behind the school was an extensive playground with outdoor gym equipment and two ball fields. Specialists were on hand to assist and support the teachers.

When she was in the third grade, my daughter had no trouble getting a speech teacher to work with her because she said her R's funny. There was a full-time nurse on duty, and in high school, my daughter had access to a full range of advanced placement courses.

I could not be more pleased with the educational opportunities provided by our public schools. I would love to take all the credit

for my children's academic achievement, but it would not have happened with the excellent Fairfield public schools.

How different the stories are on the other side of the Rooster River. The Bridgeport schools face a set of serious challenges. Families speak a variety of languages; the population is poorer and more transient; the educational level of parents is lower, and the students enter the primary grades with less preschool experience.

Usually, when our society faces large problems, we attack them with more resources. We know that a bridge across the Hudson River will cost more than one over the Rooster River, so we plan accordingly. But as the members of this committee probably know better than anyone, this is not true of our educational challenges.

If you visited the Bridgeport schools, especially after visiting other towns in Fairfield County, you would first be struck by the physical structures. Old, crowded schools are surrounded not by grassy playgrounds but by asphalt parking lots. Some schools have no recreation areas and must hold gym classes in the halls. Libraries are stacked with warehouse overstocks.

Good education can occur in an old building, and to be sure, we have dedicated teachers in Bridgeport providing wonderful experiences for our students. But they are fighting an uphill battle. Students do not have access to the specialists they need, and as a result, correctable learning problems become obstacles to learning.

For example, I am currently working with a student whom I fear will fall further behind in reading unless his speech problem can be corrected. We have high teacher turnover as certified teachers, especially in math and science, can find higher-paying jobs with better facilities in neighboring towns. In all, 100 of our 1,600 teachers are not fully credentialed by the State of Connecticut.

Class sizes are held in line only by our union contract and then only after an annual filing of a contract grievance. As a union leader, I should not have to fight for something so clearly in our children's interest.

Students do not get the enrichment that a strong art and music program would bring.

We face a critical shortage of substitute teachers. When a teacher is absent, students are scattered into other classrooms—a practice which is disruptive to their learning and to the now overcrowded class to which they have been assigned.

Students with no full-time nurses must rely on teachers and administrators to distribute medications.

The Senate knows what has to be done. The new education law included requirements to close the achievement gap for low-income and minority students. That is the gap between Fairfield and Bridgeport.

You called for helping all students to meet high standards and for ensuring a highly-qualified teacher in every classroom. Now you must face the reality that you have set a goal for our Nation that will be achieved only with adequate resources.

In Bridgeport, we already have three schools identified as in need of improvement. Three years ago, these schools were given additional funding from our State surplus. However, in the past 2 years, our State has faced budget shortfalls. This funding has been

cut dramatically, and I fear that the new Federal mandates will only serve to hurt these schools more.

Strengthening teacher quality also will not be possible without increased funding. In Connecticut, we have a statewide teacher training and mentoring program known as BEST. In the suburbs, one-on-one mentoring has helped many new teachers navigate the sometimes overwhelming first years in the classroom. In Bridgeport, however, lack of funding has made it difficult for BEST to work well. Our large turnover has left few mentors for new teachers. Individual mentors are assigned many new teachers but are not given the time or resources to assist them.

There are many complex, interlocking reasons for the disparity between Bridgeport and Fairfield schools—the loss of industrial jobs in Bridgeport, the transient population, the drug use and racism may be on the list. I do not want to argue about whether the fault lies with the parents, with society, or with our public institutions. I do know that the fault does not lie with the children.

The daughter of a newly-arrived immigrant comes into the world as innocent as the son of a CEO. Our challenge is to see that they have the same opportunities. The only way to meet this challenge is to guarantee resources to our most neglected schools.

Senator Dodd has pointed out the gaps in current Federal assistance: Title I fully serves only 40 percent of students eligible for assistance; the Federal Government's commitment to special education remains significantly underfunded; the President has proposed cuts in Federal support for high-quality teacher training and a freeze for after-school and bilingual educational programs.

I urge Congress to provide the necessary resources, particularly for Title I, special education, and teacher quality programs. Without such help, you are simply setting schools like mine up for failure.

Before I conclude, I would like to express my concerns about the voucher proposals. We cannot afford to take up to $4 billion of our Federal education budget and feed it into private schools. Instead, we should be using this funding and more to bring the resources of our inner city schools up to the level provided in the suburbs.

Once Bridgeport schools have the same resources as Fairfield schools, I suspect you will not find many people looking for vouchers.

I hope that you and your fellow Senators will provide the leadership and the budget to equalize the educational opportunity between our poorest and richest communities, whether they are separated by a small river in Connecticut or are miles apart.

I wish to thank you for your time, and in particular, thank Senator Dodd for his commitment to education.

[The prepared statement of Ms. Lang follows:]

PREPARED STATEMENT OF MARY-BETH LANG

Chairman Kennedy and members of the committee, my name is Mary-Beth Lang. In 8 days I will assume the presidency of the Bridgeport Education Association, an affiliate of the National Education Association. But, today I come to you as a teacher, a parent, and a citizen who is convinced that today's education system is the foundation of tomorrow's society. I am grateful to the committee for giving me a few minutes of your valuable time.

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I couldn't be more pleased with the educational opportunities provided by our public schools. I would love to take all the credit for my children's academic achievement, and I will take some credit, but it would not have happened without the excellent Fairfield schools. How different the stories are on the other side of the Rooster River.

