

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

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EVENT DATE: February 11, 2015

TYPE: COMMITTEE HEARING

LOCATION: WASHINGTON, D.C.

COMMITTEE: HOUSE COMMITTEE ON EDUCATION AND THE WORKFORCE

SPEAKER: REP. JOHN KLINE, CHAIRMAN

WITNESSES:

REP. JOHN KLINE, R-MINN. CHAIRMAN

REP. ROBERT C. SCOTT, D-VA. RANKING MEMBER

REP. TODD ROKITA, R-IND.

REP. JOE WILSON, R-S.C.

REP. RUBEN HINOJOSA, D-TEXAS

REP. GLENN THOMPSON, R-PA.

REP. SUSAN A. DAVIS, D-CALIF.

REP. LOU BARLETTA, R-PA.

REP. RAUL M. GRIJALVA, D-ARIZ.

REP. CARLOS CURBELO, R-FLA.

REP. ALMA ADAMS, D-N.C.

REP. STEVEN RUSSELL, R-OKLA.

REP. JOE COURTNEY, D-CONN.

REP. MARCIA L. FUDGE, D-OHIO

REP. BRADLEY BYRNE, R-ALA.

REP. JARED POLIS, D-COLO. DEL. GREGORIO KILILI CAMACHO SABLAN, D-N.MARIANAS

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REP. RICK ALLEN, R-GA.

REP. DAVE BRAT, R-VA.

REP. SUZANNE BONAMICI, D-ORE.

REP. MARK POCAN, D-WIS.

REP. GLENN GROTHMAN, R-WIS.

REP. MARK TAKANO, D-CALIF.

REP. HAKEEM JEFFRIES, D-N.Y.

REP. KATHERINE M. CLARK, D-MASS.

REP. MARK DESAULNIER, D-CALIF.

REP. LUKE MESSER, R-IND.

REP. VIRGINIA FOXX, R-N.C.

REP. JOE HECK, R-NEV.

REP. TIM WALBERG, R-MICH.

REP. MATT SALMON, R-ARIZ.

REP. DUNCAN HUNTER, R-CALIF.

REP. BRETT GUTHRIE, R-KY.

REP. E.L. 'BUDDY' CARTER, R-GA.

REP. ELISE STEFANIK, R-N.Y.

REP. MIKE BISHOP, R-MICH.

KLINE: The Committee on Education and the Workforce will come to order. A quorum being present, the committee meets today to consider H.R. 5.

Given time constraints, I would ask that members insert any written statements into the record. I'll hold the record open until the end of the day in order to accommodate those members who may not have prepared written statements.

I'll now recognize myself for an opening statement for today's committee consideration of H.R. 5.

H.R. 5, the Student Success Act, is a bill to improve K-12 education by reducing the **federal** footprint, restoring local control and empowering parents and education leaders to hold schools accountable.

We are here for three important reasons.

First, the nation's elementary and secondary education system is fundamentally broken. Too many students are dropping out of high school, and those who do graduate are often ill-equipped to complete a college education and compete in the workforce. Many parents are left with few or no options to rescue their children from bad schools.

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Every child deserves an excellent education, and we are failing miserably at providing every child that opportunity. Year after year, we examine the problems and talk about solutions, yet despite all the rhetoric, reports and hearings, nothing changes.

Something has to change, which leads to the second reason we are here this morning. It is time to pursue a different course.

For the last 40 years, Washington has assumed more programs, more spending, more top-down mandates will cure an ailing education system. We have doubled down on this approach time and again, and it isn't working. Federal control over the nation's schools continues to grow, while student achievement remains stagnant.

Success in school should be determined by those who teach inside our classrooms, by administrators and local leaders who understand the challenges facing our communities, by parents who know better than anyone the needs of their children.

That's why I'm a proud -- that's why I'm proud to sponsor this legislation. By reducing the federal footprint, restoring local control and empowering parents and education leaders, the Student Success Act will help provide all children access to an effective education.

The bill is a common-sense response to a status quo that has failed students for far too long.

The Student Success Act will ensure our investment in K-12 education is more efficient and effective. The bill eliminates more than 65 ineffective, duplicative and unnecessary programs and replaces this maze of programs with a local academic flexible grant.

H.R. 5 provides the freedom to allocate resources in a way that reflects local priorities, not Washington's priorities.

The Student Success Act strengthens accountability by replacing the current one-size-fits-all scheme with state-led accountability systems, returning to states, parents and local leaders the responsibility for measuring student performance and improving underperforming schools.

The Student Success Act recognizes that with the investment of federal resources comes a limited federal role. For example, the bill continues annual assessments in reading and math.

We've learned the federal government can help shine light on school performance, including how schools support the most vulnerable students. By maintaining this provision, we are empowering parents and education leaders to hold their schools accountable with meaningful information.

However, we've also learned there is too much opportunity under current law for the secretary to impose his will on schools. That is why the bill prevents the secretary of education of coercing states into adopting a certain set of assessments or standards.

The legislation also reforms the regulatory process to provide greater transparency and accountability over the rules affecting K-12 classrooms.

Finally, the Student Success Act reaffirms that choice is a powerful lifeline for children trapped in failing schools. Whether strengthening the magnet school program, expanding access to quality charter schools or allowing funds to follow low-income students, the legislation will help spread the promise of school choice to families across the country.

These are just some of the reforms included in the Student Success Act. No doubt members will address other provisions throughout today's meeting, and I look forward to a robust debate.

I would like to close by noting the third and final reason we are here today. The time to pursue a different course is now.

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Parents, teachers, education leaders and students and have waited long enough for Congress to replace No Child Left Behind. It has been 13 years since a comprehensive elementary and secondary education reform bill was signed into law and more than seven years since that law expired.

We have a lot of work ahead, and it's time to get started. It is important to remember this is one step in a long process, one that will continue to be open and transparent.

Every member has an opportunity to express his or her views, offer amendments and have an up or down vote. I'm confident members will have the same opportunity should the legislation be considered by the whole House. That is the legislative process -- open, transparent and fair. I urge my colleagues to work with us to move this process forward.

With that, I will now recognize the ranking member, Mr. Scott, for his opening remarks.

SCOTT: Thank you, Mr. Chairman.

Today, we are here to begin reauthorization process for the Elementary and Secondary Education Act, a landmark civil rights law. As we approach the 50-year anniversary of its enactment, we cannot take lightly its mission and goal.

50 years ago, we as a country recognized -- and I'm quoting from the original bill -- "the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local education agencies to support adequate educational programs."

We recognized that for many politically disconnected populations in this country, it is necessary for the federal government to fill gaps in funding in our public education system.

While education would remain a fundamentally local issue, we recognize that our local funding system produced and will continue to produce large gaps in equity. Inequality is inevitable when most school systems are funded by real estate taxes and -- and in our democratic society, politicians respond to political pressure where politically influential interests tend to -- tend to fare better.

And so 50 years ago, Congress recognized that low-income communities were not getting a fair share, and if we block (inaudible) the -- the funding, Mr. Chairman, we can fully expect that states would resort to the inequity that ESEA is designed to correct.

And so 50 years ago -- it was 50 years ago that we provided supplemental resources needed to ensure that all children had access to a quality public education and that ESEA is therefore not a general education fund for all but a targeted fund. It provides limited funding targeted to schools and students who let -- who get left behind in an unequal system.

Over the years, we have reauthorized the bill and found ways to create more equitable systems, and while the original bill focused primarily on low-income and minority students, we recognized that students with disabilities and non-native English-speaking students are also faced with local educational systems unprepared and sometimes unwilling to provide the appropriate -- appropriate resources.

And it is in recognition of that history that we turn to our markup of H.R. 5 today. H.R. 5 would lock in low funding levels without the ability to adjust appropriations for inflation or future needs and dramatically alters how precious federal funds are allocated.

The bill weakens or eliminates many protections for poor and minority students, it fails to provide a well-rounded education for all students and fails to support our nation's educators. In short, the bill would turn the clock back on equity and accountability in the American public education system.

As such, Democrats will offer amendments to try to fix H.R. 5's glaring problems with sound, evidence-based policies.

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Democratic amendments will ensure that states set high standards and goals so that students graduate from -- from high school, college and career-ready, will support state -- state-driven accountability and school improvement systems that hold schools accountable for the success of all students while ensuring that schools have the resources and support they need to be successful.

They will promote policies that improve the effectiveness and working conditions and professional development supports for our nation's teachers and principles and will authorize a federal investment reflective of need and targeted to the communities most in need of supplemental federal dollars.

Taken together, the Democratic amendments would reinforce ESEA's bedrock equity protections that H.R. 5 would dismantle. Our amendments are aimed to ensure that every child in our country gets the education he or she deserves, regardless of poverty, disability or other challenges.

Taken together, Democratic amendments place a high-quality education for all students at the center of this ESEA authorization exactly where it should be.

We're faced with tremendous opportunity to bring our -- our education system into the 21st century, and we as Democrats and Republicans have a chance to work together to ensure that all students have access to a world-class education that prepares them for success in the global economy.

We can find unity where we agree and compromise where we differ. But unfortunately, Mr. Chairman, we're in a situation where the Republicans dismissed every plea for cooperation and are pushing a bill that would take the American public -- public education in the wrong direction.

This approach does a disservice to our deliberative process and to the people we are sent here to represent.

It's also a disservice to the history of ESEA and more importantly, a disservice to our nation's school and their students.

SCOTT: Instead of building on what we've learned in the last 13 years and proceeding in a deliberative manner, this -- with this authorization, today's markup was -- is being held approximately two legislative -- full legislative days after introduction. And that eliminates any real opportunity for a deliberative process.

Mr. Chairman, I urge my colleagues to reject the bill, and instead, support the Democratic amendments. And I yield back the balance of my time.

KLINE: I thank the gentleman for his comments. I disagree with most of them, but I was glad to hear them.

The Committee will now proceed to the consideration of the bill H.R. 5 for amendment. Without objection, the bill will be considered as read and open for amendments.

SCOTT: Mr. Chairman? Mr. Chairman?

KLINE: Mr. Scott?

SCOTT: Reserving the right to object.

KLINE: The gentleman's recognized.

SCOTT: Mr. Chairman, we've been given a -- an amendment -- the bill was only introduced two full legislative days ago. And the amendment -- I would -- we've read it enough to know that we're not going to support it. I'd like representation from your side that those who expect to vote for it have actually read it.

I yield to you.

KLINE: The gentleman yields back.

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SCOTT: No, I didn't yield back. I just yielded to you to see if the members have actually read it.

KLINE: The gentleman is recognized for whatever remarks he wants. He can either make remarks or yield back.

SCOTT: I'm just looking to see if the -- if people on your side are representing that they've actually read the bill.

KLINE: Mr. Scott, I...

SCOTT: I -- I have...

KLINE: ... I call for votes here, or not.

SCOTT: I'm not asking for a vote. I just reserve the right to object to the waiving of the reading of the bill. We can -- I mean, if they haven't read it, we can take the opportunity to have the clerk read it to us.

Do you all need it read to you?

I withdraw my objection.

KLINE: I thank the gentleman.

I will soon recognize Mr. Rokita to offer an amendment in the nature of a substitute. Without objection, the amendment shall be considered original text and open to amendment at any point. The amendment in the nature of substitute has already been distributed and is in each of your folders.

I now recognize Mr. Rokita for five minutes to explain the substitute.

ROKITA: Thank you, Chairman Kline. Far from being disappointed, I -- I congratulate you and thank this Committee for their great work in what is not a new product. What has been around this Committee, and really the House of Representatives, for several years. In fact, was passed out of the House of Representatives in 2013.

I also want to thank the staff of this Committee for the great work they've done over the years. And I want to thank the members that I've worked with personally over the last several years on both sides of the aisle, as we explored their ideas, initiatives and intentions.

After seven years of delay, today marks an important step in replacing a failing law, one that has deprived students of an opportunity to earn a lifetime of success. If stagnant student achievement and disappointing graduation rates have taught us anything, it is that expanding the federal government's footprint in classrooms does not prepare students with the knowledge and skills they need to succeed in life.

No Child Left Behind's strict rules and onerous regulations and the Obama administration's inappropriate, frankly, waiver scheme have hindered progress and stymied local reform efforts to improve learning for every child in America.

The Student Success Act gets Washington bureaucrats out of the business of running schools, and places control back in the hands of the parents and teachers, who, of course, know our children the best. And before I explain a number of changes in the substitute amendment, I would like to highlight several of the legislation's key reforms that will repair our nation's broken education system.

First, the Student Success Act reduces the federal footprint and restores control of the classroom to parents and state and local education leaders. It prohibits the federal government from encouraging a one-size-fits-all prescription that may help students in California, but may worsen outcomes for students in my beloved Indiana, for example.

The bill repeals, in effect, the federal requirements governing accountability, teacher quality and local spending that hamstringing the ability of states and school districts to approve student learning for their unique student populations.

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The legislation also includes several measures that prevent the secretary of Education from coercing states to adopt common core, and from placing additional burdens on states and school districts that affect standards, assessments, and accountability plans.

Second, this act empowers parents and state and local education leaders to hold schools accountable for effectively -- effectively teaching students. It is the right of every parent and taxpayer to know whether their local schools are delivering an excellent education or not. However, this is a state and local responsibility, not a federal responsibility.

The legislation allows states the flexibility to develop their own systems for addressing school performance. This is where that responsibility should be.

The legislation also expands opportunities for parents and children to escape underperforming or failing schools. Alternative education options play a critical role to chartering a better path for students. In my home state of Indiana, for example, the Charles A. Tindley Accelerated School's rigorous curriculum and laser focus on preparing students for higher education has helped more than 80 percent of its alumni earn a bachelor's degree.

Americans deserve an education system that prepares our children to succeed in colleges, careers, and life in general. The onus is on us as elected officials to enact common-sense reforms that will put power back in the hands of moms, dads, teachers, administrators and state officials, who can make the biggest difference in every child's education.

In closing, I'll simply say that the proposed substitute makes a number of technical and clarifying changes that will support state and local efforts to improve education. For instance, the substitute clarifies state education leaders -- indicates that they should consult with representatives of the Indian tribes when developing state plans. It also clarifies federal funds can be used to support all academic subjects, and permits states to support local efforts to develop and implement blended learning models for their students.

Finally, the substitute helps ensure that more schools and students can benefit from effective education practices by supporting the wide dissemination of relevant education research.

With all that said, I encourage my colleagues to support the substitute and the underlying bill. And I yield back the balance of my time.

KLINE: The gentleman yields back. I thank the gentleman.

Does any member seek recognition on the substitute?

Mr. Scott?

SCOTT: Yes, thank you, Mr. Chairman.

Mr. Chairman, this amendment to H.R. 5 would turn the clock on American public education. The bill -- this amendment would abandon the fundamental principles of equity and accountability in our education system. It eviscerates education funding, fails to support our educators, and leaves our children ill prepared for success in the classroom and beyond.

Mr. Chairman, research shows that education is one of our single best investments we can make in our country's future. Unfortunately, H.R. 5 ignores much of this research. In fact, H.R. 5 represents a dangerous disinvestment in education for our nation's most vulnerable students, and thus, our nation's growth and vitality.

To start with, the bill's so-called Title 1 Portability Provision illustrates how H.R. 5 walks back on our commitment to providing necessary resources for all students to receive a high- quality education. Title 1 is a primary source of federal fundings -- federal funding to schools serving poor children.

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Study after study has demonstrated that low-income students face significantly greater challenges. Socioeconomic isolation has grave impact on student learning and achievement. The research shows that targeting resources to schools and districts with the highest concentrations of poverty is effective in mitigating these ill effects. Current law reflects this evidence and targets funding to schools where there are greater concentrations of poverty.

Making Title 1 funds portable, which is supposedly to allow the money to, quote, "follow the student," stands in direct contradiction to this widely documented research. As a result of H.R. 5's funding formulas, much of Title 1 support, meant for our most disadvantaged students, would be reallocated to more affluent areas and districts.

Analysis from a number of organizations and the U.S. Department of Education demonstrates that Title 1 portability will take money away from our poorer schools and districts, undermining the historic federal role of targeting aid to our neediest students.

The Center for American Progress recently analyzed the impact of portability specifically, and found that districts where high concentrations of poverty -- districts with high concentrations of poverty could lose an average of up to \$85 per student, while the most affluent districts could gain more than \$290 per student.

Mr. Chairman, that begs the question, exactly what is H.R. 5 trying to solve? What -- if this is the solution, what was the problem?

(inaudible) federal funds follow the student will make a great sound bit, but the resulting policy fails, upon serious scrutiny, with damaging effects on students who depend on federal resources to fill the gaping holes left by the inequitable state and local financing systems.

To add insult to injury, H.R. 5 would eliminate Maintenance of Effort required in ESEA, allowing states and districts to reduce their non-federal education spending without penalty. At our forum, we heard from the president of the Council on Great City Schools, who called the Maintenance of Effort requirements "among the most critical provisions and successful components of federal education law, and among the most effect things the federal government does."

By eliminating Maintenance of Effort, H.R. 5 would allow states and districts to use federal funds -- federal education funds for tax relief or other non-educational uses, thus turning ESEA into a glorified slush funds where politics would drive funding allocations. And we know who lose when politics are at play.

Poor children can't vote, disabled children can't vote. Children with limited English proficiency can't vote. That's why the federal funds were targeted in those areas of need to begin with.

And so, I ask the question again -- what problem are we trying to solve? The net effect of both Title portability and reducing state Maintenance of Effort is to undermine and dilute federal funding to our nation's poorest schools and children. But wait, that's not all.

Under H.R. 5, 40 percent of poverty -- the 40 percent poverty threshold for operating a school wide program would be lifted. In the current law and in the Democratic Substitute, schools can use Title 1 money for school wide programs when more than 40 percent -- 40 percent or more of the school's students are Title 1 eligible. The rationale being that with such high -- such a high percentage of disadvantaged students, any program to support intervention provided for all students is reaching the students intended to benefit from the funds, allowing poor schools to take advantage of the economics of scale when expending their Title 1 funds.

Under H.R. 5, the threshold is gone, allowing low-poverty schools to collect Title 1 dollars that should be supporting a small number of eligible students who need it, and spread it across the whole school. Under this scenario, it is less likely that the at-risk students will get any direct support at all.

SCOTT: Current law requires federal dollars to be spent on targeted programs for the students who need it. This provision -- the elimination of the 40 percent requirement for school wide services -- is just another place where H.R. 5 systematically takes focus off our neediest students and places it somewhere else, and undermines the

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statutory intent of the ESEA. And that's just Title 1. At some point, you have to ask when -- we have to ask: Have we violated the fundamental principles and purposes of ESEA? If H.R. 5 is a list of solutions, we ought to talk about what problems we're trying to solve.

Mr. Chairman, I would hope that we would significantly amend this or defeat the amendment in the nature of a substitute as offered.

KLINE: The gentleman's time has expired.

Mr. Wilson?

WILSON: Thank you, Mr. Chairman.

I'd like to thank you for your leadership, and Congressman Todd Rokita for offering this amendment.

I believe the Student Success Act demonstrates our confidence in the people most devoted in the education of our students, our teachers, local elected school boards, and parents. No Child Left Behind, while based on good intentions, has resulted in an unprecedented federal role in the education of our children. It is time to give control back to the states and let our local educators and administrators decide how to use their grants to improve educational outcomes.

I believe this law is a large step in the right direction. I am particularly pleased to see that these Student Success Act includes language -- language that will prohibit the Department of Education from inserting itself in state standards, assessments and accountability systems.

Two weeks ago, I was grateful to stand with the new superintendent of education of South Carolina, Molly Spearman, along with Councilwoman Kathy Maness, executive director of the Palmetto State Teachers Association, in support of a bill I introduced entitled the Local Control of Education Act, which would similarly prohibit the Department of Education from mandating, coercing or incentivizing states into adopting a certain set of academic standards such as common core state standards.

South Carolina was one of the many states that adopted common core as a result of incentives offered by the administration. And the state has since taken brave steps to repeal and replace the standards. Superintendent Spearman and her team are in the process of finalizing a new set of standards that will ensure every student in South Carolina is career and college ready by graduation.

They have worked with stakeholders, parents, teachers and local education leaders to develop these new standards, which will embody the expectations and hopes we have for the next generation of South Carolinians.

During my time of serving the people of South Carolina, I'm grateful that I served on both the state Senate Education Committee for 17 years, and now here in the House of Representatives on the Education and Workforce Committee. As a result, I've been able to meet numerous teachers and education leaders of our state. Particularly, I'm grateful my wife, Roxanne, has been a dedicated teacher. And then I know first-hand the positive achievements of our children due to the success of our sons who I give credit to the teachers for the achievements they've had.

I have faith in them and confidence in their ability to best address the needs of our students.

I yield the balance of my time.

KLINE: The gentleman yields back.

Mr. Hinojosa, you're recognized.

HINOJOSA: Chairman Kline and Ranking Member Scott, I rise in strong opposition to the amendment in the nature of a substitute to H.R. 5, a misguided bill which abandons our most vulnerable children.

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Today, greater numbers of economically disadvantaged children are entering our public schools. In many states, including my own state of Texas, economically disadvantaged and students of color already comprise the majority of public school enrollments. Of the 5 million students who enrolled in Texas public schools in 2013 through 2014 statewide, more than 3 million were economically disadvantaged students, according to the Texas Education Agency. Similarly, public school enrollment for students of color included more than 3.5 million students during the same period.

Now, more than ever, Congress must reaffirm the federal government's historic commitment to serving schools and districts with high concentrations of poverty. To be clear, this is no time to turn our backs on our nation's children, particularly those students and families who need our assistance.

Unfortunately, this Republican bill does a poor job of ensuring that all students have access to a world-class education regardless of their zip code. The Republican bill eliminates maintenance of efforts requirements, allowing states and localities to reduce funding for education. The Republican bill fails to promote college- and career-ready standards.

In this 21st century economy, it's imperative that our nation set high expectations for all students. States must be required to set such high standards and performance targets, as I said earlier, and prepare those students for college and careers and vocational- technical jobs.

As a senior member of this committee and a member of the Congressional Hispanic Caucus, I am especially troubled that the Republican bill repeals title III of ESEA. I have no doubt that English learners would be ill-served by this Republican bill.

The portability provisions in title I that Congressman Scott spoke about, would also be extremely harmful to our most disadvantaged students. The Republican bill would allow states and districts to siphon the funds away from special populations and redirect them towards other purposes.

The Republican bill lacks a comprehensive plan to address the existing inequities and close achievement gaps in public education for economically disadvantaged students, students of color, English language learners, students with disabilities and other vulnerable student populations.

In a globally competitive world, all students must be equipped with the skills they need to succeed in school and in life. Let the record show that I oppose this misguided Republican bill and support the education legislation signed into law by President Lyndon Baines Johnson five decades ago. I urge my colleagues on both sides of the aisle to oppose the amendment in the nature of a substitute to H.R. 5.

And with that, I yield back.

KLINE: The gentleman yields back.

Mr. Thompson?

THOMPSON: Thank you, Mr. Chairman.

I want to take a moment and speak in support of the substitute. I'd like to thank not only you, Chairman, but also Mr. Rokita for taking the initiative to start the process of reauthorizing ESEA. I also want to thank the committee staff on both sides of the aisle who put countless hours in the preparation in advance of this markup. They are the silent heroes of this entire operation and they should be commended.

Mr. Chairman, I'm pleased that we're able to address some critical issues in the substitute. My colleagues who have been on the committee in the previous Congress may be aware I've been particularly concerned with an underlying flaw within the title I formula.

Unfortunately, portions of the formula used a weighting system based on population, rather than overall concentration of poverty, to direct funding to school districts. Now, this means that school districts with high

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percentages of poverty, but fewer students, are receiving less funding per student when compared to their counterparts with higher populations, but often less concentrations of poverty.

Mr. Chairman, this is not an issue of rural versus urban. This is a fundamental issue of equal protection under the law. And I'm pleased that we've made steps in this substitute to acknowledge this shortcoming.

We have been told that the Congressional Research Service is acquiring new data which will lend assistance in addressing inequity in the current formula and it's my hope that through the process of reauthorization, this issue is further addressed.

And I'd be remiss not to plug the bipartisan All Children Are Equal Act, H.R. 754. This bill will correct the current inequity in the formula. I encourage my colleagues to take a look into supporting this legislation.

Similarly, I encourage my colleagues to support the substitute, which is a step in the right direction, to ensure a more equitable manner of offsetting the effects of poverty on young learners. We owe it to future generations to make sure that all children are truly equal under the eyes of the law.

And I yield back.

KLINE: The gentleman yields back.

Ms. Davis?

DAVIS: Thank you, Mr. Chairman and Ranking Member Scott.

I speak in opposition to the amendment in the nature of a substitute. Today's reauthorization of the ESEA which is offered here by the majority is exactly the same bill we debated last Congress and which failed to secure a single Democratic vote.

At a time when all of us in Washington are desperately trying to show the public that we can in fact work together, the majority has decided that compromise is just not worth the effort. Instead, today we will mark up a reauthorization of one of the most important pieces of legislation ever passed by Congress, the Elementary and Secondary Education Act, without holding a single hearing.

Mr. Chairman, more than anything, I view today as a missed opportunity. We all know that No Child Left Behind is in need of improvement and that the waiver process the secretary of education has relied upon in recent years is unsustainable. Which is why we should all be working together to help our nation's education system reach new heights, rather than making it easier for it to sink to new lows.

The bill before us today lowers standards. It reduces access and almost completely eliminates any form of accountability. I find it striking that anyone would think it is a good idea to have such little oversight on such an important taxpayer investment. As federal lawmakers, we have a right and I would certainly say a responsibility to expect results from the money we provide to schools across this country.

We all know that the importance of the investment that we make in education is not going away. As a member of the Armed Services Committee, I can't tell you how many generals I have met with who are deeply concerned that we are not doing enough today to train the young people we need to protect us from threats of tomorrow. How can we ever hope to prevent the next cyber attack unless our nation's military has an educated workforce to draw from?

I have no doubt that supporters of H.R. 5 will argue that they, too, believe in high standards and in improving our nation's educational system. But without an accountability system that assures parents that schools will act when their children are falling behind, or that states will act when schools are falling behind, I have a hard time understanding how real improvement is possible.

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DAVIS: Yes, we need to fix the one-size-fits-all model of No Child Left Behind. And yes, we must provide our teachers and school districts with more flexibility. But we cannot as a federal government completely abandon the responsibility we have to hold schools that education our nation's children accountable.

No Child Left Behind fundamentally changed what it meant to be a good school in America. No longer was it possible for schools to simply skate by on the performance of their top achievers or otherwise hide behind the performance of some groups of children.

Finally, schools were held accountable for improving the outcomes of all groups of children.

What a shame it would be, Mr. Chairman, if we chose to roll back all the improvements we have made in the last decade just so the House could pass another, which amounts to a hyperpartisan, education bill.

As H.R. 5 eliminates the critical elements essential to genuine accountability, I'm sorry that I cannot support it, and I urge my colleagues to do the same.

I yield back, Mr. Chairman.

KLINE: The gentlelady yields back.

Mr. Barletta?

BARLETTA: Thank you, Mr. Chairman.

And thank you for working with me to address some of my concerns with this legislation, especially its impact on our nation's afterschool programs for elementary and secondary students. Afterschool programs help keep kids safe, improve academic performance and help working families across America.

The benefit of these programs span all aspects of our communities. Therefore, I have concerns about the consolidation of the 21st Century Community Learning Centers program into a local academic, flexible grant.

This program is currently the only federal funding source dedicated exclusively to before-school, after-school and summer learning programs.

As we both know, student success is not only measured by student achievement, but by student engagement. Students participating in the 21st Century Learning Centers have shown improvements in homework completion, class participation and attendance. This all leads to better grades, better behavior and lower incidence of drug use and violence.

Where I'm from in Pennsylvania, gangs have become a problem in our neighborhoods. When I was mayor of Hazleton, I saw it on our own streets. Afterschool programs offer a safe environment for kids to further their academic learning, rather than seeking out and joining gangs.

For example, I'm proud that SHINE, the Schools and Homes IN Education Afterschool program is expanding from Carbon County into Luzerne County in my district. This nationally recognized program offers afterschool and summer programs for kids in pre-K through college. It focuses on projects in STEM courses, science, technology, engineering and math, as well as the arts. And high school students mentor the younger children.

Importantly, the SHINE model uses a successful public-private partnership model, where a local school district partners with a college or university to carry out the program.

I want to take this moment to thank the committee for clarifying the importance of partnerships like these. SHINE helps product better educated young people who later go on to graduate from professional schools, colleges and universities, to become integral parts of our nation's workforce. It is a deterrent for criminal behavior.

At the end of the day, programs like SHINE can change a child's future for the better, and I will continue to advocate for their success.

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I have a special interest in the improvement of our educational system, because two of my four daughters are teachers. This legislation is very close to my heart. And I urge the committee to support this substitute amendment and the underlying bill.

I also appreciate and thank Chairman Kline for his engagement on this issue.

I hope the committee will consider the importance of an afterschool programs to our nation's kids and their families and they continue to work with me to ensure America's students succeed, not only in academic achievement, but student engagement as well.

(UNKNOWN): Will the gentleman yield?

BARLETTA: I will.

(UNKNOWN): Thank the gentleman.

I want to thank you, Mr. Barletta. The committee and I recognize your hard work on behalf of our nation's afterschool programs. I was happy to work with you to clarify the eligibility of colleges and universities to support afterschool and other student engagement initiatives in this bill.

Moving forward, the committee will be sure that communities can continue to support successful afterschool programs in our nation's schools and neighborhoods.

I yield back.

BARLETTA: Thank you.

Yield back the balance of my time.

KLINE: Who -- Mr. Grijalva?

GRIJALVA: Thank you, Mr. Chairman, and thank the ranking member.

President Johnson signed ESEA in 1965. And I think history's important. It was a cornerstone of the war on poverty, the educational opportunity initiative for this nation. And it was also a supplemental tool and a mandate to deal with the educational deficit that poor kids and children of color had endured in this country due to discrimination and unequal resource distribution.

It is an important civil rights law, ESEA, that has pushed for equity in our public education system by safeguarding the -- safeguarding that resources are focused on student populations that have been historically denied opportunity and underserved, and it mandates their protection and attention to those children.

Inequities in education have continued to persist, but this proposed legislation further rolls back the civil rights protections essential to ESEA.

I believe meaningful change needs to happen in our education system, but the current bill fails to provide children of color, children living in poverty, children with disabilities, homeless children, foster and migrant children, English-language learners and Native American children with an equitable education and protection.

We have made progress, but educational inequality persists and continues to persist today. And the Student Success Act that we have -- that is before us -- will not end that inequality that we see in our schools. In fact, the whole legislation is built on a -- on a flight of fancy -- of fantasy, that the states and local communities, primarily the states, have played no historic role in the issues in inequity and inequality and ESEA has attempted to address since 1965.

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My state ranks one of the lowest, Arizona, in per-pupil expenditures. It has laws on the book that effectively restrict the use of a second language to teach English proficiency to children. It is -- and it is that kind of a state attitude that ESEA sought to provide supplemental protection and resources for children.

This law is built on the -- on the backs of Brown v. the Board of Education, Lau v. Nichols, and countless other court cases that sought to provide educational opportunity and equality to all the children of this country.

And I would say this law is also out of sync historically with the current times. It fails to understand where America is today.

Our country is going through a significant demographic shift. And the new faces and the different faces of America are still Americans. And this ESEA, Title I and Title III, have been important instruments in providing supplemental resources and support to children.

And to make them -- to allow states to use them in what way they feel more necessary, to eliminate their utility for school districts, to take away mandates that have protected these children, is taking a step back.

This is no time to fear the demographic change. This is a time to strengthen the ESEA, to provide resources, and to use the federal role to help this country be better integrated and to give these children the investment that they're going to need to continue to make our country strong.

The legislation is wrongly timed, ignores history, ignores the realities before us, and does not present us with an option for the future.

I would -- I would urge its rejection, and I yield back.

KLINE: The gentleman yields back.

Who seeks recognition?

Mr. Curbelo, you're recognized.

CURBELO: (inaudible) for your tireless efforts to ensure the reauthorization of the Elementary and Secondary Education Act, currently known as No Child Left Behind.

This is long overdue, and I hope that we can all come together to do what is best for our nation's students. Our country deserves a world-class education system that serves our students, teachers and families well.

The measure before us today makes sense for students, teachers and education leaders all across America, providing certainty and much-needed flexibility at the state and local levels.

The Department of Education's waivers are not solutions, rather they are a clear indication that this reauthorization is necessary. The waivers have allowed the administration to expand its footprint in education, creating short-term fixes and bureaucratic red tape that has no place in our classrooms.

As a member of the Miami-Dade County School Board, I saw the challenges local education agencies face firsthand. Rigid federal rules and requirements have made it more difficult for teachers and administrators to serve their students.

While there's no question that No Child Left Behind is flawed, the law is one of the pillars of the education reform movement that in my opinion has saved public education. No Child Left Behind demands that every student in America be counted -- every student, no matter the color of their skin, the difficulty they live in or where their parents came from.

The current law, inspired and shaped by education reformers such as Florida's own Jeb Bush and our speaker, John Boehner, puts children above special interests, and recognizes that education is the great civil rights issue of our time.

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It demands accountability, understanding that every child can learn and that no child should be trapped in a failing school. It also requires the transparency that American taxpayers deserve.

I applaud the committee for maintaining the good in No Child Left Behind, while returning authority to the states and the local officials by repealing restrictive elements of the law, such as the adequate yearly progress requirement.

As a strong supporter of school choice, I am pleased by the reauthorization of the charter school program and the strengthening of the existing magnet school program.

During my time on the school board, Miami-Dade County expanded school choice drastically, thanks to the leadership of our school board, chaired by Mrs. Perla Tovarez-Hampman (ph) and of Mr. Alberto Carvallo (ph), the nation's superintendent of the year, today over 50 percent of students in Miami's public school system attend schools of their choice.

Parents feel empowered. And the element of competition has helped drive the improvement of all our schools. Under the leadership of Superintendent Mark Porter (ph), Monroe County (ph), is also taking steps to expand choice options for students in the Florida Keys.

In Florida, school choice is no longer just for those who can afford it, and we are all better off for it.

CURBELO: Mr. Chairman, the 26th District of Florida has a large population of English learners. It is encouraging that the committee has strengthened existing efforts to improve student performance of English learners and other targeted student populations.

One item not addressed is the evaluation of English-learners for purposes of accountability. I look forward to introducing an amendment to address this issue later today.

Again, I am supportive of the measure before us, and I appreciate your leadership, Mr. Chairman, on the reauthorization of the Elementary and Secondary Education Act in the form of the Student Success Act.

As we work through this process, let us keep in mind all of America's children, especially the most vulnerable. Let us do right by them.

With that, I yield back.

KLINE: The gentleman yields back.

Ms. Adams, you're recognized.

ADAMS: Thank you, Mr. Chair, and Ranking Member Scott.

I urge all of my colleagues to oppose H.R. 5.

The Student Success Act is an interesting name for a bill that so clearly sets our students up to fail. This disappointing piece of legislation completely ignores low-performing students, lacks accountability measures necessary to ensure students' success.

As we approach the 50th anniversary of passage of the Elementary and Secondary Education Act, I'm saddened to see efforts to return us back to 1965.

This bill ignores the most obvious needs of students and turns its back on some of our most vulnerable student populations, the ones I fought for when I served on the Greensboro City Council School Board in North Carolina. That was a time I ran for office, because I saw low-income and minority students being denied of quality education, which is the same thing H.R. 5 will do.

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Title I has always been the main source of federal funding for our country's poor students. However, this legislation would reverse this longstanding practice, removing money from school districts with the greatest need.

By thinly spreading money over more students with less need, this bill fails school districts.

By diluting their ability to meaningful fund programs that serve low-income students, this bill fails -- fails our students by turning a blind eye to equitable spending of federal education dollars.

By ignoring resource parity, we will erase any gains we've seen in closing the achievement gap and will set our students back decades.

And while I realize that the things I just pointed out can be seen as ideological differences, some parts of H.R. 5 just don't make sense and stand in stark contradiction to the needs of our country.

At a time when 40 percent of college students take remedial courses, employers continue to complain of inadequate preparation for high-school graduates, we must ensure that all students are college and career-ready, but surprisingly, this bill fails to do that.

Instead, H.R. 5 allows states to lower standards that lead to students graduating unprepared to enter college or the workforce. By failing to set high expectations, this bill creates a bleak outlook for our students.

We often talk a lot about jobs going overseas but fail to realize that policies like this will only support that trend by ensuring our students are not prepared to compete with their international counterparts.

Another area, we'll continue to lag internationally if we do not make the right investments in STEM. STEM-related jobs drive innovation, and innovation drives our economy, but this bill fails to do that.

Now more than ever, we're to be clear that we live in a global economy that will move us -- move on with or without us. And at a time when we continue to see growth among non-English speaking populations, I can wrap my -- I cannot wrap my brain around eliminating Title III, which provides invaluable support for English- language learners. I tried to make sense of this senseless legislation, but I can't.

We can all agree that it's time for a new law, but unfortunately, the best thing I can tell you about this bill is that it gets rid of No Child Left Behind.

But even if I did agree with the policy, I cannot support an unorthodox process. And I'm sure both Democrats and Republicans new to this committee would have appreciated at least one hearing before we marked up this bill.

Education should be an issue that unites us, not divides us. Republicans missed a real opportunity to work with Democrats to craft the bipartisan piece of legislation that addresses the needs of students across this country.

We rushed this through the entire process for a bill that can be characterized as the unraveling of the last 50 years of progress. It fails on all accounts, it fails our needy students, it fails to invest in our teachers and principles, it fails to prepare students for college and careers, and most of all, it fails to address the core principles of federal education policy.

This bill deserves an F, and I urge my colleagues to join me in opposing it.

I yield back my time.

KLINE: Gentelady yields back.

Mr. Russell, you're recognized.

RUSSELL: Thank you, Mr. Chairman.

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Mr. Chairman, I applaud both you and the committee for taking on the shortcomings of the ESEA and also the No Child Left Behind measures.

We hear a lot of talk about what the government should do and how we are somehow restricting what the government should do in education. We live in a constitutional republic that is able to function with freedom and opportunity, because states are able to govern, innovate and educate.

Students are not pawns of the federal government; they are children of parents who live in a free country where they may obtain opportunity to succeed. Their success does not hinge on massive federal government that takes everything and then in some communistic fashion gives back part of it with regulation, restriction and inefficiency.

Local parents with local control in local schools will always know what is best for the communities with aid and assistance from their state and nation. But aid and assistance are not an open door to manipulation and control.

Tagging and branding students to some governmental future is certainly not something we should see in the United States of America but in countries less free. We are not those countries.

H.R. 5 restores more control to states without restrictions that might force Oklahomans, for example, to fall short of their needs to keep our unemployment rate at 4.2 percent.

Many times, folks might feel that the flyover country are bumpkins that don't know how to educate their children. We have low unemployment rate, the largest per capita population of the space program than many in the country, and all of our students can achieve their hopes and dreams, such as me, who came from meager means to sit here in this chamber.

H.R. 5 is a start, not an end. While we still need to work on funding and waste issues that are not addressed and assessment of students, support of this bill today will make us better than we were if we do not pass it. And I thank you, Mr. Chairman, for taking this on and making it a priority.

I yield back my time.

KLINE: Gentleman yields back.

Mr. Courtney?

COURTNEY: Thank you, Mr. Chairman.

Mr. Chairman, I was a little late this morning, because I was at another committee, the House Armed Services Committee, which is beginning the very deliberative, thoughtful, bipartisan process of marking up a defense authorization bill, which is a one-year act that Congress has passed going back to the Truman era.

The contrast between the process in that committee this morning versus what is happening here in this committee room could not be more stark.

What we're seeing is not a one-year authorization being marked up today; we're seeing a five-year authorization being marked up that is already about four or five years late in terms of Congress moving forward.

And yet despite the fact that we have four new members on the minority side -- and I -- I counted eight -- I might be a little off on the majority side -- we don't -- we are not getting the benefit of one single hearing before this body to take testimony to -- to -- to crunch through a process and -- and an act that has such sprawling impact that, again, despite the fact that we have outstanding staff and great members who -- who bring a lot of experience, none of us is that smart.

I mean, that's why you have a process to -- to -- to get input from people who are out there everyday dealing with these issues. And yet it is being totally truncated this morning in terms of moving forward with a markup.

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Again, text was not submitted until, you know, within the last 24 hours, you know. We were talking -- a couple of members and I -- about, you know, no local school board or planning and zoning commission would file a process -- I would argue no high-school student council would move with a process like that. And -- and again, we deserve better, and frankly, the country deserves better.

You know, I was, again, thinking about the -- the Armed Services Committee and -- and some of the comments regarding federal government overreach.

The real, I think, initiative in terms of federal government involvement in terms of education actually predates ESEA. It goes back to when the Soviet -- the former Soviet Union fired the Sputnik into outer space and -- and the whole country was in an uproar about the fact that we were losing the space race, and the National Defense Education Act was passed in the late 1950s under President Eisenhower, which was, again, a national response to national challenges that we faced in terms of trying to get America's game up in terms of dealing with -- with a new global environment.

And today, we are faced with, I would argue, in some respects, an even more challenging situation in terms of the fact that we have got to get educational attainment up to a higher standard, as Susan said, for certainly getting people ready to serve in the military but frankly, to also deal with critical workforce needs that, again, extend across the board, including our national defense.

And this -- this H.R. 5 falls woefully short. And -- and I'll just point to one measure, which, again, I know has been mentioned.

The fact of the matter is, is that we know that school-age population will grow by 2 million -- the Census Bureau tells us that -- but despite that, we are locking in and freezing Title I funding at pre-2012 levels.

And again, I just think that, you know, people can do math and -- and -- and can understand the fact that that just does not translate into a real commitment that this country needs in terms of providing access to, again, populations that need help. And -- and we've heard powerful, eloquent statements from some of my colleagues about that. But at the end of the day, our country needs them to be -- to be ready to go to college and to -- to succeed in life so that our country will succeed.

I mean, this is really not about just being nice to kids and families; it's about addressing national priorities, and -- and locking in Title I at 2012 levels over the next five years, again, is just -- just a really depressing statement about the fact that we are failing to -- to address what, again, across the board and the employer community, to the education community, to -- to, you know, our -- our partners at the state and local level. This is just a failure, and it just does not achieve what we need as a national to move forward.

Again, there was such an opportunity here to rebalance the No Child Left Behind Act on a bipartisan basis.

