

**Senate Democratic Policy Committee and  
House Budget Committee Democratic Caucus  
Joint Hearing  
Friday, July 18, 2003**

**“Have the President and Congressional Republicans Kept Their Promise  
To Support the No Child Left Behind Act?”**

Senator Dorgan:

Congressman Spratt, thank you very much. I'm really pleased to be here; my office here on this side was just down the hall in this hallway and so it brings back fond memories to come back to the House of Representatives. Let me thank you and the other members for the wonderful work you've done on the House Budget Committee and I think this hearing is really an excellent idea. It's very important for us who want this law to work to try to figure out how can this law be allowed to work, how do we make it work. I want to make just a couple of brief comments as we start. When I came to the U.S. House of Representatives, I visited the office of the oldest member of the House at that point. His name was Claude Pepper. And I've never forgotten the two pictures he had hung on his wall behind his desk. He had a picture of Orville Wright, Orville and Wilbur making the first airplane flight, and it was autographed to him, "To Congressman Pepper, with admiration, Orville Wright." And a picture of Neil Armstrong standing on the moon autographed to Congressman Pepper. One living American, one autographed picture of the first person to leave the ground and the first person to step on the moon. What's the distance between those two pictures? Education. Knowledge. Science. Engineering. Mathematics. The distance between learning to fly and flying to the moon is education.

Now, we have done remarkable things in this country with respect to education. We're all products of a different system. I come from a town of 350 people, I graduated in a senior high school class of nine—I was in the top five—and that qualified me to run for the Senate, at least in my state. We come from different perspectives of education, but all of us understand that the success of this great country of ours is the belief in universal education and the notion, the underlying notion of the new legislation, No Child Left Behind, is sound—that is, accountability. That is a sound notion. I believe in accountability, but I also believe that if you don't provide the funding for the mandates you impose for school districts around this country, then you set this bill up for failure. This new law is set up for failure. I want this new law to work, I think all of us want it to work—we don't want it to fail. So we want to build on this foundation a structure that can work. The high school in a hometown of 350 people is vastly different than the high school in midtown Manhattan. The template over both must be different, but the accountability the same, and if we're asking teachers to be "highly qualified" and teach in their major in a town that has a high school senior class of nine, then the question is how

do you make that happen, how do you allow that to happen, without breaking the bank of the school district.

We've heard stories, Congressman Spratt, of schools closing early in this country, two or three weeks early, shut-down schools in Oregon because they don't have the money to keep them open. We've heard stories of schools sending notes home asking students to bring things like toilet paper so that the supply budget of the school is not stretched and they can supplement the supplies. The fact is, out there in this country, we have very serious financing problems for our schools, and this Leave No Child Behind Law, No Child Left Behind, that's right, had an implied promise of the funding. The implied promise was you're going to fund it, and yet it has not been funded in this President's budget and there's no prospect that it appears the Administration wants to fund it. So, this is a very important hearing to say: "We want this to work, we don't want it to fail, what's the foundation on which we build to help make this work?" And I, let me just say finally, Senator Kennedy and Congressman Miller, this legislation would not have passed without their help. They were the principles here in the Congress to make this happen, I know they feel very strongly as well. It's not just Leave No Child Behind, it's "don't leave the funding behind." Let's give this a chance to work. So thank you very much, Congressman Spratt.

Congressman Spratt: Senator Dorgan, thank you. Let me note that we've been joined by Representative Dennis Moore of Kansas, Representative Darlene Hooley of Oregon, and Representative Bobby Scott of Virginia. In the interest of time, we're going to try to get through by 11:30 so that our witnesses can go about what else they need to do today. Let me immediately begin the hearing and turn first to Senator Kennedy. Senator Kennedy, thank you very much for taking the time to come today.