Let's be frank, the Bridgeport schools face a set of serious challenges. Families speak a variety of languages, the population is poorer and more transient, the educational level of the parents is lower, and the students enter the primary grades with less preschool experience. You won't be surprised to know that my children entered school not only knowing what a giraffe was, but having actually seen giraffes more than once. In Bridgeport our students do not know what a giraffe is, or a pier, or many other things more affluent students take for granted.

Usually, when our society faces large problems, we attack them with more resources. We know that a bridge across the Hudson River will cost more than one over the Rooster River, and so we plan accordingly. But, as the members of this committee probably know better than anyone, this is not true of our educational challenges.

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Good education can occur in an old building and, to be sure, we have dedicated teachers in Bridgeport providing wonderful experiences for their students. But they are fighting an uphill battle:

• Students don't have access to the specialists they need. As a result, correctable learning problems become obstacles to learning. For example, I am currently working with a student who, I fear, will fall further behind in reading unless a speech problem can be corrected.

• We have high teacher turnover, as certified teachers, especially in mathematics and science, can find higher paying jobs with better facilities in neighboring towns. In all, 100 of our 1,600 teachers are not fully credentialed by the State of Connecticut.

• Class sizes are held in line only by our union contract, and then only after an annual filing of a contract grievance. As a union leader, I shouldn't have to fight for something so clearly in our children's interests.

• Students do not get the enrichment that strong art and music programs would bring.

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I urge Congress to provide the necessary resources, particularly for Title I, special education, and teacher quality programs. Without such help, you are simply setting schools like mine up for failure.

Before I conclude, I would like to express my concerns about voucher proposals. Connecticut is rich in private schools, and my son attended a private high school affiliated with the university where my husband teaches. We cannot afford to take up to $4 billion of the Federal education budget and feed it into private schools. Instead, we should be using this funding, and more, to bring the resources of our inner city schools up to the level provided in the suburbs. Once Bridgeport schools have the same resources as Fairfield schools, I suspect you will not find many people looking for vouchers.

I hope you and your fellow Senators will provide the leadership, and yes, the budget, to equalize the educational opportunities between our poorest and richest communities, whether they are separated by a small river in Connecticut, or are miles apart.

I would like to thank you for your time and, in particular, thank Senator Dodd for his commitment to education.

Thank you.

Senator DODD. Thank you very much, Ms. Lang, and I thank all of our witnesses. It has been excellent testimony, and I think it will help the committee as we grapple with this problem.

I will set the clock on us as well so we do not go over time, and I will be able to move along and give my colleagues a chance to raise some issues as well.

Senator ENZI. May I just make a comment since I am going to have to leave?

Senator DODD. Certainly.

Senator ENZI. I wanted to be able to hear the live testimony of the witnesses. I had the opportunity to read their testimony, but often, as in this case, some things came up that were very helpful in this discussion.

I do have some questions for each of you, and I would hope the record could remain open so that I could get those, because it is some additional information that will help us in our task of trying to reach this equality across the Nation.

Senator DODD. Certainly.

Senator ENZI. My daughter is a teacher, and her first job teaching was not in Wyoming. After she got a job in Wyoming, she had me come to see her classroom. She went over to a cabinet, opened

it up, and said, "Look at this." I looked at it, and I asked, "Exactly what am I looking at?"

She said, "Chalk. I did not have to buy my own chalk." That is something that should not happen at all in this country.

She was out here, and we were doing some traveling, and she asked me what one of the buildings was, and I said, "That is a school," and she said, "Oh—I thought it was a warehouse." And that could be a pretty close definition.

So there are some things that need to be changed, and I appreciate having all this expertise today that can help us make those changes, and I appreciate the effort that you have put into coming up with some solutions, and we will see how we can work together on it.

Senator DODD. Thank you very much, Senator Mike Enzi. I appreciate that very much.

Just as Senator Enzi is leaving, I will say that I go each year with my sister to Home Depot, where we buy boards and cinderblocks, toilet paper for her classroom and bathrooms. And this is in the most affluent State in America, the most affluent country in the world.

But, that goes on every day. What Senator Enzi's daughter does, teachers do all across the country every year, and I guess it is surprising to a lot of people that this happens with the frequency that it does.

Let me begin, and if I address a question to someone on the panel, I do not want anybody else to feel that they cannot respond. I would like to engage in a conversation with all of you.

One of the problems in these school finance cases as I look at them across the country is they will reach a decision, Wyoming being an exception, I think, and now maybe Maryland as well—but I know that in Connecticut, we go back to the *Horton* case and the *Sheff* case, and we get decisions, and then the implementation of the decisions, with the practical, political difficulties—and I am not insensitive to them—my State is very small, but we have 169 municipalities—is not so simple.

Mr. Rebell, let me begin with you. Even when plaintiffs win, it seems as though there is no win. Whether you like the decision or not, it just seems that after a number of years, we are still talking about the problem despite court decisions, whether you agree with them or not.

I wonder if you might share with us some thoughts on how some decisions are just outright ignored by State officials when they are reached. What can be done? What do you think the Federal Government ought to do to support the enforcement of positive decisions? Otherwise, it becomes rather futile. If our courts are unable to follow up on the decisions, they may begin to get discouraged about even taking that route—which may reflect some of the reason why here, there is some desire to work politically, so we can start seeing these decisions bear some fruit?