Again, there are people on our side of the aisle who share many of the criticism that the majority members have in terms of the -- the structure of that law, but frankly, we are squandering with -- with this, again, truncated, hyper-fast process that really does not give this committee a chance to breathe and to actually take into account all the good ideas that -- that, frankly, could help shape a much better bill.

COURTNEY: So for that reason, I -- again, with sort of sadness -- want to state my opposition to the manager's amendment and hope that the Senate is going to allow a better process, and that, if the time conference rolls around, that we're going to be able to, again, have the members of this Committee have an opportunity to really participate and help shape just a critical piece of legislation for our nation.

And I yield up, Mr. Chairman.

KLINE: Gentleman's time has expired. I would comment, as also a member of HASC, I've been envious for years that they have only one bill to move through a year. We'll move at least 10 in this Committee.

Who seeks recognition?

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Ms. Fudge?

FUDGE: Thank you, Mr. Chairman. And I want to thank all of my colleagues who say that they value a quality education for all children. Because it is not reflected in this bill. That sentiment is nowhere. And so, as a result, I strongly oppose H.R. 5.

This year, we will commemorate the 50th anniversary of President Johnson's signing into law the Elementary and Secondary Education Act. The bill essentially is a civil rights bill. And it has reaffirmed that every child -- every child has the right to an equal opportunity for a quality education. However, H.R. 5 undermines the law's original intent, turning back the clock on equity and accountability in American public education, and ignoring the needs of America's most vulnerable students.

Any reauthorization of the Elementary and Secondary Education Act must ensure, number one, that all students have access to a world- class education.

Number two, that states set high standards and goals to ensure that students graduate. And -- and I have to just take an aside here and talk about, again, the states' rights I keep hearing. As an African-American, I very much resent the fact that we're going to go back to something that was never beneficial to people of color or poor people.

Thirdly, it -- there have to be strong accountability measures in place for children and families. H.R. 5 does none of these things. Instead, it fails our students, it fails our teachers and our families.

The bill turns Title 1 funding into a block grant program. This action will disproportionately harm many disadvantaged low-income students. Schools across the country, including some in my congressional district, rely on Title 1 funds to help ensure all children meet state academic standards.

H.R. 5 also allows for Title 1 dollars to become portable, which would divert much needed funds away from the highest need poverty schools in the districts.

H.R. 5 contains no requirement for states to ensure students graduate from high school college and career ready. It focuses primarily on math and reading assessment, without providing programmatic support for literacy, STEM, and other subjects that provide a well-rounded curriculum.

Further, it eliminates wraparound support services such as after- school family engagement, physical, dental and mental health programs.

Lastly, H.R. 5 weakens current accountability measures for students, teachers and schools. Without adequate measures in place, schools cannot be expected to improve, and students would not be served equitably. Failing schools would be left on their own with no interventions or resources.

H.R. 5, the Student Success Act, should be entitled the "Ensure Students Don't Succeed Act." The bill is set -- is a step back in our country's education system, not a step forward.

Had this Committee held hearings on ESEA, instead of rushing into a markup, then maybe, just maybe we could have worked together to introduce a bipartisan piece of legislation in the best interest of all our nation's children.

Every student in America has a right to a quality education. It is a job of the members of this Committee to ensure that they get one. The bill being considered today does not protect that right. I refuse to fail our students and their families. They deserve better. And I oppose H.R. 5 and urge my colleagues to do the same.

I yield back.

KLINE: The gentlelady yields back.

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Who seeks recognition?

Mr. Byrne?

BYRNE: Thank you, Mr. Chairman.

I don't have any talking points because I don't need them. This is not an abstract issue for me. I have been working for 28 years to improve the schools of lower Alabama. Most of them are schools that are poor schools. Many of them are schools that have a large proportion of students that are children of color. Some of our schools have a significant number of children for whom English is not their first language.

I have worked as a volunteer. I have worked as a parent whose children went to those schools. I've served on the state school board for a number of years. I was on the Education Policy and Education Budget Committee for our state legislature.

The ESEA has failed the students of Alabama because it is poorly thought out. And the money doesn't get where it should go. And worse than that, it ties the hands of the people we charge with education our children to do what they need to do. We provide, from the federal government, 10 percent of the funding for schools in America. Yet, according to the General Accounting Office, we comprise 41 percent of the paperwork for the people in local school systems. That's why school leaders from my part of Alabama, Democrat and Republican, came to me and said, "Please support this law." So, I am acting in a bipartisan manner. Because in a bipartisan manner, the people in my part of Alabama know that we have failed them.

Now, I sat through meetings with Senator Alexander when he was Secretary of Education Alexander with the first President Bush's education program.

I lived through Goals 2000, which was President Clinton's program in the '90s. I lived through No Child Left Behind from President -- second President Bush. Now we have Race to the Top. None of this stuff works.

If you talk to people at the local school level -- not people up here who talk about education, but people who do it, they'll tell you absolutely in detail how we are interfering with their ability to educate the children who need us the most.

In my judgment, this bill doesn't go far enough. It's a good step. It's a step in the right direction, but it really doesn't get us where we need to go. We need to get the federal government off the backs of our local school leaders. Off of our principals and our superintendents, and most importantly, our teachers so they can do what we charge them to do. And that is to teach our children.

We make them fill out all this paperwork. We make them go through all this accountability nonsense, which doesn't work. We make them do all this testing, which nobody likes. And yet, we have an opportunity here to fix that, and we find that somehow, people think that we're going back 50 years. We're not going back 50 years. We're trying to leap forward.

And people like me, that are in there going in and out of these schools that have these children, for years know that the only way we leap forward is to open things up and to get some limitations off of these teachers that are struggling mightily to make this happen.

The -- the ranking member asked, "Well, tell us the problems." Well, I've told you one problem -- that paperwork. That's the biggest thing that we do that hurts education from the federal level, is all this paperwork we put on them.

The second thing is, a lot of this money that's directed at poor children doesn't get to poor children because it's not portable. If you don't have a certain percentage of these children in your school, you don't get the money. Well, I have a number of schools in my district that fall just below that level. So, none of those children get this money. So, how are we helping them?

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This is a common-sense first step to right a wrong that's been in place for some time now. It's time for the federal government to get some humility. We don't know how to educate children up here. But those local superintendents and school boards and principals and teachers do.

Let's vote for this bill, let's get it on the floor, and let's do what we can as a federal government to help them educate our children.

And I yield back.

KLINE: The gentleman yields back.

Mr. Polis?

POLIS: Thank you, Mr. Chairman.

Yesterday I heard from a parent in Colorado whose son Andrew has Down Syndrome. And her son is a freshman in high school this fall and has dreams of attending college. And his mom articulated to me how she believes in the public education system, and knows that it will prepare her son for college.

Unfortunately, Mr. Chairman, I oppose today's Republican bill because it allows kids like Andrew to be swept under the rug, once again, as they were -- once were, and represents an enormous step backwards for kids with disabilities.

Under current law, students with the most significant cognitive disabilities are able to take a different test from their peers. If they can't meaningfully -- meaningfully take the -- the standard assessment, 1 -- up to 1 percent of students in the state can take an alternative assessment. We have something in Colorado that provides some assessment for these kids. This cap is critical, because it ensures only a limited number of students. The ones that truly need it would take an alternative assessment.

Unfortunately, the Republican bill before us today removes that cap, and provides no checks and balances on the use of alternative assessments. This would leave thousands of kids taking alternative assessments, and unfortunately, provides an incentive for states to sweep more and more special needs kids under the rug to make their own schools and ratings look better. We simply can't allow that.

Taking a step back, there's really three things that I look for in a reauthorization of ESEA. One is improving accountability and transparency and making it work.

Two is expanding access to what works in public education and replicating it to scale.

The third is changing what doesn't work in education.

With regards to improving accountability and transparency, the Republican bill not only ignores the needs of students with disabilities, but it also represents a significant retreat for accountability and transparency for student outcomes, and threatens to diminish the meaning of standards for college- and career-ready kids across the country.

Now, of course, No Child Left Behind's metrics are wrong and outdated, and we need to replace AYP with a more meaningful formula for -- for student performance. I was on the State Board of Education in Colorado, and we implemented No Child Left Behind. And we saw firsthand what ridiculous formula it was. But the answer is not to take a step back and retreat from accountability. The answer is to move forward and to make it work.

The Republican bill ignores the need for college- and career- ready standards in place of complete flex state -- state flexibility, again, allowing states and districts to sweep under the rug and define success downward, and therefore, make themselves look better.

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With regard to the second criteria I look for, expanding access in scaling, what works in public education, the bill has a mixed record. I'd like to thank the chairman for including the Charter Schools Act, because that's an opportunity through charter schools -- a bipartisan bill -- that will increase the supply of high-quality public charter schools, and improve access and improve authorizing practices. This bill has passed the Congress with strong bipartisan votes the last two sessions, and represents a step forward in helping to expand what works in public education.

Unfortunately, the bill fails to include the innovation and education, or I-3 program, which provide -- helping the federal government play a role as a catalyst to not only fund innovation, but to make sure we track what works, and successfully are able to replicate and bring to scale innovations that work to help all students achieve.

POLIS: The final criteria, changing what doesn't work, the bill unfortunately also falls short.

Now, interventions for failing schools are hard. There's no silver bullet; I wish there was. Turnarounds often go awry. And, but slowly and surely, we're building a data set about practices that objectively work in helping students achieve from all socio-economic groups and ethnic groups. And we need to implement those strategies where schools are failing for meaningful change for them to succeed.

Unfortunately, this bill doesn't define schools in need of support, for instance -- or -- or what the interventions would be. Would painting the walls of the school a new color be an effective strategy? These are small tweaks and wouldn't work to change the culture and the success of chronically low-performing schools.

We owe it to the kids of this country to make sure that we can pass a meaningful ESEA reform that meets all three of these criteria. There's a number of amendments that my colleagues plan on offering here today. I hope that we can improve this bill, so it's a step forward rather than a step back for all kids in America.

I yield back the balance of my time.

KLINE: The gentleman yields back.

Who seeks recognition?

Mr. Sablan?

SABLAN: Good morning, and thank you very much, Chairman Kline, for the time to speak.

The importance of having an education citizenry is a bedrock principle of our nation and has been since our founding.

The Northern Mariana Islands, which I represent, has only been a part of America for 40 years, but we understand very well that education is key to our continued growth.

But we are challenged in our ability to give our schools and students the support they need. Funding for elementary and secondary education nationwide is \$10,667 per pupil -- per student. In my district, we can provide \$6,246.

And that is not for lack of local commitment. In November of this -- of last year, voters amended our constitution, increasing the requirement for the percentage of local revenues that must go to education each year. The previous requirement was 15 percent. While our revenues are decreasing, voters raised that requirement to 25 percent.

But the realities of household incomes in the Northern Marianas are less than half the national median, so our local revenues are necessarily limited and our local capacities to support our schools is not what is in the rest of the America. And that's why federal support is crucial.

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Federal support represents half of the \$6,000 we're able to provide for our schools and students. Without that **federal** support, our schools -- our students' education would be necessarily limited. They would have fewer textbooks, more crowded classrooms, and less opportunity to succeed. Their lives would always be less than what -- than that they could have been.

And that is not good for any of us or for America itself.

So, Mr. Chairman, I want to thank you for the hearing. I want and I hope that could -- I join my colleagues in the many objections we have to what's contained in the bill, the substitute before us. And we will be offering amendments to that substitute ourselves.

But -- and we may all have different views on the -- on the -- what the right approach may be, but by moving forward with reauthorizing the ESEA, I think we're all agreeing that there is an important and valuable role for the **federal** government in building an educated citizenry in America.

And I yield back my time.

KLINE: The gentleman yields back.

Mr. Allen, you're recognized.

ALLEN: You know, I think everyone here agrees that every child deserves a good education. As a businessman, I know in the workforce we **need** an educated workforce.

So I think the question here is how is the best way to accomplish this, and does the **federal** government have all the answers? And I think probably what the **federal** government has done in the past is just throw money at the problem, thinking that parents and students will respond.

Well, my children attended an inner-city school, where my wife and others volunteered and worked, and we had about 500 kids that were in the freshman class in that school, and we graduated about 200. My children received an excellent education and went on and did well in college, along with many of the other students.

With other volunteers in our community, we started a school there in our community to deal with those who were actually told that they could not make it in the public school arena. And I will tell you, the success of that school has been amazing.

We have about 200 students. Those students have been quite successful. Their parents who are single have sacrificed to pay part of that -- what they're able to pay for that education. And these students have gone on to high school and are recruited by high schools throughout the community because of their success -- and they were told they were losers in the public education system.

Mr. Chairman, I say that, you know, the **federal** government is not the answer. What we have proposed here in this bill takes -- gives our communities and our students and our parents the opportunities to take our school systems back. And I'm fully supportive of this bill.

Thank you very much. I yield back.

KLINE: The gentleman yields back.

Ms. Wilson?

WILSON: Thank you, Chairman Kline and Ranking Member Scott.

Reauthorization of this important bill is long overdue, but we should have held hearings. We should have listened to teachers, school principals, parents and education experts before this markup of H.R. 5.

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As a former teacher, elementary school principal and school board member, I know firsthand No Child Left Behind needs serious improvement. But to move forward without input from the public is a serious mistake.

This is not only a failure to move forward in addressing the underlying problems in No Child Left Behind, it's a major step backward, with regard to our longstanding and essential mission of improving life opportunities for disadvantaged children.

This should have been a bipartisan product with input from Republicans and Democrats. To completely shut us out is a slap in the face. This extreme bill would allow states and school districts to redirect funds that are clearly intended to assist specific populations of students away from those students. This would put low-income students and English-language learners at risk during a time when many families around the country are already feeling strained from cuts to housing and nutrition programs.

This bill would essentially abandon students and school districts most in need, undermining the original purpose of the ESEA as a program to help raise the achievement of low-income students.

This bill has vague and undefined accountability measures. It fails to provide federal guardrails for student achievement, provides little transparency regarding how schools are evaluated, and little consistency on evaluation from district to district and state to state.

It lacks perimeters for identifying and improving low-performing schools and allows states to hide information regarding hard-to-teach students.

Rather than bringing our education system into the 21st century, this bill makes it more difficult to ensure all children have access to a quality education. Education is the bedrock of our nation. Education is the answer to most of the nation's ills.

One of the main lessons I learned in my decades of service as an educator is that we must move away from our extreme dependence on high stakes standardized testing. For the sake of our children and our communities, we need to move toward more balanced forms of assessments that effectively measure diverse kinds of success in teaching and learning.

In this regard, H.R. 5 is yet another step backward. There is nothing in the bill to address our excessive dependence on deeply problematic standardized test, (inaudible) by high stakes that destroy the future and psyche of our children.

With grossly inadequate professional development, H.R. 5 is simply not the answer.

Mr. Chairman, I have spent decades working to understand how children learn, and I can tell you, this bill is simply at odds with what works in elementary and secondary education at the federal level. I strongly urge all of colleagues to vote against this harmful, damaging bill.

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

KLINE: The gentlelady yields back.

Mr. Brat, you're recognized for five minutes.

BRAT: Thank you, Mr. Chairman.

Some of the comments going back and forth are a little bipartisan (sic). I want to give a little hope to the room, and challenge both sides to work together because education can and should rise against what we're doing in this room.

The last time I spoke, I said free markets didn't evolve at about 1800 from policy, they generated themselves.

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And the same is true in education. I've taught for the last 18 years at the college level and before that did a masters and Ph.D. and all that.

The greatest thinkers in Western civ were not products of education policy. Socrates trained Plato in on a rock. And then Plato trained in Aristotle, roughly speaking, on a rock.

So, huge funding is not necessary to achieve the greatest minds and the greatest intellects in history.

And so, with that said, we do face huge challenges. And our kids coming out of the high school system right now, if we ask them what a business is, we'd be challenged to get a good answer. We all talk about skills and all this kind of things.

So, we have huge challenges. I want to work together on that. Our kids do compete against India and China, et cetera, right now, in a global economy, and we're not winning. And economics is a win-win. It's not that China and India should lose. We can all trade together and get rich together, and so it's a win-win thing.

So I just kind of want to encourage all of us to work together and not treat policy or this partisanship as a dead end. This is just kind of a foundation from which we can launch.

But we can all do better. I think if we really want to do better, we need to get private sector folks into every single one of our schools, get the CEOs in the schools and move beyond this just narrow policy debate, and really have a revolution.

And I haven't heard anything revolutionary coming from the other side, in terms of achieving a true educational breakthrough, which is what we need. Our kids do not know what a business is when they graduate from high school. They need to know that.

BRAT: So we can talk skills and this, that and the other thing, but we're not gonna have -- we're not gonna have any success until we do work together at that much higher level and shoot -- shoot for true success for our kids.

Thank you. I yield back.

KLINE: The gentleman yields back. Who is -- Mr. Bonamici, you're recognized.

BONAMICI: Thank you very much, Chairman Kline, and thank you, Ranking Member Scott.

I want to start by emphasizing that the process that we're in today is really not what the public expects or what the public deserves. They -- they actually deserve much better. And, you know, I know that it's not the federal government's role to set curriculum, but I'm afraid we aren't providing a very good civics lesson today.

You know, we're marking up a major rewrite of No Child Left Behind without having had the opportunity to participate in a single hearing. Now, this is a 597-page bill and 616-page amendment and nature of the substitute. So, hearings would have given us an opportunity to hear from experts, stakeholders, discuss the latest evidence and data, and importantly, give us the opportunity to make this bill bipartisan.

I know Senator Alexander has acknowledged the need for a bipartisan bill. And unfortunately, that attitude is noticeably absent in this Committee, although I hear my colleagues wanting to do that, to work on a bipartisan solution.

Our last Congress' Student Success Act failed to earn a single vote from Democrats. It was opposed by a very long list of organizations, including the United States Chamber of Commerce. They are concerned about equity and opportunity in public education. And yet, this year, H.R. 5 has returned largely unchanged, although slightly longer.

I have great respect for the chairman and all of my colleagues. And each of us wants what's best for students. We can all agree that No Child Left Behind isn't working, and needs some drastic changes. But we need a

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transparent and bipartisan process and a real willingness to address not only the flaws in No Child Left Behind, but also the flaws in the Student Success Act and in the substitute amendment.

Now, specifically, the substitute fails to adequately invest in our nation's students and it exacerbates current funding shortages. As the Committee for Education Funding pointed out, freezing ESEA's funding at the former levels would lead to even more underfunded schools at a time when the majority of public school students now qualify for free and reduced lunch -- that's a majority of public school students. I'm saying it again. I want to make sure people hear this. A majority of public school students now qualify for free and reduced lunch.

Enrollment is predicted to increase by several million students. It's irresponsible to freeze funding.

In addition to offering inadequate federal support for our nation's students, the substitute amendment will allow states to duck their responsibility to maintain funding for the schools. Many of us are former state legislatures. Given that Congress contributes only about 10 percent of K-12 education funding, states need to uphold their commitment to their students.

Without Maintenance of Effort provisions, the substitute amendment invites states to forego funding for our nation's students in tough times. This is the wrong direction for our schools.

Like the virtually identical proposal last Congress, this substitute amendment also has, to the best of my knowledge, failed to gain the support of leading business groups and civil rights organizations because the legislation does little to ensure that the states will appropriately support schools and -- and hold high standards for our students.

Now, we all agree that the rigid requirements under No Child Left Behind are unworkable. It's one of the reasons why I wanted to be on this Committee. But Congress should put in place some reasonable guard rails for student achievement.

This substitute amendment rightly returns a great deal of flexibility to states. I agree with that. But the bill doesn't require that state standards are validated by higher education institutions. And there's little assurance that students will be prepared for college and career.

Furthermore, the substitute does not require that states include graduation rates and accountability systems. And as Mr. Polis noted, the bill makes it easier to exclude some subgroups of students from the system.

Now, to be clear, I strongly advocate for an accountability framework that removes the high-stakes punishment-driven system that exists today. And I understand that many of you agree with that. But Congress should expect some basic accountability parameters for its investment -- accountability that has the buy-in of all stakeholders. And we don't have that with the substitute amendment.

I'll be noting no on passage of the substitute amendment. And I encourage my colleagues to join me. And I continue to appeal to for an open process that can lead to a bipartisan bill. We have a lot in common if we took the time to work together. Even after we report the bill from our Committee, it's not too late for us to work together on this important task of crafting a bipartisan reauthorization that embodies the priorities of our constituents.

Unfortunately, today's version of the Student Success Act in the form of a substitute amendment does not represent a real attempt to craft a bill that can be signed by the president, and more importantly, replace No Child Left Behind with a good law that will support all students.

And I yield back. Thank you, Mr. Chairman.

KLINE: The gentlelady yields back.

Who seeks recognition? Mr. Pocan?

POCAN: Thank you, Mr. Chairman and Ranking Member Scott.

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There are many problems with this bill, but there are also many problems with this process. As the ranking member said, this is not a deliberative (ph) process at all. Two legislative days after getting this, we are marking this up with no hearings or no serious review. My friend from Indiana said that this is not a new product. And I agree. It's largely a similar product. However, as Mr. Courtney pointed out, not just eight of your members are new and four of our members, but also, Mr. Takano and I weren't here when this was done last time. So, 37 percent of the Committee has never had any opportunity to have that past experience, which -- if that's the new precedent for the Committee, that we're not going to take up things we've talked about before, I'm going to miss my chances to correct the misinformation on the many hearings on the NLRB this session that we won't be having.

Specifically to this bill, let me talk about some of the problems. When you start trying to point out the problems of this Republican bill, you really wonder where to even begin to start. Perhaps the most egregious attempt comes in the form of dismantling Title 1 funding streams, which ensure that the most at-risk kids get the funding they need in order to succeed. Or the fact that the portability scheme (ph) is a stepping stone to turning our public school system into one big taxpayer-funded voucher program for private schools. Or the fact that there's a lack of adequate focus on teacher preparation and effectiveness. Or the fact that we eliminate Maintenance of Effort requirements, essentially letting states off the hook for their share of funding K-12 education and allowing them to reduce funding for school districts without any consequences whatsoever. Or the fact that we failed to address the needs of early education.

Bottom line is, this bill radically rejects the notion that a high-quality public education is a commitment and a responsibility that must be sustained by both the states and the federal government.

So, Mr. Chairman, today we are going to have a lot of time to have some limited debate on this bill. We're going to be talking about not only the flaws that we see in this bill, but we also want to suggest some improvements so that when this does go to conference, we'd like to see a fuller commitment to funding. We'd like to see better attention to professional development, better focus on pre-K education, more collaboration with our teachers, and a real focus on what we need in a 21st century education.

So, Mr. Chairman, I look forward to those debates as we move on. And I'll yield back my time.

KLINE: The gentleman yields back.

Mr. Grothman, you're recognized.

GROTHMAN: (OFF-MIKE) in here. I'm a little bit alarmed at some of the statements made today. It seems -- there seems to be a fundamental understanding what it's going to take to improve the schools of this country. And like, I'm sure, other members of the Committee, again and again we hear from our employers, the district, dissatisfied with the kids they see coming out of our schools, not ready for work, or even institutions of secondary learning, saying the kids are coming, they need remedial classes, and that sort of thing, which is -- which is inexcusable.

Sadly, a lot of the things that it's going to take to improve the outcomes in our schools are not things that are the purview of this Committee. And there's a feeling, I think, among some people that whenever we have a problem or see a problem back home, it's up to the U.S. Congress to solve that problem.

The first thing is, we have a -- a growing problem in America of broken families. And when I talk to the teachers in my district, they realize that a lot of times, some of the problems that the children are having in schools are caused -- is caused by their home life. And right now, it's not the purview of this Committee, but perhaps other committees in the legislature should be looking at the degree to which policies made in Washington have caused in the erosion of families and the children who are paying the price of that. That's one thing that could be done.

The second thing is, I think, there's -- there's a feeling from some people on this Committee that the answer is more money. And actually -- though it's not our purview -- they could perhaps talk to their local legislatures in their states about doing things that don't cost money that are so necessary to improve the quality of schools.

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In my state, under Governor Walker, we have changed the collective bargaining laws that it's easier to fire a bad teacher. And any honest teacher -- honest superintendent will tell you in most -- most places of this country, it is very frustrating when they're stuck with bad teachers and they can't remove them. And the children pay the price.

But that's something that -- you know, a lot of you, I'm sure, came out of your state legislature. It takes a certain amount of guts to stand up to the unions, like Governor Walker did. But he did, and it's going to have long-term improvements in Wisconsin schools.

And finally, we have to improve the schools of education. And a lot of honest superintendents have told me that the schools of education themselves are shipping out a product -- they have a college degree, but not necessarily improving something (ph) -- and add something else that they think should be dealt on a local level.

I do appreciate the chairman moving forward with this bill. I do think there were problems with the George Bush-Ted Kennedy method of a lot more paperwork and money coming out of Washington, control coming out of Washington. The answer to improving our schools is not more money and blizzards of paperwork coming out of Washington. It's having governors and state legislatures step up to the plate, do what they can to help the superintendents remove underperforming employees and improving the local schools of education.

KLINE: The gentleman yields back.

Mr. Takano, are you seeking...

TAKANO: Yes, sir.

KLINE: ... to be recognized?

TAKANO: Thank you, Mr. Chairman.

I want to also register my objections to the timeline in process for bringing this legislation to Committee. The timeline was simply unacceptable. I appreciate the gentleman from Wisconsin's remarks. I would have wished that we would have had more time to engage in a back and forth.

You at once bring up the issue of families, which I don't think the Congress can solve. The circumstances and economic situations in which many families find themselves, whether it's a single parent, simply do contribute to the difficulties with educating our young people. And simply blaming low-performing teachers is -- is not an adequate answer, from my point of view. So, addressing -- addressing the conditions of families is certainly a problem. The challenges of families.

TAKANO: On some of the key issues, like accountability and testing, I would have liked to have worked with you. I'm not sure that we're all that far apart. I have serious concerns about the prescriptiveness of the current federal accountability system and how it relies almost solely on test scores. Concerns that I think the gentleman might wish to -- I mean, we could have benefited from a call (ph) play on (ph).

I was a local community college trustee. Understand the importance of local governance and -- and local control. I'm not suggesting that we eliminate testing or accountability or completely. I want to get the right accountability system, not no accountability system. We need to make whatever accountability system that we put in place -- we want to make sure that it's thoroughly vetted and field- tested before it's imposed by the federal government.

I do believe that it is in the national interest to do -- to do things like define common college readiness standards. I have a little bit more time talking about career -- career standards, because it does vary by region and locality.

So, we could have, I think, had an interesting discussion about the state and federal role, and -- as well as localities.

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I want to make sure that any federally mandated assessments are used for the appropriate purpose, not to drive inflexibly an entire education system. But removing any accountability, like the Republican bill does, is not good sense, either. We are providing a lot of money to the states. We do have responsibility to see that it's well used.

One of the best parts of No Child Left Behind was the spotlight it placed on schools and states that weren't serving the populations that need the most help. Without federal accountability, states and school districts will once again be allowed to push these students to the side.

Now, one thing we are far apart on is the investment we need to make on our educational system and the way that we -- that that investment -- and that -- and that the way we get that investment to those that need it the most.

We know too well that the equal distribution of resources is not always equitable. The Republican bill's portability provision betrays the original intent of the elementary and secondary act to promote equitable opportunity and education for all and to help raise the academic achievement of low -- low-income children.

The Republican bill would allow states, school districts and schools to divert resources away from high poverty and at-risk student populations toward wealthier schools and students that do not have as great a need.

The Republican bill would also eliminate Maintenance of Effort requirements. This requirement is essential to ensuring continued state and local investment in schools.

And H.R. 5 and the substitute would effectively turn funding streams for specific populations, such as English language learners, migratory children, neglected and delinquent students in rule (ph), students sent to a block grant, potentially redirecting funding away from the intended populations.

Finally, it would seriously cut funding authorizing appropriations for K-12 education at below the fiscal year 2012 pre-sequester level.

The provisions make H.R. 5 and the substitute simply unworkable. And I am disheartened to see the brazen lack of interest in properly and equitably funding our education system.

Mr. Chairman, I yield back.

KLINE: The gentleman yields back.

Mr. Jeffries?

JEFFRIES: Thank you, Mr. Chairman. And we thank the ranking member.

Let me also register my objection to the process that has been undertaken with respect to this very important piece of legislation. Perhaps there's no more important issue to the people that I represent and folks all across America than the education of the next generation of American children.

This rush to markup is unfortunate. Not a single hearing has been called. Not a single question has been asked or answered. Not a single witness has testified in connection with a piece of legislation that should be a bipartisan issue, given its importance to the country.

Education is important to Urban America. It's important to rural America. It's important to suburban America. It's not simply a white issue or a black issue or a Latino issue or an Asian issue. Public education and excellence in the classroom is an American issue. And if, in fact, that's something that we can all agree upon, then the people's representatives here in the house, Education and Workforce Committee should have had an opportunity to work as part of an effort to try to find common ground to do what's right for the children of America. As a new member of this Committee, that opportunity was denied to me and denied to several others who have the honor of serving in this body and on this Committee for the first time in the 114th Congress. That's unfortunate.

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I do not plan to support H.R. 5 in its current form. The bill fails to adequately provide for teacher excellence in the classroom. It fails to adequately support those who are endeavoring to provide children with an education that can benefit them in this 21st century economy. It fails to adequately support at-risk students. It fails to adequately promote early childhood education. Fails to adequately support magnet schools, which can be a diverse educational environment for people particularly of disadvantaged backgrounds to receive a wonderful education in a public school context.

In general, this bill simply fails to provide our children with the education necessary in order for America to be competitive in this 21st century economy when there are others across the world -- China, India -- who are determined to race to the top. And instead, here today, we've raced the markup without doing an adequate job of trying to find common ground on behalf of the students that we all represent. And, therefore, I cannot support H.R. 5.

I yield back.

KLINE: The gentleman yields back.

Ms. Clark, you're recognized.

CLARK: Thank you, Mr. Chairman, and Ranking Member Scott.

The families of my district and around this country are worried. They're worried that their children will not have the opportunity to do better than the generation before them. Our country's most fundamental promise to children is that promise of opportunity, that all children deserve a fair shot, regardless of their zip code, regardless of the size of their parents' bank account. That promise is that education is a right, not a privilege.

The Elementary and Secondary Education Act is supposed to embody that promise. And we are supposed to be the guardians of that promise, not the architect of its demise.

Our nation's children and their families deserve a Congress that's ready to roll up its sleeves, make tough decisions, and put kids and teachers ahead of partisan politics. I'm sad to say that this Committee's process is failing them.

This process has been partisan and conducted behind closed doors. Not one hearing was held. Not once did this Committee hear from educators, parents and students. And this bill reflects this lack of process and debate.

It takes hundreds of millions of dollars from our most vulnerable children and fails to address longstanding serious issues of transparency and accountability. It walks away from our commitment to students with learning disabilities, neglected and delinquent youth, English language learners, and the very children who need our help most. It severely weakens safeguards that govern how taxpayer education dollars are spent.

In 2001, Congress set out to achieve bold goals by passing No Child Left Behind. But its method for achieving those goals were too rigid, punitive and inflexible. We know and agree it's time to change course and to do better for our students. And that's really what this should be about -- what's best for our students.

As my colleague from Connecticut referenced, my first elected office, and many of us on this Committee and in Congress, was on my local school committee in Melrose, Massachusetts. And in a tough economy, we had to make some really hard decisions.

So, what did we do? We listened to teachers, administrators, parents, students, fiscal watchdogs, education experts. Not everybody was happy with the end result, but it was the result of consensus and rigorous debate. I don't know any other way to get to what's best for our students. It's a shame that this Committee couldn't find the will to do the same.

I yield back.

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KLINE: The gentlelady yields back.

MR. Desaulnier, you're recognized.

DESAULNIER: Thank you, Mr. Chairman. Thank you for your efforts. I will say, as a new member of this Committee and as a new member of Congress -- as someone like many of colleagues, who came from local and state government, it is discouraging to be here on this tremendously important piece of domestic policy -- maybe the most important thing we can do. I hear from my colleagues across the aisle -- and I believe this -- that they want what we all want, which is a robust education system for this country. And I also agree, coming -- having come from local government and state government -- that oftentimes, that's done best at the local level, as we've all experienced at the state level.

Having said that, in a period where it's the 50th anniversary of the original authorization and the 51st anniversary of President Johnson's war on poverty, at a time when we see poverty rates increasing and young people being challenged by jobs of the future, we're told by educators and experts that the single biggest tool that this country has and can give for the future and to help eliminate disparities in wealth and poverty rates is to educate young people, particularly those who start off at a disadvantage, whether in poverty or because of behavioral health issues or stress or violence in the community, or physical or mental disabilities.

In here, unfortunately, in a process that, as my colleagues have said, is very much unlike the democratic process we all experienced in our previous experiences in local and state government -- which is sometimes uncomfortable and ugly, where we rolled up our sleeves and listened to everyone, and made sure as much authorship was in the final product as possible -- we are starting off, unfortunately, what appears at the ending (ph).

So, I think today is an important way to discuss the federal government's role in our public education system, that was set to provide assistance and funding for those who need it the most. Those students who need extra funding and assistance to learn and prosper in their schools, their communities, and, indeed, in their life.

The Student Success Act will do a disservice to those special populations of Americans by breaking the connection between them and the money they need. For those reasons, I won't be able to support the bill.

I yield back the remainder of my time.

KLINE: And the gentleman yields back.

I think members have had a chance to -- to speak.

We're ready to move to the next amendment. Who seeks recognition? Mr. Hinojosa?

HINOJOSA: Thank you, Mr. Chairman.

I have an amendment at the desk.

KLINE: The clerk will distribute the amendment.

The gentleman is recognized for five minutes to explain his amendment.

HINOJOSA: Thank you, Mr. Chairman.

I rise today to offer an amendment to the amendment in the nature of a substitute to H.R. 5.

My amendment reinstates Title III of ESEA and restores English- language proficiency targets for the English- language learners.

This amendment also increases the authorization level of Title III to \$1 billion. My request to increase this authorization level is long overdue.

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According to the U.S. Department of Education, English-learners constitute 9 percent of all of the public school students. English- learners are enrolled in nearly three out of every four public schools.

As previously noted, in Texas, 900,476 English-learners were enrolled in our state's public schools in the school year 2013, 2014 according to Texas Education Agency.

I believe that this targeted assistance to English-language learners is essentially to closing the achievement gaps for these students and to prepare them for college and careers.

I would also like to -- to point that under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974, public schools must ensure that English-learners participate meaningfully and equally in educational programs.

It's for these reasons I urge my colleagues on both sides of the aisle to support the education of English-language learners by voting yes on my amendment.

I yield back.

KLINE: The gentleman yields back.

Chair would recognize himself.

I have a number of objections to this amendment.

It is unnecessary in the sense that the underlying bill maintains a current English-learner program and increases the authorization level to pre-sequestration levels to ensure that states and school districts are able to meet the needs of this vulnerable population. It shifts the English-language acquisition program to Title I.

So in that sense, I think that we have addressed the gentleman's concerns, but very alarmingly to me, and I know to some of my colleagues on both sides of the aisle, by striking Title III, this amendment eliminates the charter school program, the magnet school program, the family engagement centers and the Local Academic Flexible Grant.

I certainly cannot support that, and so I would encourage members to oppose the gentleman's amendment.

Mr. Scott?

SCOTT: I move to strike the last word.

KLINE: Gentleman's recognized.

SCOTT: Mr. Chairman, I rise in support of the amendment.

ESEA has traditionally recognized the unique challenges of those who are English-learners and -- and focuses targeted money on that. We -- we recognize in the normal give-and-take, English-learners, they're going to get -- are not going to get their fair and appropriate share -- appropriate share of the -- of the funding. That's why ESEA focuses funds on this unique population.

By taking it out of this title and putting it into Title I, we have to remember that Title I under the -- under the underlying bill allows significant dilution, portability, and it will not be nearly as focused as it is where it is in the amendment offered by the gentleman from Texas.

I'd hope we'd adopt the amendment so that we will not be diluting resources -- so that we will not diluting resources desperately needed by English-learners.

I yield back.

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KLINE: Gentleman yield back.

Are there members seeking recognition on Mr. Hinojosa's amendment?

Ms. Wilson, you're recognized.

F. WILSON: Thank you, Mr. Chair.

I'm from Miami, Florida, and 60 percent of our school district is -- constitutes English-learners. They're not all Spanish-speaking; we have Haitian, Creole and Portuguese -- in fact, we have 47 different languages. So those children's needs have to be addressed.

And if we put -- we take out Title I -- Title III funding and put it with Title I, we have already said that we will be block-granting Title I. So that will increase problems for Title III, Title I, and combining that is not a good way to go.

I think we need to reinstate Title III, leave it where it is, increase the authorization, and I recommend and support Mr. Hinojosa's amendment.

(UNKNOWN): Will the gentlelady yield?

F. WILSON: Mm-hmm.

(UNKNOWN): Thank you.

Mr. Chairman -- Mr. Chairman, I agree with the comments made by the gentlelady from Florida and, again, question what the problem is that needed the abolition of this -- this funding to begin with. Why do we need to mess with it? It should be -- remain as the gentleman from Texas has it.

English-learners aren't getting too much money. They're not learning too quickly. There's no problem, and we should -- should not dilute the funding that's available.

I yield back.

KLINE: Does the gentlelady yield her time? Thank you.

Mr. Curbelo, you're recognized.

CURBELO: Thank you, Mr. Chairman, and I agree that supporting English-language learners is a major priority. And that's why I'm supporting the -- the Student Success Act, because it does that, and it actually shields -- or attempts to shield these programs from sequestration.

So we can support English-language learners without limiting options for the students that, quite frankly, need them the most. I think we have all -- or at least most of us discussed our support for school choice here. This amendment seems to interfere with that.

And being from Miami-Dade County and being someone who arrived at our public schools without being able to speak English proficiently, I have a major concern for this -- for this topic. But I cannot support this amendment, because while it does make an effort to further support English-language learning, it also has some adverse impacts on some of the goals that -- that some of us has -- have expressed here today.

So I would respectfully urge my colleagues to oppose the amendment. I yield back.

KLINE: Gentleman yields back.

Mr. Grijalva?

GRIJALVA: Thank you, Mr. Chairman.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

In support of Mr. Hinojosa's amendment.

I too began school in this country, and -- and my primary language was other than English and at a time when that difference was required -- was seen as a liability, and because it was seen as a liability by the system, it became a process of survival of the fittest. And if you learned, great. If you didn't, too bad.

Title III addresses that, that it's not a liability, and to return to a time when English proficiency and acquisition is seen as a -- as a situation that is left to the devices of circumstance, luck, a particular teacher, I think is wrong.

Title III protects those children, it -- it encourages English proficiency acquisition, and we all know -- and I mentioned it earlier in my opening statement -- that as the new faces of America become its school kids and that language acquisition and -- and kids whose primary language is other than English are entering our schools at a higher and higher rate, Title III provides the foundation for a great integrative preparation point -- point for all these students.

If we want success in this country, it is English proficiency and the ability to communicate, understand and have capacity in the language. And Title III has been about doing that, providing that foundation for children.

Removing it now is a mistake, a mistake that will cost us an investment, time and lack of achievement on the part of many children.

If we see it no other way, let's look at it economically, let's look at it in terms of an integrative section of society, and let's look at it as a -- as a civil-rights opportunity for children that other wouldn't have it.

And I think the amendment, the reinstatement of Title III in this amendment, bringing up the resources necessary to address the demand and the need are appropriate. I think it is -- the committee should this an investment in the future, and I yield back.

KLINE: Gentleman yields back.

Are there other members seeking recognition on the amendment?

HINOJOSA: Mr. Chairman, if I don't see any others...

KLINE: The gentleman has already been recognized on his amendment. Are there other members seeking recognition.

Mr. Polis?

POLIS: Thank you, Mr. Chair. I'd be happy to yield to the gentleman from Texas.

KLINE: Very good.

HINOJOSA: Mr. Chairman, I like the fact that we are having this debate on both sides of the aisle, and there is no doubt that the members on the other side know that there are hundreds of different languages being spoken in our country, and that's why it so important that the points that have been made allow Title III to remain and that as we increase those numbers of English-language learners, that we need to increase the authorization level.

So I'm going to be patient and allow others to speak, and then I would like to make a request.

POLIS: Thank you.

Reclaiming my time, I think -- Mr. Chairman, I -- I think that the -- the substance of the amendment is something that we should work on, including in any ESEA reauthorization.

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I -- I am concerned, of course, and I share the chair's concerns that the particular way the bill is structured, this actually replaces some important language, including the bipartisan charter school language which is moved from title V to title III.

So I hope that we can find a more appropriate place in the bill to address some of these concerns. I can't support it in its present form, but I think it's a very important and well-intended issue and I hope that we can figure a way that it fits within the context of the overall bill.

And I yield back.

KLINE: The gentleman yields back.

Ms. Bonamici?

BONAMICI: Thank you, Mr. Chairman.

And I want to align myself with Mr. Polis's comments. I represent at least one district with more than 90 languages and support this amendment that Mr. Hinojosa brought forward. It's very important to make sure that all students who are English language learners have their needs being met.

Although I do not necessarily agree with every provision in title III of the amendment in the nature of a substitute, I agree that we need to have conversations about parental engagement and local flexibility. And because the amendment is drafted to technically strike that title, I just want the record to be clear that I'm supporting the substance of the amendment, but I hope that we can continue to have conversations about parental engagement and local flexibility, and do not necessarily support striking that entire section. I would like to continue to work with my colleagues on both sides of the aisle on good provisions regarding parental engagement and local flexibility.

Thank you, Mr. Chairman. I yield back.

KLINE: The gentlelady yields back.

Are there other members seeking recognition?

(CROSSTALK)

KLINE: No, no, on this amendment.

There you go.

(LAUGHTER)

(UNKNOWN): Mr. Chairman, I seek recognition and I want to yield my time to Mr. Hinojosa.

KLINE: The gentlelady is recognized.

(CROSSTALK)

KLINE: Microphone please, sir. Thank you.

HINOJOSA: Thank you.

Chairman Kline, at this time, I respectfully ask for a recorded vote on my amendment.

I yield back.

KLINE: OK. Gosh, I thought it was going to pass, but the gentleman has requested a recorded vote. Normally, we would take a voice vote, but all right. I've got -- I'm being advised by counsel. We have to do the voice vote first.

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The question occurs on the amendment offered by Mr. Hinojosa.

All those in favor, say "aye."

All those opposed, say "no."

In the opinion of the chair, the noes have it and the gentleman's amendment is not agreed to.

HINOJOSA: Mr. Chairman, I request a recorded vote.