Senator Kennedy: Thank you very much, Mr. Chairman, and thank my colleague and friend, Byron Dorgan and our other colleagues that are here on the panel and particularly my friend in this important endeavor, Congressman Miller, for giving us an opportunity to spend a few moments on an issue that is of central importance to every family in America and which really is a defining issue for our society and for our country. And the issue really is as old as the nation itself. As you remember, Mr. Chairman, every state constitution in our country had a provision addressing the importance of education for the children that were going to grow up in that state. I'm proud of the many contributions that John Adams, one of our founding fathers, made, but if you read through the Massachusetts Constitution, there's the greatest elaboration about the importance of our state, giving the support, ensuring that we were going to have educated young people in our state. It was really a challenge to our state, and this challenge, which has existed in terms of our state, is really the challenge, which has existed to our country, and our founding fathers were enormously wise in understanding this. As has been pointed out by you and by the others, the nature of our education system is fundamental to what we are going to have as a society in terms of our values. It's going to be determinant about the strength of our own kind of democracy, it's going to be a key in terms of our economy and our ability to lead the world, and finally it is going to be a determining factor in terms of our national security and our national defense. Just last evening, Mr.

Chairman, the Senate of the United States completed its work on the Defense Appropriation Bill; that was some \$400 billion dollars. We're talking about a full funding here for an education program to make sure that no child is left behind, and when we say no child is left behind, we're saying no child, no black child, no brown child, no white child, no American Indian child, no disabled child, no child, no child is truly left behind. And I think when we were appropriated that 400 billion dollars, that is effectively more than ten times, ten times, what we were committed to in terms of the education of the children, ten times, ten times. And if you think back just a few weeks ago, when the Senate and the House of Representatives was passing a tax reduction, a tax cut bill, of well over a trillion dollars, a trillion 300 billion dollars, and realize that is 33 times, minimally 33 times more than what we are talking about here. We get some idea of the perspective of the amounts we're talking about, billions of dollars are large figures, and full funding is a significant figure, but when you balance it against what we're talking about, the tax cuts, when you're balancing against what we have just appropriated in terms of national security and understand how important this is to national security, we get some kind of idea of what we are talking about.

Let me just say at the outset, the resources that we are talking about in terms of education, the money that we're spending, money in and of itself is not going to solve the problem. We understand that. And that is why we've felt so strongly that any commitment in terms of the taxpayers' resources had to be tied in to very important effective reform. You couldn't have reform without resources, you can't have the resources without the reform; you have to have both together, and that is a very essential factor.

Final point in this area, Mr. President: I think we are talking about a budget of two trillion, four hundred billion dollars. We're talking about a full funding of Title I at 30 billion dollars. Two trillion, 400 billion; 32 billion in terms of full funding. It does seem to me if what we are saying here that the investment that we are talking about in fulfilling that two trillion, 400 billion dollars is really the national priorities; what do the American people believe in in terms of national priorities. And we ought to say out of a two trillion, 400 billion, we ought to be able to find the 32 billion dollars in that budget to reflect a national priority, and I doubt very much that there are not many of our colleagues, Democrats and Republicans right now when we're meeting, that aren't out back in their districts talking about the importance of education, because they're talking about the future of the country, but as this Committee understand and as my colleague George Miller understands, that unless you're going to provide the resources, this will be an empty promise, an empty promise.

Finally, Mr. President, I want to say this was a bipartisan effort. The leadership in the House by many of our colleagues, Congressman Miller in particular, but many of our colleagues, John Bayner, in the Senate of the United States, our Education Committee is particularly active and involved. And they remember other times, not long ago, where seven years ago we were dealing with an education funding program that would have reached these same children, the Title I children, the neediest children in our society, and we had legislation out on the floor of the United States Senate that had been sponsored by

out Republican colleagues that left out every son and daughter of every migrant worker, left out every son and daughter of the homeless, left out every son and daughter of immigrant children, a million eight hundred thousand, they said “We’re not going to deal with those children. We’ll let the states deal with it, but we’re not going to touch these children.” It has been the Democrats here in the Congress of the United States and in the Senate of the United States that have year in and year out, year in and year out, have been resisting the recisions that we faced when the Republicans first took charge of the Senate of the United States in 1994, where they had a three trillion dollar recision to even cut back money that had been previously focused on the Title I children. We were able to reduce that and resist it, the battle to eliminate the Department of Education. You and I believe in a Department of Education not because we value the great physical institutions of the men and women who work in, although I have a high regard for them, but that we want a Secretary of Education sitting in that Cabinet office every single day, when the President of the United States is making a judgment about the future of this country, to speak about education. We place the highest priority on it.