Mr. REBELL. Senator, I think you have put your finger on one of the core problems here. The courts have done a marvelous job in all the States, focusing on the problems. Taking the *Sheff* case in Connecticut as an example, I think some of the insights on the problems of inner city minority students that came out of that deci-

sion are just classic. It is in some ways the strongest decision since *Brown* v. *Board of Education*. But as you indicated, it is 7 years since that decision, and little if anything has happened in Connecticut.

I think one of the problems here is that State courts tend to be a little bit reluctant to intervene in ongoing political matters with the legislature. In that, they are really taking the legacy of some of the Federal courts' attitudes in school desegregation cases. I an not sure that that is the best analogy. I think that State courts work differently; I think they have different responsibilities, and they can be a little bit more proactive.

In general, I think you can categorize the 25 or so States where courts have issued decrees favorable to plaintiffs into three basic categories. One is the category of deferring to the legislature without providing any specific mandates to the legislature. That was true in Connecticut in the *Sheff* case, and it has been true in many other areas. And the feeling there is that, for separation of powers reasons, the courts want to leave it to the legislature.

Unfortunately in this area, when you leave it to the legislature, it is kind of putting the fox in charge of the chicken coop, if you do not mind my saying so, because the power dynamics in State legislatures quite frankly tend to favor the affluent suburban areas. That is how we got these finance systems set up this way in the first place. So that usually, that tends to lead to inaction and further contempt motions and so on.

On the other end, there have been a number of State courts in West Virginia and some other areas that have attempted to write new formulas, that have attempted to micromanage, and that is beyond what courts should do.

But increasingly in recent years, a number of the State courts have taken a middle road, and they have been issuing basic guidelines that outline the constitutional course, and without micromanaging, they do make it clear to the State legislatures that action is expected and the general type of action.

When you ask where the Federal Government fits in here, I think that that kind of general guidance that indicates the direction that needs to be taken without micromanaging specific details is appropriate and necessary. And this costing-out route that I mentioned, which actually is learning from the experience of States themselves—it is States like Wyoming, Massachusetts, and Maryland that have pioneered in this area—those kinds of guidelines can really be the most helpful at a remedy stage in any of these litigations.

I think that if this committee and your House colleagues gave some consideration to some of these guidelines, some of these methods that have worked in these cases and considered putting those as incentives in the No Child Left Behind Act amendments, that would be a great help to the State courts.

Senator DODD. Yes, Ms. Catchpole.

Ms. CATCHPOLE. As we talk about Wyoming, I think it is really important for you to understand—and this is one of my great concerns about the Federal Government passing legislation that would immediately be a silver bullet that would fix the system—that we have spent 7 years, and we have learned a lot, we have studied the

executive branch, the legislature, the court system. We have been back again and again to get it right. And to think the one sweeping Federal law is going to work, saying one size fits all, makes me very nervous, because I am concerned that you do not understand the difference between Pennsylvania and Wyoming.

Senator DODD. I do not think anyone has made that recommendation. I know that get said about it here a lot, but I know of no one who believes that one size fits all.

Ms. CATCHPOLE. Great, great. Bless you for that, because it does not.

Senator DODD. We understand that. That is clear.

Ms. CATCHPOLE. When you talked about the implementation, what we learned was that when we only talk about the inputs, the dollars that go in, and we do not in-hand talk about the outputs, the results that we want for students—we spent a lot of time in Wyoming negotiating that, and we came from a locally-controlled State, where local school boards made the decisions, with very little intervention except for flow-through money, both with Federal dollars and with State dollars, and until we clearly identified what we wanted all children to know, and how we would know if they know it, we were not able to determine what the cost for that would look like for any given child living anyplace in Wyoming.

So my plea to you would be that with No Child Left Behind, you have put heavy, heavy responsibilities on States to do this right.

To add something else on top of that, before we have figured out how we are doing on hitting those targets, where is it that we need help—is it that we need help with more dollars—that could be it; it could be that we need more technical assistance, that we need more staff development, that we need more parent involvement—to simply try to figure out which of those things we need, and I say it will vary in Riverton, WY what they need as compared to Cheyenne, WY. So to go back and do one major thing, I would really urge you to let us play out Leave No Child Behind and figure out from that what it is that the Federal Government can do to help us target our most needy students.

Senator DODD. Mr. Price, you wanted to make a comment.

Mr. PRICE. I would just add that I certainly think the Federal Government ought to fulfill the appropriations expectations that were created a couple of years ago.

Second, I do think that it is useful to reframe the conversation from equalization, which may take away from Fairfield, to what does it take to leave no child behind, and to figure out what it costs to implement interventions based on research and experience, and to go beyond thinking that one method is going to work.

I really do think we have got to look at restructuring and reconceptualizing our schools, because I think the big, mammoth middle school and high school is an anachronism, and a lot of our kids today are not going with them. What does it take to create a bunch of small schools? What does it take to provide really high-calibre professional development, relieve teachers from having to be in the classroom six periods a day so that they can engage in the kind of development and growth.

And finally by illustration, we know that youth development programs after school make an enormous difference in the lives of

kids. What would it take to fully fund youth development programs for kids in Bridgeport, in New Haven, and so on, and see if we cannot implement all that we know, figure out what the price tag is, and then have a conversation in this country about how serious we really are about leaving no child behind. And I think the Federal Government should lead that conversation and should force that issue.