KLINE: The gentleman requests a recorded vote. Pursuant to rule 13(b) of the committee and House rule 11(2)(h), and as is the committee's practice, further proceedings on this amendment shall be postponed.

And I'll take advantage of this to just advise members that we are going to continue right through lunch. If you are slipping out to eat lunch, I applaud that effort, but we're going to keep going right through.

I'm trying to find somebody to -- anyway, we will, of course, have to break for votes, which we think will take place in that 1:30 or so timeframe. And when that occurs, I'll announce the parameters. But my expectation is we'll break for votes, take the votes, and then come right back.

OK. Now, we're ready to move to the next amendment. Mr. Russell?

RUSSELL: Thank you, Mr. Chairman.

The essence...

KLINE: Does the gentleman have an amendment at the desk?

RUSSELL: I have an amendment at the desk.

KLINE: The clerk will distribute the amendment.

The gentleman is recognized for five minutes to explain his amendment.

RUSSELL: Thank you, Mr. Chairman.

The essence of this amendment is something that I think all of us could agree on in a bipartisan fashion. It doesn't go after any particular programs or funds. Instead, the intent of it is to protect student privacy and in some cases teacher privacy as data is collected, to keep that at the local level. When it is collected, where it should be filed to the secretary, it would be in aggregate form to protect individual identities.

And while data is important, it's important to measure school assessments that meet each state's need. It's not the federal government's role, nor have powers been granted by the states to nationally collect private individual data on students and teachers.

And while H.R. 5 makes some effort to protect data and has some language in this regard, this amendment strengthens the language throughout where individual privacy is warranted.

This amendment also strengthens implicit language where the states have not granted the federal government authority and makes that language more explicit to reinforce the authority has not been granted and is retained by the states. It doesn't substantively change what is implied. Instead, it makes it explicitly a statement of fact that states retain what is provided.

This amendment also reinforces the role of individual school leaders in making leader and teacher assessments. No one understands better than our principals and school leaders who hire our teachers, and also providing input in their assessment. And that is the essence of the amendment, and I would be happy to address any questions, Mr. Chairman.

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KLINE: I thank the gentleman.

I'll be supporting the gentleman's amendment. Are there other members seeking recognition on Mr. Russell's amendment?

Mr. Scott?

SCOTT: Mr. Chairman, this is the first we've seen this amendment, so it's hard to quite understand. But it seems to take the entire funding plan and just give it to the states with no strings at all. Now, the whole purpose of ESEA was to focus funding, federal funding on students who in the normal course of political give and take generally receive the short end of the stick -- those who are politically -- politically ineffective -- low income, English speakers, and don't get a fair shake, and those are the ones who also happen to need the most help.

This amendment would sabotage the entire point of ESEA. And so, Mr. Chairman, we would oppose the amendment because it just takes the bill, does not focus the money where it needs to be focused, with the maintenance of effort it just becomes revenue sharing and doesn't do anything to improve education. So I'd hope we'd defeat the amendment.

I yield back.

KLINE: The gentleman yields back.

Ms. Bonamici?

BONAMICI: Thank you, Mr. Chairman.

I just want to point out that I have very serious concerns about privacy of student records. It's something my constituents care a lot about. So I look forward to working on that issue with my colleagues on both sides of the aisle.

Unfortunately, because we have not had an opportunity to really talk about this amendment and we just received it, I'm going to be opposing the amendment, but look forward to working on that issue. It's my understanding that there are independent pieces of legislation that we can work on together.

So, thank you for bringing the amendment forward. I hope we can work on especially this student data and privacy issue in a bipartisan way.

Thank you. I yield back, Mr. Chairman.

KLINE: The gentlelady yields back.

Are there other members seeking recognition? Mr. Polis?

POLIS: Thank you, Mr. Chair.

This is a very important issue. I appreciate Mr. Russell bringing it to the attention of the committee.

In looking through this and of course keeping in mind this is the first time we've seen this, I see a potential problem on page two. One of the first operative clauses defines "data" with regard to all personal private student data shall be prohibited from use beyond assessing a student's performance as provided for in subparagraph C.

There is another, I believe, a use of data that I believe the committee would be OK with, and that would be to inform pedagogy and instruction for the classroom teacher. And particularly as we hope to, if anything, consolidate tests so that whatever test we're using for accountability can also be useful to the teacher. I know there's been some issue in the past with the delay in results and tests taking so long to score that they're not available until the students are gone and the teacher is in the next year.

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But a lot of that is being corrected with the new tests that the states are rolling out. And I guess I want to inquire of Mr. Russell, if he would be open to this discussion or if he believes his amendment would prohibit what I think our committee would feel would be another appropriate use of data, and that is the use of data by the classroom teacher to personalize instruction.

I'll yield to Mr. Russell.

RUSSELL: Thank you, Mr. Chairman.

And I appreciate your question, Mr. Polis. In answer to it, it does not prohibit the aggregated data for that purpose going in reports and assessments to the secretary. And if I might add, with regard to Mr. Scott, it makes no changes to the funding that you suggest. This deals with individual and student-teacher privacy. And it also deals with solidifying the language of what states already retain.

POLIS: Thank you, Mr. Russell. I did not mean to say it had to do with funding. I don't -- I don't think I said that.

What I -- what I did express is the concern that this would affect the ability of teachers to have student information that they can use to personalize the education of students.

I will work with staff to see what the appropriate interpretation of this amendment is. If it does interfere with that, I cannot support it. If it does interfere with that use of data, this could be a constructive step towards privacy. I'll look forward to hearing from our staff on that in the intervening time prior to the vote.

But I do appreciate your efforts. I hope that you will also work with Mr. Messer and I on a student privacy act that empowers parents to control where their student information goes. It's not in the jurisdiction of this committee. It will be in the jurisdiction of a different committee because of where it fits in law, but we'll look forward to working with you on that as well.

And I yield back.

KLINE: Are there other members who have not spoken on this who are seeking recognition?

GRIJALVA: Mr. Chairman?

KLINE: Mr. Grijalva?

GRIJALVA: Thank you, Mr. Chairman.

A question for the author of the amendment. In the section, I think the last page, all individual data collected will be protected by local education agencies and only aggregated data will be reported to the secretary.

My question is, since it's aggregated data, so sub-issues of achievement, income, disability as it applies to American Indians who I think that's the reference, that have provided -- that information provided useful tools for strategies -- educational strategy; attention; resource allocation.

Can -- can you explain to me and to the committee how that would -- I believe this prevents that kind of a strategic look at how to deal with some of the needs kids have, particularly in the population we're talking about. Because we're not allowed to know what a disability issue is, a learning disability, income issues, because it's all put together in one.

Any response to that? Or is that a legitimate question that I'm even asking you?

(UNKNOWN): And I thank the gentleman for his question. No, sir, it does not prohibit the local or even states having the individual data. What it does prohibit is that it is set in an individual fashion with regard to privacy in any assessments or in any requirements that are filed to the secretary.

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I should also point out that, with regard to Indian bands (ph) and Indian tribes -- native Americans, native Hawaiians, Alaskans -- that they are governed by certain aspects of the Department of the Interior and the Bureau of Indian Affairs with regard to individual privacy and data. And this reinforces that. It does not contravene it.

(UNKNOWN): I'll be glad to yield, Mr. Scott.

(UNKNOWN): Yes. the gentleman from Oklahoma indicated that -- something about fund -- funding. And the question I had was, what -- on your language on page 25, beginning on line 18, you said the -- you strike some part and insert, "The state returns the right to implement the plan." Are you eliminating accountability where the federal government can deny certain uses if they're not conforming?

(UNKNOWN): It does not make that change, sir. What it does do is, it simply -- instead of the federal government framing in this bill that the state may do this or that -- they've not been granted that authority to begin with -- so this language simply is changed to say that they retain the rights that are already implied in the act. It makes no changes.

(UNKNOWN): (inaudible) -- do you yield again?

(UNKNOWN): I -- if I may reclaim. The secretary does not receive the subgroup data, only the aggregate. And as such, issues of accountability, oversight, that are important to the -- to -- to the expenditure of tax -- federal tax dollars -- I -- I see that as a -- as a problem. I see the problem of consultation on this issue as an issue that needs to be dealt with, as well.

And I yield back to Mr. Scott, if there's any time left.

SCOTT: Thank you. I was just -- if the plan does not -- does not conform to ESEA, where (ph) is the accountability to -- to allow the secretary to divide (ph) use of federal money that's out of compliance?

(UNKNOWN): And I thank the ranking member for his question. It-- what it does is, it reinforces the Fourth Amendment, that we have a right to privacy. Now, the secretary is not requiring in -- not in 1965, not today, for individual private data. As you can appreciate, you have people that come from maybe austere means or underprivileged backgrounds, whatever it may be. The last thing the federal government needs to do is tag these individual students with some privacy concerns.

Aggregate data is sufficient to track how many people of a certain race, how many people of a certain class, how many people are -- as it is laid out in the act. What this does is protect individual privacy. And it reinforces the language throughout the bill to shore that up, sir.

SCOTT (?): I yield back, Mr. Chairman. Thank you.

KLINE: I thank the gentleman.

Are other members seeking recognition? Mr. Messer?

MESSER: Thank you, Mr. Chairman. And thank you, Mr. Russell, for your leadership on -- on this important issue. I mean, this is a -- an emerging issue that even -- even as much as a decade ago, let alone a couple decades -- decades ago, didn't even really exist. And today, of course, in the world of big data that we live in, we have students taking tests, and -- and parents concerned about their privacy. We want to make sure that the data is used in ways where we can assess student performance, and -- and improve classroom performance, as Mr. Polis talked about, as well.

Getting a chance to read this now, it looks like a fair-minded effort to do that. I'll be supporting you in the amendment. And -- and would hope that there are other things we can do, too, to make sure that -- that student privacy and the parents' rights to protect their -- their child's privacy is -- is recognized in the law.

Thank you for your work.

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KLINE: Are there other members seeking recognition on Mr. Russell's amendment?

If none, the question occurs on the amendment. All those in favor say aye.

Aye.

All those opposed, say no.

(SEVERAL MEMBERS SAY "NO")

In the opinion of the chair, the ayes have it, and the gentleman's amendment is agreed to.

We're ready for the next amendment. Who -- I think Ms. Davis, you're recognized.

DAVIS: Thank you, Mr. Chairman. I have an amendment at the desk.

KLINE: The clerk will distribute the amendment.

FOXX: Mr. Chairman?

KLINE: Ms. Foxx?

FOXX: Mr. Chairman, I reserve a point of order on the amendment.

KLINE: The gentlelady reserves a point of order.

The -- the gentlelady is recognized for five minutes to explain her amendment.

DAVIS: Thank you, Mr. Chairman.

Mr. Chairman, my amendment would help ensure that every student has access to a quality teacher by strengthening the accountability and transparency provisions of professional development programs currently funded under Title 2 of ESEA.

First, the amendment would allow Title 2 funding to support and improve evaluation systems currently being developed and implemented by states and school districts. Furthermore, it would require local education agencies to develop and implement an assessment of current teacher support systems and working conditions to ensure teachers and school leaders are given the best opportunity to succeed in the classroom.

And finally, this amendment would amend Title 2 of the Higher Education Act to improve pre-service teacher training programs by requiring states to establish a shared data system between LEAs (ph) and pre-service programs so as to foster collaboration and improve overall effectiveness.

Mr. Chairman, I have never -- and I bet you have never -- met a teacher that does not want to do more for his or her students. But too often, we fail to provide them the resources that let them succeed. For years, we have funded teacher preparation programs that, frankly, don't address the most pressing needs that teachers actually face in the classroom.

The first step in providing effective teaching is making sure we fully understand the working conditions that teachers face across the country, which is what this amendment does.

Beyond that, we must encourage, where possible, teacher evaluation systems that look for evidence of student growth. No two teachers face the same challenges or teach to the same classroom, which is why we must provide extra resources and support to teachers that need them, rather than adopting a one-size-fits-all model.

By taking classroom circumstances into account -- but taking classroom circumstances into account cannot be used as an excuse for lowering standards or for failing to push all our teachers to show evidence of student growth.

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Every student in America has the right to a high-quality teacher. And no matter what their zip code is, their race or their disability, they all have that right.

In the end, we serve no one when we strip away the federal government's ability to provide well funded and high-quality teacher preparation.

I don't think we can stop believing in every teacher. We need to believe that all of them, when given the resources, that they can all succeed.

With that, I urge my colleagues to support the amendment. And I yield back, Mr. Chairman.

KLINE: I thank the gentle -- gentlelady.

Our only member seeking recognition on this amendment.

The gentleman's recognized.

SCOTT: Thank you (inaudible).

KLINE: Oh. Excuse me. Mr. Scott's recognized.

SCOTT: Thank you, Mr. Chairman. And I'd like to rise to the support of the amendment. We can all agree with the research. It shows that the effectiveness of quality teachers is a major factor in a student's -- in a student's learning. Studies have shown that teachers of the top 20 percent of performance can generate five to six months of additional student learning each year than low-performing teachers. And this amendment will help improve teacher quality. And I think we should all support -- be in support of the amendment.

And I yield back.

KLINE: I thank the gentleman.

Are any other members seeking recognition?

Mr. Byrne is recognized.

BYRNE: Thank you, Mr. Chairman.

I was looking through the materials that we were provided today on the bill. And two of the supporting organizations' names jumped out at me. One was the Council of Chief State School Officers. That's all the state superintendents of education in America.

And the second one is the National School Board's Association, which is made of 90,000 local school boards in America.

So, the people that we charge with being responsible for education in America -- public education -- support this bill, that I'm afraid the proposed amendment would make pretty dramatic changes to. And I don't think that's what these groups want to support.

What I understand the underlying bill to do is to reduce the footprint of the federal government on the backs of local educators throughout America. If we start adding little pieces here and little pieces there, or in this case, big pieces here and there, we would be reintroducing this heavy footprint on local school systems throughout America. Which is something every school person I've talked to is against.

Democrat and Republican want us to get off their back, and to free up our local school systems to do what they know how to do.

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Well, I appreciate the -- the sentiment behind this -- I hear all the words -- it's hard to disagree with a lot of the words. But at the end of the day, we've got to have some humility here in the federal government. We don't know how to do this better than local school systems do. But stick with the underlying bill that will give them that flexibility and freedom. And then let's have a little bit of trust that they know what to do, and that they've been doing, in some cases, much better than that we could ever expect that we could direct them or mandate them to do here at the federal government.

So, I appreciate the sentiment behind this amendment, but I must respectfully say that I'll be voting against it.

And I yield back.

KLINE: I thank the gentleman.

Mr. Polis is recognized.

POLIS: Thank you, Mr. Chair.

I want to thank Ms. Davis for bringing forward this amendment. Teacher and principal quality is really where the rubber meets the road in public education. Having a teacher in the classroom, the principal at the site are the most important factors.

The Republican bill, in my view, is a step backward. While it includes in the block grant for professional development some of the policies that are constructive, they're really just allowable uses. There's really no saying what states will do or not do with regard to quality educators.

One of the steps forward the No Child Left Behind took is it required for the first time ever that teachers be qualified.

I hope that's something we can agree on for our country. I don't think any of us want unqualified teachers anywhere.

Now, we can debate what the definition of qualified is. That's a very important discussion to have. Is there an outcome-based measurement we can look to? What type of preparation works best for teachers?

But certainly, insofar we have -- as we care about all kids, we have a national interest in making sure that anybody put before children in our country is qualified. What Ms. Davis's amendment does is it will restore a lot of those quality indicators, along with the professional development, mentorship, many of the priorities that I have identified in our standalone bill, the great leaders for great schools, great teachers and leaders for great schools bill.

And this bill will help ensure that -- that we have high quality educators across the country, and continue to work with them, mentor them, and improve the quality of -- of the teaching profession across the country.

Again, what the Republican version does, is essentially it turns most of this into state allotments. Now, there's a number of things that states can do with those, but none of those would guarantee that the teacher's who's in front of kids is qualified, and none of them would guarantee that we have the right framework in place for quality site leaders in school principals.

It was mentioned that the bill had some support from school boards. I would point out that the people in the classroom do not support this bill. Teachers, as well as the site leaders, principals, want to see a more substantive approach to professional development and quality for the classroom leaders and the site leaders. And they do support language very similar to this amendment, which is in the great teachers and great leaders for schools bill. And they do oppose completely taking this apart and removing that federal commitment that under No Child Left Behind, for the first time ever, we ensured that every teacher was qualified.

Now again, very important discussion: what does qualified mean, how do you define it, what discretion does the state have in defining it? There's no one definition. Let states come up with constructive ways to demonstrate that

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-- that teachers can achieve academic growth with their students and have a variety of ways of being prepared, including academies, and institutions of higher education. That's the discussion to have.

It's not simply to throw up our arms and say guess what, whatever goes, goes. I think that's a very dangerous precedent. I strongly support Ms. Davis's language, and I would urge the committee to adopt it.

(UNKNOWN): Would the gentleman yield for a question?

(UNKNOWN): Yes.

Who was that? I think my time was running short.

(UNKNOWN): That was me.

(UNKNOWN): If my time runs out, I'll -- hopefully you'll get somebody else's time, but I'll be happy to yield. One minute.

(UNKNOWN): Yes sir.

Are you saying that the school teachers of America want to keep the highly qualified teacher provisions in No Child Left Behind?

(UNKNOWN): No, of course not. We all want to change those definitions.

(UNKNOWN): This bill -- the bill gets rid of it.

(UNKNOWN): They don't want to replace it with anything under the sun. So again, the teachers at the time supported that. That was a step forward for the profession. We want to work on a more meaningful definition of what a highly qualified teacher is. We don't want to simply abolish all of the quality indicators for educators across the country. That's what educators believe, and that's what I believe, and I yield back.

KLINE (?): Thank the gentleman.

Are there any other members seeking recognition?

Gentleman's recognized.

(UNKNOWN): Thank you, Mr. Chairman.

I want to speak in favor of the Congresswoman Davis's amendment. In the hearings that we did have in the previous four, five years, there was no question that those who came and testified said that whether it was in pre-K, early childhood development for three and four year olds, or middle school, or high school, that there was great need to really invest in educating our teachers and our principals so that we could begin to compete internationally, because we were like number 38 internationally in competition on scholastic competition that was cited.

All this to say that I believe that this Davis amendment refocuses those concerns and those requests that were made by the panelists who came before us, before this committee, in the years that I mentioned. There's no question that this kind of amendment is going to address what we want, and that is to increase the number of certified teachers for all those levels that I mentioned, especially in the high school, ninth through the 12th grade, getting teachers trained to be able to teach international baccalaureate courses, as well as advanced placement courses, because we don't have enough.

They talk about the need for those kinds of teachers so that we could increase our graduation rate, which was one of the highest priorities by President Bush and then by President Obama.

So, I'm saying that this amendment is one that both sides of the aisle should embrace. Support it and get it into this bill that is being debated today. And with that, I yield back.

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KLINE (?): Thank the gentleman.

Without objection, the point of order is withdrawn.

Are there other members seeking recognition on the amendment?

Mr. Messer's recognized.

MESSER: Thank you, Mr..

There are few things more important to a child's development than a great teacher. There is nobody here today in this chamber that doesn't believe that every child in America deserves a great teacher. But I can tell you the teachers I talked to in my district don't believe the federal government is the right place to determine who is a great teacher. They want that decision made at the local level by their school board, by their school leadership.

And when the federal government starts trying to tell local schools what it takes to be a great teacher, opportunities for our kids get worse, not better.

That's why we've taken that provision out of this bill and we're trying to empower state and local leaders to make sure that we have great teachers in every classroom, because that's what America's kids deserve.

Thank you.

KLINE (?): Thank the gentleman. Are there any other members seeking recognition?

Mr. (OFF-MIKE) is recognized.

(UNKNOWN): Thank you, Mr. Chairman. And let me yield to the author of the amendment, Ms. Davis.

DAVIS: Thank you.

And you know, I really hope that you'll take a look at the bill, because what you're going to find in that is that it allows school districts to engage with teachers on not just how you consider a qualified teacher, but what teachers would like to do to improve their teaching. It doesn't require anything. It allows them to use the funding that would be available to them under Title II that's created within the bill.

So, I think that if you really go back to -- to your teachers and you ask your school boards about this, they're going to agree that this is a wonderful vehicle for them, because they really haven't had that vehicle in the past. They've used some local funding, they've gone to people within their community to help out in some occasions, but they really haven't had the opportunity to engage at this level. And that really makes all the difference in the world.

So, I think the -- the organizations that are supporting this, there are a number of them, including the U.S. Chamber of Commerce, but many of the coalitions, particularly if we look at Consortium for Citizens with Disabilities, Coalition for Public Education, Center for Learning Disabilities, all of them agree that H.R. 5 is not the bill that they want to support. They are opposed to that because they'd like to see this kind of support for teachers and the kind of flexibility that actually, the language in this allows.

So, I hope that we can move forward with this, and I would ask for -- for a vote, Mr. Chairman.

KLINE (?): Thank the gentelady.

Surely, there are no other members seeking recognition. Is that correct?

Hearing none, the question occurs on the amendment. All those in favor, say aye.

GROUP: Aye.

KLINE (?): All those opposed say no.

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GROUP: No.

KLINE (?): In the opinion of the chair, the nos have it and the amendment is not agreed to.

The gentlewoman requests a recorded vote, pursuant to rule 13(b) of the committee and House Rule 11-2(h), and as is the committee's practice for the proceedings on the amendment shall be post-poned.

(UNKNOWN): We're ready to move to the next amendment, and I think Dr. Heck.

HECK: Thank you, Mr. Chairman. I have an amendment at the desk.

(UNKNOWN): Clerk will distribute the amendment.

The gentleman is recognized for five minutes to explain his amendment.

HECK: Thank you, Mr. Chairman.

The amendment I'm offering today will help ensure we meet the unique educational needs of military families. Specifically, my amendment would require state and local education agencies to report on the achievement of military-dependent students.

In the underlying bill, state and local education agencies are already required to disaggregate achievement data by gender, race, and ethnicity, English language proficiency status, migrant status, disability status, and economically disadvantaged status.

While many states already require the collection of data on military dependent students, a 2011 GAO report titled "Education Of Military-Dependent Students: Better Information Needed to Assess Student Performance," found that quote, "there are no national public data on military-dependent students' academic progress, attendance, or long-term outcomes such as college attendance and workplace readiness," end quote.

The report concluded that quote, "without more specific data, educators, base commanders, and community leaders are not able to provide military-dependent students with the appropriate resources because they do not have information on their specific educational needs, or the effectiveness of the schools and programs serving them," end quote.

Additionally, in 2013, Congress created the Military Compensation and Retirement and Modernization Commission. One of the main goals of the commission was to develop reforms that support the quality of life for members of the armed forces and their families.

To that end, the commission recently released its final report that included a recommendation that Congress include military dependent students as one of the disaggregation requirements for achievement data state and local education agencies report.

In justifying the recommendation, the commission's report cited studies that show how the unique lifestyle required of military families could impact the classroom performance of military-dependent students.

The commissioners concluded that, quote, "Adding a military- dependent-student identifier would provide the basic information needed to justify, inform, develop, implement and evaluate policies and programs that specifically address and support military-dependent students based on their increased risk of experiencing academic and behavioral challenges at school," end quote.

While the commissioners recommended this data be further disaggregated by branch of service in order to mitigate any potential burdens on state and local education agencies, my amendment only requires assessment results to be broadly disaggregated for military- dependent students.

Many schools with military-dependent students already track the number of these students in order to apply for impact aid.

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Additionally, at least 12 -- Alaska, Arkansas, Florida, Illinois, Indiana, Maine, Michigan, Nevada, North Carolina, South Carolina, Tennessee and Texas -- already require some form of military- dependent-student identifiers.

And according to the Military Child Education Coalition, 97 percent of school districts with military students have existing information systems that could be modified to include a military- dependent-student identifier.

Therefore, this change can easily be accomplished within the preexisting framework for disaggregating student achievement data. In fact, the superintendent of the school district I represent, the Clark County School District, which is the fifth largest school district in the country, strongly supports this change and believes it will help them better serve the military community with which it is already actively engaged.

As chairman of the House Armed Services Military Personnel Subcommittee, I'm working with my colleagues to evaluate the Military Compensation and Retirement Modernization Commission Report.

While we continue to review the commission's recommendations to ensure we have a pay and benefit structure that keeps the faith of those who've served and are serving, the commission's 15th and final recommendation provides a common-sense solution to help support the military families who sacrifice so much to protect our nation.

My amendment will help provide state and local education agencies with the information they need to serve military-dependent students and will reaffirm Congress's commitment to supporting members of the Armed Forces and their families.

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

KLINE: Gentleman yields back.

Are there members -- Mr. Scott, you're recognized for five minutes.

SCOTT: Thank you, Mr. Chairman.

Mr. Chairman, this amendment would add military-connected children as a reported subgroup. I agree with the purpose of the amendment. In fact, we've included this provision in our Democratic substitute. But in our Democratic substitute, we also add resources to address the needs that the gentleman from Nevada has articulated.

I want to point out that if this amendment is adopted, it won't fix the core problems underlying the bill, but we have to recognize the special problems that military-connected families -- children have.

They're frequently going from state to state, and they show up in the middle of the year, either way ahead or way behind in the school year. There're adjustments, as you have -- meet new friends.

So there are very special needs that these families have. We owe a special debt to our military families, and therefore, Mr. Chairman, I'm in support of this amendment.

KLINE: Thank the gentleman.

Are there other members seeking -- Mr. Polis?

POLIS: Thank you, Mr. Chairman.

I too join my colleague, the ranking member, in supporting this amendment.

I'd like to point out that we have a similar approach in the -- the Democratic substitute. More information about the particular needs of students who are more mobile and who have parents who serve our country can absolutely be helpful.

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I'd also like to focus the discussion on the impact aid. The Republican bill does maintain the current authorization level for impact aid. Having the transparency and accountability is critical. So too, the resources, as the ranking member pointed, are also critical.

And I would urge -- we have a number of these schools in Colorado that receive impact aid and school districts. I think it's an appropriate investment. I'm glad that it is represented in both the bill as well as the Democratic substitute as an acknowledgement to families who serve our country that the particular learning needs of their students will be met, both with additional substantive help in the form of impact aid and, of course, through disaggregation and transparency, which the committee will specify through the adoption of the -- of the Heck amendment.

And I yield back.

KLINE: Gentleman yields back.

Are there other -- Ms. Davis?

DAVIS: Mr. Chairman, very briefly, I want to commend Dr. Heck for bringing this forward. This was a bill that I carried as a stand-alone in the past and have worked very hard on it over the years. So thank you, and I'm glad that it is in the Democratic substitute and with a little more -- little more gut.

KLINE: Does the gentlelady yield back?

Mr. Grijalva?

DAVIS: Yield back.

GRIJALIVA: Thank you, Mr. Chairman, and I too want to commend the gentleman from Nevada for the amendment. I support it.

Issues of reentry, readjustment for military families affect their children, issues of mobility affect the children, and I think it is a good amendment mandating the -- the data -- disaggregate data for military-dependent students be identified and provided for both assessment and strategies on how to work with children that come from military families. I think it's an important mandate.

And it begs the question as to the other -- the previous amendment that spoke of only providing aggregate data on some student populations, and now we have one that does the right thing and provides specific data to a student population that needs that data.

I would suggest that -- that -- that this -- this example here is prevalent with a lot of subgroups that we should consider and not just do a blanket privacy issue, as we did in the previous one.

With that, I yield back.

KLINE: Gentleman yields back.

Are there other members seeking recognition?

Seeing none, the question occurs on the amendment. All those in favor, say aye.

Aye.

All those opposed, say no.

In the opinion of the chair, the ayes have it, and the gentleman's amendment is agreed to.

Mr. Courtney, you're recognized.

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COURTNEY: Thank you, Mr. Chairman. I have an amendment at the desk.

KLINE: The clerk will distribute the amendment.

Dr. Foxx?

FOXX: Mr. Chairman, I reserve a point of order on the amendment.

KLINE: Gentlelady reserves a point of order.

It may take us a while to read this one.

Alright. The gentleman's recognized for five minutes to explain his amendment.

COURTNEY: Thank you, Mr. Chairman, and I -- I will summarize this amendment, which -- again, it's been 14 years since we've done an ESEA reauthorization. We live -- we're blessed to live in a country with a very dynamic economy, and there's been a lot of change in terms of growth of certain types of jobs that really probably didn't even exist back 14 years ago.

And -- and one of those areas is jobs surrounding science, technology, engineering and math. In fact, we have data that shows that jobs in the STEM area have grown three times faster than jobs in the non-STEM area.

And this amendment seeks to respond to that change that's happening in -- in the American workforce and trying to focus, again, a national priority and national resources to -- to give students starting K through 12 the opportunity to learn about and -- and to participate in these core curriculums that, again, form a lot of the growth in America's job market.

So this -- this amendment basically creates a comprehensive program for STEM education from preschool through grade 12. It -- it authorizes funding over \$250 million, and if -- if the appropriators so choose to -- to appropriate that level, then they'll be formula grants to states. If not they'll be a competitive grant if the -- the funding stream is lower.

And what basically it will fund is professional development, curriculum assessments, improving school science labs, after-school programs and other academic supports.

And a special focus is required of students who are traditionally underrepresented in STEM fields, such as women and students of color, which, again, I think probably every member on both sides of the aisle have visited, you know, growing -- you know, specialty manufacturing, (inaudible) manufacturing, high-tech fields, and -- and they will all tell you that their biggest concern is really whether or not they're going to have folks to -- to fill the workforce needs of the future.

And that's exactly what this amendment is seeking to do. It's going to bolster the teaching core with a STEM teacher -- master -- teacher core and also get technology out to school districts so that young people can learn in terms of the -- the -- the type of technology that is used now just across the board in terms of America's workforce.

This amendment did not come out of nowhere; the STEM Education Council, which is an extraordinary coalition of educators from the American Society of Civil Engineers to high-school science teachers, employer groups, including Microsoft and -- and other -- National Association of Manufacturers all participated in this process putting this amendment together.

And really, it -- it is something that, again, I -- I would venture to guess every single member, regardless of district or party, out there talking to employers, going to chambers of commerce, this issue of whether or not we're going to have, again, the ability to refresh and -- and grow the workforce in this area is something that we all hear about all the time.

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And -- and by the way, you know, some of the pressure in terms of immigration programs like H1B, frankly, by bolstering America's education system, in terms of boosting STEM growth, again, particularly in those underrepresented populations of women and students of color is going to take the pressure of the need to rely on folks coming into the country to fill these critical -- critical jobs that are -- are -- exist today and are going to exist in even greater numbers in the future.

So again, Mr. Chairman, I -- I -- I hope that all of us will think about what we hear about back home in terms of the workforce needs that exist out there and come together on both sides of the aisle and -- and support this amendment.

And with that, I yield back.

KLINE: Gentleman yield's back.

Are there other members seeking recognition?

Mr. Grothman, you're recognized.

GROTHMAN: Yeah, I'm just going to make a point here.

You know, nobody argues that we shouldn't spend more money on STEM, but -- but your local superintendents are not that out of touch. Your local legislature isn't that out of touch.

I just left the Wisconsin State Legislature, and there were all sorts of bills I passed and bills I didn't pass.

I'm not going to reintroduce every bill I failed to pass in the Wisconsin legislature and throw it out for you as Congress. A, we're broke, and B, I do not consider the colleagues I left behind in the Wisconsin legislature so brain-dead that they don't know that we have STEM problem in this country.

And we should always stop and think before we introduce bills or introduce amendments up here, is this really something that I can't get my state legislature to pass?

KLINE: Gentleman yields back.

Are there other members seeking rec -- Ms. Bonamici.

BONAMICI: Thank you very much, Mr. Chairman.

And thank you, Representative Courtney, for bringing this amendment forward as a member who also serves on the Committee on Science, Space, and Technology, I have a lot of discussions when I'm in the district I'm honored to represent about STEM, the skills gap, and workforce challenges.

I also hear, in addition to concerns about a skills gap and the need for more STEM talent, a lot of conversations about innovation and how we educate an innovative workforce. That is something that is on the minds of the businesses in my district.

How do we make sure that we are the cutting edge? That we are not only making new products, but inventing new products as well?

So I want to say thank you to Mr. Courtney for recognizing in this amendment the importance of developing and implementing a STEAM curriculum, which means the integration of instruction in the identified subjects with instruction in arts and design.

As a co-founder and co-chair of the STEAM Caucus, we've had a lot of discussions about how we can engage more students in education that teaches them to be not only skilled in the STEM fields, but also creative and innovative.

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And I want to say that I was pleased that at our last big briefing in the caucus we had representatives from Boeing, Intel, and Lockheed Martin recognizing the importance of integrating arts and design so that we do have that innovation in our workforce.

So thank you very much for bringing this important amendment forward. It is a very timely and important topic, as you probably all know that when we're out in our districts, STEM workforce issues are on the tops of our businesses' minds.

We also, in my district, have a couple of schools that are now STEAM both in elementary and a middle school. They're seeing great results engaging students in creative learning.

So thank you, Mr. Courtney, for your amendment, look forward to supporting it.

And I yield back the balance of my time.

KLINE: The gentlelady yields back. Are there other members seeking recognition?

Ms. Wilson.

F. WILSON: Thank you, Mr. Chair.

I thoroughly support Mr. Courtney's amendment. I think what makes it so interesting and wonderful is that the subject matter will begin in pre-K all the way too -- through grade 12.

I think it's important for us to try to create a love of science and math in the hearts and minds of our children, because that has disappeared through the years. I remember during the years of Sputnik when we were sending a man to the moon, all little children wanted to be an astronaut. And they were keenly interested in science.

And they all wanted a science kit for Christmas. And that sort of waned. And now we have to inject that interest back into our school districts, just like Mr. Courtney's amendment states, from preschool through grade 12.

Each year in my district, I have an annual APT (ph) competition where the children create all sorts of innovative things, then we award them prizes. So I think this is moving in the right direction.

And if you will look around you as you travel and as you shop and work and drive, you will notice that technology has replaced so many jobs. I remember when we had toll-takers, and many single mothers were the toll-takers, toll collectors on highways and byways.

And now we have -- it's technologically generated. And when you go to the airport, there used to be people there checking your ticket. And now they have kiosks. You go to the hospital, you sign in on a kiosk.

So someone has to create this innovation. Someone has to maintain it. Someone has to make sure that it works. And that's why we need so many scientists, now mathematicians, and especially with children of color, so many children have grown up thinking that science is hard, that math is difficult, and it really isn't.

It's just a matter of underexposure. And when we expose our children to this coursework, I think we'll see a difference. So I applaud Mr. Courtney for this substitute amendment. And I support it.

KLINE: Gentlelady yields back. Are there other members seeking recognition?

Mr. Scott.

SCOTT: Thank you, Mr. Chairman. Mr. Chairman, when compared to other nations, the math and science achievement of U.S. pupils in the math and science areas is way back in the pack on an international comparison when we should really be leader in the world.

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We also know that technology can produce significant gains in student achievement, but instead of recognizing the importance of STEM and technology and education, H.R. 5 establishes a block grant that provides limited funding to states and districts to address the skills, not skills deficit.

And as I've said before, Mr. Chairman, the whole point of Title I is to focus resources in areas wherein the routine give and take of political decisions, we know that the low-income areas are going to get the short end of the stick.

That's what Title I is designed to address. We know that in low-income areas, AP and technical courses are not as available in other areas. This amendment fixes that problem. And therefore we ought to adopt it.

I yield back.

KLINE: The gentleman yields back. Are other members seeking recognition? If not, the chair...

(UNKNOWN): (OFF-MIKE)

KLINE: OK. Sorry, Ms. Fudge.

The chair will recognize himself. And I'm not sure how we got into the third person on this, but that's just the way we do things.

The underlying bill certainly allows funds for STEM and technology. This amendment adds a billion dollars' worth of new program. And just as a note, already today, recognizing the interest and importance in STEM, the federal government has over 200 STEM programs.

And as much as I appreciate the gentleman's interest in this, adding one or two more is probably not the best way to get at this. So I'm going to encourage a no vote.

I yield back. And a question occurs on the amendment. All those in favor say aye.

CROWD: Aye.

KLINE: All those opposed say no.

CROWD: No.

KLINE: In the opinion of the chair, the no's have it. And the gentleman's amendment is not agreed to.

We're ready for the next amendment. And I think -- Mr. Messer.

MESSER: Mr. Chairman, I seek recognition.

KLINE: The gentleman has an amendment.

MESSER: I have an amendment at the desk and ask for consideration at this time.

KLINE: The clerk will distribute the amendment.

The gentleman is recognized for five minutes to explain his amendment.

MESSER: Thank you, Mr. Chairman. And I appreciate the opportunity to have this discussion. The amendment is based on a couple of fundamental principles. The first, that every child in America should have an opportunity to go to a great school. And secondly, that the best decision-maker for what's a great school for their child is an individual parent.

You know, Mr. Chairman, lots of kids in America do get a chance to go to great schools, but too many don't. And it's long past time that we do something about it.

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I want to thank both Chairman Kline and the K-12 Subcommittee Chairman Rokita for their leadership on this bill already in making Title I money portable for families so that families can decide which public school is the best school of choice for their child.

I just wish we could do more. And what this amendment does is a couple things that would provide even greater opportunities for families all across America.

First, it's an amendment based on localism. It would allow states to decide whether or not they wanted to make this money portable. And states and leadership, education structures in states that didn't make that decision, then the money wouldn't be portable.

But in those states that did make the decision to empower parents, Title I monies could be used by those parents to decide what child -- or what school was best for their child. And it would lift any limitation on just public school, and allow parents to choose private school options that would work for them as well.

You know, it's really this simple. In modern America, your destiny should not be determined by your zip code. We all recognize that educational opportunity is one of the most important civil rights issues of this time. And no child in America should have a wait list to their future.

It's way past time for us to stand on principle, stand with the American family, and demand that parents have a choice, because in America, if you can afford that choice, you already have it.

The only real question is, what are we going to do for those that can't otherwise afford those kinds of opportunities?

And with that, Mr. Chairman, I would yield back and invite other comments.

KLINE: The gentleman yields back. Are there members seeking recognition on the -- Mr. Pocan, you're recognized.

POCAN: Thank you, Mr. Chairman.

Well, I would argue against the amendment. I spent 14 years in the Wisconsin legislature where we were one of the bigger experiments in taxpayer-funded vouchers. And I can tell you from those experiments, until we know how they're working to continue expanding this given the terrible results we've had in Wisconsin, I would not recommend this for any child, any parent, or any taxpayer.

In Wisconsin, I can tell you that we've had lower scores on reading and math tests than in the public schools for the children who are attending these voucher schools. The last expansion that Governor Walker did, 79 percent of the kids who got the vouchers already were attending a private school, so that had nothing to do about improving public education, which is in the purview of this committee, but everything to do about providing a tax break to people who already have chose to go to that private school, so it certainly did work there.

I think when Governor Pence was here, we had that conversation. 40 percent of the students there already were attending that school. So, it's not about public schools. It's really about, you know, making sure we're getting money to for-profit schools that are out there.

He also -- in Louisiana, a 44 percent of the voucher students passed state exams compared to 69 percent of their public school peers.

So, this is an experiment that I actually -- I think already know the answer, it's failed. But as people still try to then pump money into a program like this, doesn't make any sense. Now, there's no question that the portability that's already in this bill is a slippery slope to taxpayer funded vouchers. But to explicitly put it in there, I think you're going to find a lot of the money will be wasted that goes there. We're not watching out for taxpayers or students.

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Often, when you attend a voucher school, you're losing important rights of protection that you get through the public schools. I remember, when we first started this experiment, literally we gave money to schools where one person said he could put his hand on a book and read it.

We had people buying Cadillacs and cars with the money they got for these programs.

Now, while we've cleaned some of that up, when I go and visit schools in Milwaukee, one of the problems is you don't have any transcripts, often, from these schools. Because there's no accountability with these schools. So, you get to someone -- it gets to South Division High School in Milwaukee, and there's absolutely no record, they don't know where to put this kid, because of the problem with these schools.

If you're a kid with disabilities, good luck getting in a program.

Now, luckily groups like the American Legislative Exchange Council have put out little fake bills to make it look like we're addressing the problem, but the bottom line is these schools don't pick up the kids with disabilities, so they get left behind at the public schools, and there's fewer dollars available for them and fewer dollars overall for the programs.

So, just to -- close, in Wisconsin we have given now the billion dollar experiment so far on this. \$139 million of that money went to schools that since then, have been terminated from the voucher program.

So, Governor Walker didn't create the program. He is sustaining a bad program, but I would hate to see us try to take this **failed** experiment nationwide when we've got this many bad results, not just in Wisconsin, although I could keep going about bad results in Wisconsin, but Louisiana, Indiana, and so many other places.

So, again, I -- I think that this is a bad amendment, and I would recommend a no vote. Yield back.

KLINE: Are there other members seeking recognition?

Mr. Takano.

TAKANO: Just as in my opening comments, I'm fearful about the wrong accountability system being put in place by the **federal** government that applies to all **states**, which is my opinion about the current law. I am also in this process of reauthorization, worried about that we might get the accountability, that there's no field-tested accountability system.

But switching over to the issue of allowing Title I funds to be used for vouchers, I am -- I share and I -- I associate myself with the remarks of my colleague, Mr. Pocan. We are, in a sense, setting **federal** policy, allowing **federal** taxpayer dollars to be used all across the country in a very untested manner. I think we should be far more cautious. I think it's a small Republican idea that we allow the **states** to be used as laboratories for public policy.

The jury is far from out, given Wisconsin's experience, given Louisiana's experience.

I think we **need** to see how these programs can work on the **state** level before we -- before we use the might of the **federal** government to -- to fund a policy that I think could be very dangerous and wasteful.

KLINE: Gentleman yields back.

Mr. Grothman.

GROTHMAN: Right. I've been in Wisconsin through most of the time we had our choice program. It's wildly popular in the city of Milwaukee. And I mean, the number of kids in that program has just skyrocketed over the last 20 years.

I don't think competition is something, given where we have competition everywhere else in our society, you know, manufacturing, restaurants, retail, whatever, I -- it seems hard to believe that at this point in this -- at this

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point in America, you could say competition, for some of these dollars, is an experiment. I mean, that's what makes our country great, everywhere you look.

As far as the idea they're not taking disadvantaged kids or special needs kids.

One thing I should point out, talking to some of the good choice schools in Milwaukee, they find that a lot of those kids that are labeled special needs in the public schools, they go to the private schools and they weren't special needs at all, which is something else this -- this committee may eventually want to take up, you know, the over-labeling of special needs in our country.