Now Mr. Chairman, I’ll just show very quickly where we are in terms of this nation and this administration and their commitment in terms of the future. If you take here the resolution, the budget for fiscal year 2002, the budget projections for the next ten years, this is what that Republican statement provides. It says the functional discretionary numbers as set for fiscal year 2002, Congressional Budget Office baseline estimates, and do not reflect any specific policy orientation except the defense function which assumes the President’s budget authority request for the year 2002. For the years beyond 2002, this report assumes the 2002 discretionary function levels grow by inflation. They were talking about the education function. This is the result of the Bush Administration’s budget projections that they gave to us one year after they committed and signed the law No Child Left Behind. It is effectively zero, zero, zero, zero all the way out through 2010, and that is, when people wonder about where this Administration is, it is all written out in black and white, and it is all written out in their request. And as a result of this, Mr. President, if you look at the contrast with the funding that we would have had in the No Child Left Behind for this purposes, that’s in the dotted columns, it could receive 76 votes. That was a bipartisan commitment to the children and families of this country, signed by the President of the United States, and said that over a ten-year period, that we were going have proficiency with every child in this country, but that we were going to fund it. We had 76 votes for that, bipartisan, in the United States Senate, and the top line indicates the Bush budget that we failed to realize.

The final chart, I’ll just show you, the top yellow line, Mr. Chairman, is what the commitment was when the President signed the authorization, the yellow line. The green lines is what the Congress, how the Congress has increased it. The red line is what this Administration has requested. You see year after year after year it is the people’s institution in the Congress and Senate that has been fighting for the increases and that the disparity has been increasing all through that period of time.

So Mr. Chairman, we are strongly committed, not just for the resources, but we understand finally, that when you’re talking about the funding, you’re talking about an

excellent curriculum. When you're talking about funding, you're talking about a well-trained teacher in the classroom. When you're talking about funding, you're talking about smaller class sizes. When you talk about funding, you're talking about fair tests that are going to find out what a child knows and what a child doesn't know, and when you talk about funding, you're talking about supplementary services to help that child, to gain the knowledge so that they are going to be able to keep up. When you're talking about funding, you're talking about after-school services so that those children can get the additional kind of help and assistance in reading and in the other subjects they do. That is what funding is, that is what resources are, and that is the commitment to the children that this administration has failed. That is the travesty that has taken place. That is the failed Bush education policy that is impacting the children of this country, and I want to give you the assurance, Mr. Chairman, that we are going to do everything possible in the Senate of the United States, everything that we possibly can to meet our responsibilities to these children. We're going to fight for the increased resources, we're going to battle for these increased resources, and we're going to do it every single opportunity that we have the chance to do it. I thank the chair.

Congressman Spratt: Senator Kennedy, before we turn to George Miller, let's just make sure for the record and for everyone here that we understand the numbers that you've just portrayed on that chart up there. What you're saying is that the understanding, as you put it the commitment of the administration when the law passed was that funding the first year, is that 26.4 billion dollars?

Senator Kennedy: Uh, 26.4 billion dollars.

Congressman Spratt: And instead the administration requested only 19.1 billion dollars?

Senator Kennedy: That's right, and it's interesting, Mr. Chairman, the administration actually was at 18 billion dollars. It was 18 billion dollars. During the course of the negotiations, as Congressman Miller remembers, we were able to get them up to another billion and a half, during the course of the negotiations.

Congressman Spratt: Still 7 billion dollars shy of the target?

Senator Kennedy: We got up to 19 billion dollars on this, is where they finally agreed. They gave it to us in bits of 500 million dollars. It's not very much but at least is started at 18 and went up to nineteen-one. And so we're giving the administration the benefit of the doubt. If he extended that line it would have gone to eighteen. We were able during the negotiation to get the commitment to go to eighteen, and that's where it started. We were able to raise that up to twenty-two, twenty three, and then as you see here, this has been a drop of 200 million dollars. And you'll see that for the first time, actually the House has a higher figure than the Senate, I have the figures here.

Congressman Spratt: The next year in 2003, we authorized by large votes, bipartisan majorities in both houses, 29.2, the administration requested only 22 billion dollars to match that. Then finally in FY2004, the authorized level was 32 billion dollars and the

administration's request was 22.6, barely an increase over last year and less than what we had actually enacted.