Senator DODD. I want to turn to Congressman Fattah for some questions, but when I ask an audience at home what percentage of our Federal budget do you think we commit to K through 12, you can imagine the answers I get, but I will promise you that none of them is that as a percentage of the Federal budget, it is less than 2 percent. Everyone thinks it is much more because they are familiar with their State or local budget, where they know it is such a large share.

It may have made great sense in the 19th century, when the impact of education was local, and more than adequately met our needs, but, what many of us are saying now is that we ought to be a better partner, the Federal Government. Too often, people become scared when they hear about partnerships, but we really ought to be a better partner. There is just no other way to describe this when you talk about the national security needs of a Nation and the disparity that exists. So one of the questions has to be how do we get there.

I think Senator Kennedy earlier mentioned the Morrill Act, and we are trying to conceive of some new way to take the Morrill Act—I am sorry that Senator Enzi is not here right now, because he would relate to it very directly—it was the Senator from Vermont during the Civil War who asked this Congress to support the notion that the moneys we received from the sale of public lands in the West would be used to develop a land grant college system all across the Nation. There are many land grant colleges—the University of Connecticut is one of them—that began with that very national idea in the mid-part of the last century that we would have to provide a resource at the national level to educate people. And certainly, we have seen it with the GI Bill and others.

The one area where we seem to get very shy about it all of a sudden—if you had to graph this out, if you asked a teacher or a parent if they wanted to influence a child at any point in his or her life, when would you do it, everyone says zero to 3, or by the third grade, you can do so much. We must do more.

So if we can, I want us to get away from the notion that this is Uncle Sam trying to make one size fit all. I hear that all the time, but I do not know of a single Member of Congress who subscribes to that notion. I will come back to this later.

Chaka, let me turn to you.

Mr. FATTAH. Let me first thank all the witnesses, and to the president of the Urban League, it is a pleasure to see you again. The vice chair of your board, Dr. Bernard Watson, is from Philadelphia, and years ago, he wrote a book titled, "In Spite of the System," that dissected this whole question of public education and showed then what we are talking about now—that is, that poor kids get the least of everything that we know as a Nation they need in order to get a quality education, and then we stigmatize

them for not performing. We act as if they are not motivated, or that their parents are not motivated, or they are not capable of learning. But his point in his book, which is more than 20 years old now, was that if you were looking for a science lab in a large urban school district like Chicago or New York or Philadelphia, and you went to a neighborhood high school, you would be hardpressed to find a science lab of any kind that was up-to-date then, and the same is true now—and then we want to determine whether children have measured up.

In fact, States that underfund these schools then use the testing that is the result thereof to deny admission of many of these children to State universities. And it is not a matter of race. This is across the board. The Vermont Supreme Court and the New Hampshire Supreme Court have found that these systems deny opportunity to low-income children to get an adequate education.

In Wyoming, you have about one counselor for every 250 students. That is really close to what the national recommendation is. I can take you to Camden High School in New Jersey, right outside Philadelphia, and they have the least access to counselors of any high school in the State of New Jersey. It happens to be in the poorest city, in the poorest neighborhood, and more than 1,000 of these children have one counselor to negotiate.

We have counselors in some districts in our country who have to meet with students in groups because they cannot give individual attention. One high school with 1,300 kids has three counselors, so they do not even try to have individual meetings with students.

So the question is not whether we add additional Federal funds. The question is that when it comes to poor children, since no State has shown its own enthusiasm, its own willingness, historically or presently, to educate these children at least to the level that they are educating other children, who is it in our society that is going to make some demand, provide some encouragement, provide the impetus to say to these State governments that poor children can no longer be treated as second-class citizens, and they deserve an equal education. That is, if you have, for instance, in the State of Maryland, 6 percent of the teachers who are not certified, it is not acceptable to have 36 percent in Baltimore City. You cannot have 125 kids there having access to AP courses where, in the suburban county of Montgomery in Maryland, 5,000 kids have access to AP; or if you go to Compton High, you have no AP, but at Beverly Hills High, you have 22 AP courses.

At some point, whatever we are providing to others, we should be prepared to provide to these children, that is, to whatever level you are providing it in your high-achieving districts—and someone has to make a demand.

So my question to the panel is who is it, if it is not the Federal Government, that is going to make this demand on States. And I do not buy into this notion that there is no Federal role. I reference in my bill as one of the findings in the new language that each of these States, in order to join the Union, had to make an irrevocable commitment to provide for a public education. So this notion that has been offered by many of my more conservative colleagues that there is no Federal role, there is no Federal responsibility, there is no Federal nexus to the question of whether these kids learn or

not, I reject, and I use as the basis those documents dated in some cases 200 years ago, in which in order to become a State in this Union, these States had to make this commitment to provide a public education, to set aside land, and to make an everlasting commitment to provide public schools.

Mr. PRICE. One of the blessings of the American system is that when there is a convergence of an economic imperative and a moral imperative, we actually get something done.

For many, many years, the disparity in education that Jonathan Kozol and many others wrote about was a moral outrage, was a shame, but we did not do anything about it. As the economy has evolved to the point where 85 percent of all jobs are skilled or professional, and you cannot be a factory worker handling wireless handheld computers, managing inventory, or you cannot be a telephone operator unless you know how to access a computer, which means that you have got to be able to read and solve problems, there is now a convergence, and our productivity and competitiveness is at stake now.