My one reservation on this amendment, and I'm going to vote for the amendment. There's a lot of times with government money comes government control. And you know, I think in the last session, even in Wisconsin, we began to put more, I guess what you call mandates on private schools, which some of us were worried about when the program kicked in in the first place.

If you can't even prevent the -- the state governments from eventually saying "with money comes government control." I'm kind of worried about going that way on the federal programs. But the idea that competition for somebody's dollars is an experiment: no -- nowhere else in America will you call that an experiment.

KLINE: Ms. Bonamici.

BONAMICI: Thank you very much, Mr. Chairman. I -- I'm deeply troubled by my colleague's amendment that would permit tax dollars to flow to private schools. And we're here today because we have a lot of work to do to strengthen public schools. We're committed to that work. It doesn't make any sense to take our federal dollars and use them to fund private education.

This amendment would introduce another provision in the Student Success Act and the substitute amendment that shifts resources away from high poverty schools. Now, I'm proud to represent a district that has a lot of rural schools, and they're doing some great work. This amendment would be meaningless in small communities. Even when there are other public and private choice options or school options.

There are barriers like transportation that would limit the usage of portable Title I dollars. This voucher proposal makes it even worse.

And as my colleague from Wisconsin explains, this amendment limits accountability that comes with federal investment in education when we're spending Americans' tax dollars, we should make sure that the money is well-spent going to intended purpose and protected from abuse.

Now, the sponsor of the amendment asked a question. He said, "what are we going to do for parents who can't afford private school?"

Well, there's an obvious answer. We can improve public education. And there are a lot of ideas that we've been talking about here today: things like making sure that our low income students get the support they need with Title I dollars, reducing the high stakes that come with assessments, encouraging and supporting a well-rounded curriculum that includes the arts and civics and second languages, so that we can, again, instill in our students the love of learning. It's certainly not to take federal tax dollars and direct them to private schools.

So, I'll be strongly opposing this amendment, and I look forward to conversations that we'll have about what we can in fact do for parents who can't afford private schools. Let's have more choices within the public school system by having more magnet schools, so students who want to study in the arts or want to study in a science magnet have those options within the public school system.

Let's make sure our -- our public tax dollars go to public schools. I yield back the balance of my time, and yield -- I yield back the balance of my time. Thank you, Mr. Chairman.

KLINE: Gentlewoman yields back.

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Are there other members seeking recognition?

Mr. Brat.

BRAT: Yeah, thank you Mr. Chairman.

Some folks on the other side are saying that the jury's still out. I think the jury's in, and it's come in across the aisle in a bipartisan fashion. Competition does work. International competition is showing us all very clearly that our students are standing still.

Both sides have acknowledged in this room that math and science test scores, international scores, the U.S. is 37th, I think I heard. I -- it's lower on others, it's higher on some.

The jury's in. The evidence is in. The current system is failing. It's failed for the past 30 to 40 years. And now the rest of the world has overtaken us and we need to catch up.

And I don't think it's time for band-aids. I think it's time for an education revolution. It's got to be big, not incremental little change. And so my colleague over here has proposed just a -- a little opening, and we hear responses, that way you can't send money to private entities. Well, the private sector is what made this country what it is today, and so that logic, I don't think, works. And so plowing more of it back into the same experiment that's failed, what is the experiment that's failed in its rough terms.

Hanushek is one of the leading economists in the country on the issue. He's shown very clearly: real spending has gone up 300 percent over the past 30 years or so, and test scores are flat as a pancake. Let me say that again. Real spending, inflation adjusted, is up 300 percent. Test scores are flat.

So, if you really care about the kids, and you really want them to be able to compete internationally, which I do, I think this is a change in the right direction. It's a small change.

Of course, you can get into all sorts of debates. You know, this voucher system worked, this one didn't work, da da da da da, but the -- the logic of letting money follow the kid, I don't see how you can argue against it.

And then, when it comes to responsibility, who's in charge right now, for the failure? Is it the federal government, which puts out about 10 percent? Is it the state level? Is it the local level? Is it the teachers? Is it the parents? Who's in charge? Who's responsible?

In business and management 101, if you can't tell me who's responsible for an outcome, you've got a problem on your hands.

And I don't -- I don't think we can say that. Who's responsible for the mess, for the failure? And so I -- I see this as moving in a promising direction. It's an experiment. It's not overtaking the whole program by any means, and I think we ought to see where the experiment leads. Thank you.

KLINE: Gentleman yields back.

Who seeks recognition?

Ms. Wilson.

WILSON: Thank you, Mr. Chair.

This amendment, I guess you would say after 50 years, it's a shame. After 50 years, this seems like this might be a code word for reverting to segregated schools. And I think that we all knew when we saw portability inserted in the original bill, H.R. 5, we knew that that was going to be a slippery slope to vouchers, which is something that is a shame, also.

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So, we at this time in our history -- we need to boost the funding for public education, public schools, for all children: making sure that all children have a good education and not take money out of the public schools and give the money to private education.

I urge my colleagues to reject this amendment.

KLINE: The gentlelady yields back.

Mr. Allen?

ALLEN: I mentioned in an earlier comments, we have a school in our district that we created to serve the need of those children who are told in the public school system that they will not make it in the public school system. We have 200 students in this school. It is a private school. Our state allows a tax credit for those who would donate for a student's education in this school.

These 200 students who graduate from this middle school are welcomed and recruited by all the major high schools, private and public, in our area. Now, I have seen this work. And these -- these are children where single-parent moms have to pay something for these children to be educated because they've been told in the public schools that they don't have a shot.

So, for that -- and for that reason, I support this amendment. Thank you.

KLINE: The gentleman yields back.

Mr. Sablan?

SABLAN: Thank you very much, Mr. Chairman.

I'd like to ask of the gentleman from Indiana who sponsored the amendment, let me ask because someone mentioned earlier that education should not be -- or the education of our children should not be determined by the zip code. Is this applicable to 96950? Is this amendment applicable to the territories, Mr. Messer?

MESSER: It would apply.

SABLAN: It would apply to the territories?

MESSER: It would apply everywhere that the bill otherwise applies. So, if the bill otherwise applies there, it would apply there.

SABLAN: So would you be willing to, because you said it shouldn't be that the education of America's kids should not be based on the zip code. Would you, if it's not applicable to the territories, would you be willing to make this amendment applicable to the territories?

MESSER: Absolutely. I would -- I would want it to be applicable to the territories. And I would similarly want the local governing structure of the territories to decide whether this was an option they deemed appropriate for their school systems.

SABLAN: Well, because this is something that we are passing today, why do they have to decide? And I'm having a (inaudible) trying to understand how much of your statement (inaudible). Why do we need to ask them? We're trying to pass legislation here and it applies to other areas.

MESSER: Well, I mean, again, if you colloquy to understand the question, what I've said is that I believe parents would be the best decision-maker of the future for their child. We ought to empower parents to make those choices.

I also believe in localism. I believe that state and local governments can better decide the best approach to education for their kids than we can here in the federal government. So the way the amendment is structured is for

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state or local leaders, in your case the territorial leaders, to decide that this was an option they wanted to provide. And then if they wanted to do that, they would have the flexibility to do so.

Currently under the law, they would be prohibited from doing so.

SABLAN: That's what I thought. Thank you, sir.

Thank you. I yield back, Mr. Chairman.

KLINE: The gentleman yields back.

Are there other members seeking recognition? If not, the chair -- yes? Mr. Scott?

SCOTT: Thank you, Mr. Chairman.

Mr. Chairman, again the purpose of ESEA is to focus attention on groups that ordinarily are powerless in the political system and need help, particularly low income. And then you raise the question that this amendment is a solution. What is the perceived problem? Are the public schools getting too much? Are low-income areas getting too much? Is the achievement gap not quite big enough?

We know that, and my distinguished colleague from Virginia said that the jury is in. We're not doing so well. I agree. The question is: So what do you do? You don't want to put your money in something that's known not to work. All the studies show that the -- all these private schools, some do better. Some do worse. And on average, they do average.

So there's no -- not going to be any improvement there. And so that's not where you want to put your money. You know that ESEA investments work. You improve education. We've heard people talk about the choice that parents are entitled to. They have -- it's not a choice on the parents' part. The private school decides who gets in. Or in some situations, you get a lottery ticket if you're lucky, you get in.

Or if you get into a private school, you get the voucher to pay some of the tuition. You have to be able to find those who can afford the rest. That's why the gentleman from Wisconsin noticed that most of the people that benefit from these -- these ideas were already in private school.

So, of course it's wildly popular. People who were already in private schools get a tax break, get essentially a tax break. They get to dip in for federal money and get to help pay what they were already paying. But I don't think we ought to do that, give essentially a tax break for support for people already in private school, with money designed for low-income students.

This is going in the wrong direction and I would hope we would defeat the amendment.

KLINE: The gentleman yields back.

Mr. Rokita, you're recognized.

ROKITA: I thank the chairman.

At this time, I'd like to yield to my friend from Indiana, Mr. Messer, who I agree with.

(LAUGHTER)

MESSER: Thank you, Mr. Rokita. I appreciate that -- that encouragement as you turn it over to me.

You know, I -- I listen here to my friends on the other side of the aisle and it just comes to my mind so many myths, so little time to try to respond to all of them. In the states where these programs are available, they are wildly popular. In Indiana, these programs have gone from 4,000 in the first year to 8,000 in the second year, to 15,000 in the third year, to 30,000 now this year.

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By and large, the vast -- a majority of the families participating in these programs are families of color trapped in school systems where they feel like their kids' needs are not being met. And this idea ought not be that radical. The basic premise here is just that families should have a chance to decide what's best for their child. And when families have a chance, kids have an opportunity.

But, hey, I also recognize that every idea has its time. And the time for this debate may not yet be here today on this -- on this -- in this committee. So I, with the chairman's permission, would seek unanimous consent to withdraw the amendment.

KLINE: Will the gentleman yield?

MESSER: Yes.

KLINE: Listen, I want to thank the gentleman for his -- for his amendment and I appreciated very much the debate. It went pretty much along the lines that I expected it would. I think there is more to be learned about this. And so I anticipate working with the gentleman -- gentlemen from Indiana. I think we can expect to hold a hearing to examine this and get some more input on where it's working and where it's not working.

But I appreciate the gentleman asking U.C. (ph) to withdraw. And without objection, the amendment is withdrawn.

It's still your time.

MESSER: OK, still my time.

I just want to thank the chairman. I want to thank Chairman Rokita. I want to thank Mr. Brat from Virginia for his leadership. And frankly, I want to thank my colleagues on the other side of the aisle for helping us highlight this issue.

Thanks.

KLINE: The gentleman now yields back.

And he has withdrawn the amendment. So we're ready for the next amendment, who I think is Mr. Grijalva.

GRIJALVA: Thank you, Mr. Chairman.

I have an amendment.

KLINE: The clerk will distribute the amendment.

Dr. Foxx?

FOXX: Mr. Chairman, I reserve a point of order on the amendment.

KLINE: The gentlelady reserves a point of order.

The gentleman is recognized for five minutes to explain his amendment.

GRIJALVA: Thank you again, Mr. Chairman.

And I have an amendment on qualified teacher, equitable distribution, and teacher working conditions for the Student Success Act.

Once again, we're considering legislation that does very little to improve equity in our public education system -- equity by ensuring that resources are focused on student populations that have been historically underserved by our schools.

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No Child Left Behind taught us countless lessons -- some good and some bad. And in the process, we learned a couple of salient universal lessons, at least I did, that we must act to improve our schools and we need to act with speed and with efficiency and with resources.

And to ensure that every child, regardless of race, national origin, gender, sexual orientation, disability or zip code, receives the best education possible. And to that end, that there be transparency and a level of accountability.

Throughout our country, children who live in poverty are far less likely to be taught by qualified, effective teachers than are students who come from more affluent families. We know that having an effective teacher in the classroom is the most important educational factor for impacting student outcomes.

It is critical that our students -- our students have access to teachers who can best serve their needs, whether it is a child with learning disabilities, a child recently arrived to this country who cannot speak or understand the English language. Therefore, I believe it is essential that we have teachers in our classrooms that are qualified to meet the needs of our students, but most importantly, that we provide them with the necessary support to meet their needs and the tools to be able to effectively educate children -- these children.

We must provide teachers with those proper tools, professional development opportunities. Furthermore, we must do everything we can to ensure we support our teachers and provide our students with the education that they deserve and that will prepare them for the future.

My amendment requires that states and districts address the equitable distribution of qualified and effective teachers and school leaders to ensure that each -- that we reach the students that need it the most. This amendment requires of the states to provide that distribution information and to be able to look at our schools and assure that those teachers that (inaudible) be the most effective, that are qualified to be placed -- be in schools in which they are needed so desperately and needed the most.

With that, I yield back, Mr. Chairman.

KLINE: The gentleman yields back.

Who seeks recognition?

Mr. Allen, you're recognized for five minutes.

ALLEN: Mr. Chairman, as we've talked here today, what -- what we are -- what we are talking and discussing is the federal government's oversized (ph) footprint in the nation's classroom. Which has, as my colleague, Mr. Brat, suggested, we are -- we're going nowhere. And we're just throwing money at this -- at this problem.

I support the Student Success Act, because it reduces the federal role in K-12 -- K through 12 education, and returns responsibility for delivering a quality education to states, the local school boards and the local teachers.

Every teacher in my district that I talk to -- and I'm talking inner city, rural, and suburban -- the biggest problem they have is, they don't have time to teach because of the federal requirements -- the compliance that comes attached to this money that we throw at this problem. Specifically, the Student Success Act repeals ineffective federal requirements that hamper innovation and hamstring the ability of states and school districts to address the unique needs of their student population. The bill replaces the one-size-fits-all accountability system, known as adequate yearly progress in state-led accountability prob -- systems.

The bill eliminates arbitrary funding requiring such a -- requirements such as Maintenance of Effort, and allows states to spend limited taxpayer funds according to what their students need, not what Washington wants.

The bill removes the highly qualified teacher mandate so schools can hire educators based on their ability to teach, not based on their credentials.

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The Student Success -- Success Act eliminates ineffective requirements, and gives states and school districts the flexibility to best serve students, not federal bureaucrats.

I encourage all of my colleagues to -- to support this important legislation.

And I yield back my time.

KLINE: The gentleman yields back.

Are other members seeking recognition?

Ms. Bonamici?

BONAMICI: Thank you very much, Mr. Chairman. And I want to thank my colleague for an amendment that focuses on supporting teachers, especially by considering working conditions.

So, teachers are doing great work every day, and we owe it to teachers and students to have an honest conversation about the factors that can make teaching and learning more challenging. You know, it makes sense to consider issues like school safety, class sizes, opportunities for professional development and advancement, and opportunities for educators to collaborate. And we should be working to create the best environment possible for our hardworking teachers and students.

And I thank my colleague for bringing this amendment forward, and look forward -- forward to supporting it.

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

KLINE: The gentlelady yields back.

Other members seeking recognition? Mr. Scott?

SCOTT: Thank you, Mr. Chairman.

Mr. Chairman, again, this is Title 1. It's designed to go to -- funds to go to areas where they're most needed.

The Center for American Progress report documented mini studies over the past decade that found poor students and students of color are much less likely to be taught by well qualified or effective teachers and other students.

The Education Trust had a study -- found low-income students more than twice as likely to have a less effective English teacher. Latino and African-American students much more likely to have bottom quartile teachers than other -- than other students. And those reports -- those cap reports added that populations of -- that populations of students have increased academic outcomes when they have better qualified teachers.

This amendment just requires an equitable distribution of qualified and effective teachers throughout the school system, rather than the present system that relegates the low-income students to teachers that are not nearly as qualified.

I commend the amendment and hope it's adopted.

KLINE: The gentleman yields back.

The chair would recognize himself.

The point of order is withdrawn.

Unfortunately, I believe this amendment just puts more prescriptive, burdensome requirements on to schools and school leaders. We're looking for ways to ease some of those burdens. I believe the Student Success Act

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provides a much more appropriate solution, so I urge my colleagues to vote no on the amendment and support the underlying bill.

The question occurs on the amendment. All those in favor say "aye."

(SEVERAL MEMBERS SAY "AYE")

All those opposed say "no."

No.

(SEVERAL MEMBERS SAY "NO")

In the opinion of the chair, the no's have it, and the gentleman's amendment is not agreed to.

SCOTT: Mr. Chairman, on that, I would ask for a recorded vote.

KLINE: The gentleman requests a recorded vote. And pursuant to Rule 13-B of the Committee and House Rule 11-2H, further proceedings on this amendment shall be postponed.

Next amendment -- Mr. Brat?

BRAT: Thank you, Mr. Chairman.

I have an amendment at the desk and seek consideration at this time.

KLINE: The clerk will distribute the amendment.

The gentleman's recognized for five minutes to explain his amendment.

BRAT: Thank you, Mr. Chairman. I'll try to keep it fairly brief.

According to this Committee, despite the tripling 300 percent overall increase in per-pupil spending since 1964, national academic performance has not improved. And as I just stated before, who's responsible for this? And that's part of the problem, and part of the debate here in front of us here today. And I think that there's two competing philosophies on that that are clearly being shown today.

But it's not just this Committee that has found little or no correlation between increased federal education spending and better student performance. Heritage, Cato, Hanushek, most of the leading scholars in the economics of education field. The statistics themselves really need not much interpretation -- have proven that despite inflation-adjusted per-pupil federal education spending nearly tripling since the 1970s, there's been no measurable return on investment.

And even though the federal government only contributes about 10 percent to the total amount spent on education at the K to 12 level throughout our country, that in no way excuses us from being responsible stewards of all the hardworking taxpayers' resources.

Reducing the federal footprint in our education system is a critical step toward restoring control to state and local educational agencies, and ultimately, the parents. And more importantly, restoring control to parents and students.

I am thankful that this bill does just that in many meaningful ways. My amendment is a simple, straightforward addition to the good work already done by this Committee. It requires the Institute of Education Sciences to contract with an economist who has expertise in workforce and government efficiency to produce an annual report on the reduced federal role resulting from H.R. 5, and proposed significant funding reductions to the House and Senate Education Budget and Appropriations Committees in accordance with those findings.

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Our country is on the economic edge, as we all know. National debt's at \$18 trillion. Unfunded liabilities are \$127 trillion. All on the backs of the next generation, by the way -- the kids we're teaching right now.

So, literally, every dollar and every resource counts.

If the implementation of H.R. 5 truly streamlines and reduces the role of federal government in our K to 12 schools around the country, then it makes sense that we should, therefore, find those savings associated with those reductions, as well. I want to find those savings. We should all want to find those savings. Why? Because there are students in the classroom around this country who have no idea that the unsustainable rate of government spending is more mortgaging their future right now.

Grades, test scores, skills and certificates won't mean a thing for the next generation if there are no jobs to be found because we have put these budgets and our economy in the ditch.

So, I urge all my colleagues on both sides of the aisle to support my amendment.

Thank you again, Mr. Chairman.

And I yield back the balance of my time.

KLINE: The gentleman yields back.

Who seeks recognition on the gentleman's -- Mr. Scott? Yes? Yes. Mr. Scott, you're recognized.

SCOTT: Thank you. Thank you, Mr. Chairman.

Mr. Chairman, I agree with the underlying message in this amendment that the purpose of H.R. 5 is to reduce funding for education under ESEA. And this amendment will document that result. But since that is not my goal, I am not trying to reduce funding for low-income students.

This amendment should not be adopted.

I yield back.

KLINE: The gentleman yields back.

Ms. Bonamici?

BONAMICI: Thank you, Mr. Chairman. And I applaud my colleague, Mr. Brat, for wanting to get back, which I find very important facts and data in making our decisions. But what I wish we were asking for is -- because my colleague is comparing this -- assessment scores of students in the United States with the assessment scores of students in other countries. What I wish we were getting is information about how that looks when adjusted for poverty.

I wish we were looking at how that works when we look at teacher qualifications and compensation. And I wish we were looking at how those test scores compare when you adjust for well rounded curriculums. That would be an informative discussion, I think, in this -- the votes that we're taking today and the policy that we're looking at.

So, instead of talking about cutting funding for low-income students, let's talk about what we can do to lift those low-income students and their families out of poverty by supporting policies that build our economy. But at the same time, let's not take away what we're doing now to support those most in need.

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

KLINE: The gentlelady yields back.

Mr. Byrne.

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BYRNE: Thank you, Mr. Chairman.

If I understand this amendment, it doesn't cut anything to schools or to students. It gets the information for us so that we can save money off of the bureaucracy. And the problem is, is that we build up these huge bureaucracies in Washington, and then we pretend that that helps people.

Building a big bureaucracy in Washington doesn't educate a single child in my district or in your district. In fact, we can probably educate our children if we have a smaller bureaucracy, and target funding from the federal government on the things that really matter. And the people up here, who don't know any better than your school leaders or my local school leaders how to educate our children, we shouldn't be spending money on that. We should either send that money back to the schools, or we should use it to pay down the debt that's strangling the very children that we pretend that we're up here to look out for. This debt is going to be on their backs, not on mine. So, if we really care about these children, let's quit pretending that what we're doing here is cutting money to the schools. We're cutting money away from bureaucracy. And we're getting debt off the backs of the next generation, which I think should be equally as important to us as to making sure they have a good education.

And I yield back.

KLINE: The gentleman yields back.

Other members? Ms. Wilson?

WILSON: Thank you, Mr. Chair. I do believe that the federal government has sufficient auditors to tell us what is being spent, what is being wasted, and it appears as if this amendment would set up an additional level of bureaucracy.

When we talk about contracting with an economist with an expertise in workforce and government efficiency, we're not talking about one person. We are talking about a whole firm, which is another layer, which is another means of extracting money from public education, putting it in a place where we don't really need it, where we probably already have -- we know we already have economists in the Department of Education. And we have an Inspector General that can audit school districts, audit school contracts.

So this is nothing else but another layer of bureaucracy to public education. So I ask my colleagues to please reject this amendment.

KLINE: The gentlelady yields back. Mr. Rokita.

ROKITA: I thank the chairman. I'd like to associate with the comments made by Mr. Byrne earlier in support of Mr. Brat's amendment. I agree and would support Mr. Brat's amendment. I think if we're talking about the Student Success Act as an accountability measure for how we teach children for earning success throughout life, then the Student Success Act itself ought to have an accountability measure. I think Mr. Brat's amendment does just that, so I would encourage its support.

And in a streamlined fashion, Mr. Chairman, while I'm at it I'd like to encourage the support of Mr. Russell's amendment on student data privacy. I thought that was excellent and I look forward to his participation in the subcommittee hearing later this week on that very issue.

Similarly, Mr. Curbelo had an amendment that I think reflects his expertise in a local jurisdiction that is much different than many of the jurisdictions we have in Indiana and throughout other parts of the country, and I thought that was a good amendment that deserves support as well.

And Mr. Heck's amendment in support of a military members subgroup I thought was also valid and I intend to support it. With that, Mr. Chairman, I yield back.

KLINE: The gentleman yields back. I appreciated the streamlining. Who seeks recognition? Mr. Curbelo.

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CURBELO: Thank you, Mr. Chairman. I want to support my colleague's amendment. This is not about cutting spending for public education. This is about transparency and about answering the question, can we achieve better results with fewer resources? In other words, can we be more effective and more efficient at the same time.

And I offer up the school district where I served as a school board member as an example. Miami-Dade County public schools in the middle of the last decade had a budget of over \$6 billion. Our graduation rate back then was 60 percent. We had 11 failing high schools in the school district.

Fast-forward some years and our budget went down to \$4 billion. Everyone thought it was the end of the world. We made some tough choices. We had some great leadership on our school board and our superintendent.

During that time our graduation rate went from 60 percent almost up to 80 percent. During that time we went from 11 failing high schools to none. During that time we expanded school choice across the district, not just through our charter partners but also within the district by promoting magnet programs, academies and other programs that help students develop their talents and discover their interests at an earlier age.

So in Miami-Dade County we have demonstrated that we can in fact be more efficient. And I think what my colleague is trying to do is to answer the question as to whether the federal government in its investments in our schools can also be more efficient.

So I would urge my colleagues to support this amendment, and I thank you, Mr. Chairman. I yield back.

KLINE: The gentleman yields back. Are there other members seeking recognition who haven't already been recognized? None.

The question occurs on the amendment. All those in favor, say aye. Although opposed, say no. In the opinion of the chair the ayes have it and the gentleman's amendment is agreed to.

SCOTT: Mr. Chairman, I ask for a recorded vote.

KLINE: Mr. Scott asked for a recorded vote and the recorded vote will be rolled along with the others. And again, administrative announcement, we are to keep going until votes, which are now forecast to be somewhere in the 2:10, 2:15 time frame, at which time we will break.

We will not vote on these roll votes before we go to vote. Is that all right? Okay. So we will try to roll the votes to the end.

And the next amendment, I think, Ms. Fudge.

FUDGE: Thank you very much, Mr. Chairman. Mr. Chairman, I have an amendment at the desk.

KLINE: The clerk will distribute the amendment.

The gentlelady is recognized to explain her amendment.

FUDGE: Thank you, Mr. Chairman. Mr. Chairman, the Fudge-Pocan amendment removes title I portability from H.R. 5, restores state maintenance of effort requirements and closes the comparability teacher salary loophole.

Fifty years ago Congress passed the Elementary and Secondary Education Act in recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local education agencies to support adequate education programs.

H.R. 5 allows title I money to be portable, permitting states to redirect federal funds from districts with high concentrations of poverty. The bill also removes maintenance of effort requirements from current law. According to a recent report released by the Center for American Progress, portability drives resources away from high poverty districts and into more affluent districts. Nationally, districts with high concentrations of poverty could lose an average of \$85 per student while the most affluent districts could gain more than \$290 per student.

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In my home state of Ohio portability would result in the loss of over \$45 million for schools above a 30 percent poverty rate and an increase of over \$27 million for schools with a poverty rate of less than 15 percent.

Nationwide, portability could result in the poor school districts losing more than \$675 million in title I funding, while the districts with the least poverty could gain \$440 million. Our amendment cures this disparity by removing title I portability from H.R. 5.

H.R. 5's removal of MLE requirements would lift annual mandates that school districts spend state and local resources equivalent to 90 percent of the previous year's level. As a result, it would allow states to raid their educational budgets, decreasing the overall state investment in public education, ultimately relinquishing school funding duties to the federal government.

Historically, MLE requirements ensure that schools and students receive adequate educational resources. This amendment also addresses imbalances among schools in actual expenditure for teacher salaries and the qualifications of instructional staff by closing the comparability teacher salary loophole. It will facilitate providing low income students with effective teachers, will assist in closing the existing achievement gap.

I encourage my colleagues to support the Fudge-Pocan amendment. H.R. 5's addition of title I portability, removal of MLE requirements and continuation of the salary loophole would be a significant step backward in meeting the educational needs of low-income children.

Passage of this amendment supports the children ESEA was created to help and that H.R. 5 currently fails. I yield back, Mr. Chairman.

KLINE: The gentlelady yields back are there members seeking recognition on the gentlelady's -- Mr. Pocan.

POCAN: Thank you, Mr. Chairman and Ranking Member Scott. I think Representative Fudge did a great job of explaining what the amendment does and really the gutting of money that goes to schools with children of lower incomes.

But let me give you a specific example from Milwaukee, Wisconsin. When I was in the legislature I was on the education committee and I visited Steuben Middle School in Milwaukee, in a very low income neighborhood. When we went around the school with the children taking us around, first of all they explained many of the children who attend school, their experience is in the morning they're let out the door, they go to school all day, and when it's dark they're let back in. And often their school is their whole experience.

While we were going through the library, there were 30 kids meeting and we asked about what that group was. That was a loss group. What that meant was it was someone who lost someone close to them through, not old age, but drugs, AIDS, violence. That was one of four groups that size in that middle school.

So when you think about not only is it children who are disadvantaged and who come from the neighborhoods and the extra dollars help support the educational resources, but you can't even imagine some of the other situations that exist in these schools that go way beyond and why this is necessary.

And portability takes money directly away from schools like Steuben Middle School and goes to districts that don't need it and don't have the concentration of problems. And that's why this amendment is so very important.

I think we should be listening to the groups that are the experts, that do the research that specifically deal with children in poverty who say that this is important and vital funding.

And I think our trying to somehow make a change to this, which I really do believe is a slippery slope to taking us to taxpayer-funded vouchers, this is not a good idea and this amendment will make sure that we restore that, our maintenance of effort and other things that are very important. And with that I'll yield back, Mr. Chair.

KLINE: The gentleman yields back. Mr. Rokita.

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ROKITA: I thank the chair. Listen, we created the Student Success Act because it helps low income students receive their fair share of federal assistance. It provides them the opportunities for some of our country's most disadvantaged students.

The bill, again to be clear, gives states the option of allowing title I money to follow low-income students that go to the traditional public or charter school of the parents' choice.

So, I just fail to understand how either Mr. Pocan, Mrs. Fudge, Todd Rokita, or any of us, including any federal bureaucrat, knows better for that low-income student or any student than that student's parent. And that's what our bill allows to happen.

Anything we do, anything we can do to encourage good schools to enroll low-income students is a good thing, not a bad thing. And if we can alleviate trapping a disadvantaged student into a low- performing or nonperforming school, that's a good thing.

The bill, to be clear again, continues to support programs for English language acquisition, homeless youth, and low-income students in rural districts. The Student Success Act empowers parents and education leaders to ensure the most vulnerable children receive the best possible education. And once again, I'll simply encourage all my colleagues to support the Student Success Act.

And I yield back.

GRIJALVA: Mr. Chairman?

KLINE: Who seeks recognition? I think Ms. Wilson.

F. WILSON: Thank you, Mr. Chair.

I support the amendment offered by Congresswoman Fudge and the very act of making title I funds portable and leaving schools they were targeted to help completely dilutes the ability of these limited federal funds to combat concentrations of poverty.

Portability and vouchers mean only a few may benefit at the expense of so, so many. Portability would create a bookkeeping system that would be astronomically burdensome. School systems would need to significantly modify, if not completely overhaul, how they keep their financial records.

School budgets are set far in advance to allow for the extensive planning needed to hire educators and arrange classes. Portability would create constant disruptions in this school planning and budgeting because of an unknown number of students who may change schools during the year. The federal government should not add to existing administrative and accounting challenges facing 15,000 local school districts.

I urge my colleagues to accept and adopt this amendment offered by Ms. Fudge to H.R. 5.

KLINE: The gentlelady yields back.

Who seeks recognition?

Mr. Grijalva?

GRIJALVA: Thank you very much.

And in support of this budget amendment, let me use the situation in the state of Arizona as an example of why portability and eliminating maintenance of effort opens the door to the continued lack of funding, lack of attention, and educational opportunity for thousands and thousands of kids in Arizona.

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Others can say my state is different, but I think the patterns are such that I think it's something that we have to guard against. Arizona ranks 48th, 47th in per-pupil expenditures. It's one of the lowest in terms of providing health care for its children. It is one in every four children in our state lives in poverty.

And the state was just found culpable in court of robbing \$400 million from the public school fund for their tax base in order to provide some tax cuts for corporations and businesses in the state -- \$400 million. The court said it must be paid back.

Now, you set up a scenario where there's no rules anymore, portability becomes part of a fund in general to the state. Lack of Maintenance and (sic) Effort becomes another savings to the state. And the children that we're talking about in that state that need that help -- one out of four -- suddenly are denied an opportunity. This amendment addresses that. It -- it ceases to give a state like Arizona -- but I'm not using any other state as an example -- just, well, (ph) the opportunity to continue to deny educational opportunity.

With that, Mr. Chairman, I yield to Ms. Fudge in the remaining time.

FUDGE: Thank you very much.

I really do applaud my colleagues making a valiant effort, I believe, to protect and save poor children and children of color. But I don't know how you do it by taking these sources from public schools, by reducing accountability, by sending children to schools who, for the most part, are not proven to be any better than the schools that they are in. And schools that are held to a different standard.

Anytime there's a small problem in many of these schools, they send these kids back to these schools and they keep the money. So, what you are doing is, not only are you sending kids to another bad school. You are allowing that other bad school to keep the resources that should stay in a public school.

And so, I think that it's admirable that we all sit here and say that, "Oh, we" -- you know, "teachers know better." Let me tell you what happens in my neighborhood. That is exactly what happens in my neighborhoods. So, if you really want to help these kids, then you need to put the same standards on the schools that they are sending these kids to.

I yield back.

KLINE: The gentlelady yields back.

Other members seeking recognition? Ms. Bonamici?

BONAMICI: Thank you, Mr. Chairman. I thank Representatives Fudge and Pocan for offering this amendment.

The substitute amendment to the Student Success Act includes provisions that would promote even greater fiscal inequality among school districts. And it's essential that we not move those provisions forward.

We have already talked today about the role of the Elementary and Secondary Education Act as part of the war on poverty -- has been to target federal support to students in the greatest need. And we've known communities with highest concentrations of poverty face significant barriers to learning.

We also know that funding levels vary significantly among school districts. Some affluent districts spend \$20,000 per student. Others spend less than half of that amount.

The portability language that was adopted last year and retained in the Student Success Act and the substitute amendment could redistribute money from districts with high concentrations of poverty to districts with proportionately fewer students in poverty.

Now, I have a very diverse district. I have 25 school districts in the district I represent. Incredibly diverse. So, I -- the Portland Public School District is in my district. There are close to 50,000 students. Under portability, they

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would lose more than \$1.5 million. But it's not just the large urban districts that would fair poorly. Vernonia, Oregon, great little community, very rural. 600- student community. They would also lose funding as a result of portability.

So, it's deeply troubling that Congress would shift scarce resources away from the districts that need them the most. So, I support this amendment to repeal the language in the Student Success Act and substitute amendment that would further the inequality. And I hope that my colleagues will join me.

Thank you, Mr. Chairman. I yield back.

KLINE: The gentlelady yields back. Are there other members seeking recognition?

Mr. Byrne?

BYRNE: Thank you, Mr. Chairman.

I was listening to President Obama back in December. He was talking about his new unilateral effort with Cuba. And he said, "If you've done the same thing for 50 years and nothing's changed, you ought to try something different." We've done the same thing with ESEA for 50 years, and I defy anybody to show me in the data where we have made substantial positive impact on the academic performance of poor children in America. We need to do something different.

Now, part of the something different in this law is that the money follows the poor child. We seem to have a mentality that we think that if we favor a school, as opposed to a child, that the child's going to benefit. Poor children are poor children. It doesn't matter if they're in a school that's got 80 percent kids that are poor or a school that's got 20 percent of children that are poor.

We ought to be focused on the child. And I think that's one of the things that we've missed in education policy in America. We don't focus on children. We focus on the adults. So, the reason this bill is entitled the "Student Success Act" is because for perhaps the first time in the history of federal education policy, we're going to start really focusing on students, and not schools or school systems per se.

Now, I'm a former state school board member. I understand that you have to deliver education through school systems and schools. But I have schools throughout my district that have poor children. Some of them get this money, some of them don't. The ones -- if you've got a poor child, you should get the money that's been allocated for that poor child, and do the best you possibly can with that money to educate that child. But to load all the money up into certain schools, and deny it to others that have poor children has not worked. So, let's try something different, and maybe the children of America will be better off.

And I yield back.

KLINE: The gentleman yields back.

Are there other members seeking recognition?

Mr. Sablan?

SABLAN: Thank you very much, Mr. Chairman. I yield my -- to Ms. Fudge.

FUDGE: Thank you. And I -- and I will be brief. I just want to -- I appreciate my colleague saying that a poor child is a poor child, but you cannot equate the fact that a school that has an 80 percent poverty rate is similar to a school with a 2 percent poverty rate. Because of the way that we fund schools in this country, property taxes are -- are the basis for how much schools really get per child. So, if I send one poor child to a school that has a computer in every classroom, has all of the equipment they need, has all the best teachers, you cannot equate that same child to a child that I sent to a poor school with an 80 percent poverty rate that doesn't have any of it.

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So, if those are -- those are not honest comparisons. And that's not -- let me say that they are not comparison's that I agree with, because they have proven to be wrong.

I yield back.

KLINE: The gentlelady yields back.

Are there other members -- Mr. -- Mr. Allen?

ALLEN: I take issue with some of the comments here because, as a business leader and a -- I've been in Congress now a little over a month. And as a business leader and an advocate in my community -- active with many others in our community -- it's very diverse -- and I'll tell you what I take issue with, is that we have gotten in our community together, and we're changing the way schools have been run the last 50 years, as my colleague said. We're changing the way they're being taught to children. And the biggest problem we have is trying to get the federal government out of the way so that we can make the changes necessary to make these students successful.

And, you know, the problem I have is this. We've got people in our communities who want to do this, yet, the federal government is intent on just throwing more money at the problem, more bureaucrats at the problem to stop this improvement from happening.

These communities want to make a difference. Let's let them -- let's give them the opportunity, and let's support this -- this bill.

Thank you.

KLINE: Mr. Scott?

SCOTT: Thank you, Mr. Chairman.

Mr. Chairman, there's a long list of organizations that oppose H.R. 5 primarily because of the changes that this amendment would fix, starting with -- just started with the U.S. Chamber of Commerce, since businesses were mentioned. The Congressional Track (ph) Caucus, the Afterschool Alliance, the American Federation of Teachers, Association of Universities, Centers on Disabilities, the Autism National Committee, Committee for Education Funding, Consortium for Citizens with Disabilities, Council on Great City Schools, Council of Parent Attorneys and Advocates, Democrats for Educational Reform, Easter Seals, First Focus Campaign for Children, NAACP, Legal Defense and Education Fund, the National Association of School Psychologists, National Center for Learning Disabilities, National Council on La Raza, National Coalition for Public Education, National -- National Down Syndrome Congress, National Education Association, National Urban League, National Women's Law Center, Council of Patent Attorneys and Advocates Education Trust, the Leadership Conference.

Did I mention the Afterschool Alliance and American Federation of Teachers? I think I may have skipped them.

But those are the organizations that oppose the bill as it is. And their opposition is primarily because of the changes made that are the subject of this -- this amendment.

The gentlelady from Ohio mentioned the concentrations of -- of poverty. And back to the original bill -- from the original bill -- said "The special educational needs of children of low-income families, and the impact that concentrations of low-income families have on the ability of local educational agents is to support adequate educational programs." I mean, it's the concentration of poverty that we're aiming at.

ESEA is designed to recognize the disadvantages of low-income students have in the normal give-and-take politically. They end up not getting the appropriate resources. And that's why the money is focused on -- on -- on low-income areas.

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Research and examination of experience, if we had taken time to get that information, are conclusive that if you block grant this money, if you give flexibility, low-income students will get less. Wealthy will be more. And so, you wonder what -- what is the problem?

Maybe if we had had time, others could show that maybe low-income students are getting too much. Maybe the income -- the achievement gap isn't big enough. I don't know what -- what problem we're -- we're addressing. But, obviously, it's -- if your goal is to focus money on low-income, the bill -- underlying bill goes in the wrong direction. This amendment will help fix must -- much of it.

There are a lot of problems that this amendment does fix. It addresses the funding level. It puts more money into addressing the problem. The portability -- all of the studies show that if you have portability, the low-income, high-poverty systems will get less money. The wealthier systems will get more money. If you allow the -- if you allow no Maintenance of Effort or allow people to supplant rather than supplement, the money will just go down the drain, because people will take the money they're spending, take that out, put the federal money in, and end up with no benefit at all.

The comp -- comparability loophole that was addressed -- when you say that students ought to get comparable resources, there's a little (ph) loophole that you don't count salaries. Some school buildings, in fact, because you have inexperienced teachers, are actually getting a lot less as a payroll for one school than in another. And that can be -- that difference could be substantial. And it's not even counted when you talk about comparability.

And then we talk about the 40 percent threshold. One comment was made earlier that if you don't have 40 percent, you don't get any -- no one -- students don't get anything. It's actually just the opposite. If you have less than 40 percent, all of the Title I money has to be spent on those students. If you have more than 40 percent, you can have a schoolwide program, which dilutes it, but it probably works out just as well since, rather than go through all the eligibility, it works. But if it's less than 40 percent, the money has to be spent on those specific students.

So it's actually reducing the threshold means that you can have schoolwide programs. If you have a little -- you have a few people generating Title I money and you do a schoolwide program, they don't get much benefit from it.

So this amendment is well-taken. I hope we will adopt it to get the money back to low-income students where the original bill had in mind. Yield back.

KLINE: The gentleman's time has expired. Are there other members wishing to comment on the gentlewoman from Ohio's amendment? Hearing none, the question occurs on the amendment. All those in favor say Aye.

MEMBERS: Aye.

KLINE: All those opposed, say no.

MEMBERS: No.

KLINE: In the opinion of the chair, the Nos have it. And the gentlewoman's amendment is not agreed to.

FUDGE: Mr. Chairman, I request -- I request the Yeas and Nays.

KLINE: The gentlewoman requests the Yeas and Nays. And we will roll this as we have all day.

Mr. -- we're ready for another amendment. We're going to try to get in another amendment before we break for the vote. Mr. Curbelo.

CURBELO: Thank you, Mr. Chairman. I have an amendment at the desk.

KLINE: The clerk will distribute the amendment. The gentleman's recognized for five minutes to explain his amendment.

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CURBELO: Thank you, Mr. Chairman. Today, I offer an amendment that addresses the accountability requirements as they relate to English learners.

Under current law, English learners are included for accountability purposes after only one year of instruction in English. This is simply unrealistic and unfair. English learners cannot be expected to be proficient after one year, and schools should not be penalized for this impossible timeframe.

The Department of Education recently granted Florida a waiver to No Child Left Behind that extended that timeframe to two years proficiency calculations, but still required English learners to be included to measure growth. The measure before us does not address this issue, but I strongly believe that it should, and I encourage my colleagues to support the amendment I offer today.

It is similar to the current Florida waiver in that English learners would be exempted for purposes of proficiency calculations. However, since the committee's proposal does not require that states include growth calculations, it would only require inclusion for English learners if the state elects to include growth as part of their accountability system.

States would be able to delay the inclusion of English learners for two years for math and three years for reading and language arts. The extended timeframe for reading is in response to the fact that this is a year in which English learners tend to struggle the most.

As a former member of the Miami-Dade County Public School Board, I dealt with this issue at the local level and was pleased that Florida was granted the waiver to No Child Left Behind after many years of begging the federal government. And Mr. Chairman, I'll tell you, it was difficult when I would visit classrooms of English language learners -- there were many of those classrooms in South Florida -- and I would see teachers working with students for hours and hours and the students would improve, but towards the end of the year, when they were tested, they were not yet proficient. And they were labeled as failures, their teachers were labeled as failures and their schools were labeled as failures. And that was fundamentally unfair.