Senator Kennedy: That is absolutely correct. And now, one of the most distressing aspects is the increasing disparity. The 'No Child Left Behind' said that we going to have in a twelve-year period, proficiency in reading. And what we're doing now of course, as your other charts indicated, you're leaving almost half of all the children left behind. And that's going to result obviously in a very considerable failure. Just a last, distant point. My state of Massachusetts has education reform and really has put in place 'No Child Left Behind' prior to the time that it passed now. We are now number two in the country in terms of our fourth graders, we are number two in the country in terms of our eighth graders, and we have seen a greater reduction in disparity in terms of race, between black and brown and white, of any other state in the country.

The concepts behind the no child left behind, are sound, and have been proven. The real tragedy is the failure to give the resources to ensure it's going to be successful.

Congressman Spratt: Thank you Senator. Congressman Miller.

Congressman Miller: Thank Mr. Chairman and thank you to my colleagues and Senator Dorgan for calling this hearing and thank you Senator Kennedy for being here. For almost thirty years I've had the pleasure of serving in the house of representatives, and working with Senator Kennedy on numerous education and child related pieces of legislation and I can't think of a finer ally, a more stalwart proponent than Senator Kennedy.

Why is this hearing so important today? I think this hearing is so important because this is not just about the budget numbers, but the budget numbers tell us something that we need to know. Leave No Child Behind was the result of three years of intensive bipartisan negotiations that started with the end of the Clinton Administration, with the passage of a bipartisan bill in the House, the killing of that bill later in the Senate unfortunately. And then with the new administration, the question raised by the President of the United States, when he brought Senator Kennedy, myself, John Bainer and Greg to the White House, he asked if there was a chance to get a bipartisan agreement that would dramatically change the elementary and secondary education programs in this country. Whether or not we would have an opportunity to close the gap between majority and minority children, rich and poor children, in this country, because the disparities were great. And whether or not we could fundamentally change the benefits we receive from this huge federal investment. I know many of you will argue in the states it's only 7%, but in many of the schools where the greatest disparities exist, it's some 30% of the budget in those schools. It's a terribly important piece of the education component of this country, if in fact we are going to leave no child behind. We had long discussions at the White House, we talked about what could be done, what was possible, and we decided that we could do something. And we started talking about what the goals of this nation should be. That over a twelve-year period of time, as Senator Kennedy has said, that we would see that every child in this country is proficient. That they have a command of the

subject matter, that they have a command of the skills necessary, that are age appropriate to them. That we would have a means by which we can assess these children so that we could tell whether or not they were moving along in an age appropriate fashion. As they move from kindergarten to first and second grade. That we wanted to do that in real time so that we would have to wait till sixth grade to find out someone was reading at a third grade level. We also knew that all scientific research told us that a good teacher was a cornerstone - that we had to put a lot of money into teacher professionalization and certifications and qualifications of those teachers. Also, that we needed a great curriculum, because that's what the scientific research was telling us and we could not ignore it. That a child from no matter what background, when given a good teacher, a decent facility, an excellent curriculum will learn like any other child in the nation.

If you have that evidence how can you leave that evidence behind? How can you continue to accept this disparity? So we embarked on a journey. We embarked on a journey, a bipartisan journey, for the most significant changes in elementary education at the federal level in almost thirty years. We were embarking on a journey to redeem the promise that was made. That this country would make an effort to close the gap between majority and minority, between rich and poor children in this country.

But there was more to that discussion than just those ideals and those goals. There was a very serious discussion about how extensive those reforms were, and how expensive they would be if we were going to cure the problem in my state, some 40,000 teachers who are properly certified or qualified to teach the subjects for which they're teaching. The problems of rundown classrooms, the problems of outdated curriculum, the problem of after school care, of tutoring children who are falling behind.

Senator Kennedy asked a bunch of crucial questions to the President of the United States George Bush. He asked him whether or not he fully understood the cost of the assessments, and what it would mean to develop real tests; tests that were valuable to the educational opportunity of those children. The President said that he understood that. That he wanted to have high quality tests.