I think that that is a Federal issue, and with the level of mobility that we have in our country, with so many people reared in one State, one town, moving to another State, another town, I think that the entire country has a stake in the quality of education in every community in this country, and as you heard me say, I think that you as legislators have to decide where it all sorts out and settles out.

I agree with you that the Federal Government needs to be pushing very hard, and I think the business community needs to be pushing very, very hard, and what the final resolution is and what the language is that everybody can live with—but I know that we did not move this ball until we began to realize that the economic imperative converges with the moral imperative.

Mr. REBELL. If I could just add an additional dimension to this, one of the things that has come out of this range of State litigations is a renewed focus on the purposes of public education. It is very interesting that virtually all of the State courts that have tried to answer this question directly have basically agreed that the two primary purposes of public education in the United States are preparation for the economic workplace, as Mr. Price has pointed out, and the second is preparation for citizenship. And most of the State constitutional clauses, as you may know, were written in the 19th century. They came out of the Common School movement and the commitment to democratic schools that began then.

So I think we are seeing a convergence of understanding of the purposes of education. Interestingly, if you tie in the standards-based reform movement that has also accompanied these litigations, we are also beginning to understand the level of skills in particular areas, including the cognitive abilities to function adequately as citizens—having the analytic ability to be a competent voter, or a juror, is an understanding of the outcome of education that we did not have years ago.

I want to bring this back to your point about the Federal Government, Congressman. As most of you know, the United States Supreme Court looked at this issue of inequities in funding about 30 years ago in the *Rodriguez* case and decried the inequities in Texas

where that case came from at the time, but held that because education was not a fundamental interest under the Federal Constitution, it really was something that had to be left to the States; and that started this whole movement of State litigation.

But I just want to bring to your attention one very interesting quote from Justice Powell, who wrote for the majority in the *Rodriguez* case. He said: "The electoral process, if reality is to conform to the democratic ideal, depends on an informed electorate. A voter cannot cast his ballot intelligently unless his reading skills and his thought processes have been adequately developed."

This was in response to Thurgood Marshall in dissent, saying that the First Amendment to the Federal Constitution guarantees some level of adequate education. And Justice Powell and the majority agreed with him, but they said on the evidence in that case that they assumed that kids in Texas were getting an adequate education that gave them this level of skills because nobody disputed it. That case talked about the inequities in funding; they did not get into these adequacy questions of what kids were actually learning and what was coming out of the system.

Thirty years later, we focused on those questions. We know what kids are learning or, in many areas, what the are not learning. We know what skills they have or do not have. And quite frankly, I think we are understanding that too many kids do not have these very skills that the Supreme Court assumed were the adequacy base.

So I think we are coming back to a Federal perspective here and a national understanding that in terms of preparation for the economic workplace and in preparation for sustaining our democracy in the 21st century, kids have to have a certain level of skills, and that is a national concern, it is clearly a Federal concern as well as a State concern.

Senator DODD. Just picking up on this point—and it is an excellent point—a few days ago, I was with a group of mayors in Connecticut—and one of them said to me: "You know, you guys in Washington really kill me. The President cuts taxes, the Congress cuts taxes, the Governor cuts taxes, the State legislature cuts taxes, and it all falls down here on the local level. So you all are reducing your commitment, and we cannot get away with that, because all the cost ends up here."

It is very difficult at a local level where the rubber hits the road for the people who serve as mayors, and boards of education and the like, to meet these responsibilities.

We have not dwelled on this, because today's subject matter was a bit different, but it relates to it, obviously. I voted for the No Child Left Behind Act, but I did so—Ms. Catchpole, I will tell you—because in part, there was a strong commitment from both sides to meet the financial obligation of the mandate.

I am working now on an election reform bill, and I am working with Congressman Fattah on this issue. We are going to have some minimum requirements in Federal elections. I have insisted that any time there is a minimum Federal requirement, there had better be a dollar figure behind it to support it. In special ed, we are seeing it. When I go home and meet a mayor, believe me, I get one message—special education—particularly in smaller towns, where

children who have very severe special education needs can distort a small local budget that it is difficult, and also puts great pressure on these families and children. And that should not happen at all, that a child who is born with a particular disability is targeted because of the local budget, and we are far short of the 40 percent commitment that we made back when we passed the legislation.

Most recently, with the testing requirements—and I do not argue with the need to test; I have some concern knowing that some States are already doing a pretty good job of testing, and I worry about schools becoming test prep centers. We had a hearing here the other day on obesity, with Senator Frist, Senator Bingaman and myself, on particularly the tripling of the incidence of obesity among kids. And what is happening? You have fast food producers, soft drink producers, who offer literally millions of dollars to school districts that are impoverished and cannot get their money if they can have exclusive rights to put these non-nutritious food and drinks into their schools, demanding in fact, that they be available during school hours, in order to get the resources they need. And what happens, of course, is that kids are gobbling up this stuff. In fact, in one school district, the superintendent wrote the principals because they were not meeting the targets for the consumption of a soft drink in order to meet their contractual obligation to get the money.

So here we are, not only where nutrition seems to be diminishing, but schools cut back on physical education programs, sports programs, and so forth, because the crunch is so severe. And now we are going to have testing mandates every year. I hope we will be able to get some resources, but as of right now, the local districts in Wyoming and the local districts in Connecticut are going to get hit with a heck of a price tag to meet the Federal requirement in this area. I supported it, but I did so because both sides agreed reforms were going to have resource allocations to match the mandates. I do not want to digress too much on that point, but it is one that we are going to hear about and further exacerbate, I am fearful, the very bad situation we see today with the lack of alignment in these areas.