With the waiver, we got some relief, which we needed, but I think this is another example of a very rigid federal requirement that needs to be relaxed so that we give these young, oftentimes immigrant children but sometimes non-immigrant children, the opportunity to learn the language, we give their teachers the support and the confidence that they need to teach these students and we avoid punishing school districts and schools that are trying to do right by these children.

So this is an opportunity for Congress to address the issue that English language learners need adequate time to learn the language before their scores count against schools. At the same time, we want to maintain accountability so that their progress can be tracked because every student should be counted. So in short, this will ensure that these students are counted but will not count these students out prematurely and will give our teachers, our schools and school districts especially in areas like South Florida the support and the time that they need to properly educate these children.

So I respectfully ask for the committee's support. I thank you, Mr. Chairman. And I yield back.

KLINE: The gentleman yields back. Are there members seeking recognition? Mr. Grijalva.

GRIJALVA: Yeah. Thank you, Mr. Chairman. And if I could ask the gentleman from Florida regarding his amendment. We're taking the two years that is presently in the Florida waiver and, with your amendment, extending it all over to three years. And are we still having the growth measure as part of the process in terms of accountability, or is that also (inaudible) for that three-year period?

CURBELO: Will the gentleman yield?

GRIJALVA: Absolutely. I'm sorry.

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CUBRELO: So the law that we're considering, the amendment that we're considering, the Student Success Act, does not mandate growth measures. Each state will decide. In Florida, we do, and I personally happen to agree with that. So again, this ensures that the students continue to be counted -- of course, it's up to each state to come up with its own policy -- while at the same time giving those young people the time to learn the language.

And, you know, there's a great stigma that's associated with this. We struggled with this in our school system for many years, so this is a fix to give these students --

GRIJALVA: Reclaiming my time, Mr. Chairman. The gentleman from Florida, Florida does have a measured growth component on the two-year waiver, so the assumption is that this will apply in Florida, no measured growth, and those children whose primary language other than English will be accountable for in terms of their growth. States that don't will not have that requirement; it'll just be suspended. There'll be no assessment on it.

I think this kind of hit-and-miss with regard to language acquisition and the accountability that's needed for all English learners makes it problematic for me to support a universal application of a three-year, and measured growth will depend on the state. If the state has it, great. If they don't, too bad. I think that inconsistency causes me to oppose it despite the intention of the gentleman from Florida's amendment. Thank you. I yield back.

KLINE: The gentleman yields back. Mr. Takano?

TAKANO: The gentleman from Florida raises an interesting amendment, one which I would have wished that we could have talked about more at length before this markup. And again, I wish we could have had more time for hearings and more opportunities to discuss the issues that my colleague from Arizona raises about how assessments and accountability works in other states.

As far as -- so, you know, I wish that I knew enough to be able to maybe support your amendment. It's something that I would consider doing. I see where you're coming from with it. I know it's well- intended. And if I -- if this is called for a roll-call vote, I mean, I will -- I will vote no just because of my uncertainty.

But it is an example of a -- of a dialogue that I wish we could have had more time to have had before this markup.

KLINE: The gentleman yields back. Mr. Scott?

SCOTT: Thank you. And if I can ask the gentleman from Florida a question. Did I understand you to say that Florida has -- uses growth calculation?

CURBELO: That's correct.

SCOTT: And therefore, what effect would the amendment have on Florida?

CURBELO: What this amendment does is codify the change. Number one, this gives Florida even greater flexibility because the waiver that the Department of Education granted only allows two years for math and two years for reading and language arts. This amendment would allow two years for math and three years for reading and language arts. This amendment would allow two years for math and three years for reading and language arts, considering that many experts say it can take up to five years for students to become proficient in the language.

So this would codify the change and prevent the Department of Education from ever imposing this undue burden on districts that have high minority, low-income and immigrant populations like Miami and Dade County Public Schools.

SCOTT: Well -- reclaiming my time, except on Line 10, it says except that if a state uses growth calculations -- on Line 10 of your amendment.

CURELO: That's correct. Each state has its own policy under the SSA with regards to growth calculations, and in the case of Florida, the student test scores would count against the growth.

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However, I think it's an important point to make that these students would still be tested. The question here is not whether or not they'll be tested, but whether the scores will count against their schools.

SCOTT: Right. Well -- so in Florida that uses a growth calculation, Florida would not benefit from the amendment. Is that true?

CURBELO: Florida would benefit from the amendment because we would be codifying the change and making more generous the change that made -- that gave Florida the relief it needed, and the scores would not count against the schools on the accountability, only on the growth.

SCOTT: OK. Well, it seems to me that the language on Line 10 says that you get -- (inaudible) except that if the state uses the growth calculations as described in Clause 1 of such paragraph, the state shall include such students in such calculations. So if you use the growth model, you have to include the students --

CURBELO: In the growth model.

SCOTT: ... in your -- in your assessment.

CURBELO: That's correct.

SCOTT: And so, reclaiming my time, it seems to me that it would discourage the better growth models, because if you're using a growth model, you get stuck with having to include the students. If you're not using a growth model, you get all these exceptions.

So, it seems to me that Florida is doing the right thing by using a growth model. If this amendment passes, they'll essentially have a reverse incentive to stop using the growth model and go back to the static model, which I think we all agree is not as good, because without the growth -- if they don't use the growth model, they get -- they get all these exceptions.

If they use the growth model, they can't benefit from your amendment.

I mean, am I missing something?

CURBELO: I trust the people of Florida and their legislature to do the right thing. What each of you -- however each of you feel about your own states, you have to reach that conclusion. But I can pretty much assure you that the state of Florida will not stop using the growth model as a result of this amendment.

SCOTT: Then as I -- as I read the amendment, Florida would not benefit from the amendment, because they use the preferred growth model. We know that English learners can make tremendous strides if you focus attention and extra resources on them.

But of course, that's the problem with H.R. 5, it -- it dilutes the funding focus on English learners and low-income students. We need a -- a better focus. This amendment, because you use -- because you have accepted the state uses a growth calculation, acknowledges that they can learn if you assess them on a growth model rather than a static model.

Therefore, since Florida is not using -- is using a growth model, they won't benefit from the amendment, and other states that are not doing as good a job as Florida will be discouraged because of this amendment from using the growth model. They'll be punished if they use the growth model, because their students will be part of the -- part of the calculations.

For that reason, Mr. Chairman, as I read it, it doesn't help Florida, and it may hurt in other areas. So, I would hope we would defeat the -- the amendment.

KLINE: Gentleman yields back. Mr. Russell.

RUSSELL: Thank you, Mr. Chairman. I'd like to yield my time to Mr. Curbelo.

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CURBELO: I thank my colleague. This is not about whether or not students can learn. I hope everyone on this committee accepts that all students can learn, especially English-language learners. This is about how long does it take for students to become proficient, and that is what the testing is for.

So, I view this as a very simply choice. Either we want to give these schools that are teaching these children the opportunity and the support they need to teach them, or we want to punish them for teaching these children and for not making them proficient in a year's time, when most experts coincide that at the very minimum, you need tow years.

And it's no coincidence that in districts like Miami-Dade County, the proficiency scores for math tend to be much higher. It's because we have a high English learner population, and those students tend to struggle in reading comprehension and in language arts.

So, if we want to punish our schools that are doing this heavy lifting, the teachers that spend hours with these students, trying to teach them English every day, then we should oppose this amendment.

If we want to give these students an opportunity to learn, give these teachers the time to do their work, then we should support this amendment. I yield back.

KLINE: The gentleman yields back. Ms. Wilson, I think you were next.

WILSON: Thank you, Mr. Chair. Representative Curbelo and I represent the same school district, and I just wish we had had the opportunity to discuss this issue prior to this meeting. And maybe if we had had appropriate hearings, we probably could have or would have and should have.

The national organization, La Raza, contacted me, and they are against this particular amendment because they believe that it might be fine for Florida and it's tailored for Florida, but the amendment is too broad when it is applied nationally. And the growth rate not being tracked is a major concern.

So I think that this might be an issue that we need to change or take to the Florida legislature, since we have this unique population in Miami-Dade County. It's not the whole state of Florida, it's just a specific county, and I think that there might be other specific counties in Texas and other border states, but this is a broad amendment that will probably be misused if it becomes a national or a federal part of this -- our markup today.

But I just wish we had had the opportunity to discuss it because I think that not only the children who are English learners, but there are many children who come to school not proficient in English, and they're not English learners, they're just children who have been denied the opportunity to have a large vocabulary, and they too -- their scores too should not be counted, but they are.

KLINE: The gentlelady yields back. Are there other -- Mr. Courtney?

COURTNEY: (OFF-MIKE)

KLINE: Mike?

COURTNEY: Thank you. Thank you. Mr. Chairman, I -- the gentleman from Florida's amendment, I think, kind of brings another point that we have to think about in terms of approving this universal application of this amendment.

The situation in Miami-Dade County, in the school district that he references, they have measured -- they have a measured growth process for the children, and one would applaud that and know that those children are being -- that their growth is being considered all the way through the process.

On a universal application, one of the things as part of our oversight that we should be concerned about is an application that doesn't follow the good intentions of the gentleman's amendment, an application that is waived from any requirement of accountability in measured growth for up to three years on language, and in the process,

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children are warehoused and warehoused in such a way that language acquisition does not occur the way it should, and their ability then to succeed from that point on is very -- is going to be difficult, if not impossible.

So I say that part of our responsibility is to be guardians of that interest, and a universal application of this amendment does, in the worst case scenario, open that warehousing door for a lot of children across this country whose districts might not be as well intentioned or as evolved as the gentleman from Florida's are. And with that, I yield back -- yield back to Mr. (inaudible)

KLINE: All the gentlemen yield back. Are there other --

COURTNEY: (OFF-MIKE)

(LAUGHTER)

KLINE: -- are there other members -- other members seeking recognition? If none, the question occurs on the amendment. All those in favor say Aye.

MEMBERS: (OFF-MIKE)

KLINE: All those opposed, say No.

MEMBERS: No.

(LAUGHTER)

KLINE: In the opinion of the chair, the Ayes have it.

(LAUGHTER)

KLINE: The gentleman's amendment is agreed to. I'm guessing you're requesting a recorded vote. The gentlemen requests a recorded vote.

CURBELO (?): Yes, I'd like to request a recorded vote.

KLINE: I work on these hearing things a lot. I am advised that we are going to be voting, if not immediately, momentarily. And so rather than start into another amendment, it's my intention to break here. I expect that we should be back -- I expect that we should be back about 3:15. But in any case, no later than 15 minutes after the last vote -- I hear there are three. After the last vote is called, we should be back here and back in business.

So with that understanding, we are in a short recess.

(RECESS)

KLINE: The committee will come to order.

When last we broke for the series of votes, we were moving through amendments. We're getting ready to move to the next amendment, however, I want to make another administrative announcement. We're expecting votes on the floor within -- within the hour.

I'm told we will do essentially the same thing that we just did. We will get to a place that makes some sense to break in the amendment process, go vote, and then come back, and then try to finish up as quickly as we can.

Are there any members with an amendment ready to offer?

Mr. Polis?

POLIS: I have an amendment at the desk.

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KLINE: The clerk will distribute the amendment.

FOXX: Mr. Chairman.

KLINE: Dr. Foxx.

FOXX: Mr. Chairman, I reserve a point of order on the amendment.

KLINE: Gentlelady reserves a point of order.

Based on the weight of the amendment, this could take some time.

But I'm confident the gentleman can explain his amendment in five minutes. He's recognized.

POLIS: Mr. Chair, weight is an indication of the quality of this amendment, I just want to state for the record.

What -- what this amendment does is it restores improving accountability and transparency to the ESEA.

As we talked about it, I think getting accountability right needs to be a core principle of the ESEA reauthorization.

At its time, No Child Left Behind was a step forward: a step forward for transparency, a step forward for accountability, for making sure that districts didn't sweep minorities or kids with disabilities under the rug. We need to build on that just as we can identify the steps forward that No Child Left Behind took, it also got some things wrong, namely, the process whereby AYP, or Adequate Yearly Progress was calculated.

Unfortunately, ESEA bill prior to my amendment doesn't contain requirements that states set high standards to make sure that grad students who graduate are college or career ready. It doesn't support high quality, meaningful assessment system, especially for students with disabilities and English language learners. It doesn't include critical programs to help states improve their standards or improve their assessments.

In many ways, the Republican bill is a step backward with regard to accountability and transparency. Schools would no longer be held accountable for making gains in student growth, something that most of the states that have received waivers have now done as part of their application to receive those waivers, including my home state of Colorado.

Unfortunately, the Republican bill completely removes students with disabilities from the accountability system by allowing students with disabilities to be taught to different standards and take different tests with no cap whatsoever, which is why it's opposed by all of the major groups, advocacy groups for Americans with disabilities.

This amendment that I propose today, which will ultimately as well be included in the Democratic substitute, expects that states do set college and career-ready standards, and they can do whatever college and career-ready standards that they want. We require states to set performance, growth, and graduation rate targets, in many ways encapsulating some of the pieces of the waiver program that worked, and putting them to a more meaningful form of statute so that we can truly make sure that states and districts and schools and yes, even classrooms, are accountable for improving student performance, rather than being able to hide behind a lack of data, as they once did.

This amendment would also make sure that schools get credit for making growth in addition to achieving, reaching achievement targets. Again, one of the initial fallacies of No Child Left Behind is the static approach it had in evaluating the schools. It's more important to look at longitudinal progress and growth, and that's what this amendment does.

This amendment includes performance targets for all of the disaggregated groups, including English language learners, students with disabilities. It eliminates the alternative assessment and codifies the one percent cap on participation and reporting for alternate -- alternate assessments.

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And look, no one knows exactly whether one percent is the right number. It could be 1.2. It could be .8. What's important is that states do it the same way, and that no state has the incentive to disguise their own inability to serve students with disabilities. And unfortunately, the Republican version of the bill would allow states and districts to do just that.

The Republican bill completely removes students with disabilities from the accountability system as a green light for districts to assess students and disabilities to a lower standard, rather than holding all students to the same standards that they can achieve.

This amendment is important to uphold our nation's civil rights and equity responsibility, to make sure that rather than moving backwards on accountability, that we move forwards on getting accountability and transparency right, so we can better ascertain as a nation, as states, as districts, as parents empowered through school choice, what's working and what's not working in schools so that people can make informed decisions about what's best for their kids at the parental level, so districts can make informed decisions about what works and doesn't work and hold their principals and superintendents responsible for achievement, and that states too, can be held responsible for achievement across their district.

I hope that the committee will move forward with improving accountability rather than gutting accountability. That's exactly what this amendment would do, and I encourage my colleagues on both sides of the aisle to support this amendment so that we can move forward to get accountability right, rather than getting rid of accountability. I yield back.

KLINE: Gentleman yields back. Are there members seeking recognition on the gentleman's amendment?

Seeing none, the chair recognize himself.

I very much appreciate the gentleman's passion to make sure that schools are accountable and that the kids get an opportunity. That's what we're about. We just have very different ideas about what accountability means. And by that, I mean accountable to whom?

We have had now for several years, too many years, the notion that schools should be accountable to the secretary of education here in Washington. And it is my premise, our premise, that that is not working well.

I agree with the gentleman that it is important that schools have a report card, and that's why the language in the base bill requires that states have a state-wide testing system, annual testing system to gather the data that can be disaggregated so that we can see how schools are doing.

But it is the parents and teachers and school boards and state school executives who need to look at that report card, not the U.S. secretary of education, who determines whether it's good enough or not good enough.

So, this -- this kind of doubles down on where we are. And again, the premise here is that we need to change what we're doing here, and that accountability should be to those parents and teachers and school boards, where they can make determinations on what should be done. So, I think we need to move in the -- in the new direction, and that's the basis of the bill, and I would ask my colleagues to reject this amendment and support the underlying bill.

Mr. Sablan. I would ask all members that when I ask if there are more comments, that you speak up at that point. Go ahead. You're recognized.

SABLAN: Thank you, Mr. Chairman.

I'd just -- I yield my time to Mr. Polis.

POLIS: Thank you, Mr. Chairman.

I wasn't aware that it was the last call for time when you made your remarks.

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Let me take this down to the classroom level and have an example. Let's say you have a system where you evaluate teachers on the grades they give their students, and there's no check whatsoever. A teacher's rewarded for giving all their students A's. That's effectively what the Republican bill does by having no cap on percentage of kids with disabilities who take alternative assessments, what if you just say kid under IDA, 12, 14 percent of the population, what if they all are out of the mix and taking alternative assessment?

By having no check on standards, you're encouraging states and districts to dumb down the standards to make themselves look better so they can pat themselves on the back. Just as it's not right for a grade inflation to occur at a classroom level, whether it's at a college or a high school, so too, we need to prevent the grade inflation on the very report cards that you mention by ensuring that our standards can make sure that kids can accomplish their standards are college and career ready, and that all kids are tested subject to a reasonable cap that's uniform across the states.

I yield back.

KLINE: The gentleman yields. There being -- Mr. Scott. You're recognized.

SCOTT: Thank you, Mr. Chairman.

Mr. Chairman, I think it's important that we set standards so that we can -- and also require action be taken. I understand that California had that data for 20 years, showed an achievement gap, took no action until No Child Left Behind made them take action.

This requires states to set standards. At college and career- ready, that means if you graduate from high school, the standard would be that you are able to get into college, not that you set some arbitrary standard where you can graduate from college and not be ready for college and still achieve the little minimum goal.

I thank the gentleman from Colorado for introducing the amendment to reestablish some reasonable standards so that when children graduate from high school, they will be college and career-ready.

Those standards are designed by the states, not by the federal government. They're based on what it takes to get into the local state college.

KLINE: Gentleman yields back. Are there other members seeking recognition?

Mr. Sablan, I'm sorry, you've already been recognized.

Are there other members seeking recognition? Any other members seeking recognition? If none, the question occurs on the amendment. All those in favor say Aye.

MEMBERS: Aye.

KLINE: All those opposed, say no.

MEMBERS: No.

KLINE: In the opinion of the chair, the Nos have it. And the gentleman's amendment is not agreed to.

Other members with amendments?

WALBERG: Mr. Chair?

KLINE: Mr. Walberg.

WALBERG: I seek recognition.

KLINE: Does the gentleman have an amendment at the desk?

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WALBERG: I do.

KLINE: The clerk will distribute the amendment. It looks to be fairly short. The gentleman is recognized for five minutes to explain his amendment.

WALBERG: Mr. Chairman, thank you for the opportunity to offer my amendment today. I would like to start off by reiterating my support for H.R. 5, and I commend the work of this committee for crafting a bill thus far that will empower parents and teachers, restore local control over education and increase accountability to make sure our kids are getting a good education. However, my amendment is concerned with the employment prospects for many of the kids whom this bill seeks to help and the opportunities that will await them when they graduate high school.

According to the Bureau of Labor Statistics, the current unemployment rate for 18-and 19-year-olds is 18 percent, and the rate for 20-to 24-year-olds is nearly 10 percent. These young people have a difficult time getting work in order to build their skillsets because of obstacles put in front of them through government regulations. Specifically, regulations in the form of state-approved occupational licenses that are often a significant burden on young people entering many career fields, mostly in areas with low-to moderate-income levels.

In fact, according to the National Bureau of Economic Research, nearly one in three jobs now require a state-approved license or certification. In 1950, it was one in 20. These licensure systems are often created in the name of public safety, but can come at the expense of lower-income workers and aspiring entrepreneurs, the type of workers who often enter the market after high school.

Many states, for instance, now require licenses to be an interior designer, hair braider or florist. Unlike licenses for medical professionals, these types of jobs have little or zero public health risk, and young people now must try to navigate an irrational and expensive overly burdensome occupational licensing system.

Unfortunately, to secure many of these licenses, an individual needs time and money. Both of these are often in short supply for recent high school graduates seeking to enter the market. To curb employment opportunity-killing regulations, my amendment would require that states receiving funds under Title I must commit to only imposing occupational or professional licenses when there is proven necessity to protect the health and public safety of their citizens. It would also require states to review proposed regulations that determine they do not present unnecessary barriers to enter the professions.

This committee has done tremendous work in addressing the problems with our current education policies and developing solutions to help parents, teachers and our local and state officials educate future generations. But we must also look at what else we can do when many of these students exit high school and enter a job market, as we want them to do, and yet are burdened by state-approved occupational licenses.

Now having said this, and understanding that there are laboratories, I believe, of success even as we talked with the governor of Indiana just this past week, and understanding this is an issue that I think we ought to address on this committee, I also understand that there is a germaneness concern about this amendment, and so I will at this time, Mr. Chairman, withdraw my amendment.

I look forward to working with the committee on the state licensure reforms during future efforts on germane program reauthorization, and I thank you and yield back.

KLINE: I thank the gentleman for his --

HINOJOSA: Mr. Chairman?

KLINE: -- note noting that there is clearly a problem out there, and it is -- his amendment as he correctly pointed out is not germane to this bill, but I hope that we and other committees which will have to be involved continue to look at this issues. And the gentleman's amendment is withdrawn.

Mr. Hinojosa?

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HINOJOSA: Mr. Chairman, I ask for unanimous consent that the request for a recorded vote on my amendment be vacated.

KLINE: Without objection, so ordered. Mr. Sablan, apparently, you have an amendment.

SABLAN: I -- yes, Mr. Chairman. I have an amendment at the desk.

KLINE: The clerk will distribute the amendment.

FOXX: Mr. Chairman?

KLINE: Dr. Foxx?

FOXX: I reserve a point of order on the amendment.

KLINE: The gentlelady reserves a point of order. The gentleman is recognized for five minutes to explain his amendment.

SABLAN: Thank you very much, Mr. Chairman. Mr. Chairman, I'm offering an amendment that would authorize the Investing in Innovation Fund program, or I-3, and make this competitive grant a permanent part of the Elementary and Secondary Education Act. I have a letter in support of my amendment by a coalition of 117 organizations, and I ask unanimous consent to insert this in the record, Mr. Chairman.

KLINE: I'm sorry. Say that again?

SABLAN: I ask for unanimous consent to insert this letter into the record.

KLINE: Without objection.

SABLAN: Thank you, Mr. Chairman. I-3 encourages local educational agencies to work in partnership with the private sector, something we need to see more of, because the private sector can bring new ideas to education.

So far, the Department of Education has funded 143 I-3 projects, and these public-private partnerships have proven their worth with improved student achievement, increased graduation rates and increased college enrollment and completion rates. I think we need to build on that success and make I-3 a permanent part of ESEA.

One change I would like to make in the program is to allow the Northern Mariana Islands and other (inaudible) areas the chance to compete for these grants. Right now, we cannot. Everyone should have an equal opportunity to compete. That's the essence of America, and that's what the amendment affords, an equal opportunity to compete.

Let me tell you a story. In 2011, I was contacted by a teacher who had recently started a club, an aviation club, at our Marianas high school. He had 16 members, but only had three textbooks. So I reached out to the Pentagon and we found 40 excess copies of an aviation textbook down at Maxwell Air Force Base in Alabama and we got those textbooks into the hands of those students.

The very next year, 2012, students from that class, that club, entered the Real World Design Challenge. That's a national competition aimed to build interest in STEM. Our students won the regionals, came to Washington for the nationals and took eighth place. A really great story. But wait, there's more.

A year later, in 2003 (sic), the Aeronautical Dolphins, as they called themselves, won regionals again. They came to Washington with the design for an unmanned aerial vehicle to put in remote search and rescue and with a business plan to market their design to go with it. And this time, they took first place. National champions against students from private schools and well-funded public schools in Connecticut, Massachusetts and California.

Six students from a faraway place with just a few years of experience won a national STEM competition. And how did this happen? They had a very dedicated teacher, John Robertson (ph) and maybe those textbooks I got

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from the Air Force helped. But the real reason here is that we have tremendous untapped potential in this country if we just create these opportunities.

We can stop looking at India and China and being envious. We have those resources here in the country, in America. But the real lesson -- and so again, let's make the I-3 program a permanent part of the ESEA. Let's make this -- ensure students and schools everywhere in America can compete for those funds, including those in the zip codes 96950.

I do have to warn you, Mr. Chairman and members of -- my colleagues in this committee, that if you let students from the Northern Marianas compete, they may actually give you a run for your money. Thank you very much. And I yield back my time.

KLINE: The gentleman yields back. Are there members seeking recognition on the -- Mr. Polis, you're recognized.

POLIS: Thank you, Mr. Chair. I want to thank Mr. Sablan for introducing this important amendment. When we talk about one of the high impact goals that the federal government can play as a catalyst with our limited federal resources, I think there's nothing that compares dollar-for-dollar to the Investing in Education, or I-3 program.

What Mr. Sablan's amendment would do is it would codify, update and improve the current I-3 program that supports innovative solutions to try to change what isn't working in public education and supports new and exciting initiatives that there simply aren't operational funding streams for at the district level because they -- with what they have, they're deployed in the classroom, they're doing what they do to be able to experiment and try something new to find out what works, they need this additional help and when we -- and to make sure that we have the data and metrics to back it up.

This program awards competitive grants to applicants with a record of improving student achievement. I'm excited to highlight some of the funding that's occurred in Colorado, including in Saint Vrain School District which received \$3.6 million to expand programs for at-risk students in seven schools, including extending the school year at four elementary schools, targeting math students at risk of failing at two middle schools and implementing the STEM Academy at Skyline High School.

This amendment supports a wide range of priorities for many members of Congress, including STEM, STEAM, teacher and leader effectiveness, parent engagement, improving the quality of standards and assessments, and introducing innovation and document of what works and, yes, what doesn't work into our public education system.

POLIS: We know the power of I-3 grants. Over 100 organizations from across the country support this legislation and its inclusion in ESEA. We have a responsibility with our limited federal resources to be the best catalyst that we can be for innovation.

And there's a lot of exciting things that are happening in public education across our country.

Whether it's ed-tech (ph), whether it's new forms of pedagogy, whether it's something as time-tested and true as an extended day or an extended year, we need to make sure that we can deliver on what works to close the achievement gap.

And the I-3 (ph) program allows just that kind of innovation, which is why I strongly support Mr. Sablan's amendment. And I yield back the balance of my time.

KLINE: The gentleman yields back. Are there other members seeking recognition?

Mr. Hinojosa.

HINOJOSA: Thank you, Mr. Chairman.

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I want to thank Mr. Sablan for submitting this amendment to H.R. 5, and listening to his story about the six students who came to compete and won, is something that reminds me of the importance of investing in innovation and research.

And I can tell you that the area that I represent in deep south Texas is over 90 percent Hispanic. Many were attracted to a program that I initiated 14 years ago known as HESTI, Hispanic Engineering Science Technology Initiative, and we try to bring in junior high students and let them see what can be done if they can look at the STEM majors.

And one of the things that I added to the program was those that did get into Med-High (ph) and the math and science academy be given an opportunity to go to the MD Anderson Research Center in Stephenville, Texas, which is very close to Austin, between Austin and Houston, in fact.

And they went and they spent three weeks shadowing researchers on different types of research that was being done for MD Anderson Hospital out of Houston. And they were so impressed that our number of students who are now going into med -- Allied Health, and especially pre-med programs, has increased so much that we are under construction for a medical school in Edinburg, Texas.

And that shows you that what Mr. Sablan is asking for is applicable on page seven, which says that this will address the learning needs of Indians, of Native Americans, of Alaska Natives, or migrant children in schools.

And I can say that this is the type of thinking and this is the type of amendment that we need to have in elementary and secondary education reauthorization.

And with that, I yield back. I support this amendment.

KLINE: Gentleman yields back. Are there other members seeking recognition? Any other members seeking recognition on Mr. Sablan's amendment?

Hearing none, the Chair would recognize himself. I don't think anybody, I can't imagine anybody on either side of the aisle thinking that innovation is not a good thing. In fact, it's a very good thing.

But we -- it seems to me, and here's where we have a divide in our thinking about the roles, we should not be putting our priorities in front of what the states and school districts need to provide their students with a quality education.

In the base bill, when we consolidate ineffective, duplicative, and unnecessary programs that simply fragment limited taxpayer funds, we're making it easier for states and school districts to encourage innovation that will serve the unique needs of their students, wherever they are.

So I oppose the amendment, urge my colleagues to do the same. I yield back. The question occurs on the amendment. All those in favor say aye.

CROWD: Aye.

KLINE: All those opposed say no.

CROWD: No.

KLINE: In the opinion of the chair, the no's have it. And the gentleman's amendment is not agreed to.

Ah, we're ready for the next amendment, and that would be Mr. Grothman.

GROTHMAN: I'll explain what one we're bringing up.

KLINE: OK. Let me make sure that the clerk has distributed the amendment. The gentleman will suspend for just a minute. I want to make sure we're all talking about the same amendment.

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GROTHMAN: I see it. It looks just like the same thing.

KLINE: It looks like the right one? All right. Then the gentleman is recognized for five minutes to explain his amendment.

GROTHMAN: OK. This amendment is not the amendment to cut funding. I will tell you that any superintendent back home, if you tell them we were doing this and lose, say, 20 percent of those dollars, they would say, done.

So hopefully before our whole budget works its way through the process we don't have to fully fund this thing.

What I'm looking at here is we have some block grants, or we some, I guess we're calling them the flexible grants to the states in which we're combining many programs and allowing individual school districts to apply for those programs.

Even there, as soon as you have a grant going to a local school district, it means somebody has got to apply for the district. It means the rules related to what it takes to get the grant, it means somebody is going to somewhere along the line audit and make sure you're doing the right thing with the grant.

And I think in general school districts would rather just take the cash rather than spend all this time on paperwork. I don't know how it is in these other states, but in the state of Wisconsin every year, in part because of federal rules, and in part because of state years -- or at least every couple of years, they have to put together -- maybe now it's online.

At least 15 years ago they had to put so much paper, I guess in Wisconsin we're a big forest products state, I guess I should like it. But put together so much paper that bureaucrats have to review, if they even review it, to make sure they're doing everything just right.

What this amendment does is we take these flexible grants and just make it a flat block grant. We take this new money available from these programs we're ending, we send it out on a per pupil basis around the country.

No more paperwork than that. Much easier on the state level, much easier on the local level, are guaranteed like all grants, grants available here, sometimes local governments take money because its free, but they themselves even question whether its worthwhile, but they figure, well, we're getting free money.

So what we're doing here is we're making a genuine block grant in which you get rid of the additional paperwork, (INAUDIBLE) local school districts and spend the money on whatever they want.

I think it's a great amendment. I'm told it might cause some people not to want to vote for the program because they like these silly programs. So for that reason, Mr. Chairman, I'm not going to ask for a vote on my amendment.

But hopefully, hopefully, as we work our way through the process we can do a little bit for a little bit less paperwork here along the line. So thank you for letting me...

(CROSSTALK)

KLINE: Does the gentleman withdraw his amendment?

GROTHMAN: I'll withdraw my amendment.

KLINE: Thank the gentleman. It was an interesting approach.

And it will be interesting to watch the sun fall as we go forward, as the gentleman says.

(CROSSTALK)

KLINE: Oh, Ms. Wilson, you have an amendment?

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F. WILSON: Have one at the desk.

KLINE: Gentelady has an amendment at the desk, the clerk will distribute the amendment.

F. WILSON: Thank you, Mr. Chairman, I reserve a point of order on the amendment.

KLINE: Gentelady reserves a point of order.

The gentelady is recognized for five minutes to explain her amendment.

F. WILSON: Thank you, Chairman Kline, and Ranking Member Scott. I'm glad to be here to discuss my proposed amendment to Title I, the Dropout Prevention Act. As a lifelong educator, and the founder of the 5000 Role Models of Excellence Project, I can personally attest to the positive benefits that happen when a caring adult intervenes in the life of a child as a mentor.

Students make better choices, discover personal strength, and are able to achieve their potential both inside and outside of the classroom. According to the National Mentoring Partnership, students who have a meaningful relationship with an adult are five times more likely to graduate.

Studies also show that these youths are 46 percent less likely than their peers to start using illegal drugs, 27 percent less likely to start drinking, 52 percent less likely to skip a day of school, and 37 percent less likely to skip a class.

This is why it's important that we encourage states to establish and support effective dropout prevention, and reentry programs that will provide the assistance necessary to ensure that all of our students graduate.

It is equally important that we encourage states and local education agencies to invest in proven professional development programs to ensure students are receiving quality education from highly trained and well-supported education professionals.

This is why I wholeheartedly support this amendment. This amendment establishes to collect systemic data on dropout, reentry, and graduation rates, as well as a national clearinghouse to collect information on effective dropout prevention and reentry programs.

The amendment provides technical assistance to state and local educational agencies, carries out national recognition programs for state and local educational agencies, and raise academic achievement levels, and provides grants to local schools and agencies with dropout rates above the states average so that they can implement effective an sustainable dropout prevention and reentry programs.

This amendment provides students with the necessary resources to remain in school and graduate.

Mr. Chairman, dropout prevention and mentoring programs that help our students succeed, should be embraced by members of Congress on both sides of the aisle. That is why I hope all of my colleagues will support these policies.

I'm going to give you a copy of a program that I know works in Miami-Dade County Public Schools at this time.

KLINE: The gentelady yields back?

F. WILSON: I yield back my time.

KLINE: Thank the gentelady. Are there members seeking recognition on the gentelady's amendment? Any members seeking recognition on the gentelady's amendment, Mr. Scott?

SCOTT: Thank you, Mr. Chairman.

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And I thank the gentlelady from Florida for offering the amendment. It focuses on an area of very high need, and that is dropout prevention. We know the trajectory that they are on. If they've dropped out of school, they're much more likely to be unemployed, much more likely to be in prison, much more likely to be a teen parent, just a trajectory that can be much dealt with if they graduate.

Mr. Chairman, the -- whatever you do to -- on dropout prevention will actually improve education for everyone and deal with the achievement gap, so I would hope that we would adopt the amendment and promote school dropout prevention programs as listed in the -- in the amendment.

Yield back.

KLINE: Gentleman yields back.

Are there other members seeking recognition on the gentlelady's amendment?

Any other members seeking recognition?

Seeing none, the chair would recognize himself.

And I applaud the gentlelady's efforts in this local effort, which I believe has been achieving success. We've had the opportunity to discuss this before.

I would underscore this at the local level. Currently, in current law, there are more than 80 -- 80 elementary and secondary education programs at the federal level. 80 at the federal level. And most of them began with really good intentions but in many cases have proved ineffective.

The Student Success Act purposely streamlines many of these programs and provides a flexible grant to school districts that lowers the administrative burden and gives the schools more flexibility to put the resources where they think they need it the most, to improve student engagement and academic achievement.

If a state or school district needs to address a high dropout rate, and some of them have extraordinarily high dropout rates, despite the fact that the program that the gentlelady is trying to put back into law is already there. The underlying bill gives them the resources and flexibility to do just that.

We don't need to add back another federal program. So, I urge my colleagues to oppose the amendment and support the underlying bill.

The question occurs on the amendment.

All those in favor say aye.

GROUP: Aye.

KLINE: All those opposed say no.

No.

In the opinion of the chair, the nos have it and the gentlewoman's amendment is not agreed to.

Gentlelady asks for a recorded vote. And as a reminder, pursuant to rule 13(b) of the committee and House Rule 11-2(h), and as is the committee's practice for the proceedings and this amendment shall be post-poned.

Ms. Bonamici, do you have an amendment?

BONAMICI: I do, Mr. Chairman. I have an amendment at the desk.

KLINE: Clerk will distribute the amendment.

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The gentlelady is recognized for five minutes to explain her amendment.

BONAMICI: Thank you, Mr. Chairman.

And before I explain my amendment, I just wanted to take a moment to thank the hardworking staff on both sides of the aisle. I know everyone's been spending very long hours preparing us for this markup, so I want to say thanks to everyone.

As we move toward reauthorizing the Elementary and Secondary Education Act, much of the debate has been about the over-use and sometimes misuse of the standardized test. This is a critically important issue. I hear from concerned students, educators, and families that too much time is lost to preparing for standardized assessments, and that the high stakes attached to those assessments inject anxiety into our classrooms and sometimes narrow curriculum.

But I also know that the purposeful use of high quality assessment can support teaching and learning. Good assessments used appropriately can serve as one tool for monitoring students' progress, helping parents and school leaders see how students are performing across each state.

This amendment, which reflects my bipartisan legislation known as the SMART Act, and that stands for Support Making Assessments Reliable and Timely, takes these views on assessments into consideration and charts a pragmatic course toward reducing the testing burden and building assessment systems that actually support teachers and students.

First, this amendment allows states and school districts to take a critical look at their current assessment structures and eliminate redundant or otherwise unnecessary exams.

We know for example that districts require many of the assessments that students take. According to a recent report, students take 10 standardized tests on average in each year, grades three through eight. Only two of those tests are required by the federal government.

We also know that a one size fits all policy to address excessive testing won't work. There's evidence that time spent testing fluctuates significantly among districts, with some districts dedicating three times as many hours to testing as other districts.

In fact, according to another report, students in so-called high tech districts will spend more than 100 additional hours taking tests compared to peers in other districts. So colleague, that's time that could be used on meaningful instruction, not test-prep and filling in bubbles.

So, this variety and the use of tests is why my amendment lets local school districts and community stakeholders design their own plans to improve the use of assessments.

Second, my amendment will support states and school districts in achieving better use of high quality assessments. Too few students, families, and teachers receive assessment results quickly enough to be useful, and too few educators are given time to collaborate with their colleagues to examine assessment results and incorporate the information into plans for instruction.

My amendment supports better teaching and learning by speeding the delivery of assessment results, providing more time and professional education for educator -- I almost said training, but you know, Ms. Clark should call me out on that -- for educators and strengthening the alignment of assessments and standards.

And I know that H.R. 5 and substitute amendments require states to assess all students in reading and math each year in grades three through eight and once in high school, but it removes federal support for states to improve assessment quality.

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Now, we hear a lot about the burdens of unfunded mandates. It is fully appropriate for Congress to back up its requirement with adequate support. Of course we need to limit the emphasis placed on once-a-year statewide assessment results.

But we also need to encourage states and school districts to take a more holistic view of assessments and design plans that take into account a more accurate picture of the exams that steal time from learning.

My amendment, in concert with more supportive and flexible accountability systems, will help cut down on the number of exams students take and the time students spend prepping for those exams. And just importantly, my amendment will help educators make good use of high quality assessments.

Some pioneering school districts, I know Boston, Chicago, and St. Paul for example, have gone through the effort of reviewing their assessment portfolios, and each was able to reduce testing time and testing redundancy. Other school districts can also benefit from less time spent teaching and less testing redundancy. My amendment is a thoughtful approach to scale up these efforts, and I encourage all of my colleagues to support it.

Thank you Mr. Chairman, and I yield back the balance.

I'll retain the.

KLINE: Gentlelady yields back her time.

The other members? Mr. Polis.

POLIS: Thank you.

Thank you, Mr. Chair, and I want to thank Ms. Bonamici for bringing forward this important amendment.

I think it really frames the discussion of assessments in -- in the correct fashion, and that is we all, I believe, on this committee, and also practitioners of education, don't want to have unnecessary assessments that don't provide value either in the accountability system or for educators.

It's also many of our beliefs, certainly mine, based on hearing from teachers and principals in the field, that there currently are some low quality assessments that are either underutilized or unutilized, some that are repetitive or don't yield additional useful information beyond assessments that -- that can be streamlined, and so kids can spend less time in assessment.

What this amendment, which also is similar to a standalone bill, which I'd like to point out was also praised by Secretary Duncan when he met with some of us the other week, is allow a path forward to meet the mutual goal of having better information about student achievement and removing duplicative, unnecessary, or low quality assessment so that kids can spend more time learning and less time assessing that learning.

I think that this is a very thoughtful amendment as well as a thoughtful bill. I hope the committee, regardless of where they stand on ultimately how much testing there should be, can at least all agree that we can make sure that the assessments we do have are of high quality and that unnecessary assessments can be phased out in favor of the minimum amount of high quality assessments that we need to inform our accountability system, to inform classroom instruction, to inform parental choice, and to inform best practices at the site level and the school district level.

And I yield back the balance of my time.

KLINE: The gentleman yields back.

Are there other members wishing to speak?

Ms. Davis.

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DAVIS: Thank you, Mr. Chairman.

I would just say, I applaud Bonamici for bringing this forward and -- and for her standalone bill.

You know, we -- we assume that school districts want to be able to do this, that they'd like to take a look at these things. And the reality is that when there are a lot of other needs that school districts have, they really aren't -- they really aren't able to focus in a way that would be appropriate, and the communities would really like to engage in.

So, I think it -- it makes sense to do this.

There always are going to be costs involved, but we know that the costs of not doing this are really greater.

And I'm just struggling to understand why this would be opposed. Don't -- you know, we -- we want to be sure and I think about some of the other amendments that have come forward, that the bill itself is aspirational, that it's trying to take everybody to a different place.

And this is one way that we can do that. And more than anything else, having people engaged, I think what they find is that there aren't as many federal tests as they may have thought, that there are a lot of other tests, whether state or local, and they've just been around for a long time. Teachers on the natural test kids all the time. I mean, they should. That's what they do.

But having additional tests that, you know, you've got to -- you've got to deal with in -- in a fashion that takes away sometimes from learning is not necessarily appropriate. And the important thing here is for people to take the time to assess that and to bring together groups that can do that. And this is a perfect bill for that kind of effort.

I yield back.

KLINE: Gentlelady yields back.

Mr. Scott.

SCOTT: Thank you Mr. Chairman.

Mr. Chairman, as the gentlelady from Oregon indicated, a lot of people complain about tests, but many of those tests are in fact not required by federal law. If we expect to improve education, we have to have some kind of assessment, and these assessments have different purposes. You're going to be talking about student achievement, teacher quality, school system progress, and whatever assessment is being used has to be valid for the purpose for which it is being used.

We have -- we need measurable, meaningful assessment, but we need no more than necessary to achieve our purpose.

The -- getting valid tests can be complicated and expensive, and the gentlelady's amendment provides funding for those -- for those audits to see what's being done, what's necessary, what's unnecessary, and so I think it's a very meaningful amendment, and I hope that we can work with -- with her during this next few minutes.

And I'd ask you -- I'd yield to the gentleman, to the chairman for that purpose.

KLINE: Thank the gentleman for yielding.

I don't think that any of us disagree that the schools, the school districts, the states ought to be reviewing what test, what assessments they are doing and what they're for.

I have some difficulty with the amendment as put forward. It is quite a bit more money, and it does reinstate another program.