Ms. LANG. I would just like to comment about the testing, especially putting more money into it. Connecticut already has an extensive testing program and uses it to identify children in need and provide services to those children.

I just do not want to see any more Federal money used to create more tests that will further influence how the school day is spent, because a lot of time has to be spent preparing for testing so that we succeed enough to not be identified as a priority schools.

Senator DODD. And as Congressman Fattah pointed out, if we are not simultaneously giving enough resources.

Mr. FATTAH. I have a new term of art that we are going to use.

Fundamentally, kids have to have a teacher, they have to have a textbook, they have to have access to a library and a guidance counselor. So this new term of art, we are going to start from today, which is "fundamental." We are going to move beyond "adequate," and we are not going to "equal," but at least a fundamental baseline that kids need.

Mr. Chairman, before we wrap up—I have to go to the caucus—I want to thank you again, and I wanted to ask the teacher from your State—the Carnegie Foundation has done a lot of work on this question of teacher quality, and one of the things they found, which is the most fascinating to me, is that the question of whether a child gets a qualified teacher or not is very, very important to how well they do.

In fact, they found, after spending millions and millions of dollars studying this, that in actuality, it is worth about 50 percentage points on national norm tests whether a child gets a qualified teacher or not for 2 consecutive years. So that children who are now scoring in the 30th percentile on these national tests could be scoring in the 80th percentile, not because of their ability but because of our inability to put in their classroom someone like you—that is, a qualified teacher.

So that all of this discussion about low-performing students and failing schools and all of this, at the end of the day, if we do not do something to create a circumstance in which we provide the basic fundamentals so that children can receive an education, we are really creating a contradiction in which—as I talked to the President, I was burdening him with my point of view on this, and I was explaining that when he ran the baseball team, the way the baseball league works is that each team gets the same number of players, they all have the same number of bases they have to run, you have to hit the ball with a bat and see how far you can run around these bases—these kids, like in the State of Texas, where you have school districts that are spending less than $4,000 per student and you have school districts that are spending over $20,000 per student, you cannot conceivably at the end of the day compare the results from that and act as if both sets of kids had been given a fair shot. It is just not intellectually honest.

So we either have to put some asterisks next to these tests and say that "Johnny never got a certified teacher, and this is his score," and over here, "James got qualified teachers, and this is his score," or we are not being intellectually honest. At the end of the day, we either have to address the disparity or recognize it so that we can stop stigmatizing poor kids, because the fact that they are poor does not mean, and we know it does not mean, that they cannot learn. It is that the States have never indicated any willingness to give poor kids a fair opportunity, and it is only through litigation, decades of it, that we have made any progress in any of these States, and that progress has been overwhelmed by what has yet to be done, and hopefully, the great Senator here is going to help us get a lot more done, working with me on this new venture where we try to lay out some basic parameters that we can measure States by so that we can have a report card that indicates how the grownups are doing in terms of providing kids with a fair shot.

Senator DODD. Senator Enzi has indicated a willingness to work with us on something as well.

Let me ask three quick questions of the panel, and some of them are pointed to individuals, but I would like all of you to comment.

I wonder if you might pick up, Mr. Rebell, on the issue you commented on, the courts and the historical genesis of the *Rodriguez* case and going forward. In your opinion, are there actions being

brought now in Federal courts around the country, at the district level, that may be moving through the system, possibly reassessing the *Rodriguez* case, so that you may end up with the adequacy test being challenged?

Mr. REBELL. There really have not been, Senator. I think some of these concepts about citizenship preparation have begun to come forward in the State cases. That would be the next logical step, I guess, if the plaintiffs are not satisfied in the State courts. So far, plaintiffs have been doing pretty well in the State courts in the last 10 years—they have been winning about two-thirds of the cases—so there is less pressure in the Federal direction.

There has been some Federal litigation on the Title VI point about these disparities that we are talking about possibly being in violation of Title VI the 1964 Civil Rights Act, but because of the Supreme Court's decision in the *Sandoval* case about a year ago, which denied a private right of action, I would not expect that those are going to see their way to the Supreme Court.

Mr. FATTAH. But there are three Federal cases. That is, there are 30 rural districts in Kansas that have filed a Federal case——

Mr. REBELL. Those are all Title VI cases.

Mr. FATTAH. And they are all Title VI cases. But the Florida election issue, interestingly enough, may give some more opportunities here. That is, in the precincts with the most spoiled ballots out of precincts that correlate with educational attainment levels at the lowest in the State, and this whole issue of citizenship appropriately before the Supreme Court might give some opportunity to review the *Rodriguez* decision.

Mr. REBELL. It is an area of real potential, but it has not been tapped yet.

Senator DODD. Yes. I appreciate your mentioning citizenship. Senator Pete Domenici and I authored a number of years ago the character education proposal. It started out with about $5 million, and last year, I think the Congress appropriated $25 million. It is a grant program for States, but it has been interesting the number of States that have applied for these grants to promote character education and good character education. There is a real appetite for it out there, because people see kids coming to a school system ready to learn but not particularly in these areas. So filling in what good citizenship means and basic principles is something that clearly, parents and teachers and others see a need for, which brings me to an issue that you addressed—I think Mr. Price raised it—and that is the issue of child care.