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I would hope we could find some way to encourage these schools and states to audit, if you will, to take a look at what they're doing, and it seems to me that they have the latitude to do that. And as she pointed out, there are some districts, including St. Paul, who have already looked at it.

So, I think it's a good idea to audit. The way the amendment is now, I can't support it.

I yield back to the gentleman.

SCOTT: Well, I'd yield to the gentlelady from Oregon.

DAVIS: Thank you, Mr. Chairman and Mr. Ranking Member.

Thank you all for kind words about the SMART Act. And although the concept itself has received, I must say, very broad support from stakeholders, in the interest of wanting to continue to work on this issue, and I hope build more support among our colleagues, I am going to withdraw the amendment at this time.

Thank you, Mr. Chairman.

KLINE: I thank the gentlelady.

Amendment is withdrawn.

Mr. Pocan, you're up. I understand you have an amendment.

POCAN: Yes, thank you Mr. Chairman.

I believe there's a note at the table.

KLINE: The clerk will distribute the amendment.

Mr. Salmon?

SALMON: Mr. Chairman, I reserve point of order.

KLINE: Gentleman reserves point of order.

POCAN: Mr. Chairman, while it's being handed out, I can go ahead and start for time's sake. My amendment...

KLINE: Yes, gentleman is recognized for five minutes to explain his amendment.

POCAN: Thank you.

My amendment would create a comprehensive literacy program to ensure that all children have the reading and writing skills necessary for success in school and beyond.

This amendment is closely modeled after Representative Yarmuth's LEARN Act and would authorize new and much-needed funding for both existing and new high-quality state and local school-based literacy programs and concentrate this funding on our youngest learners.

This comprehensive literacy program would also enhance the state's role in improving literacy instruction by encouraging states to grow these programs and target funding to students most in need of literacy programs.

When kids start out behind in reading and writing, they risk never being able to catch up. This contributes to a widening achievement gap, especially for students of color and those living in poverty. Research clearly demonstrates that a high-quality, literacy- rich environment, beginning in early childhood, is essential for high school graduation, college access, and success in workforce readiness.

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While teachers, families, and advocates everywhere recognize the importance of ensuring kids have access to reading and writing at a young age, unfortunately my Republican colleagues have failed to include specific funding for literacy programs in this bill. In fact, they remove all dedicated funding streams for literacy.

Instead, they establish a block grant program that provides limited funding for states and districts to address a long range of student needs, from STEM to after school activities. Under the Republican bill, there is no accountability for how block grant funds are spent, and there is no guarantee that students will receive additional support to improve literacy skills or increase student achievement, or that teachers will receive professional development for literacy instruction.

For all these reasons, we need to support literacy funding. One of the most important literacy programs responsible for making a big difference in my district, Reach Out and Read, advises parents about the importance of reading aloud, and gives books to the kids who need it the most. Reach Out and Read operates out of 30 different clinics in Wisconsin's Second Congressional District, and has helped 16,392 children access books.

Nationally, this program serves four million children and families annually. Programs like this deserve to keep operating. If we wait too long to reach kids and encourage literacy, the achievement gap will grow.

Let's close this gap and catch kids early enough to make a difference.

And I yield time back.

KLINE: Gentleman yields back.

Are there members wishing to speak on the gentleman's amendment?

Mr. Scott?

SCOTT: Thank you, Mr. Chairman.

This is an extremely important amendment, because the ability to read certainly by the third grade has been indicated as the kind of marker of which direction you're going in.

Some of the uses of phrase that up to the third grade, you learn to read. After the third grade, you read to learn. If you can't read by the third grade, it's very difficult to learn after the third grade, and you're on the way to dropping out.

This amendment has significant funds -- breaks up the funding in such a way that most of it is pre-K and elementary, but a significant portion, spent on those who pass the third grade without being able to learn, because if you don't put additional resources in -- into those individuals, they're certainly on the way to dropping out.

So, I would hope we would adopt the amendment to make sure that no child can get through the educational process without being able to read.

Yield back.

KLINE: Gentleman yields back.

Are there other members seeking recognition to address?

Ms. Wilson.

WILSON: Thank you, Mr. Chair.

I applaud Mr. Pocan for putting forth this amendment. I agree with the fact that children who -- who are literate and can read by the time they get to third grade are more successful in life.

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And I -- and we're very fortunate in our school district, we have something called intensive care reading labs, and these reading labs are in schools that are Title I schools, and they are funded through Title I, and I hope this bill that we're putting forth does nothing to interrupt that funding.

But these children are given lots of intensive care just as if they're in the intensive care ward of a hospital. It's the same kind of concept. and the idea is to make sure that they are reading on grade level by the time they've reached the third grade.

And being from a city where we have a lot of children who are non-English speakers, it's extremely important that we keep the funding in place for literacy, for any basic skills. And I applaud Mr. Pocan for putting forth this amendment.

And I ask my colleagues to please support it.

KLINE: Gentlelady yields back.

Are there other member -- Ms. Bonamici, you're recognized.

BONAMICI: Thank you, Mr. Chairman.

I also thank Mr. Pocan for bringing forth this amendment.

Sometimes I find here in Congress that there's not a lot of long- term thinking. We -- we tend to go from crisis to crisis too often.

Investment in literacy is a good investment when we look at getting more students engaged in education, doing well, and then when they leave school and enter college or a career, that is an investment that pays off by their participation.

So, it's a good investment to invest in literacy to make sure our kids get that good start and a love of learning. So, I thank Mr. Pocan and look forward to supporting this amendment. I yield back.

KLINE: Gentlelady yields back. are there other members seeking recognition?

Any other members seeking recognition on the gentleman's amendment?

Seeing none, the chair will recognize himself.

Again, nobody can deny that we want kids to read. There can't be a school in America that doesn't understand kids need to learn to read. But the gentleman's amendment creates yet another program under the Elementary and Secondary Education Act.

The Student Success Act maintains current requirements that states create academic standards and administer annual assessments in reading and language arts, and that states and school districts report on student achievement in reading and language arts.

The underlying bill consolidates more than 65 K-12 programs into the new local academic flexible grant. We just think that's a much better way, a much better way for schools to succeed in giving all our kids an excellent education.

So, I oppose the gentleman's amendment. I ask my colleagues to oppose it and support the underlying bill.

I yield back.

Question now occurs on the amendment. All those in favor say "aye."

GROUP: Aye.

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KLINE: All those opposed say "no."

No.

In the opinion of the chair, the nos have it, and the gentleman's amendment is not agreed to.

Mr. Takano, you apparently have an amendment as well.

TAKANO: Yes, Mr. Chairman.

I do have an amendment at the desk.

KLINE: Clerk will distribute the amendment.

Mr. Salmon.

SALMON: (OFF-MIKE)

KLINE: Gentleman reserves a point of order.

Gentleman's recognized for five minutes to explain his amendment.

TAKANO: Mr. Chairman, thank you very much.

I have long been skeptical of the enhanced role of charter schools in our public education system.

A model that was intended to create incubators of innovation and to share best practices and successful innovations with traditional public schools has morphed into a race to see how many charters can be opened.

I would like to return to the original intent of charter schools, and instead of continuing to funnel funding to charters, I want to see real investment in our traditional public education.

While some charters do produce great results, on average, they don't serve students any better than traditional public schools. And there are some great things happening in traditional public schools.

In my own district, for example, Michael Towne, who was a panelist on last week's forum, is a physics teacher from Citrus Hill High School, a traditional public school in my district.

He is responsible for about one quarter out of all of the Mexican-Americans in the state of California who passed the A.P. physics exam. Truly remarkable. But little attention is being placed on people like Mr. Town, and this small school district, small public school district that's being very successful.

We should be studying the successes of these districts and heralding those results. This is the type of success we should be investing in.

I'm also very concerned about the lack of accountability and transparency required of charter schools, especially those being run by for-profit charter management organizations.

Unfortunately, only 15 states and the District of Columbia have established standards for charter authorizers, and just three states require the authorizer on overall program accountability systems for all charter schools.

Just one state, Maine, requires performance-based charter contracts which detail academic performance expectations, operational performance expectations, and school and authorizer rights and duties.

Yet the data show that states with strong charter laws have more successful charter schools.

My amendment would improve the accountability and transparency of charter authorizers and charter schools in several ways. First, it would ensure that the quality of authorized public chartered agencies by requiring them to

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annually file a public report independently audited financial statements, and adopt and enforce employee compensation and conflict of interest guidelines for all authorized charter schools.

It would also require authorizers to develop the performance contracts with each authorized charter that faces charter renewal and revocation decisions on an accountability plan that ensures all students -- all students graduate college or career-ready, and meet certain growth performance targets and standards.

Finally, it would require the development of a system of intervention, revocation, and closure for Charter schools, and public chartered agencies failing to meet their agreed upon standards and requirements.

I urge all my colleagues to support increased accountability and transparency of charter authorizers and schools by voting yes on my amendment.

I yield back.

KLINE: Gentleman yields back.

Mr. Polis, you're recognized.

POLIS: Thank you.

My comment is no great surprise that I don't think that this approach to -- to charter schools is constructive.

Effectively, what we do with the Title V language that's in both the base Republican bill and I think we're checking on this, we hope the Democratic substitute, it's certainly in the bill that passed the House, which we placed in Title V, is when states and districts get some of this federal funding, that's when they're subject to all these additional criteria in terms of quality authorizing practices.

I'm going to get into a few of the specifics here that are problematic, but they're mostly innocuous. They're mostly best practices.

When they're not receiving federal funds for the charter school startups to pull it into Title I, which everybody receives, effectively uses the heavy hand of the federal government to be telling districts and states how they should run their charter school program.

And again, many of the recommendations are innocuous. I'll get into some of them. But I think there's a general agreement that in education, control goes with the money.

And absolutely, when there's federal money, our taxpayer money that we're responsible for here in Washington that is being invested in charter school startup as it is in the standalone bill, as it is in Title V, of course there's additional criteria.

But to put all of these burdens on schools that might not be getting any federal charter school money, just because the participation in Title I is almost universal, will have a negative impact on the public charter school movement.

With regard to some of the language, I think it's important that we talk about all public schools. Of course, annual filing and public reporting of audited financial statements, conflict of interest statements, in Colorado these have been bigger problems in school districts than they have in charter schools.

We had an entire school district (inaudible) that went bankrupt because their controller racked up tens of millions of dollars of debt, because they weren't properly audited.

So, again, apply it to charter schools, apply it to school districts. Same with conflict of interest. We've had instances in Colorado, particularly in some of our small, rural schools, where school board members and their families were given favorable contracts by the school district. Let's shine a light on that.

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But to single out one particular form of public school doesn't make sense. I think it further misinforms people about what charter schools are. They're just part of a -- a public school district or a chartering entity with site-based authority.

And of course, if we're going to have audit requirements, if we're going to have conflict of interest statements, let's do the same thing for districts. But certainly, the federal lever is the investment.

And the investment that we make in quality public charter schools through Title V has a series of best practices which we spelled out very painstakingly in a bipartisan way, received almost universal support on the floor of the House, and that's the appropriate place for this to occur, not to the Title I program, which is essentially almost universal, telling districts and states exactly how they should run their charter school program.

And I might add, adding additional level of scrutiny to public charter schools that even for-profit contractors for school districts don't have, the gentleman from California mentioned for profit contractors, and you know, I'm not overly fond of them. They are what they are. But school districts use them. Yeah, a charter school could use them. School districts use them as much or more as charter schools.

So again, if we want to have more investigation into the dubious practices of for-profit contractors who might run schools or run curriculum, or run after school programs, or whatever presumably nefarious and profitable activity they might be involved with, it should be applied across the board in public education, and I would support that.

And I would support that, but not picking out one particular kind of public school. What's next? Neighborhood schools? Are we going to say that "neighborhood schools, we don't like, so we're going to make neighborhood schools have audits and conflict of interest and all that." What's good for the goose is good for the gander. Charter schools, public schools, neighborhood schools, innovation schools, magnet schools, they should all have a level of scrutiny that makes sure that there's not favoritism, that there's not nepotism, that their financial accounts are in order, but not one particular type of school more than any other.

And that's why I can't support this amendment. And I yield back.

KLINE: Gentleman yields back.

I regret that there's no passion there.

(LAUGHTER)

We, as you can see, there is a vote underway. Are your comments short?

SCOTT: Yes.

KLINE: Then I'll recognize Mr. Scott.

SCOTT: Thank you, Mr. Chairman.

I just wanted to rise in support of the Takano amendment. It -- we're going to have charter schools, which some -- which some of us don't like to begin with.

It at least ought to be reasonable oversight. I yield back.

KLINE: The gentleman yields back.

As the gentleman from Colorado pointed out, we had a bill on the floor in the last Congress that had overwhelming bipartisan support, and that language, which is incorporated in this bill, so I'm going to oppose the gentleman's amendment, support the underlying bill, and yield back.

The question occurs on the amendment. All those in favor say aye. All those opposed, say no.

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GROUP: No.

KLINE: No.

In the opinion of the chair, the nos have it, and the gentleman...

TAKANO: Mr. -- Mr. Chairman, I request a recorded vote.

KLINE: And we will roll that.

We are now -- Mr. Courtney, I hate to interrupt your call.

I understand I was supposed to recognize you.

COURTNEY: Thank you, Mr. Chairman.

(OFF-MIKE)

KLINE: Without objection.

OK. We are going to go to the floor and vote. I am told that we should be through in the 5:20 or 5:30. Again, 15 minutes from the time that third vote or last vote comes up on the wall, we should be back here to wrap up.

We are in recess.

(RECESS)

KLINE: The committee will come to order.

That should be it for votes on the floor, so we will now work through the remaining amendments and then go to recorded votes.

And as I understand it, the next amendment ready to be brought forward belongs to Mr. Jeffries.

Is that correct, do you have an amendment?

JEFFRIES: Yes sir, I have an amendment at the desk.

KLINE: Clerk -- clerk will distribute the amendment.

Dr. Foxx?

FOXX: Mr. Chairman, I reserve a point of order on the amendment.

KLINE: Gentlelady reserves a point of order.

JEFFRIES: Thank you Chairman Kline and Ranking Member...

KLINE: Hold on just -- just a minute. Let's at least -- let me feel how heavy this thing is.

There you go.

That's OK. I got that.

OK. Pretty heavy, but that's all right. The gentleman is recognized for five minutes to explain his amendment.

JEFFRIES: Thank you Chairman Kline and Ranking Member Scott.

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This amendment would require states to establish college and career-ready standards in English language arts, math, and science for grades K through 12 and high quality assessments aligned to these standards.

This would include subgroups of students such as low-income, diverse, racial and ethnic groups, English language learners, as well as students with disabilities.

Unlike the Republican bill, this amendment would improve current law by requiring that standards be validated in order to ensure that proficiency in the standards actually signals that students are on track to enter the workforce or post-secondary education without the need for remediation.

This amendment would also ensure that new, high quality assessments measure growth, incorporate universal design for learning to improve accessibility, and provide accommodations for students with disabilities and English learners. It would also support the efforts undertaken by states and districts to eliminate low-quality, duplicative, and unnecessary assessments.

The proposed amendment under consideration by the manager would shirk our nation's civil rights and equity responsibility to ensure that all children have access to a quality education.

This bill does not create the underlying bill, H.R. 5, high quality, meaningful standards, especially for students with disabilities and English-language learners.

As currently drafted, the underlying bill would allow schools to create larger categories of disabled students and allow them to be taught at different levels than the rest of the student body.

Further, the proposed bill would turn back the clock on many of the gains we have made as a result of implementing quality standards for all students, no matter what level they may begin at.

This amendment would ensure that all students are provided with a first-rate education that prepares them to graduate from college and join the 21st century workforce. It gives individual states the flexibility to judge the performance of schools based on multiple measures of student learning, while maintaining an important focus on student growth and academic achievement.

Furthermore, it ensures that new high quality assessments actually measure the growth of the student, taking into consideration where they begin, and the journey that they must travel in order to avoid remediation.

It incorporates universal design for learning to improve accessibility as well as provide accommodations for students with disability and English learners.

We need to foster the education of our children, our young people, America's future, not stifle it. And this should apply to all students, including those who are disabled or low income.

The Democratic amendment before the committee right now includes performance targets for English-language learners, as well as students with disabilities, unlike the Republican bill, H.R. 5. The Democratic amendment before this committee right now would eliminate the two percent alternative assessment and codify one percent caps on participation and reporting for alternate assessments to curb the dynamic of over-classification of individuals who are allegedly learning disabled and keep standards high for all students.

Finally, the underlying bill, H.R. 5, completely removes students with disabilities from the accountability system, thereby greenlighting states and districts to assess students with disabilities to a lower standard.

For these reasons, I urge my colleagues to support this amendment, and I yield back.

KLINE: Gentleman yields back.

Any members seeking recognition on Mr. Jeffries' amendment?

Any members?

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Mr. Takano.

TAKANO: As stated earlier, I am uncomfortable with the -- the Republican bill which sets no standards at all and -- but I'm not as -- and I applaud Mr. Jeffries for introducing an amendment which addresses college and career-ready standards for all students.

I wish that I had more time to study this amendment more thoroughly, and also -- that also it reflects what is in the Democratic substitute. I do want to ensure that the secretary does not have a -- too much authority over the states.

And -- but in general, I do think at the very minimum we do need to set a national -- a national direction. We do need to understand we do need to have the states set career and college-ready standards, and we need to have a national understanding of that.

Let me give you a big reason why.

I also sit on the Veterans Affairs Committee, and one of my concerns is the number of veterans who are unable to access their G.I. benefits because they find out that they are not college ready, they cannot enter into a community college program, and they must be enrolled in a full-time program, and with them to get their living stipend and to be able to use their G.I. benefits. They cannot use their benefits for remediation.

I would like to be able to have students, our servicemembers, because we do market to them, we do tell them, we do attract them into military service with the promise of military benefits.

If there is no national understanding of what it means to be college career -- what it means to be career and college-ready, it's very difficult for us to ask the Department of Defense to be urging servicemembers to be career-ready and college-ready if we don't have an idea of what those standards are.

At the very minimum, we should have an understanding of what these standards are nationally.

And I applaud Mr. Jeffries for this amendment. I intend to support it, even though I'm not fully comfortable with having been able to review it thoroughly.

KLINE: Gentleman yields back.

Mr. Scott, you're recognized.

SCOTT: Thank you Mr. Chairman.

This would -- this amendment would codify meaningful standards to ensure that students who graduated from high school are in fact college ready.

It creates the growth model which has been discussed earlier and eliminates unnecessary and duplicate dip (ph) tests and assessments.

The important thing is that these standards are developed by the states, but the states are not free to lowball their standard so that anybody can walk over them.

They have to -- when people graduate from high school and meet these assessment -- meet these standards, they have to be college- ready, and the colleges have to -- have to certify that people achieving the basic minimum would be eligible for college admission without remediation.

So, I applaud the gentleman's amendment, hope that it's adopted, and yield back.

KLINE: Gentleman yields back.

Are there other members seeking recognition on Mr. Jeffries' amendment?

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Any other members seeking recognition?

If not, the chair will recognize himself.

I oppose this amendment. This amendment on college and career- ready standards is just kind of a code for requiring states to adopt national standards as a condition of Title I money.

Adoption of standards should be a state decision, not a federal decision. And that's at the core of the Student Success Act.

In fact, the Student Success Act takes a strong position against mandating such an action. It includes specific prohibitions on the secretary's authority to demand changes to state standards and influence an encouraging states into entering partnerships with other states.

So, we believe, I believe, that by requiring states to perform manual assessments and providing a report card to parents, teachers, school boards, and states, they can take the action that they deem necessary to make sure their schools are meeting the standards that they, the states, set.

So, the gentlelady's point of order is withdrawn. I encourage a no vote. Yield back.

The question occurs on the amendment.

All those in favor, say "aye."

GROUP: Aye.

KLINE: All those opposed say "no."

No.

In the opinion of the chair, the nos have it, and the gentleman's amendment is not...

JEFFRIES: Mr. Chair, I request a recorded vote.

KLINE: The gentleman requests a recorded vote.

We will roll this vote along with the others.

We are ready now for Ms. Clark apparently has an amendment.

CLARK: Thank you, Mr. Chairman.

I have an amendment at the desk.

KLINE: Thank you.

The clerk will distribute the amendment.

Dr. Foxx?

FOXX: Thank you, Mr. Chairman.

I reserve a point of order on the amendment.

KLINE: Gentlelady reserves a point of order.

Gentlelady is recognized for five minutes to explain her amendment.

CLARK: Thank you, Mr. Chairman.

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I am offering this amendment to expand access to high quality pre-kindergarten programs to millions of American families. In addition to achieving outstanding results for individual children, high quality early childhood education and care is as close to a silver bullet as we are going to find to solve our economic challenges.

Young children's brains develop at an astonishing pace. They form up to 700,000 neuropathways and 2 million synapses per second. Children's first learning experiences are critical to their visual language and social emotional development.

Skills developed at this stage are the foundational elements for language and reading proficiency: the key indicators for academic and economic success later in life.

Using these early childhood years to teach our children will benefit them for the rest of their lives and create a stronger economy for all of us.

Unfortunately, millions of American families do not have access to quality early childhood education.

Low income families are especially vulnerable, struggling to find quality care and educational opportunities for their children while they work. Even if they can find a quality program, too often they simply can't afford it.

Working parents are faced with the excruciating choice between the care that is best for their children and the job their family needs to survive.

The prohibitive cost of child care means that less than three out of 10 four year olds are enrolled in high quality early learning.

We can do better.

This amendment would establish a new federal-state partnership to provide four year old children with access to high quality pre- kindergarten programs. This would be for all families below 200 percent of the poverty line.

This amendment would already -- would also increase the funding for an already successful preschool development competitive grant program. And it will help states establish early learning standards that are aligned with their K-12 systems and promote quality programs.

Every dollar of investment in early childhood education comes back to the U.S. economy sevenfold in the form of savings and a highly skilled workforce. That's why business leaders and education leaders alike agree on the efficacy and the importance of this investment.

I think that on this committee, we can ensure that our youngest learners get the start that they deserve. I urge my colleagues to support this amendment.

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

KLINE: Gentlelady yields back.

Are there members seeking recognition on the gentlelady's amendment?

Ms. Davis.

DAVIS: Thank you.

Mr. Chairman, I'd just like to say I don't recall any time that we've had a hearing when we haven't asked our witnesses what is the one program, the one program that you would like to see that would change the course of a child's education, and it's always been early childhood, always, whether it's even our higher ed folks that we've been talking to.

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So, I think that this is the time for us to move forward with this, and I commend the lady for bringing this amendment today.

KLINE: Gentlelady yields back. Other members.

Mr. Hinojosa, you're recognized.

HINOJOSA: I want to commend -- also, I want to commend Congressman Clark for bringing this amendment on pre-kindergarten access. I have to say that I have a -- four daughters, and the youngest one is a early childhood development teacher, and works with three and four year olds.

And what I've seen going to visit her classroom, where she was selected teacher of the year for I think 38 school districts, and see how and what results they are -- have been getting during these last six, eight years, I'm amazed because you have so much of what I saw in your bill.

The teachers they have are all teachers who are certified, bachelor's degree, and some with master's.

And when I think about a visit that we made to China to just visit schools, and they -- they said to us that if we wanted to improve the competition and international competition that we had to remember that the simple formula was early reading plus writing equal success in school.

Says, you come see our three year olds and they can read. And you come see our four year olds, and they can peck on a computer.

And we are doing it now in my region. So, I think that if -- if we can see putting this into the bill that we are working on, that it would be a big hit. And I support it and hope that both sides of the aisle can find their way clear to be able to support this amendment that has been presented by Congresswoman Clark.

I yield back.

KLINE: Gentleman yields back.

Are there other members seeking recognition, let me jump to the -- to the end of the line here.

Mr. Desaulnier, you're recognized.

DESAULNIER: Thank you, Mr. Chairman.

I'd like to speak for a moment in support of the amendments. This amendment is modeled on my predecessor's Strong Start for America's Children Act. And as he looks over my shoulder at this hearing, I'd just like to support the amendment and note that the scientific justification for early childhood investment is very clear Nobel prize winning economist James Heckman found that for each dollar invested in early childhood education yields seven dollars. Hardly any other public expenditure can claim that level of return on investment.

There's remarkable consensus among the academic community about the value of these investments: recently Steven Barnett of the National Institute for Early Education Research, and the first five year fund convened over 500 leading scholars, including James Heckman, Jeffrey Sachs, and others to sign an open letter strongly supporting investments in high quality early childhood education.

Mr. Chairman, if there's no objection, I would like to introduce that letter into the record at this time.

In 2012 and '13...

KLINE: Without objection.

DESAULNIER: ... thank you sir -- more than 1.3 million American children attended state-funded pre-K: over a million of them at age four.

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Still, this only accounts for 28 percent of four year olds and four percent of three year olds. Clearly, we have a long way to go.

For this -- for these reasons, I support the amendments, and I yield back the balance of my time, Mr. Chairman. Thank you.

KLINE: Gentleman yields back.

Are there other members seeking recognition?

Seeking recognition? Ms. Wilson, you're recognized.

WILSON: Thank you, Mr. Chair.

I -- I support this amendment wholeheartedly, offered by Ms. -- Representative Clark, and I'd like to say that in the state of Florida, we have volunteered pre-kindergarten. It was required through an amendment to the state constitution.

So, the legislature did not recommend it, but we went to the streets and got signatures: enough signatures to place it on the ballot.

It was placed on the ballot and it passed with over almost 70 percent of the people of Florida.

So, pre-kindergarten is something that the people of this nation need, they want, and if given the opportunity, they will vote for it.

So since we have the opportunity here as policymakers, we should act on their behalf and vote for it, and I wholeheartedly hope that that's what we will do so every state won't have to go through what Florida had to go through to get the universal pre-kindergarten.

I yield back the balance of my time.

KLINE: The lady yields back.

Other members? Mr. Scott?

SCOTT: Thank you, Mr. Chairman.

Mr. Chairman, the underlying bill is designed to improve elementary and secondary education. It's been pointed out that the best investment you can make to achieve that goal is investing in -- in pre-K.

Pre-K, you're not going to have significant improvement in education unless you invest in pre-K. You can't wait until children are five or six years old to start their education, particularly those who are at risk.

All studies have shown that educational achievement is enhanced with quality pre-K, studies have shown the long-term benefits of these investments and increased graduation rates, reduction in crime, reduction in teen pregnancy, increase in employment, and at the same time, significant cost savings.

Previous speakers have talked about the importance of reading by the third grade and the problems that occur if you don't -- can't read by the third grade. Well, that -- well, reading by the third grade is much more likely if you've had -- if you've begun your education before kindergarten.

I want to thank the gentlelady from Massachusetts for this amendment, and hope it's adopted.

I yield back.

KLINE: Gentleman yields back. Are there other members seeking recognition? Other members seeking recognition?

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Seeing none, the chair will recognize himself.

I think there is quite a bit of agreement on the importance of early childhood care and education. I'm opposing this amendment because it creates another new massive program that will be chronically underfunded and will compete with other programs for scarce taxpayer resources.

The underlying legislation, the Student Success Act, allows states and schools to use funds allocated to the local academic flexible grant to support pre-K programs.

Before we think about investing in yet another new program, we should first examine opportunities to improve existing programs. The 2012 GAO report identified 45 -- 45 federal programs geared toward early childhood care and education, and an annual taxpayer cost of over \$13 billion.

Head Start and child care development block grant programs are two early childhood initiatives in particular that serve many of the same purposes as a universal pre-K proposal. But we need to look at those programs.

In fact, we've made important progress in that effort. Last year, the House and Senate worked together to strengthen the child care development block grant. Now we have a new law that better serves taxpayers and low income families.

And this committee will be working towards examining and reforming the Head Start program to make sure that it is doing what it is supposed to do. Let's fix existing programs before we create new ones.

So, I oppose this amendment, support the underlying bill, and with that I yield back.

Question occurs on the amendment.

All those in favor say "aye."

All those opposed say "no."

No.

In the opinion of the chair, the nos have it, and the gentlelady's amendment is not agreed to.

CLARK: Mr. Chairman?

KLINE: Yes.

CLARK: I ask for a recorded vote.

KLINE: Gentlelady requests a recorded vote.

Pursuant to Rule 13(b) of the committee and House Rule 11-2(h), and as we have doing all day, further proceedings of this amendment shall be post-poned.

Apparently, Ms. Adams has an amendment. Is that correct?

ADAMS: Yes, Mr. Chair.

KLINE: The clerk will distribute the amendment.

OK. The gentlelady is recognized for five -- I'm sorry, Mr. Salmon.

The gentleman reserves a point of order.

Ms. Adams, you're recognized for five minutes to explain your amendment.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

ADAMS: Thank you, Mr. Chair.

Thank you, Ranking Member Scott and members of the committee.

I'd like to take this opportunity to speak about my amendment to provide students with a well-rounded education.

One of the biggest criticisms we've heard about No Child Left Behind is that it created a culture of teaching to the test.

Teaching to the test has the obvious effect of limiting students' exposure to a curriculum, but what may not have been so obvious is the detrimental impact on learning.

Now, curriculums have led to declines in higher order thinking, complex problem solving, and high cognitive content in curriculum.

My amendment would change this by providing a funding stream for the verse (ph) well-rounded education. Specifically, it would create competitive grants dedicated to programs that focus on social studies, economics, foreign language, and writing.

We live in a global economy that requires our students to be prepared, to think both critically and creatively to solve complex problems. We can all agree that a strong foundation in core subjects like reading and math are important, but alone, are insufficient for lifelong success.

To ensure lifelong success, we have to move beyond a narrow curriculum and adequately prepare our students, and we must invest in a well-rounded education that provides access to subjects like history and foreign language and arts education.

As an arts educator myself, I'm a living testament to the role that art plays in one's ability to succeed in other subject areas. Studies have shown that students from low socioeconomic backgrounds, English language learners, and students with special needs often under-served in public schools, show the greatest relative improvement in academic achievement when participating in the arts.

Including arts education also has a positive impact on whole school reform initiatives at the elementary and middle school level. When arts are integrated into curriculums, there is a positive impact on student performance in math and reading standardized tests that do not detract from student test scores in other subjects.

It's clear that in order to equip our students for success that we must ensure that they have access to educational experiences that span a spectrum of subjects, so I'm proud to have the opportunity to offer this amendment that addresses the concerns of the people on the front lines of the fight for a quality education.

Unfortunately, H.R. 5 does not address this concern, so I urge my colleagues to support this common-sense amendment.

I yield back, Mr. Speaker.

KLINE: Gentlelady yields back.

Are there members seeking recognition on the gentlelady's amendment?

Members?

Ms. Bonamici.

BONAMICI: Thank you very much, Mr. Chairman.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

And I -- I want to thank our new member, Representative Adams, for bringing forward this important amendment to help raise awareness about the importance of a well-rounded education.

The Student Success Act and the substitute amendment do not emphasize the importance of arts education, foreign language programs, civics, geography, financial literacy, and so many things that keep students engaged in schools that help them be critical thinkers.

And it's really important for us to make sure that we're sending that message that all students have a chance -- should have a chance to discover something that helps them become a well-rounded student and a well-rounded citizen, and really fall in love with learning.

Strained budgets and over-emphasis on tested subjects have spurred some school districts to narrow curriculums, so I'm glad that we've had some great discussions about throwing out the part of No Child Left Behind. Hopefully, we'll get rid of the part that is focused on punishments and punitive results from single test scores.

But I'm concerned that too many schools facing tough financial choices won't understand the priority that should be given to well- rounded education, so I support this amendment, even though I think we're waiting to get all of it. We only got the odd-numbered pages, and I actually would like to read it before I vote on it, so I think somebody's getting us the whole thing.

But I do support this amendment. I know it's in the Democratic substitute that I look forward to voting for as well.

So all -- of all the students in this country deserve a broad, enriching curriculum. Not just some of our students: all of them.

This is going to help raise awareness about getting back to a well-rounded education that, again, will help keep students in school and fall in love with learning.

So, thank you again to Representative Adams for introducing this amendment, and I yield back the balance of my time.

KLINE: Gentlelady yields back.

Other members seeking recognition?

Any other members seeking recognition?

Mr. Grothman.

GROTHMAN: A couple quick comments.

First of all, very tempting to support this. I see you want more money for civic education. After hearing so many people who think the federal government ought to be running our education system, I do think it might be a good idea to add more civic education. But, then I remind myself: it's not our business. Other states can have -- pay for more themselves, and they aren't borrowing 14 percent of their budget.

But finally, pre-school education is not a panacea at all under any circumstances. You should look at Goldwater Institute, Darcy Olsen, look up pre-school. Doesn't work. Our problem is in the high schools. Thanks.

KLINE: Gentleman yields back.

Are there other members seeking recognition?

Other members? Any other member seeking recognition?

If not, the chair would recognize himself.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

This amendment, and by the way, the point of order is withdrawn, this amendment comes at a cost of some \$250 million a year, so we're putting new programs in and new money in and new federal involvement at exactly the wrong time.

So, I would encourage my colleagues to vote no on the amendment, and yes on the underlying bill.

The question occurs on the amendment.

All those in favor, say "aye."

All those opposed, say "no."

No.

In the opinion of the chair, the nos have it, and the gentlewoman's amendment is not agreed to.

(UNKNOWN): Mr. Chair?

KLINE: Yes.

(UNKNOWN): I want to request a recorded vote.

KLINE: Gentelady requests a recorded vote. It will be rolled until we finish going through the amendments.

Mr. DeSaulnier has an amendment, I'm told. If that's the case, the clerk will please distribute the amendment.

DESAULNIER: Thank you, Mr. Chairman. I do have an amendment at the desk.

(UNKNOWN): (OFF-MIKE)

KLINE: The gentleman reserves a point of order.

DESAULNIER: Thank you, Mr. Chairman.

KLINE: Hang on just a minute, just a minute, please. I haven't seen this amendment yet -- well, I can see it now. It's fairly hefty, quite hefty. OK. The gentleman is recognized for five minutes to explain his amendment.

DESAULNIER: Thank you, Mr. Chairman. I've been working on it all evening.

This amendment would insert Title IV of the Democratic substitute into H.R. 5, which creates dedicated funding streams for comprehensive wraparound services to be administered for those in need.

Wraparound is a philosophy of care with defined planning processes used to build constructive relationships and support networks among students and youth with emotional or behavioral disabilities and their families.

It is community-based, culturally relevant, individualized, strength-based (ph), and family-centered. Multiple research studies have shown specific outcomes of this kind of investment on wraparound services, conclude that we had fewer days on runaway and incarcerated youths in this country.

We had more positive outcomes on school attendance, school disciplinary actions, and grade point average, improved behavior and compliance, peer interactions, physical aggression, alcohol and drug use, and extreme verbal abuse.

These programs have been in effect in many communities around the country, and I will attest, as a former juvenile probation officer and as a policy-maker in California that this is a wise investment for young people who have difficulties.

And I would ask for your support. I yield back, Mr. Chairman.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

KLINE: The gentleman yields back. Are there members seeking recognition?

Mr. Scott.

SCOTT: Thank you, Mr. Chairman.

And I rise in support of the amendment. These learning centers can go a long way in making sure the children get a decent education. These schools are there 24 hours. And after 3:00 in the afternoon they're not used, these centers ought to be used.

And children growing up in high poverty areas need more than they get just in the classroom during school hours. These centers will enable children to get out of the cradle-to-prison pipeline, and into the cradle-to-college-and-career pipeline with the services needed.

Mr. Chairman, I'd particularly note that the Youth Promise Act is a part of this amendment. It provides for services on a locally tailored, comprehensive basis to get young people on the right track and keep them on the right track.

All of these programs have been shown to reduce crime, increase graduation rates, and save a lot more money than they cost. And so, Mr. Chairman, I would hope we would adopt the amendment.

KLINE: The gentleman yields back. Are there other members?

Ms. Bonamici.

BONAMICI: Thank you, Mr. Chairman.

And I want to thank my colleague for introducing this amendment. It seems like quite a long time ago, but this morning I believe Congressman Barletta was talking about the importance of the 21st Century Community Learning Centers.

And the extended learning opportunities that help bridge the gap from any of our students serve a very important role. And, again, as Ranking Member Scott said, investing in these types of wraparound services and making these opportunities available to students is a good investment that saves us down the road.

When we keep more kids engaged in school, when we get them involved in learning, and have these opportunities for them, and to use our school buildings as community learning centers, it's a win-win for our communities.

So thank you for bringing this amendment forward. And I yield back the balance of my time.

KLINE: The gentlelady yields back. Are there other members seeking recognition?

Any other members seeking recognition on Mr. DeSaulnier's amendment?

Hearing none, the chair will recognize himself. I think amendment is another example of putting Washington priorities ahead of local leaders. This comes in at a cost in the afterschool program of \$1.2 billion, and then such sums for the school's safety, however many such sums are.

In the underlying bill, if a district believed this is an issue that needs to be addressed, they can use their flexible block grant money for that purpose. So I oppose this amendment and urge support of the underlying bill.

The question occurs on the amendment, all those in favor say aye.

CROWD: Aye.

KLINE: All those opposed say no.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

CROWD: No.

KLINE: In the opinion of the chair, the no's have it.

DESAULNIER: Mr. Chairman?

KLINE: Yes.

DESAULNIER: To be consistent, I would like to record a -- request a recorded vote.

KLINE: Consistency is not required here. But we will...

(LAUGHTER)

DESAULNIER: I just thought I'd try.

KLINE: Indeed. The gentleman has requested a recorded vote. And we will roll that with the others.

Now Mr. Polis has an amendment.

POLIS: I have an amendment at the desk.

KLINE: The clerk will distribute the amendment.

(UNKNOWN): Mr. Chairman.

KLINE: Gentelady.

(UNKNOWN): I reserve a point of order on the amendment.

KLINE: The Gentelady reserves a point of order.

The gentleman is recognized for five minutes to explain his amendment.

POLIS: Thank you, Mr. Chairman.

Every day students who are gay or lesbian or bisexual or transgender or even just perceived to be lesbian, gay, bisexual, or transgender, are subject to harassment, bullying, intimidation, and violence.

It's harmful for the kids. It's harmful in creating a public education system that truly serves all learners.

Surveys indicate that as many as nine and 10 LGBT students have been bullied. While **federal** civil rights statutes expressly address discrimination on the basis of race, color, sex, religion, disability, or national origin, they don't include sexual orientation or gender identity.

As a result, LGBT students and parents often had limited legal recourse for this kind of discrimination, and sometimes find teachers or administrators that are unwilling to help them.

The Student Non-Discrimination Act, a bipartisan bill I introduced with Ranking Member Bobby Scott and Congresswoman Ileana Ros-Lehtinen, and represented in this amendment, would establish a comprehensive **federal** prohibition on discrimination in public schools based on actual or perceived sexual orientation or gender identity.

SNDA would provide protections for LGBT students to ensure that all students have access to a safe public education and a safe learning environment free from intimidation and violence.

I'm proud to say this amendment is supported by many civil rights groups and education groups, including the NEA, AFT, the Human Rights Campaign, National Women's Law Center, and ACLU, among many others.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

In addition to the many tragic news reports showing the dangers of bullying and harassment against LGBT youth, several academic and government studies have also objectively confirmed the need for action.

POLIS: According to the CDC, for instance, quote, "Negative attitudes towards lesbian, gay and bisexual people put these youth at increased risk for experiences with violence compared with other students," end quote.

A nationally representative study of kids in grades 7 through 12 found that lesbian, gay and bisexual youth were more than twice as likely to have attempted suicide than their heterosexual peers.

According to the 2009 National School Climate Survey, LGBT students were more likely than their non-LGBT peers to feel unsafe or uncomfortable or in danger at school by 61 percent. So clearly, we need to take action.

There's an increasing bipartisan consensus that regardless of what people think about the hot-button issues with regard to LGBT rights, whether you do or don't think that the government should allow gay people to marry, you know, this is something I hope we can all agree on. Schools are there to serve all learners. It doesn't mean you like the way they are or you don't. You may not like their religion. They may be atheist kids or maybe Christian kids, there may be Muslim kids. We serve them all. Maybe kids with disabilities, maybe kids of different ethnicities and races, you know, it doesn't matter. The public schools are there to serve everybody. So I hope we don't play out our, you know, social prejudices and arguments on the kids in school because it truly doesn't matter, this context, whether you think that they ought to be able to have their marriages accepted by the government. Here it's simply about should they be able to go to school free of the fear of intimidation, and every child has that right as an American.

We need to make a lot of progress on this. I think that we've reached a time in our country where LGBT kids, while they're still subject to discrimination, there's a national -- an increasing national consensus that we need to take the steps necessary to ensure that our schools are safe learning environments for every child.

I urge my colleagues to support this bipartisan, common-sense amendment to help make sure that all students have access to a quality education that's free from discrimination and harassment, and I yield back.

KLINE: Dr. Foxx?

FOXX: Thank you, Mr. Chairman.

I abhor any kind of discrimination or any kind of intimidation. However, Mr. Chairman, I make a point of order that the amendment violates Clause 7 of House Rule 16.

KLINE: The gentlelady makes a point of order.

POLIS: Mr. Chairman?

KLINE: The chair is prepared to rule. Yes, Mr. Polis?

POLIS: I'd like to be heard on the point of order, if I can briefly.

KLINE: I will get to you.

POLIS: Thank you.

KLINE: The chair is prepared to rule. After discussion with the Parliamentarians, germaneness is construed narrowly in order to support informed consideration of legislation. On this basis, the chair finds that the amendment is beyond the scope of the bill, which addresses improving elementary and secondary school education. The amendment is a proposition on a matter different from that under consideration within the meaning of Clause 7 of Rule 16 of the Rules of the House of Representatives. Therefore, the amendment is not germane. The point of order is sustained. The amendment is not in order.

I assume you'd like to appeal.

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POLIS: Mr. Chair, I'd like to appeal the ruling of the chair and to be heard on the point of order.

KLINE: The gentleman's recognized.

POLIS: Thank you.

SENDA (ph) was referred solely to this committee, so it was not referred at all to the House Judiciary Committee, only to the Committee on Education and Workforce. Now if I understand the basis for the point of order claim, it's that SENDA (ph) could potentially be in the Judiciary's jurisdiction because it could create a cause of action. But because the cause of action is incidental to the bill, all it does is enforce the education policies in the legislation, just as we do for race and gender and other protected classes.

If the chair will look at other similar bills that change some law in the jurisdiction of a committee other than Judiciary, but create a cause of action solely for the purpose of enforcement, you'll find that these bills are typically not referred to Judiciary upon introduction. If they were, that committee would have most of the bills in Congress.