Having written the Child Care and Development Block Grant some 16 years ago with Senator Hatch, and we are now trying to argue for additional funds with the welfare reform proposals, 78 percent of parents with children of school age are in the workforce; 65 percent of parents with children under the age of 6 are in the workforce; and 50 percent of women with infant children are in the workforce. And those numbers are going up all the time.

I am so glad you mentioned quality, because accessibility and cost are obviously important, but maybe Ms. Catchpole and Ms. Lang could comment on this. I know from hearing from my own sister, and I know from the survey done of kindergarten teachers, that kids are just not coming to school ready to learn. They are see-

ing a huge gap in terms of their ability to start. So when we start testing kids very quickly, we are finding out that they are not ready to learn in that K class, and the quality of child care in terms of being any kind of place where those fundamental developmental skills are being nurtured at all seems to be lacking tremendously.

I wonder, Ms. Lang, if you are seeing anything like this or would like to comment on the validity of that particular point.

Ms. LANG. Certainly, children are coming to school with more severe problems than we have seen in the past. As we expand our pre-K opportunities and our parenting birth-to-3 programs, there is an opportunity for improvement. But right now, there is a big difference from 20 or 30 years ago when I first started.

The quality of child care is very important. We cannot spend our money foolishly to support pre-K programs that are not run by certified teachers and that do not have quality curricula.

I just wanted to respond to Congressman Fattah's frustration with qualified teachers, because that is a huge frustration for us in Bridgeport. One of our high schools starts every day down 16 teachers; they have never filled those classes all year long. And until we raise teachers' salaries to attract better teachers——

Senator DODD. Aren't we the highest in the country, or almost the highest, in terms of what we pay our teachers?

Ms. LANG. But the disparity between the urbans and the suburbans is great, and what happens is——

Senator DODD. Can't we attract some teachers out of Wyoming who might want to come out here?

Ms. LANG. Yes, yes, we could—but what happens is that we get some great teachers into Bridgeport, we work with them for 3 or 4 years, and if you can teach in an inner city, you can teach anywhere. So then, the suburbs come in, and they literally raid our teacher pool. Teachers get phone calls at home: "I hear you are a wonderful music teacher. Come and teach for us. We can give you $10,000 more."

Mr. FATTAH. In Philadelphia, if you are a math teacher, and you get your 3 years' experience in Philadelphia, you can go to the suburbs and make twice as much teaching half as many kids, and 15 minutes away. So it does not take a rocket scientist to know what the final deal is going to be in terms of holding onto these teachers.

Senator DODD. Ms. Catchpole.

Ms. CATCHPOLE. Mr. Chairman, I am so delighted that you brought up the early childhood issue, because I truly believe that regardless of the State—currently, we are testing in fourth, eighth, and eleventh, and our fourth grade test would parallel the gap of children who are coming to kindergarten not ready to learn.

The exciting thing that I have found in my 8 years as superintendent is the awareness now of people like you, the United States Congress, and State legislatures, who have paid attention to the brain research that is available, who have paid attention to the importance of early learning in those early years. That was nonexistent 10 or 15 years ago. So I commend you for your efforts to talk to parents about the importance.

I was driving through Wyoming recently and heard a national advertisement to parents on the importance of music, art, the kinds

of things that enrich the lives of young children. So I think that we are partners cannot do enough to emphasize to parents, to communities, everyone, about the importance.

I never give a speech in Wyoming, whether to the Rotary Club or to a school, that I do not say "please take a look at what is happening to the very young children in your community, and help us close the gap before they enter public school."

Senator DODD. Parents are the best first teachers, but too often, the simple, basic things, obviously, like reading and music and so forth—but even just talking—prior to the hearing, I was telling Ms. Lang that my sister now at the Kennelly School in Hartford in early childhood development is now insisting—and this is so contradictory to everything we were taught growing up—one of the things she does now is have her kids talk in class for the simple reason that they are so inadequate in terms of their verbal skills coming in. She never thought she would see the day where she was actually promoting talking in class, and a lot of it is because she is convinced that they are in settings before they start school where there is no discussion—they are dropped in front of a television—so their ability to communicate has just fallen off tremendously, as she has, in her 30 years, particularly in the last 5 or 10 years, seen a dramatic drop in children's verbal skills. And we know the direct correlation between a child's verbal skills in any language, by the way, and their ability to learn to read. So she sees it very dramatically and has seen a pronounced decline in the verbal skills of children coming in.

I think a lot of it is that, obviously, with welfare reform, we want more people going out to work, but as we do that, obviously, we are creating a situation where we need to do more to promote accessible, quality child care, and if you are in a minimum wage job and part of the working poor, as so many kids are, you have 6 million infants in child care, 14 million kids every day in a child care setting, so it seems to me we have a real job to do if we are going to have more work requirements, we are going to have to have a commensurate commitment to see to it that the quality of care of infants is improved dramatically.

I wanted to raise one last question with you, Mr. Price. In your written testimony, you pointed out the correlation between the racial isolation in education funding and equity. I think that is indisputable. Aren't we also seeing significant inequities or inadequacies among schools with similar racial compositions?

Senator Jeffords is not here, but in Vermont, for instance, which has few students of color, there are also inadequacies, or in Wyoming, where the significant number of racial minorities would be relatively small.

Is that an accurate statement?