I know the Office of the Parliamentarian will also confirm this because we checked as well. When it was first introduced, pursuant to House Rule 2, the Student Nondiscrimination Act was referred by the speaker, as all bills are, quote, "in such a manner as to ensure to the maximum extent feasible that each committee's jurisdiction under Clause 1 of Rule 10 over the subject matter of a provision," end quote.

Under House Rule 12-C, 1 through 3, the speaker may refer a bill simultaneously to two or more committees, which often occurs for concurrent consideration. While indicating that one committee is primary, and other committees have secondary. But here, the speaker only referred SENDA (ph) to one committee, the House Education and Workforce Committee. Because the speaker didn't refer it simultaneously to the House Judiciary Committee, or even divide the matter for referral to the House Judiciary Committee, I think that there's not really an issue of germaneness here.

More importantly, the protections in SENDA (ph) mirror protections for other students that receive services covered in ESEA and the language fits appropriately into ESEA. And it really, according to the precedents of the Rules of the House, there's eight tests for germaneness and there's a strong argument that SENDA (ph) mirrors the protections that are found in ESEA and passes each one of them.

Mr. Chair, I'd like you to ask the unanimous consent to submit to the record the arguments for the eight tests of germaneness.

KLINE: Without objection, you can submit them.

POLIS: And I'll yield back the balance of my time.

KLINE: Thank you.

The gentleman has yielded back. The point of order is sustained. The amendment is not in order.

(UNKNOWN): Point of parliamentary inquiry.

KLINE: State your parliamentary inquiry.

(UNKNOWN): Is your ruling based on an opinion of the House Parliamentarian?

KLINE: Yes. We have discussed this with the House Parliamentary when we saw what the amendment was, and that's what I've said in my remarks.

(UNKNOWN): Can I call to question on the appeal of the ruling of the chair?

(UNKNOWN): Mr. Chairman, I move to table the appeal.

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KLINE: The vote occurs on the motion to table. All those in favor of the motion to table the gentleman's appeal, say aye.

Those opposed say no.

The opinion of the chair, the ayes have it and the motion to table is agreed to.

POLIS: Mr. Chair, I request a roll-call vote on that.

KLINE: The gentleman requests a roll-call vote.

Clerk will call the roll.

CLERK: Mr. Kline?

KLINE: Aye.

CLERK: Mr. Kline votes aye.

Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes aye.

Mrs. Foxx?

FOXX: Aye.

CLERK: Mrs. Foxx votes aye.

Mr. Hunter?

HUNTER: Aye.

CLERK: Mr. Hunter votes aye.

Mr. Roe?

Mr. Thompson?

THOMPSON: Aye.

CLERK: Mr. Thompson votes aye.

Mr. Walberg?

WALBERG: Aye.

CLERK: Mr. Walberg votes aye.

Mr. Salmon?

SALMON: Aye.

CLERK: Mr. Salmon votes aye.

Mr. Guthrie?

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GUTHRIE: Aye.

CLERK: Mr. Guthrie votes aye.

Mr. Rokita?

Mr. Rokita votes aye.

Mr. Barletta?

Mr. Heck?

Mr. Heck votes aye.

Mr. Messer?

Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes aye.

Mr. Brat?

Mr. Brat votes aye.

Mr. Carter?

CARTER: Aye.

CLERK: Mr. Carter votes aye.

Mr. Bishop?

Mr. Bishop votes aye.

Mr. Grothman?

Mr. Grothman votes aye.

Mr. Russell?

RUSSELL: Aye.

CLERK: Mr. Russell votes aye.

Mr. Curbelo?

CURBELO: Aye.

CLERK: Mr. Curbelo votes aye.

Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes aye.

Mr. Allen?

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ALLEN: Aye.

CLERK: Mr. Allen votes aye.

Mr. Scott?

SCOTT: No.

CLERK: Mr. Scott votes no.

Mr. Hinojosa?

HINOJOSA: No.

Mr. Hinojosa votes no.

Mrs. Davis?

Mr. Grijalva?

GRIJALVA: No.

CLERK: Mr. Grijalva votes no.

Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no.

Ms. Fudge?

FUDGE: No.

CLERK: Ms. Fudge votes no.

Mr. Polis?

POLIS: No.

CLERK: Mr. Polis votes no.

Mr. Sablan?

Mr. Sablan votes no.

Ms. Wilson?

Ms. Wilson votes no.

Ms. Bonamici?

Ms. Bonamici votes no.

Mr. Pocan?

POCAN: No.

CLERK: Mr. Pocan votes no.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Takano?

TAKANO: No.

CLERK: Mr. Takano votes no.

Mr. Jeffries?

JEFFRIES: No.

CLERK: Mr. Jeffries votes no.

Ms. Clark?

CLARK: No.

CLERK: Ms. Clark votes no.

Ms. Adams?

ADAMS: No.

CLERK: Ms. Adams votes no.

And Mr. DeSaulnier?

DESAULNIER: No.

CLERK: Mr. DeSaulnier votes no.

KLINE: The clerk will call the names of those members who have not yet voted.

CLERK: Mr. Roe, Mr. Barletta, Mr. Messer, Mrs. Davis.

KLINE: How is Mr. Messer recorded?

MESSER: Aye.

CLERK: Mr. Messer votes aye.

KLINE: The clerk will report the -- wait, wait, wait. Not so fast. How is Mr. Barletta recorded?

BARLETTA: Aye.

CLERK: Mr. Barletta votes aye.

KLINE: Now the clerk will report the total.

CLERK: Mr. Chairman, 21 members vote aye, 15 members vote no.

KLINE: The ayes have it and the motion is tabled.

SCOTT: Mr. Chairman?

KLINE: Mr. Scott?

SCOTT: Mr. Chairman, in light of the fact that no warning was given on this vote, I'd ask that the members who may not have voted have the courtesy of inserting their vote, so long as it doesn't change the outcome when we have the roll votes.

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KLINE: We will do that in keeping with what is now a relatively longstanding practice in the committee.

SCOTT: Thank you, Mr. Chairman.

KLINE: Ms. Fudge, do you have an amendment?

FUDGE: (Inaudible) amendment at the desk.

KLINE: Clerk will distribute the amendment.

Mr. Salmon?

SALMON: (OFF-MIKE)

KLINE: Gentleman reserves a point of order.

Gentlelady is recognized for five minutes to explain her amendment.

FUDGE: Thank you, Mr. Chairman.

Mr. Chairman, my amendment would provide mandatory funding through 2021 for ESEA Title 1 targeted grants, education finance incentive grants, IDEA Part B and preschool education grants. These programs all provide vital funding for our nation's student from pre-K through high school graduation. By passing the amendment, this committee would make a strong investment in our students who need the dollars the most by requiring mandatory funding for these programs.

Funding for K-12 education has been cut and squeezed for years by all levels of government. Specifically at the federal level, overall funding for ESEA programs is \$807 million below the fiscal year 2012, pre-sequester level, and \$1.7 billion below the F.Y. 2010 level.

Between now and F.Y. 2021, the National Center for Education Statistics projects that public school enrollment will increase by more than 2.2 million students. According to the Census Bureau, public school funding, and that being both federal and state combined, has declined in fiscal year 2012 for the first time since 1977. And the Center on Budget and Public Policy Priorities found at least 30 states are providing less funding per student for the 2014-15 school year than they did before the recession.

If it is truly this committee's desire to prepare our nation's students for the jobs of the 21st century, then we must provide mandatory funding for these important programs. In Title 1, No Child Left Behind set the final year, which was F.Y. 2007, authorization at \$25 billion. Compared to the current F.Y. '15 funding of \$14.4 billion, that is a negative gap of \$10.6 billion.

For IDEA, the underlying assumption of a statute is that, on average, the cost of educating children with disabilities is twice the average cost of educating other children. Congress determined the federal government would pay up to 40 percent of this, what they all excess cost, which is referred to as full funding. However, the federal share has remained less than half of the federal commitment. The current federal share is just under 16 percent and has declined since its high point in F.Y. 2005.

My amendment would provide a mandatory stream of funding on top of the yearly appropriations for Title 1, IDEA and preschool. For Title 1, the mandatory amount would be \$2 billion per year each for targeted grants and education finance incentive grants, both of which are directed to schools with the highest concentrations of poverty. It would provide the same amount for IDEA, which would increase the federal share per student by \$286 in F.Y. 2016, raising the federal share to almost 19 percent. It would also provide mandatory funds to states to support the implementation of high-quality preschool programs.

I encourage my colleagues to support this amendment. Its passage would demonstration just how serious this committee is about investing in the education of our future leaders.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

I yield back.

KLINE: The gentlelady yields back.

For the member (inaudible) Mr. Polis.

POLIS: I strongly support this amendment by Ms. Fudge. And a little history here with regard to the IDEA funding. The federal government has never lived up to its promise to fully fund IDEA at 40 percent. That was the agreement in the 1970s. And Ms. Fudge's amendment will finally rectify that wrong.

As the result of our failure here in Washington to deliver on funding, what is fundamentally a federal mandate without the funding that goes along with it, it takes away district funds from other activities and sets up a very unhealthy dynamic in the district where parents feel they're fighting against one another. Districts sometimes feel and parents feel, oh, why are the special ed kids getting this resource? Is it taking away from this other resource? We can end that by simply passing this amendment and living up to the promise that the federal government initially made to the states and I strongly support this amendment.

And I yield back.

KLINE: The gentleman yields back.

Are there other members wishing to be heard on the gentlelady's amendment?

Hearing none, the chair will recognize himself.

Members who have been on this committee for some years have heard my frustration come through on more than one occasion that the administration, Republican or Democrat, and the Congress, Republican or Democrat, has not been willing to step up and fund this critical need of IDEA. I am continuing to push that. If we can get the appropriations bills into regular order, I am very confident that we can start to increase that funding. It was very frustrating to me when we got to almost 19 percent, that's as high as we got, I think as the gentlelady and gentleman pointed out, and now we've slid back down to about 16 percent.

The president's budget -- I think Ms. DeLauro called his addition to IDEA budget dust in the last few years. I think that's a very apt description. We are working on increasing that IDEA funding. It is a matter of setting priorities and I think we need to underscore the priority.

Mandatory spending is problematic for a number of ways. It creates a new entitlement. But specifically, if this amendment were adopted, the Student Success Act itself would be subject to a point of order on the floor. Clause 10 of House Rule 21 provides it shall not be in order to consider legislation that has the net effect of increasing mandatory spending.

So I'm going to oppose the gentlelady's amendment and join in her passionate demand that we step up and meet the commitment that was made many, many years ago when IDEA was passed for the federal government to provide 40 percent of the funding.

By the way, the gentleman's point of order is withdrawn.

I yield back.

Question occurs on the gentlelady's amendment. All those in favor, say aye. All those opposed, say no.

In the opinion of the chair, the no's have it and the gentlewoman's amendment is not agreed to.

FUDGE: Mr. Chairman, I request a recorded vote.

KLINE: A recorded vote has been requested and we will roll that request.

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Mr. Scott, I think we're to the -- this could be the last amendment, and it's yours.

SCOTT: Mr. Chairman, I have an amendment at the desk.

KLINE: Clerk will distribute the amendment.

We're recognizing that this is the Democrat substitute and it's somewhat -- therefore, somewhat bulky and will take a minute. I'm certainly not going to take a minute to read it. I will just recognize the gentleman for five minutes to explain his amendment.

SCOTT: Thank you, Mr. Chairman.

The amendment before us is the substitute for the underlying bill that is needed because H.R. 5 in its current form retreats from the most important principles of ESEA and abandons our commitment to a high-quality education for all children and for taking the American public education back decades.

The Democratic substitute seeks to address fundamental flaws within the Republican bill through sound, evidence-based policies. Unlike H.R. 5, our substitute builds upon the lessons of the last 13 years to bring our public education into the 21st century to ensure that all students are ready for the global economy. It achieves this by first and foremost upholding our civil rights responsibilities to ensure that all students receive a high-quality education, regardless of income, race, language or disability status, requiring all states to set high and meaningful standards for all students. We want them to be college and career ready when they graduate and ensure that there is no need for remediation when they move into post-secondary education. We cannot go back into a time when states were allowed to mask performance of students using weak accountability systems. Our substitute requires institutions of higher education do affirm that these standards are high-quality and ambitious so that any standard set by states are substantive and truly prepare our students.

The substitute continues our progress towards more equitable schools. Our substitute requires timely and meaningful data on student outcomes, such as growth, achievement and graduation rates, desegregated by income, race, ethnicity and disability. Again, we cannot go back to a time when achievement of our most at-risk students was hidden.

The Democratic substitute, unlike H.R. 5 expects and requires accelerated progress from student groups who are furthest from college and career readiness.

The Democratic substitute prioritizes evidence-based strategies for school interventions. It holds schools responsible for the success of all students by strengthening state-driven accountability and school improvement systems informed by local needs and evidence-based strategies. It requires states and districts to undertake real steps toward remedying resource inequities and supports struggling schools in improvement by using equity indicators, such as access to AP courses, the level of student engagement, reduction in disciplinary actions, in addition to measures of student achievement in accountability systems.

The system also supports teachers and principals by providing such needed funding to ensure that our teachers have the tools and resources they need to do their jobs. It also provides teachers and school leaders with access to targeted, professional development and time to collaborate with one another in -- to support student success.

Mr. Chairman, it also restores separate funding for English-language learners because we know that these children need direct support. One of the fastest growing segments of student population in our nation -- in our nation must be given safeguards to distinct funding stream for these children. Provides dedicated funding for supports and programming we know make a difference, early childhood education, STEM education, literacy, family engagement, the arts, wraparound services and school/community partnerships. And unlike the underlying bill, our substitute targets these funds to communities who need it most.

The substitute also addresses concerns around much -- around the much-needed test -- around testing by providing states support to review the quality of their tests and eliminate unnecessary tests.

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The substitute targets funding where it is needed the greatest, while improving access to and oversight of those resources by demanding results from states and districts.

At its core, ESEA is a civil rights law. The law is meant to guarantee children, regardless of their background or zip code, equal access to a well-rounded, world-class education. The Democratic substitute makes sure we uphold that responsibility. The ESEA reauthorization, as proposed in our substitute, would continue to target limited federal funds to our most at-risk students, poor, minority, limited English proficiency students and students with disabilities, while focusing on improved outcomes for all students. This is in stark contrast to the underlying bill, which changes -- which reduces resources for low-income students and increases funding for wealthy students.

Mr. Chair, if that is the solution, then the underlying bill -- we, again, wonder what the problem may have been.

Mr. Chairman, we view the problem as not enough resources available for low income, poverty -- in low-income areas and that's why we focus our attention and resources to those areas.

But of all of these policies in the amendment, the high standards for student success, strong state-driven accountability and improvement system, support for teachers and administrators, increased local flexibility are critical to improving American public education. We can bring none of them to bear without increased federal support. We cannot address the need for resource equity without resources. The American public education system offers and we must continue to offer an equal opportunity for all children. Every child in this country deserves a quality education, one that prepares them for lifelong success. To put our nation's children first, I urge my colleagues to vote yes on the Democratic substitute to H.R. 5.

And I yield back.

KLINE: Gentleman yields back.

Are there other members seeking recognition?

Mr. Hinojosa, you're recognized for five minutes.

HINOJOSA: Thank you, Mr. Chairman.

I rise in strong support of the Democratic amendment to the amendment in the nature of a substitute for H.R. 5.

Unlike the Republican bill, the Democratic amendment upholds key civil rights and equity protections for all students while providing reasonable flexibility. Unlike the Republican bill, the Democratic amendment restores a commitment to accountability and school improvement by requiring standards and assessments.

Having protections in place to ensure that schools improve and prepare students for college and careers and authorizing the education funding levels needed to support student success. The Democratic amendment calls for states to use equity indicators in identifying schools and supporting improvement activities reported at the state and local level.

These equity indicators include academic learning, school discipline, access to advanced courses and the arts, as well as measures of resource equity, educator quality, advancement and school discipline rather than just test scores to measure the progress of the schools in improvement.

I'm especially pleased that the Democratic amendment authorizes a new program to expand early college high schools. In Texas, early college high schools are succeeding in preparing students for college. In fact, early college high schools have improved high school graduation rates and college completion for Latinos and economically disadvantaged students in South Texas.

Unlike the Republican bill, this Democratic amendment reinstates a dedicated funding stream and performance targets for English learners. In addition, the Democratic amendment increases the authorization level for Title III to \$1 billion to ensure that English learners receive the support they need.

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In Texas alone, there were approximately 900,476 English language learners enrolled in public schools this last school year. This Democratic amendment responds to the concerns of parents, of educators and community stakeholders regarding the narrowing of the curriculum under No Child Left Behind. In a 21st century economy, students need to be competent readers and writers and have access to a well-rounded education.

Unlike the Republican bill, the Democratic amendment promotes a well-rounded education by funding programs such as film education, comprehensive literacy and the performing arts as well as physical education and other areas.

The Democratic bill recognizes the critical role that parental and family engagement plays in closing the achievement gap. More than 30 years of research demonstrated that when families are engaged, we see an increase in student achievement, in graduation rates and attendance. For this reason, I am pleased that this Democratic amendment increases funding for family engagement through parental involvement from one percent to two percent.

Finally, the Democratic amendment improves upon services to foster students, updates the dropout prevention program, improves the Magnet School program and provides funding for full service community schools.

This Education Committee and the Congress have a moral obligation to improve our nation's public schools and help all students including our most vulnerable children succeed in a 21st century economy and workforce.

So, with this in mind, I urge my colleagues to modernize the Elementary and Secondary Education Act by voting yes for the Democratic amendment. I yield back.

KLINE: The gentleman yields back. Other members?

Ms. Fudge, you're recognized for five minutes.

FUDGE: I thank you, Mr. Chairman.

Mr. Chairman, the Democratic substitute offer today is the ESEA reauthorization our students and families need and deserve. It ensures that all students have access to a world-class education. States set high standards and goals to ensure their students graduate and there are strong accountability measures that support students and their families.

Education is our nation's great equalizer, opening the doors of opportunity for all. A recent study released by the Southern Education Foundation found that 51 percent of our nation's public school students are low income students who qualify for free and reduced price lunches. Research shows children in poverty often enter school academically behind other students and struggle to catch up.

The Democratic substitute amendment stays true to ESEA's original guiding principle -- equity in education for all of America's children regardless of their background or zip code. I am pleased the Democratic substitute includes aspects of my bill, H.R. 193, the Core Opportunity Resources for Equity and Excellence Act of 2015 better known as the CORE Act.

Specifically, it requires states to set improvement indicators on which they will grade every school in the state. These indicators include student engagement, quality of instruction and percentage of students taking college preparatory curriculum among other factors.

The state report card would report all indicators by subgroup. In addition to incorporating aspects of the CORE Act the substitute amendment protects Title I dollars ensuring the funds stay in the school districts which need them the most.

The substitute also strikes the proper balance between the federal and state role in education. It assures sure states require local districts to provide a high quality education to all students by having states set college and career-ready standards and it says how well students meet those standards.

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If a student group is not succeeding, the Democratic substitute requires local districts to take action. State and school district efforts to eliminate duplicative and unnecessary assessments are supported and states are required to set a cap on the percentage of instructional time devoted to test administration.

Further, the Democratic substitute ensures students receive a well- rounded education through the creation of comprehensive STEM and literacy programs for students in preschool through grade 12.

The importance of after school programming through the 21st century community learning centers program is also highlighted in the substitute. This program helps to ensure students have a safe place to go after school while providing tutoring and extra academic support.

Our amendment ensures the long term success of our nation's students. It provides equal educational opportunities for all children regardless of race, ethnicity, income, language or disability. It provides students and their families with the type of education every child deserves.

The substitute helps to ensure that poverty does not determine a student's learning experience and academic outcome. And education in America does indeed open the doors of opportunity for all students.

I am proud to support this alternative to H.R. 5 which I believe is the true Student Success Act. I yield back.

KLINE: The gentlelady yields back. Are there other members seeking...

Mr. Polis, is that a hand? Mr. Polis, you're recognized.

POLIS: Thank you, Mr. Chairman.

You know, no bill is going to be perfect. But I do believe that if we can pass this substitute amendment it'll be much better to work with on the floor of the House on all accounts than the Republican version for a number of reasons, really getting into making accountability work, this Democratic substitute is a step towards making accountability work, meaning standards need to be meaningful, certified by institutions of higher education in each state so that high school graduates are college or career ready.

The Republican bill takes a step back from that and it provides an incentive for states to, again, define success downward. The Democratic bill has a cap on the exemptions for special ed for alternative testing. The Republican bill does not and opens the door for districts and states to test all of their IDEA kids to a different set of standards than they do other kids, which is why the communities of advocates for those with disabilities universally oppose the Republican bill.

With regard to changing what doesn't work in public education, the Democratic bill makes sure that school turnarounds and investments and improving the quality of schools are backed by data and work. There's really no data backstop on the Republican plan. It would allow changes as superficial as changing the color of the walls rather than data-proven methods for improving the quality of education in failing schools that often serve our most at-risk population.

With regard to the third criteria, expanding what works in public education, I'm glad to see that the Democratic substitute includes Mr. Sablan's amendment, the innovation in education or i3 program using our limited federal resources to fund what works across school districts to serve more kids and also has much of the charter school language that passed the House on a bipartisan basis and is reflected on both bills.

Now, I do have issue with some of the charter school language in the Democratic substitute that I hope to work with the Democratic committee before we go to the floor, not because it's wrong language, it's just because it should apply to all schools. So, when we're talking about something like conflict of interest for instance or audits, I hope that we as Democrats, I hope the Republicans as well believe that conflicts of interest can be a problem.

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It's a problem if there's a school board and all of a sudden the president of that school board's spouse or brother gets the contract on the school bond that the president put on the ballot. It's a problem if the school principal has a, you know, gives a contract in the school for their kid.

It's a problem in a charter school if that charter school, board members are hiring their friends or relatives in the same exact way. And there is a record of problems in every kind of American school with regard to conflict of interest.

By the way, I'm proud to report that they are relatively rare. You know, these instances occur but the fact that they're newsworthy, the fact that occasionally people are prosecuted means that they are not the norm. But I think we have a -- we should be vigilant in our diligence in protecting conflicts of interest.

So, I hope to work with the Ranking Member and the committee to make sure that we come up with language that meets the legitimate concerns that Mr. Takano raised but makes sure that they're done in a way that doesn't stigmatize a particular kind of public school and it should apply uniformly to all public schools and I'm confident that we can do that.

I look forward to continuing to work with the committee on that language but, again, this Democratic substitute is a framework that can be made to work for moving the quality of access to public education forward for all of our students in our country. I strongly urge the committee to adopt this substitute instead of the original bill. And I yield back the balance of...

(UNKNOWN): I yield 30 seconds to the gentleman from Virginia.

BRAT (?): Thank you, Mr. Chairman. And I thank the gentleman for his comments but I also want to emphasize that the main difference between the substitute and the underlying bill is our focus is on the high poverty areas and the underlying bill takes money from the high poverty areas and gives it to the wealthy areas and that is inconsistent with the history of ESEA. Thank you.

(UNKNOWN): Thank you. And even if -- even if everything else was right, I agree with the gentleman from Virginia, that is a non-starter. So, even if -- even if they got the other stuff right which they didn't, that fact that they'd be shifting resources from our poorest areas to wealthier areas is certainly a non-starter for me and I think for many of our members of our committee.

KLINE: The gentleman yields back. Are there other members seeking recognition, Ms. Wilson?

WILSON: Thank you, Chairman Kline and Ranking Member Scott.

I'm glad to be here to speak in support of the Democratic amendment and the nature of the substitute for this bill. This reauthorization is long overdue. We all know firsthand No Child Left Behind is in desperate need of improvement.

While H.R. 5 fails to make the improvement necessary to bring our educational system into the 21st century, the Democratic substitute ensures all of our students will receive quality education.

The Democratic substitute requires states and school districts to provide information on student achievement, growth, equity indicators and graduation rates to ensure all students are college and career ready. The substitute provides for improved important regarding school dropout rates and rewards schools for implementing successful dropout prevention reforms.

This information will help reduce the pervasive school to prison pipeline which traps far too many of our students. The substitute also improves services for foster students, increases education access for homeless students, improves Magnet School programs and makes it easier for students in juvenile justice institutions to receive academic credit while they are in state custody.

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Unlike H.R. 5, the Democratic substitute supports our students and the school districts that are most in need. It prevents the poorest school districts from losing more than \$675 million in Title I funding while ensuring that students eligible for Title I services benefit from those funds.

It requires the lowest performing schools to take significant steps to improve student achievement by addressing a wide range of factors that impact both student achievement and school climate.

One of the main things I discovered in my years of service is that we must move away from our extreme dependence on high stakes standardized testing. For the sake of our children and our communities, we need more balanced forms of assessment and audit to effectively measure diverse kinds of success in teaching and learning.

Thankfully, the substitute lessens the and reliance on test scores while maintaining a focus on accountability and improving student achievement teach, teach, teach, not test, test, test. The substitute supports state and school district efforts to eliminate unnecessary assessments whole providing accommodations for students with disabilities and English language learners.

The Democratic substitute also updates current law to better support student teachers and school leaders. It requires an equitable distribution of effective teachers and school leaders to ensure they reach the students most in need of them while emphasizing support for high quality professional development for our educators.

It provides for a well-rounded education by funding programs in STEM, the arts, physical education, literacy and other subjects.

Mr. Chairman, the Democratic substitute helps make the improvements our educational system so desperately needs in order for our students to succeed. That is why I support this amendment and why I urge all of my colleagues on this committee to support this amendment as well.

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

KLINE: The gentlelady yields back.

Ms. Bonamici?

BONAMICI: Thank you very much, Mr. Chairman. I want to start by saying we have a lot of pages in front of us and we don't do policy by the pound. But I think that the number of issues that we've discussed today and the scope of the issues and the -- really, the quality of the discussion exemplify the need to have a process that is slower than this, that gives us an opportunity to work on the things that -- where we do agree.

We've had a lot of good discussions today and I thank my colleagues were engaging in these discussions. It's just unfortunate that we haven't had that chance to have hearings and turn the areas of agreement into policy.

That being said, I want to thank Ranking Member Scott and his hardworking staff for this substitute amendment. This amendment if adopted would replace No Child Left Behind with a law that delivers resources to schools in need, offers states and districts flexibility and makes sure all students including students with disabilities and English language learners have the opportunity to be successful.

Overall, I'm pleased that this substitute amendment takes steps to protect against the narrowing of curriculum, specifically the amendment requires states to incorporate equity indicators and accountability systems. That's important. We need to look at data on school climate, student health and wellness, access to technology, access to arts and advanced course work and family and community engagement as part of determining whether our investments are improving education.

And although the Student Success Act and substitute amendment allow for multiple measures in states' accountability systems, those measures are undefined and there's nothing to ensure that states will consider a broad range of indicators that provide a better picture of how schools are serving students. A holistic view of the wellbeing of schools and students is essential to getting an accurate picture of how schools are doing and it's also a

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part of the crucial shift of taking the focus off of only tested subjects and making sure that students are engaged, safe and healthy.

Additionally, this Democratic substitute amendment puts in place a funding stream to support a well-rounded education. Unlike H.R. 5, this amendment provides support for foreign language programs, civics and financial literacy education.

I'm also pleased that this Democratic substitute amendment focuses support on educators to make sure that they have the resources necessary to effectively lead classrooms and the working conditions conducive to learning.

America's educators need access to quality professional development opportunities as well as real opportunities for professional growth including through the development of career ladders, and school districts need to support educators by looking at factors such as school safety, class size and time for collaboration and planning.

This amendment will give teachers the tools they deserve to do their job. Educators have an immensely challenging task and tremendous responsibility. It's time that we do what we can to support their work. This amendment also provides resources to help school districts eliminate low quality and unnecessary or duplicative assessments, recognizing that good assessments have an important role, the substitute amendment unlike H.R. 5; it provides support specifically for reducing the number of assessments and improving their quality and usefulness. I know every time I'm out talking with students and teachers, they bring up the issue of testing.

Furthermore, this amendment provides demonstration authority to states to states that want to be innovative and pilot new assessments -- systems. States should have the flexibility to develop meaningful assessment models that thoughtfully depart from current requirements while keeping a focus on high standards and equity. This new state developed models should eventually pave the way for better systems for all students and educators.

I'm especially pleased to see provisions in the substitute amendment to support Magnet Schools which I see as real school choice and also concussion prevention, something I worked on in the state legislature that's very important.

Finally, I'm pleased the substitute amendment replaces some harmful financial provisions in the Student Success Act and the substitute amendment to that. Under the portability provision, schools districts with higher concentrations of poor students with would lose an estimated \$675 million in Title I funding.

This amendment keeps in place important maintenance of effort provisions that help ensure local and state funding sources which make up the overwhelming majority of school funding.

I would like to thank Ranking Member Scott again for putting forward a proposal that holds high expectations for America's schools and students and importantly, supports those expectations with adequate targeted resources.

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

KLINE: The gentlelady yields back.

Mr. Takano, you're recognized for five minutes.

TAKANO: Thank you, Mr. Chairman. Thank you, Ranking Member Scott and the staff for all the hard work that went into the substitute amendment.

The Democratic substitute to H.R. 5 is a robust commitment for funding equity in our education system. It upholds the original intent of the law by targeting funds and resources to the schools and subgroups that need the help the most in order to achieve -- close the achievement gap.

The substitute restores dedicated funding streams for a wide range of student populations and purposes including migrant students and neglected and delinquent students, English language learners, rural students

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expanding learning time, non-academic needs such as safety -- student safety and nutrition, STEM education, literacy education technology and curriculum broadening.

And the substitute requires disaggregated and cross tabulated data by the ethnicities including the (inaudible) census in addition to gender, race and English language learner status. It also restores the maintenance of effort provision omitted in the Republican bill and reverses the Republican Title I portability proposal.

Our substitute includes a dedicated funding stream for dual enrollment programs such as early college high schools. I totally associate myself with the remarks on this topic of my colleague from Texas, Mr. Hinojosa. I believe they are one of the best ways to close the achievement gap and make sure that all students are college and career ready.

Finally, it recognizes that the federal government cannot mandate teacher evaluations, rather, this issue must be at the discretion of the states. Yes, I'm still uncomfortable with the accountability proposal system proposed in the substitute and how reliant it continues to be on test scores.

The substitute clearly -- certainly shows movement in the right direction on accountability. It requires states to use equity indicators in its identification of schools that need the support and intervention. These equity indicators include data on key factors including the percentage of students successfully completing college and career aligned course work such as dual enrollment, AP and IB courses, post-secondary and workforce entry rates, student health and wellness and many others.

I'm supportive of requiring states to have meaningful college and career ready standards that prepare students for two-year and four- year post-secondary education without remediation and allow graduates to enter the workforce and make a living wage.

But I am uncomfortable with the level of prescriptiveness of the Democratic substitute. I would prefer also language that makes clear the degree to which the secretary of education vets state-approved college and career readiness standards.

I have seen as a -- firsthand as a -- as a classroom teacher the degree to which micromanagement by the federal government into the classroom has hurt education and teaching and learning. I've seen schools go mindlessly into test preparation.

I refer back to the story Michael Town, the teacher in my district who has produced more than one of every four Latinos who score fours and fives on the Physics AP test. He says that he achieved these results in spite of the test- driven accountability of the -- of No Child Left Behind.

And he cites as an example going to his principal to open up a -- to ask and open up a second section of AP so he can increase the number of students that he's successful with. The principal said no, we are using all of our money to get kids to be proficient on the federally-mandated tests.

This is an example of how well intended law has perversely was -- resulted in -- perversely. I would have liked to have had more time to continue to work with my colleagues on both sides of the aisle and to have hearings to explore what is -- what is the right accountability system and to find some middle ground. Unfortunately, this was not possible. I see progress and I cannot express how frustrated I am that the majority is doing its best to stifle that progress. I hope that my fellow Democrat and Republican colleagues will work with me after this markup to continue this progress.

Mr. Chairman, I yield back.

KLINE: The gentleman yields back.

Are there other members seeking to comment on the Democrat's bill, any other members?

Ms. Clark?

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CLARK: Thank you, Mr. Chairman and thank you, Ranking Member Scott.

We can all agree that the surest path to success and the surest path out of poverty is a high quality education. And I'm sure we can also agree that any education bill this Congress passes should be a reflection of our values, our hopes for our children, our future and who we are as Americans.

And yet today when a majority of public school children are poor enough to qualify for free or reduced lunch, we're debating a bill that takes dollars from these very same children. Strong public education is our best tool to create opportunity, build a robust workforce and economy and strengthen our democracy.

But this bill locks in almost \$1.7 billion in cuts compared to 2010, despite the fact that 2.2 million students will be added to our public school system between now and 2021. The Student Success Act introduced by the majority is virtually identical to the bill from last Congress and it has been met by strong opposition from nearly every single education and civil rights group in America, and with good reason.

This bill takes away education resources critically needed for the path out of poverty from schools serving students whose families are struggling to make ends meet. And what does it say about our values? This bill threatens to widen the growing divide between the very rich and the very poor.

It walks away from our commitment to provide equality of opportunity, but it doesn't have to be this way. The substitute amendment invests in our future workforce by ensuring every American child graduates with a college and career ready skills they need to succeed.

It strengthens the middle class by keeping faithful to the original intent of the Elementary and Secondary Education Act including targeted high impact investment in the students, teachers and families who need it most. It invests in the education workforce to better serve educators, school leaders, improve work conditions and help states partner with institutions of higher education.

To paraphrase President Lyndon Johnson, education is the guardian genius of our democracy and the only valid passport out of poverty. Our military capacity, economy and even democratic form of government are worthless if we lack the brain power to support and sustain them. Equality of opportunity is fundamental to who we are as a nation. What a betrayal of American values it would be to go back on that promise.

I urge my colleagues to support this amendment and reject the underlying bill. I yield back my time.

KLINE: The gentlelady yields back. Are there other members seeking recognition?

Ms. Adams, you're recognized for five minutes.

ADAMS: Thank you, Mr. Chairman. Thank you, Ranking Member Scott for your strong leadership in putting together an alternative to H.R. 5. I'd like to briefly speak in support of Ranking Member Scott's amendment to reauthorize the Elementary and Secondary Education Act.

We can all agree that this reauthorization is long overdue and each day that goes by No Child Left Behind allows one more day that we are in fact leaving our children behind. This amendment makes great strides in updating this outdated law by reaffirming the federal government's proper role in education and addressing many of the problems that surround No Child Left Behind.

Education is a civil right. And when the Elementary and Secondary Education Act was passed in 1965, its purpose was to ensure access to a quality education for all of our neediest students that are often low income and minority.

Mr. Scott's amendment does just that. A recent report from the Southern Education Foundation found that more than 50 percent of our public school students live in poverty. This alarming realization points to the necessity of this legislation, but also the necessity of high quality early childhood education.

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Students in low income families already have obvious disadvantages that are exacerbated when they arrive to kindergarten less prepared than their middle and high income peers. Quality early childhood education closes these gaps, puts low income students on a path to success.

North Carolina has been a leader in early childhood education with our Smart Start and (inaudible) Forward programs. A recent study revealed that investments in early childhood education have led to significant reduction to the need for special education, specifically access to North Carolina's pre-education program reduced the likelihood of third grade special education placements by 32 percent.

With successes like this, it's clear that early childhood education matters. In addition to proper investments in early childhood education, this amendment ensures that we're serving the whole student, not just their classroom needs.

In order for students to be successful, we have to invest in their non-academic needs. Students must be healthy and free, safe in order to achieve in the classroom. This amendment puts protections in place against bullying and supports the physical, mental and emotional stability of students.

None of us expect to come to work hungry or harmed and we should not expect our students to face these barriers in their academic pursuits. This amendment also works to address some of the biggest critics of No Child Left Behind.

One thing we've all heard was that No Child Left Behind forced schools to narrow their curriculums. This amendment gets rid of AYP, also makes important investments in a well-rounded education.

As STEM jobs grow -- continue to grow, it's important that we open students up to be subjects at an early age. This amendment does that by targeting funding for comprehensive STEM programs for pre- school to 12th grade and have a special focus on women and students of color who often underrepresented in the same field.

In addition to a focus on STEM, this amendment rightfully includes other components of a well-rounded education like history, financial literacy and the arts. As an artist myself, I can personally speak to the important role that art plays in one's ability to succeed.

This amendment also works to support our teachers who are one of our biggest factors in educating our students. Being an educator should never be a burden, but that's what No Child Left Behind has done.

This amendment changes that and supports our teachers and principals. And finally, this amendment promotes equitable resource distribution for our neediest students. Unlike H.R.5, this amendment requires school districts to include teacher salaries in their equity calculations. That, this will increase transparency and move us toward equity for our most disadvantage students.

I urge all members of the committee to put partisanship aside, support this Common Sense Amendment. Mr. Chair, I yield my time.

KLINE: The gentlelady yields back. Are there other members seeking to speak on Mr. Scott's amendment in the nature of a substitute? Any other members seeking an opportunity to speak? Hearing none, the Chair will recognize himself.

H.R.5, the Student Success Act has been visible to, available to discuss and debated by the public for years. This Democrat substitute, 851 pages, none of us certainly only our side of the aisle and I would venture to say that many others have -- had a chance to read it, study it, think about it and debate it, or anything else.

So for me to say that I'm opposed to everything in this Democratic substitute would possibly be wrong because I can't tell everything that's in it. But based on everything that we've heard today, we know that many of the amendments offered by the Democrats today are presumably included in this, at least we were told so.

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And so, we have to assume that the substitute continues many of the same top-down policies that have failed, as my colleague from southern Alabama said, "We need a new direction. We need a new direction. We need bold reforms." This is not.

I strongly urge my colleagues to reject to the Democratic substitute, support the underlying bill. I yield back. And with that the question occurs on Mr. Scott's amendment. All those in favor say "Aye."

All those oppose say "No."

The noes have it. The amendment is not -- Mr. Scott.

SCOTT: Mr. Chairman, I ask for a roll call vote.

KLINE: The gentleman asks for a roll call vote. OK, folks, we have reached that time. We're going to vote. I am going to ask the clerk to call the roll on all of those amendments that we have roll to this point.

I will, as I call them try to remind you, which ones they are. If you don't have a sheet, and I see some -- a little reminder sheets are being passed out. We're going to start to take the roll call votes on the amendment offered by Mrs. Davis to reinstate the Title II Teacher Preparation Program.

The clerk will call the roll.

CLERK: Mr. Kline?

KLINE: No.

CLERK: Mr. Kline votes no.

Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no.

Mrs. Foxx?

FOXX: No.

CLERK: Mrs. Foxx votes no.

Mr. Hunter?

Mr. Roe?

Mr. Thompson?

THOMPSON: No.

CLERK: Mr. Thompson votes no.

Mr. Walberg?

WALBERG: No.

CLERK: Mr. Walberg votes no.

Mr. Salmon?

SALMON: No.

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CLERK: Mr. Salmon votes no.

Mr. Guthrie?

GUTHRIE: No.

CLERK: Mr. Guthrie votes no.

Mr. Rokita?

ROKITA: No.

CLERK: Mr. Rokita votes no.

Mr. Barletta?

Mr. Heck?

HECK: No.

CLERK: Mr. Heck votes no.

Mr. Messer?

MESSER: No.

CLERK: Mr. Messer votes no.

Mr. Byrne?

BYRNE: No.

CLERK: Mr. Byrne votes no.

Mr. Brat?

BRAT: No.

CLERK: Mr. Brat votes no.

Mr. Carter?

CARTER: No.

CLERK: Mr. Carter votes no.

Mr. Bishop?

BISHOP: No.

CLERK: Mr. Bishop votes no.

Mr. Grothman?

GROTHMAN: No.

CLERK: Mr. Grothman votes no.

Mr. Russell?

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RUSSELL: No.

CLERK: Mr. Russell votes no.

Mr. Curbelo?

CURBELO: No.

CLERK: Mr. Curbelo votes no.

Ms. Stefanik?

STEFANIK: No.

CLERK: Ms. Stefanik votes no.

Mr. Allen?

ALLEN: No.

CLERK: Mr. Allen votes no.

Mr. Scott?

SCOTT: (inaudible).

CLERK: Mr. Scott votes aye.

Mr. Hinojosa?

HINOJOSA: Aye.

CLERK: Mr. Hinojosa votes aye.

Mrs. Davis?

DAVIS: Aye.

CLERK: Mrs. Davis votes aye.

Mr. Grijalva?

GRIJALVA: (inaudible).

CLERK: Mr. Grijalva votes aye.

Mr. Courtney?

COURTNEY: (inaudible).

CLERK: Mr. Courtney votes aye.

Ms. Fudge?

FUDGE: Yes (ph).

CLERK: Ms. Fudge votes aye.

Mr. Polis?

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POLIS: Yes.

CLERK: Mr. Polis votes aye.

Mr. Sablan?

SABLAN: (inaudible).

CLERK: Mr. Sablan votes aye.

Ms. Wilson?

WILSON: Aye.

CLERK: Ms. Wilson votes aye.

Ms. Bonamici?

BONAMICI: Yes.

CLERK: Ms. Bonamici votes aye.

Mr. Pocan?

POCAN: (inaudible).

CLERK: Mr. Pocan votes no.

Mr. Takano?

TAKANO: (inaudible).

CLERK: Mr. Takano votes aye.

Mr. Jeffries?

JEFFRIES: Yes.

CLERK: Mr. Jeffries votes aye.

Ms. Clark?

CLARK: (inaudible).

CLERK: Ms. Clark votes aye.

Ms. Adams?

ADAMS: Yes.

CLERK: Ms. Adams votes aye.

Mr. DeSaulnier?

DESAULNIER: Aye.

CLERK: Mr. DeSaulnier votes aye.

KLINE: The clerk will call the names of those members who have not yet voted.

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CLERK: Mr. Hunter?

HUNTER: No.

CLERK: Mr. Hunter votes no.

Mr. Roe?

Mr. Barletta?

BARLETTA: No.

CLERK: Mr. Barletta votes no.

KLINE: The clerk will report the total.

CLERK: Mr. Chairman, 21 members vote aye and 16 members vote no.

KLINE: The amendment is ...

(UNKNOWN): Wait (ph).

KLINE: Wait, wait, wait.

(UNKNOWN): I'm sorry. (inaudible).

(UNKNOWN): (inaudible) could you report that again, please?

(UNKNOWN): (inaudible).

(UNKNOWN): (inaudible).

KLINE: Wait, wait, wait.

(UNKNOWN): The clerk reported it.

KLINE: Nancy (ph).

CLERK: (inaudible), excuse me, on this vote, 16 members vote, aye, and 21 members vote, no.

KLINE: Oh, man.

The amendment is not agreed to. The next vote is on the amendment offered by Mr. Courtney to reinstate dedicated funding streams to STEM education and educational technology programs.

The clerk will call the roll.

CLERK: Mr. Kline?

KLINE: No.

CLERK: Mr. Kline votes no.

Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no.

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Mrs. Foxx?

FOXX: No.

CLERK: Mrs. Foxx votes no.

Mr. Hunter?

HUNTER: (inaudible).

CLERK: Mr. Hunter votes no.

Mr. Roe?

Mr. Thompson?

THOMPSON: (inaudible).

CLERK: Mr. Thompson votes no.

Mr. Walberg?

WALBERG: No.

CLERK: Mr. Walberg votes no.

Mr. Salmon?

SALMON: No.

CLERK: Mr. Salmon votes no.

Mr. Guthrie?

GUTHRIE: No.

CLERK: Mr. Guthrie votes no.

Mr. Rokita?

ROKITA: No (ph).

CLERK: Mr. Rokita votes no.

Mr. Barletta?

BARLETTA: No.

CLERK: Mr. Barletta votes no.

Mr. Heck?

HECK: No.

CLERK: Mr. Heck votes no.

Mr. Messer?

MESSER: No.

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CLERK: Mr. Messer votes no.

Mr. Byrne?

BYRNE: No.

CLERK: Mr. Byrne votes no.

Mr. Brat?

BRAT: No.

CLERK: Mr. Brat votes no.

Mr. Carter?

CARTER: No.

CLERK: Mr. Carter votes no.

Mr. Bishop?

BISHOP: (inaudible).

CLERK: Mr. Bishop votes no.

Mr. Grothman?

GROTHMAN: (inaudible).

CLERK: Mr. Grothman votes no.

Mr. Russell?

RUSSELL: No.

CLERK: Mr. Russell votes no.

Mr. Curbelo?

CURBELO: No.

CLERK: Mr. Curbelo votes no.

Ms. Stefanik?

STEFANIK: (inaudible).

CLERK: Ms. Stefanik votes no.

Mr. Allen?

ALLEN: No.

CLERK: Mr. Allen votes no.

Mr. Scott?

SCOTT: Aye.

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CLERK: Mr. Scott votes aye.

Mr. Hinojosa?

HINOJOSA: Aye.

CLERK: Mr. Hinojosa votes aye.

Mrs. Davis?

DAVIS: Aye.

CLERK: Mrs. Davis votes aye.

Mr. Grijalva?

GRIJALVA: Aye.

CLERK: Mr. Grijalva votes aye.

Mr. Courtney?

COURTNEY: (inaudible).

CLERK: Mr. Courtney votes aye.

Ms. Fudge?

FUDGE: Yes.

CLERK: Ms. Fudge votes aye.

Mr. Polis?

POLIS: Aye.

CLERK: Mr. Polis votes aye.

Mr. Sablan?

SABLAN: (inaudible).

CLERK: Mr. Sablan votes aye.

Ms. Wilson?

WILSON: Aye.

CLERK: Ms. Wilson votes aye.

Ms. Bonamici?

BONAMICI: Yes.

CLERK: Ms. Bonamici votes aye.

Mr. Pocan?

POCAN: (inaudible).

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CLERK: Mr. Pocan votes aye.

Mr. Takano?

TAKANO: Aye.

CLERK: Mr. Takano votes aye.

Mr. Jeffries?

JEFFRIES: (inaudible).

CLERK: Mr. Jeffries votes aye.

Ms. Clark?

CLARK: Yes.

CLERK: Ms. Clark votes aye.

Ms. Adams?

ADAMS: (inaudible).

CLERK: Ms. Adams votes aye.

Mr. DeSaulnier?

DESAULNIER: Aye.

CLERK: Mr. DeSaulnier votes aye.

KLINE: The clerk will report the vote.

CLERK: Mr. Chairman on this -- 60 members vote aye and 21 members vote no.

KLINE: The amendment is not agreed to.

The next vote is on the amendment offered by Mr. Grijalva, to reinstate the highly qualified teacher provision and other things.

The clerk will call the roll.

CLERK: Mr. Kline?

KLINE: No.

CLERK: Mr. Kline votes no.

Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no.

Mrs. Foxx?

FOXX: No.

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CLERK: Mrs. Foxx votes no.

Mr. Hunter?

HUNTER: No.

CLERK: Mr. Hunter votes no.

Mr. Roe?

Mr. Thompson?

THOMPSON: No.

CLERK: Mr. Thompson votes no.

Mr. Walberg?

WALBERG: No.

CLERK: Mr. Walberg votes no.

Mr. Salmon?

SALMON: No.

CLERK: Mr. Salmon votes no.

Mr. Guthrie?

GUTHRIE: No.

CLERK: Mr. Guthrie votes no.

Mr. Rokita?

ROKITA: No (ph).

CLERK: Mr. Rokita votes no.

Mr. Barletta?

BARLETTA: No.

CLERK: Mr. Barletta votes no.

Mr. Heck?

HECK: No.

CLERK: Mr. Heck votes no.

Mr. Messer?

MESSER: No.

CLERK: Mr. Messer votes no.

Mr. Byrne?

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BYRNE: No.

CLERK: Mr. Byrne votes no.

Mr. Brat?

BRAT: No.

CLERK: Mr. Brat votes no.

Mr. Carter?

CARTER: No.

CLERK: Mr. Carter votes no.

Mr. Bishop?

BISHOP: No.

CLERK: Mr. Bishop votes no.

Mr. Grothman?

GROTHMAN: No.

CLERK: Mr. Grothman votes no.

Mr. Russell?

RUSSELL: No.

CLERK: Mr. Russell votes no.

Mr. Curbelo?

CURBELO: No.

CLERK: Mr. Curbelo votes no.

Ms. Stefanik?

STEFANIK: No.

CLERK: Ms. Stefanik votes no.

Mr. Allen?

ALLEN: No.

CLERK: Mr. Allen votes no.

Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes aye.

Mr. Hinojosa?

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HINOJOSA: Aye.

CLERK: Mr. Hinojosa votes aye.

Mrs. Davis?

DAVIS: Aye.

CLERK: Mrs. Davis votes aye.

Mr. Grijalva?

GRIJALVA: Aye.

CLERK: Mr. Grijalva votes aye.

Mr. Courtney?

COURTNEY: Aye.

CLERK: Mr. Courtney votes aye.

Ms. Fudge?

FUDGE: Aye.

CLERK: Ms. Fudge votes aye.

Mr. Polis?

POLIS: Aye.

CLERK: Mr. Polis votes aye.

Mr. Sablan?

SABLAN: (inaudible).

CLERK: Mr. Sablan votes aye.

Ms. Wilson?

WILSON: Aye.

CLERK: Ms. Wilson votes aye.

Ms. Bonamici?

BONAMICI: Yes.

CLERK: Ms. Bonamici votes aye.

Mr. Pocan?

POCAN: Yes.

CLERK: Mr. Pocan votes aye.

Mr. Takano?

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TAKANO: Aye.

CLERK: Mr. Takano votes aye.

Mr. Jeffries?

JEFFRIES: Aye.

CLERK: Mr. Jeffries votes aye.

Ms. Clark?

CLARK: Aye.

CLERK: Ms. Clark votes aye.

Ms. Adams?

ADAMS: Aye.

CLERK: Ms. Adams votes aye.

Mr. DeSaulnier?

DESAULNIER: Aye.

CLERK: Mr. DeSaulnier votes aye.

KLINE: The clerk will report the vote.

CLERK: Mr. Chairman 60 members vote aye and 21 members vote no.

KLINE: Amendment is not agreed to.

The next vote is the amendment offered by Mr. Brat to require the Institute of Education Sciences to produce an annual report on the reductions in the **federal** role resulting from the Student Success Act.

The clerk will call the roll.

CLERK: Mr. Kline?

KLINE: Aye.

CLERK: Mr. Kline votes aye.

Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes aye.

Mrs. Foxx?

FOXX: Aye.

CLERK: Mrs. Foxx votes aye.

Mr. Hunter?

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HUNTER: (inaudible).

CLERK: Mr. Hunter votes aye.

Mr. Roe?

Mr. Thompson?

THOMPSON: Aye.

CLERK: Mr. Thompson votes aye.

Mr. Walberg?

WALBERG: Aye.

CLERK: Mr. Walberg votes aye.

Mr. Salmon?

SALMON: Aye.

CLERK: Mr. Salmon votes aye.

Mr. Guthrie?

GUTHRIE: Aye.

CLERK: Mr. Guthrie votes aye.

Mr. Rokita?

ROKITA: Aye.

CLERK: Mr. Rokita votes aye.

Mr. Barletta?

BARLETTA: Aye.

CLERK: Mr. Barletta votes aye.

Mr. Heck?

HECK: Aye.

CLERK: Mr. Heck votes aye.

Mr. Messer?

MESSER: Aye.

CLERK: Mr. Messer votes aye.

Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes aye.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Brat?

BRAT: Aye.

CLERK: Mr. Brat votes aye.

Mr. Carter?

CARTER: Aye.

CLERK: Mr. Carter votes aye.

Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes aye.

Mr. Grothman?

GROTHMAN: Aye.

CLERK: Mr. Grothman votes aye.

Mr. Russell?

RUSSELL: Aye.

CLERK: Mr. Russell votes aye.

Mr. Curbelo?

CURBELO: Aye.

CLERK: Mr. Curbelo votes aye.

Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes aye.

Mr. Allen?

ALLEN: Aye.

CLERK: Mr. Allen votes aye.

Mr. Scott?

SCOTT: No.

CLERK: Mr. Scott votes no.

Mr. Hinojosa?

HINOJOSA: No.

CLERK: Mr. Hinojosa votes no.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no.

Mr. Grijalva?

GRIJALVA: No.

CLERK: Mr. Grijalva votes no.

Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no.

Ms. Fudge?

FUDGE: No.

CLERK: Ms. Fudge votes no.

Mr. Polis?

POLIS: No.

CLERK: Mr. Polis votes no.

Mr. Sablan?

SABLAN: No.

CLERK: Mr. Sablan votes no.

Ms. Wilson?

WILSON: No.

CLERK: Ms. Wilson votes no.

Ms. Bonamici?

BONAMICI: No.

CLERK: Ms. Bonamici votes no.

Mr. Pocan?

POCAN: No.

CLERK: Mr. Pocan votes no.

Mr. Takano?

TAKANO: No.

CLERK: Mr. Takano votes no.

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Mr. Jeffries?

JEFFRIES: No.

CLERK: Mr. Jeffries votes no.

Ms. Clark?

CLARK: No.

CLERK: Ms. Clark votes no.

Ms. Adams?

ADAMS: No.

CLERK: Ms. Adams votes no.

Mr. DeSaulnier?

DESAULNIER: No.

CLERK: Mr. DeSaulnier votes no.

KLINE: The clerk will report the total.

CLERK: Mr. Chairman 21 members vote aye and 16 members vote no.

KLINE: Amendment is agreed to.

The next vote will be on the amendment offered by Mrs. Fudge to address fiscal provisions within Title I, specifically portability, school wide, means of effort and others. This is the -- Mrs. Fudge's amendment.

The clerk will call the roll.

CLERK: Mr. Kline?

KLINE: No.

CLERK: Mr. Kline votes no.

Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no.

Mrs. Foxx?

FOXX: No.

CLERK: Mrs. Foxx votes no.

Mr. Hunter?

HUNTER: No.

CLERK: Mr. Hunter votes no.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Thompson?

THOMPSON: No.

CLERK: Mr. Thompson votes no.

Mr. Walberg?

WALBERG: No.

CLERK: Mr. Walberg votes no.

Mr. Salmon?

SALMON: No.

CLERK: Mr. Salmon votes no.

Mr. Guthrie?

GUTHRIE: No.

CLERK: Mr. Guthrie votes no.

Mr. Rokita?

ROKITA: No.

CLERK: Mr. Rokita votes no.

Mr. Barletta?

BARLETTA: No.

CLERK: Mr. Barletta votes no.

Mr. Heck?

HECK: No.

CLERK: Mr. Heck votes no.

Mr. Messer?

MESSER: No.

CLERK: Mr. Messer votes no.

Mr. Byrne?

BYRNE: No.

CLERK: Mr. Byrne votes no.

Mr. Brat?

BRAT: No.

CLERK: Mr. Brat votes no.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Carter?

CARTER: No.

CLERK: Mr. Carter votes no.

Mr. Bishop?

BISHOP: No.

CLERK: Mr. Bishop votes no.

Mr. Grothman?

GROTHMAN: No.

CLERK: Mr. Grothman votes no.

Mr. Russell?

RUSSELL: No.

CLERK: Mr. Russell votes no.

Mr. Curbelo?

CURBELO: No.

CLERK: Mr. Curbelo votes no.

Ms. Stefanik?

STEFANIK: No.

CLERK: Ms. Stefanik votes no.

Mr. Allen?

ALLEN: No.

CLERK: Mr. Allen votes no.

Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes aye.

Mr. Hinojosa?

HINOJOSA: Aye.

CLERK: Mr. Hinojosa votes aye.

Mrs. Davis?

DAVIS: Aye.

CLERK: Mrs. Davis votes aye.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Grijalva?

GRIJALVA: Aye.

CLERK: Mr. Grijalva votes aye.

Mr. Courtney?

COURTNEY: Aye.

CLERK: Mr. Courtney votes aye.

Ms. Fudge?

FUDGE: Aye.

CLERK: Ms. Fudge votes aye.

Mr. Polis?

POLIS: Aye.

CLERK: Mr. Polis votes aye.

Mr. Sablan?

SABLAN: Yes (ph).

CLERK: Mr. Sablan votes aye.

Ms. Wilson?

WILSON: Aye.

CLERK: Ms. Wilson votes aye.

Ms. Bonamici?

BONAMICI: Yes.

CLERK: Ms. Bonamici votes aye.

Mr. Pocan?

POCAN: Yes.

CLERK: Mr. Pocan votes aye.

Mr. Takano?

TAKANO: Aye.

CLERK: Mr. Takano votes aye.

Mr. Jeffries?

JEFFRIES: Yes.

CLERK: Mr. Jeffries votes aye.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Ms. Clark?

CLARK: Aye.

CLERK: Ms. Clark votes aye.

Ms. Adams?

ADAMS: Aye.

CLERK: Ms. Adams votes aye.

Mr. DeSaulnier?

DESAULNIER: Aye.

CLERK: Mr. DeSaulnier votes aye.

KLINE: The clerk will report the total.

CLERK: Mr. Chairman, 16 members vote aye and 21 members vote nay -- no.

KLINE: Amendment is not agreed to.

The next vote is the amendment offered by Mr. Curbelo addressing English language learners.

The clerk will call the roll.

CLERK: Mr. Kline?

KLINE: Aye.

CLERK: Mr. Kline votes aye.

Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes aye.

Mrs. Foxx?

FOXX: Aye.

CLERK: Mrs. Foxx votes aye.

Mr. Hunter?

HUNTER: Aye.

CLERK: Mr. Hunter votes aye.

Mr. Roe?

Mr. Thompson?

THOMPSON: Aye.

CLERK: Mr. Thompson votes aye.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Walberg?

WALBERG: Aye.

CLERK: Mr. Walberg votes aye.

Mr. Salmon?

SALMON: Aye.

CLERK: Mr. Salmon votes aye.

Mr. Guthrie?

GUTHRIE: Aye.

CLERK: Mr. Guthrie votes aye.

Mr. Rokita?

ROKITA: Aye.

CLERK: Mr. Rokita votes aye.

Mr. Barletta?

BARLETTA: Aye.

CLERK: Mr. Barletta votes aye.

Mr. Heck?

HECK: Aye.

CLERK: Mr. Heck votes aye.

Mr. Messer?

MESSER: Aye.

CLERK: Mr. Messer votes aye.

Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes aye.

Mr. Brat?

BRAT: Aye.

CLERK: Mr. Brat votes aye.

Mr. Carter?

CARTER: Aye.

CLERK: Mr. Carter votes aye.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes aye.

Mr. Grothman?

GROTHMAN: Aye.

CLERK: Mr. Grothman votes aye.

Mr. Russell?

RUSSELL: Aye.

CLERK: Mr. Russell votes aye.

Mr. Curbelo?

CURBELO: Aye.

CLERK: Mr. Curbelo votes aye.

Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes aye.

Mr. Allen?

ALLEN: Aye.

CLERK: Mr. Allen votes aye.

Mr. Scott?

SCOTT: No.

CLERK: Mr. Scott votes no.

Mr. Hinojosa?

HINOJOSA: No.

CLERK: Mr. Hinojosa votes no.

Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no.

Mr. Grijalva?

GRIJALVA: No.

CLERK: Mr. Grijalva votes no.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no.

Ms. Fudge?

FUDGE: No.

CLERK: Ms. Fudge votes no.

Mr. Polis?

POLIS: No.

CLERK: Mr. Polis votes no.

Mr. Sablan?

SABLAN: (inaudible).

CLERK: Mr. Sablan votes no.

Ms. Wilson?

WILSON: Aye.

CLERK: Ms. Wilson votes aye.

Ms. Bonamici?

BONAMICI: No.

CLERK: Ms. Bonamici votes no.

Mr. Pocan?

POCAN: No.

CLERK: Mr. Pocan votes no.

Mr. Takano?

TAKANO: No.

CLERK: Mr. Takano votes no.

Mr. Jeffries?

JEFFRIES: No.

CLERK: Mr. Jeffries votes no.

Ms. Clark?

CLARK: No.

CLERK: Ms. Clark votes no.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Ms. Adams?

ADAMS: No (ph).

CLERK: Ms. Adams votes no.

Mr. DeSaulnier?

DESAULNIER: No.

CLERK: Mr. DeSaulnier votes no.

(UNKNOWN): (OFF-MIKE). She said, no.

(UNKNOWN): OK.

KLINE: Is there confusion on members' vote?

(UNKNOWN): (inaudible).

KLINE: It can happen.

Any member want to change their vote? OK. The clerk will report the total.

CLERK: Mr. Chairman 21 members vote aye and 16 members vote no.

KLINE: The amendment is agreed to.

The next vote is on -- the next vote is on the amendment offered by Ms. Wilson on school dropout prevention programs.

The clerk will call the roll.

CLERK: Mr. Kline?

KLINE: No.

CLERK: Mr. Kline votes no.

Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no.

Mrs. Foxx?

FOXX: No.

CLERK: Mrs. Foxx votes no.

Mr. Hunter?

HUNTER: No (ph).

CLERK: Mr. Hunter votes no.

Mr. Roe?

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Thompson?

THOMPSON: No.

CLERK: Mr. Thompson votes no.

Mr. Walberg?

WALBERG: (inaudible).

CLERK: Mr. Walberg votes no.

Mr. Salmon?

SALMON: No.

CLERK: Mr. Salmon votes no.

Mr. Guthrie?

GUTHRIE: No.

CLERK: Mr. Guthrie votes no.

Mr. Rokita?

ROKITA: No.

CLERK: Mr. Rokita votes no.

Mr. Barletta?

BARLETTA: No.

CLERK: Mr. Barletta votes no.

Mr. Heck?

HECK: No.

CLERK: Mr. Heck votes no.

Mr. Messer?

MESSER: No.

CLERK: Mr. Messer votes no.

Mr. Byrne?

BYRNE: No.

CLERK: Mr. Byrne votes no.

Mr. Brat?

BRAT: No.

CLERK: Mr. Brat votes no.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Carter?

CARTER: No.

CLERK: Mr. Carter votes no.

Mr. Bishop?

BISHOP: No.

CLERK: Mr. Bishop votes no.

Mr. Grothman?

GROTHMAN: No.

CLERK: Mr. Grothman votes no.

Mr. Russell?

RUSSELL: No.

CLERK: Mr. Russell votes no.

Mr. Curbelo?

CURBELO: No.

CLERK: Mr. Curbelo votes no.

Ms. Stefanik?

STEFANIK: No.

CLERK: Ms. Stefanik votes no.

Mr. Allen?

ALLEN: No.

CLERK: Mr. Allen votes no.

Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes aye.

Mr. Hinojosa?

HINOJOSA: Aye.

CLERK: Mr. Hinojosa votes aye.

Mrs. Davis?

DAVIS: Aye.

CLERK: Mrs. Davis votes aye.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mr. Grijalva?

GRIJALVA: Aye.

CLERK: Mr. Grijalva votes aye.

Mr. Courtney?

COURTNEY: Aye.

CLERK: Mr. Courtney votes aye.

Ms. Fudge?

FUDGE: Aye.

CLERK: Ms. Fudge votes aye.

Mr. Polis?

POLIS: Aye.

CLERK: Mr. Polis votes aye.

Mr. Sablan?

SABLAN: (inaudible).

CLERK: Mr. Sablan votes aye.

Ms. Wilson?

WILSON: Aye.

CLERK: Ms. Wilson votes aye.

Ms. Bonamici?

BONAMICI: Yes.

CLERK: Ms. Bonamici votes aye.

Mr. Pocan?

POCAN: Yes.

CLERK: Mr. Pocan votes aye.

Mr. Takano?

TAKANO: Yes.

CLERK: Mr. Takano votes aye.

Mr. Jeffries?

JEFFRIES: Aye.

CLERK: Mr. Jeffries votes aye.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Ms. Clark?

CLARK: Aye.

CLERK: Ms. Clark votes aye.

Ms. Adams?

ADAMS: Aye.

CLERK: Ms. Adams votes aye.

Mr. DeSaulnier?

DESAULNIER: Aye.

CLERK: Mr. DeSaulnier votes aye.

(UNKNOWN): OK.

KLINE: OK, the clerk will report the total on this amendment. This is Mrs. Wilson's amendment.

CLERK: Mr. Chairman, 16 members vote aye and 21 members vote no.

KLINE: Amendment is not agreed to.

(inaudible)

(UNKNOWN): Mr. Chairman, I'm going to make a motion (ph). After this we have one dissent on this vote. So we will make them...

(UNKNOWN): (OFF-MIKE)

KLINE: We are going to go back to the amendment offered by Mr. Curbelo. There is some confusion or disagreement about one of the members' votes. So we will -- we will call the roll again. I would just need everybody to focus in on this. This is Mr. Curbelo's amendment, having to do with English language learners. We are going re-take that vote.

Everybody on track here?

(UNKNOWN): (OFF-MIKE)

KLINE: The ranking member is interested in making sure that we have unanimous consent for this. I'm asking unanimous consent to go back and retake this vote. OK?

Mr. Curbelo's Amendment, the clerk will call the roll.

CLERK: Mr. Kline?

KLINE: Aye.

CLERK: Mr. Kline votes aye.

Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes aye.

REP. JOHN KLINE HOLDS A MARKUP ON THE STUDENT SUCCESS ACT

Mrs. Foxx?

FOXX: Aye.

CLERK: Mrs. Foxx votes aye.

Mr. Hunter?

HUNTER: Aye.

CLERK: Mr. Hunter votes aye.

Mr. Roe?

Mr. Thompson?

THOMPSON: Aye.

CLERK: Mr. Thompson votes aye.

Mr. Walberg?

WALBERG: Aye.

CLERK: Mr. Walberg votes aye.

Mr. Salmon?

SALMON: Aye.

CLERK: Mr. Salmon votes aye.

Mr. Guthrie?

GUTHRIE: Aye.

CLERK: Mr. Guthrie votes aye.

Mr. Rokita?

ROKITA: Aye.

CLERK: Mr. Rokita votes aye.

Mr. Barletta?

BARLETTA: Aye.

CLERK: Mr. Barletta votes aye.

Mr. Heck?

HECK: Aye.

CLERK: Mr. Heck votes aye.

Mr. Messer?

MESSER: Aye.

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CLERK: Mr. Messer votes aye.

Mr. Burn?

BURN: Aye.

CLERK: Mr. Burn votes aye.

Mr. Brat?

BRAT: Aye.

CLERK: Mr. Brat votes aye.

Mr. Carter?

CARTER: Aye.

CLERK: Mr. Carter votes aye.

Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes aye.

Mr. Grothman?

GROTHMAN: Aye.

CLERK: Mr. Grothman votes aye.

Mr. Russell?

RUSSELL: Aye.

CLERK: Mr. Russell votes aye.

Mr. Curbelo?

CURBELO: Aye.

CLERK: Mr. Curbelo votes aye.

Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes aye.

Mr. Allen?

ALLEN: Aye.

CLERK: Mr. Allen votes aye.

Mr. Scott?

SCOTT: No.

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CLERK: Mr. Scott votes no.

Mr. Hinojosa?

HINOJOSA: No.

CLERK: Mr. Hinojosa votes no.

Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no.

Mr. Grijalva?

GRIJALVA: No.

CLERK: Mr. Grijalva votes no.

Mr. Courtney?

Mr. Courtney votes no.

Ms. Fudge?

FUDGE: No.

CLERK: Ms. Fudge votes no.

Mr. Polis?

POLIS: No.

CLERK: Mr. Polis votes no.

Mr. Sablan?

SABLAN: No.

CLERK: Mr. Sablan votes no.

Ms. Wilson?

WILSON: Aye.

CLERK: Ms. Wilson votes aye.

Ms. Bonamici?

BONAMICI: Nay.

CLERK: Ms. Bonamici votes no.

Ms. Pocan? Mr. Pocan?

Mr. Pocan votes no.

Mr. Takano?

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Mr. Takano votes no.

Mr. Jeffries?

JEFFRIES: No.

CLERK: Mr. Jeffries votes no.

Ms. Clark? Ms. Clark votes no.

Ms. Adams?

ADAMS: No.

CLERK: Ms. Adams votes no.

Mr. DeSaulnier? Mr. DeSaulnier votes no. OK, 22-15.

KLINE: The clerk will report the total.

CLERK: Mr. Chairman, 22 members vote aye and 15 member vote no.

KLINE: The amendment is agreed to.

We are now going to go to -- if you're watching or following this on your little crib sheets we're going to go to the amendment offered by Mr. Takano addressing Charter Schools and Charter School authorizers.

This is the amendment offered by Mr. Takano to reference Charter Schools and Charter School authorizers.

Everybody find that place? OK. The clerk will call the roll.

CLERK: Mr. Kline?

KLINE: No.

CLERK: Mr. Kline votes no.

Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no.

Mrs. Foxx?

FOXX: No.

CLERK: Mrs. Foxx votes no.

Mr. Hunter?

HUNTER: No.

CLERK: Mr. Hunter votes no.

Mr. Roe?

Mr. Thompson?

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THOMPSON: No.

CLERK: Mr. Thompson votes no.

Mr. Walberg?

WALBERG: No.

CLERK: Mr. Walberg votes no.

Mr. Salmon?

SALMON: no.

CLERK: Mr. Salmon votes no.

Mr. Guthrie?

GUTHRIE: No.

CLERK: Mr. Guthrie votes no.

Mr. Rokita?

ROKITA: No.

CLERK: Mr. Rokita votes no.

Mr. Barletta?

BARLETTA: No.

CLERK: Mr. Barletta votes no.

Mr. Heck?

HECK: No.

CLERK: Mr. Heck votes no.

Mr. Messer?

MESSER: No.

CLERK: Mr. Messer votes no.

Mr. Burn?

BURN: No.

CLERK: Mr. Burn votes no.

Mr. Brat?

BRAT: No.

CLERK: Mr. Brat votes no.

Mr. Carter?

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CARTER: No.

CLERK: Mr. Carter votes no.

Mr. Bishop?

BISHOP: No.

CLERK: Mr. Bishop votes no.

Mr. Grothman?

GROTHMAN: No.

CLERK: Mr. Grothman votes no.

Mr. Russell?

RUSSELL: No.

CLERK: Mr. Russell votes no.

Mr. Curbelo?

CURBELO: No.

CLERK: Mr. Curbelo votes no.

Ms. Stefanik?

STEFANIK: No.

CLERK: Ms. Stefanik votes no.

Mr. Allen?

ALLEN: No.

CLERK: Mr. Allen votes no.

Mr. Scott?

SCOTT: Yes.

CLERK: Mr. Scott votes aye.

Mr. Hinojosa?

HINOJOSA: Aye.

CLERK: Mr. Hinojosa votes yes.

Mrs. Davis?

DAVIS: Aye.

CLERK: Mrs. Davis votes aye.

Mr. Grijalva?

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GRIJALVA: Aye.

CLERK: Mr. Grijalva votes aye.

Mr. Courtney?

COURTNEY: Aye.

CLERK: Mr. Courtney votes yes.

Ms. Fudge?

FUDGE: Aye.

CLERK: Ms. Fudge votes aye.

Mr. Polis?

POLIS: No.

CLERK: Mr. Polis votes no.

Mr. Sablan? Mr. Sablan?

SABLAN: Yes.

CLERK: Yes? Mr. Sablan votes aye.

Ms. Wilson?

WILSON: Aye.

CLERK: Ms. Wilson votes aye.

Ms. Bonamici?

BONAMICI: Yes.

CLERK: Ms. Bonamici votes aye.

Ms. Pocan? Mr. Pocan votes aye.

Mr. Takano?

TAKANO: Aye.

CLERK: Mr. Takano votes aye.

Mr. Jeffries?

JEFFRIES: Aye.

CLERK: Mr. Jeffries votes aye.

Ms. Clark?

CLARK: Aye.

CLERK: Ms. Clark votes aye.

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Ms. Adams?

ADAMS: Aye.

CLERK: Ms. Adams votes aye.

Ms. DeSaulnier? Mr. DeSaulnier? Mr. DeSaulnier votes aye.

(UNKNOWN): (OFF-MIKE)

KLINE: The clerk will report the total.

CLERK: Mr. Chairman, 15 members voted aye, 22 members voted no.

KLINE: The members have not agreed to. We're going to need everybody to get in the game here. We're going to change things a little bit.

Thanks to a great suggestion by the ranking member who I am now going to recognize for unanimous consent request.

SCOTT: Mr. Chairman, I move that the amendment on the Jeffries- Clark-Adams-DeSaulnier-Fudge and the Democratic substitute be voted on en bloc.

KLINE: It's a fine idea. Is there any objection? Hearing no objections so ordered so. All right.

We are going to -- we're going to go through -- I'm going to call -- I'm going to ask the clerk to call the roll. You are voting on those amendments en bloc.

OK, the clerk will call the roll?

CLERK: Mr. Kline?

KLINE: No.

CLERK: Mr. Kline votes no.

Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no.

Mrs. Foxx?

FOXX: No.

CLERK: Mrs. Foxx votes no.

Mr. Hunter?

HUNTER: No.

CLERK: Mr. Hunter votes no.

Mr. Roe?

Mr. Thompson?

THOMPSON: No.

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CLERK: Mr. Thompson votes no.

Mr. Walberg?

WALBERG: No.

CLERK: Mr. Walberg votes no.

Mr. Salmon?

SALMON: No.

CLERK: Mr. Salmon votes no.

Mr. Guthrie?

GUTHRIE: No.

CLERK: Mr. Guthrie votes no.

Mr. Rokita?

ROKITA: No.

CLERK: Mr. Rokita votes no.

Mr. Barletta?

BARLETTA: No.

CLERK: Mr. Barletta votes no.

Mr. Heck?

HECK: No.

CLERK: Mr. Heck votes no.

Mr. Messer?

MESSER: No.

CLERK: Mr. Messer votes no.

Mr. Burn?

BURN: No.

CLERK: Mr. Burn votes no.

Mr. Brat?

BRAT: No.

CLERK: Mr. Brat votes no.

Mr. Carter?

CARTER: No.

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CLERK: Mr. Carter votes no.

Mr. Bishop?

BISHOP: No.

CLERK: Mr. Bishop votes no.

Mr. Grothman?

GROTHMAN: No.

CLERK: Mr. Grothman votes no.

Mr. Russell?

RUSSELL: No.

CLERK: Mr. Russell votes no.

Mr. Curbelo?

CURBELO: No.

CLERK: Mr. Curbelo votes no.

Ms. Stefanik?

STEFANIK: No.

CLERK: Ms. Stefanik votes no.

Mr. Allen?

ALLEN: No.

CLERK: Mr. Allen votes no.

Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes aye.

Mr. Hinojosa?

HINOJOSA: Aye.

CLERK: Mr. Hinojosa votes aye.

Mrs. Davis?

DAVIS: Aye.

CLERK: Mrs. Davis votes aye.

Mr. Grijalva?

GRIJALVA: Yes.

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CLERK: Mr. Grijalva votes aye.

Mr. Courtney?

COURTNEY: Aye.

Mr. Courtney votes aye.

Ms. Fudge?

FUDGE: Aye.

CLERK: Ms. Fudge votes aye.

Mr. Polis?

POLIS: Aye.

CLERK: Mr. Polis votes aye.

Mr. Sablan?

SABLAN: Aye.

CLERK: Mr. Sablan votes aye.

Ms. Wilson?

WILSON: Aye.

CLERK: Ms. Wilson votes aye.

Ms. Bonamici?

BONAMICI: Yes.

CLERK: Ms. Bonamici votes aye.

Ms. Pocan?

POCAN: Yes.

CLERK: Mr. Pocan votes yes.

Mr. Takano?

TAKANO: Aye.

CLERK: Mr. Takano votes aye.

Mr. Jeffries?

JEFFRIES: Aye.

CLERK: Mr. Jeffries votes aye.

Ms. Clark?

CLARK: Yes.

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CLERK: Ms. Clark votes yes.

Ms. Adams?

ADAMS: Yes.

CLERK: Ms. Adams votes aye.

Mr. DeSaulnier?

DESAULNIER: Aye.

CLERK: Mr. DeSaulnier votes aye.

KLINE: The clerk will report the total?

CLERK: Mr. Chairman, 16 members voted aye, 21 members voted no.

KLINE: The amendments en bloc are not agreed to.

All right, stay in the game here. The question now occurs on the amendment in the nature of a substitute. That's the bill that we started with here, the Students Success Act H.R. 5 as amended by the amendment in the nature of substitute.

So we are -- we are now going to vote on the amendment in the nature of a substitute...

(UNKNOWN): If amended...

KLINE: Right.

(UNKNOWN): The (inaudible).

KLINE: Right, right, right. All those in favor say aye. Aye. All those opposed say no. The ayes have it and the amendment is agreed to.

If there are no other members who wish to speak on the bill I will now entertain a motion to report the bill and recognize Mr. Wilson.

WILSON: Mr. Chairman, I move that the committee on Education and the Workforce to report the bill H.R. 5 to the House of Representatives with an amendment and with the recommendation of that amendment be agreed to, and that the bill, as amended, do pass.

KLINE: The question is on favorably reporting the bill. All those in favor signify by saying aye.

Those opposed signify by saying no.

The ayes appear to have it. The ayes have it and the motion is agreed to. The clerk will request a recorded vote. OK.

A recorded vote has been requested. The clerk will call the roll.

CLERK: Mr. Kline?

KLINE: Aye.

CLERK: Mr. Kline votes aye.

Mr. Wilson?

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WILSON: Aye.

CLERK: Mr. Wilson votes aye.

Mrs. Foxx?

FOXX: Aye.

CLERK: Mrs. Foxx votes aye.

Mr. Hunter?

HUNTER: Aye.

CLERK: Mr. Hunter votes aye.

Mr. Roe?

Mr. Thompson?

THOMPSON: Aye.

CLERK: Mr. Thompson votes aye.

Mr. Walberg?

WALBERG: Aye.

CLERK: Mr. Walberg votes aye.

Mr. Salmon?

SALMON: Aye.

CLERK: Mr. Salmon votes aye.

Mr. Guthrie?

GUTHRIE: Aye.

CLERK: Mr. Guthrie votes aye.

Mr. Rokita?

ROKITA: Aye.

CLERK: Mr. Rokita votes aye.

Mr. Barletta?

BARLETTA: Aye.

CLERK: Mr. Barletta votes aye.

Mr. Heck?

HECK: Aye.

CLERK: Mr. Heck votes aye.

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Mr. Messer?

MESSER: Aye.

CLERK: Mr. Messer votes aye.

Mr. Burn?

BURN: Aye.

CLERK: Mr. Burn votes aye.

Mr. Brat?

BRAT: Aye.

CLERK: Mr. Brat votes aye.

Mr. Carter?

CARTER: Aye.

CLERK: Mr. Carter votes aye.

Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes aye.

Mr. Grothman?

GROTHMAN: Aye.

CLERK: Mr. Grothman votes aye.

Mr. Russell?

RUSSELL: Aye.

CLERK: Mr. Russell votes aye.

Mr. Curbelo?

CURBELO: Aye.

CLERK: Mr. Curbelo votes aye.

Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes aye.

Mr. Allen?

ALLEN: Aye.

CLERK: Mr. Allen votes aye.

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Mr. Scott?

SCOTT: No.

CLERK: Mr. Scott votes no.

Mr. Hinojosa?

HINOJOSA: No.

CLERK: Mr. Hinojosa votes no.

Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no.

Mr. Grijalva?

GRIJALVA: No.

CLERK: Mr. Grijalva votes no.

Mr. Courtney?

COURTNEY: No

CLERK: Mr. Courtney votes no.

Ms. Fudge?

FUDGE: No.

CLERK: Ms. Fudge votes no.

Mr. Polis?

POLIS: No.

CLERK: Mr. Polis votes no.

Mr. Sablan?

SABLAN: No.

CLERK: Mr. Sablan votes no.

Ms. Wilson?

WILSON: No.

CLERK: Ms. Wilson votes no.

Ms. Bonamici?

BONAMICI: No.

CLERK: Ms. Bonamici votes no.

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Ms. Pocan?

POCAN: No.

CLERK: Mr. Pocan votes no.

Mr. Takano?

TAKANO: No.

CLERK: Mr. Takano votes no.

Mr. Jeffries?

JEFFRIES: No.

CLERK: Mr. Jeffries votes no.

Ms. Clark?

CLARK: No.

CLERK: Ms. Clark votes no.

Ms. Adams?

ADAMS: No.

CLERK: Ms. Adams votes no.

Mr. DeSaulnier?

DESAULNIER: No.

CLERK: Mr. DeSaulnier votes no.

KLINE: The clerk will report the total?

CLERK: Mr. Chairman, 21 members vote aye and 16 members vote no.

KLINE: The ayes have it. The motion is agreed to. H.R. 5 is ordered reported to the House of Representatives. The Chair notes for the record that a quorum is present.

WILSON: Mr. Chairman?

KLINE: And I recognize Mr. Wilson.

WILSON: Mr. Chairman...

KLINE: That's OK. We'll pick it up right after this.

DAVIS (?): Mr. Chairman, just on the earlier point of order I want to register a...

KLINE: We will do that as soon as we finish this. OK.

Well, I will just make sure that -- that's in here. It might -- OK.

I will now recognize Mr. Wilson.

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WILSON: I ask unanimous consent that staff be authorized to make necessary and technical changes to the bill in pursuant to House Rule 11 Clause 2-L.

I give notice that all members have the requisite number of days to file additional or minority views.

KLINE: Without objection so ordered.

Now we are going to go back per an early agreement. This will just take a moment. It's been the practice of the committee for some time that when members are caught away in the other two or three or however many other committees are in and miss a vote, that we will afford the opportunity for that member to be recorded as long as it doesn't change the outcome of the vote. And in this case Ms. Davis will be afforded the opportunity to be recorded on the motion to table.

DAVIS: No.

KLINE: Ms. Davis will be recorded as a no then.

CLERK: Mrs. Davis is recorded as no. The new tally for this vote will be 21 ayes and 16 noes.

KLINE: And the motion is still tabled.

I thank the gentlelady.

All business being concluded, the committee stands adjourned.

END

Classification

Language: ENGLISH

Subject: US REPUBLICAN PARTY (90%); EDUCATION SYSTEMS & INSTITUTIONS (90%); CHILDREN (90%); STUDENTS & STUDENT LIFE (90%); SECONDARY SCHOOLS (90%); US DEMOCRATIC PARTY (90%); PRIMARY & SECONDARY EDUCATION (89%); HIGH SCHOOLS (89%); SCHOOL PERFORMANCE (89%); PUBLIC SCHOOLS (89%); MULTILINGUALISM (79%); ACADEMIC STANDARDS (79%); PRIMARY & SECONDARY SCHOOL TEACHERS (79%); US NO CHILD LEFT BEHIND ACT (79%); PHYSICAL EDUCATION (79%); EDUCATION FUNDING (79%); LITERACY & ILLITERACY (79%); EDUCATIONAL INSTITUTION GRADUATION (79%); SCHOOL DROP OUTS (79%); CURRICULA (79%); HUMANITIES & SOCIAL SCIENCE (79%); NONTRADITIONAL STUDENTS (79%); CIVIL RIGHTS (77%); PARENTS (77%); FAMILY (77%); FOREIGN LANGUAGE EDUCATION (74%); US PRESIDENTIAL CANDIDATES 2008 (71%); VISUAL & PERFORMING ARTS (69%); LANGUAGE ACQUISITION (66%); RESEARCH REPORTS (64%); WRITERS (62%)

Industry: EDUCATION SYSTEMS & INSTITUTIONS (90%); SECONDARY SCHOOLS (90%); PRIMARY & SECONDARY EDUCATION (89%); HIGH SCHOOLS (89%); PUBLIC SCHOOLS (89%); WRITERS (62%)

Person: GREGORIO SABLAN (92%); JOHN KLINE (89%); ALMA ADAMS (79%); MARK DESAULNIER (79%); HAKEEM JEFFRIES (79%); DAVE BRAT (79%); MARK TAKANO (79%); MIKE BISHOP (79%); BUDDY CARTER (79%); RICK W ALLEN (79%); GLENN GROTHMAN (79%); CARLOS CURBELO (79%); STEVE RUSSELL (79%); DUNCAN L HUNTER (79%); KATHERINE CLARK (79%); RUBEN HINOJOSA (79%); DUNCAN D HUNTER (79%); SUZANNE BONAMICI (79%); MARK POCAN (79%); ELISE STEFANIK (79%); BRADLEY BYRNE (79%); JOE WILSON (78%); JOE COURTNEY (78%); JOE HECK (78%); LUKE MESSER (78%); JARED POLIS (73%); GLENN THOMPSON (73%); VIRGINIA FOXX (58%); MARCIA FUDGE (58%); TODD ROKITA (58%); RAUL M

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GRIJALVA (58%); ROBERT C SCOTT (58%); MATT SALMON (58%); TIM WALBERG (58%); BRETT GUTHRIE (58%); SUSAN A DAVIS (58%); LOU BARLETTA (58%)

Geographic: TEXAS, USA (94%); NORTH CAROLINA, USA (92%); COLORADO, USA (92%); OKLAHOMA, USA (79%); KENTUCKY, USA (79%); DISTRICT OF COLUMBIA, USA (79%); UNITED **STATES** (92%)

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