Mr. PRICE. Absolutely. We look at the world initially through the prism of those we serve, but there is absolutely no question when you look at rural-suburban disparities, they are just as strong, reservation versus suburban disparities, just as strong. So I think there is a fundamental issue if we are going to leave no child behind, what does it take, what does it cost, and are we going to get about the business of doing it. And we are looking at this through our constituencies' prism, but it is a much broader issue.

Mr. REBELL. Just to give you a statistic on that, Senator, in 1999–2000 in the State of Ohio, Cuyahoga Heights, which is a wealthy suburban district, had $16,000 per student in funding, and Tri Valley, a nearby rural area, had $4,500 per student. So it is an urban-rural issue that goes beyond race as well as the more focused racial issue.

Senator DODD. Yes.

Mr. FATTAH. It is well beyond race in terms of the disparities, but there are within it, however, certain pronouncements. When we talk about qualified teachers, the Carnegie report shows that no matter what the socioeconomic group, a qualified teacher raises scores, but the only correlation with race on this question of quality teachers, for instance, is that if you are an African American, you are the least likely person in our country to have a qualified teacher.

So that not only do you have the inequality there, but you also have other issues that come into play in terms of getting to some of these other issues that we are concerned about. But I think that it is essentially at its core a denial of poor children an equal educational opportunity. It is not focused at race, even though it is more acute when we talk about Latino or African American students.

Senator DODD. I would point out that some States do have primarily State funding. Do you have State and local in Wyoming?

Ms. CATCHPOLE. State.

Senator DODD. Just State. In Connecticut, it is very significantly a local property tax.

Ms. CATCHPOLE. Some comes in, but it all comes in to the State.

Senator DODD. Yes, and then goes back out. I often point out that in Bridgeport—and these numbers might not be exactly right—but in our cities now—it used to be that a balanced taxing rate would have our city functioning with 30 percent of your revenues coming from residential property taxes and 70 percent coming from commercial property taxes—in our cities, it is exactly the reverse now, that 70 percent of revenues are coming from residential property taxes and 30 percent from commercial. You are watching a decline of commercial activity, and the burden then rises on local property owners. So that a lot of the residents who live in these cities are only living there because they cannot get out. No one will buy their homes. They cannot leave. Given a choice where the housing cost may be less, the taxes as a percentage of the cost of that home are so much higher, and of course, the incomes are lower, and the job opportunities are nonexistent. So you get trapped in these situations.

I do not know what it is in Fairfield, but obviously, the ratio is significantly different. Obviously, the costs are higher in Fairfield, but incomes are substantially higher. Do you know what those are off the top of your head?

Ms. LANG. I do not know exactly, but I can tell you that Bridgeport's educational funding is 70 percent from the State. We only get 30 percent—and it is probably less than that, because we get some from the Federal Government, too. But most of it is State money, and that is the opposite in the suburbans. Most of their funding comes from their local taxes.

Mr. PRICE. This is why, Senator, whether we call it a partnership between the Federal Government and the States and localities, or call it a mandate, or call it a mango, or call it a banana, the Federal Government has really got to lean on——

Senator DODD. We have got to be in on it, yes.

Eighty-four percent of the American public in a recent survey felt that if, instead of 1.5 percent, the Federal Government put 5 percent of its budget to K through 12 education, that would make sense, and if you did that, you would be increasing our commitment in this area somewhere between $18 and $27 billion. That is what it would get you—not that that is going to satisfy all the issues, but it would get you moving in the right direction, anyway.

Mr. FATTAH. Mr. Chairman, let me just say finally, before you conclude, because I want the record to be clear on this point, that I think it is a legal matter. None of these dollars that are being generated at the local level are local dollars. In every instance, the States determine by statute the boundaries of school districts, and they then have to authorize what taxes can be levied at the local level. There are, in fact, State taxes levied at the local level and then used as an excuse for the inequality. That is to say, States could have just as easily decided to use income taxes as a basis to fund schools, but as the Republican elected school superintendent in Arizona said more eloquently than I can, when you use a property tax-based funding, you allow the wealthiest communities to have the best-funded schools, to pay the least amount in taxes as a percentage of their real estate holdings, and you have the poorest communities pay the highest amount in millage and still underfund their schools; and then you are able as a State government to then argue that, well, we are trying to help these poor districts, we are giving them some extra help—it is just that these local taxes are unequal because some people are a little bit wealthier than others.

States should not be let off the hook by arbitrarily deciding to use a taxing mechanism that confuses people and confuses the issue. What they should do, as they do for State troopers in their State—they pay them the same all around the State—and they pay their State legislators the same amount of money—there is a recognition of State action even when it is applied to what is called local taxation that I think the record should be clear about.

Senator DODD. Congressman, we thank you for participating, and I would ask our witnesses to take a look at your revised proposal.

We will leave the record open for 10 days for any additional statements or questions from our colleagues.

You have been four excellent witnesses, and I am very grateful to all of you. Ms. Lang, we always have a special appreciation for those who have been teachers, and you have done it for 3 decades. Congratulations on your elevation—I think we can call it that—promotion—you might have a different opinion a year from now whether or not that is the case.

Ms. LANG. The jury is still out on that one.

Senator DODD. Mr. Rebell, thank you. Come back to New Haven any time you would like; and Mr. Price, the excellence of what you have done is in direct relationship to your education in Connecticut, so we want you to know that you are welcome to come back

any time. And Ms. Catchpole, we thank you as well for being with us.

This committee will stand adjourned until further call of the chair.

[Whereupon, at 12:15 p.m., the hearing was adjourned.]

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