We raised the question of teacher professionalization. The capabilities of the teacher core in this country, and the President said he understood that. We asked if he understood the significance of this in terms of the political battle that we were going to enter. And the President said numerous times, that if we achieve these reforms, the resources would be there to carry them out. These numbers and these stories are more than about the budget, they're about the credibility of this administration and this President. Because we kept, as a promise to this congress and to the United States, we wrote that law, those words were put down on paper and they were signed by the President of the United States. And those numbers were negotiated by the White House, between the Republicans, between the Democrats, with the recognition of the kind of ramping up that we would have to do if we were going to achieve that goal if we were going to be proficient in twelve years, if we were going to achieve that goal of having a qualified teacher in every classroom within five years. This, ladies and gentlemen, was a political agreement and promise among the people in that room and the Congress of the United States. And where we are

today is that promise has been broken by the President of the United States and the Republicans in the Congress. Because while the reforms continue and progress is being made, as Senator Kennedy just pointed out in his own state, and we can point to places in other states, and children who are being helped and were not helped before, and who are performing at levels not performed at before; we do not have sufficient funds to complete the job. And we are now at a point, given what's taken place in the state budgets, that we are now starting to leave children behind.

We made a major infusion of money in the first year of this bill. We made a major infusion of money for the programs to end this disparity. But with these budget numbers we are breaking that promise and we are starting to leave that new cohort of children behind. We're leaving them behind because we're not going to be able to train a sufficient number of teachers to stay on schedule. We're leaving them behind because they're not going to have exposure to the after school programs where we can mentor and tutor those children. We're leaving them behind because they're not going to have access to summer programs where we can maintain the gains that we made in the second and third grade as they move to a higher grade level. We're leaving them behind because we're not going to have the resources to deal with the problems of disparity, of poverty in those schools that are grinding, grinding on these children. But this President said to us in that promise and he said publicly that what he wanted to do was take these resources and drive them to the poorest children in the poorest performing schools. We will not be able to do that with these budget numbers.

Tragically, tragically those broken promises go beyond. In the middle of this debate, we had a debate for IDEA for special education for those children in so much need. And we tried to offer full funding and there again we were told that if we got the reforms, which were not before us in the conference committee, we would have full funding. And of course as you know, in the House we have passed out the IDEA bill with all the reforms the Republicans wanted; we don't have full funding. And all of those parents and all of those school districts that have been looking for that funding to solve those problems of special education are not going to get it and a new group of children are going to be left behind.

So what started out as a hopeful journey about the best values of this nation, about the best expectations for our children, about the greatest belief of what we could do with qualified teachers and the educational opportunity we could provide has now come into the "trail of tears", to a journey of broken promises. But this Congress kept its word. Because the law of no child left behind is on the books. And state superintendents, and governors, and local principals, and superintendents of school districts are working like crazy. The President likes to say that all the plans are in, they're moving forth in good faith. The only place that we can't find good faith in this agreement right now is at the White House and with the Republicans in Congress. They are not operating in good faith, because you cannot support these kinds of numbers knowing what you're asking the states and local districts and others to do. Now I will have a chance to battle that out again in the conference committee on the health and human services appropriations bill. But people have got to understand, they've got to understand, that this is a fundamental

and basic chance to change the direction of the American education system so that no child is left behind.

When we visited a school out in Anacostia, we went with the President of the United States and the principal told the President about the value of having assessments of how the children were doing so that in real time she could assign resources to those children, or if the teachers maybe weren't delivering the lessons plans correctly she could work with the teachers and in real time keep the children from falling behind. That's what we would like to see. Real time information and assessments about our children and how they're doing so that we can make sure that we apply the right resources. But that is not going to be possible. That is not going to be possible under what this administration and this Congress has done to this act in terms of the resources to support it.

And I want to just thank you very much for the opportunity to speak to you about this. At a time when a lot of people are asking questions about information, and data, and collections, and credibility we have a fundamental example here of a major, major breach. The people who will pay the price here are the children of this nation and their families who have so much expectations for them. I hope we still will have an opportunity in the appropriations bill to change the outcome, to really in fact leave no child behind, to have a qualified teacher in every classroom, and to have all of our children proficient in twelve years. Because that's what a great nation would do and a great nation would do it without even blinking. Without even blinking. But unfortunately here, this administration has decided to take a U-turn on us and break its promise. Thank you.

Congressman Spratt: Thank you both for the powerful statements. Senator Kennedy I understand that you have to leave at 10:40 and it's 10:40 now, but let me express from all of us here our gratitude for your coming and our gratitude in particular for the strong statement that you made and the leadership you provided.

Senator Kennedy: I want to thank you gentlemen, the committee, I don't think there's a more important issue that's before the country's families, so we want to work very closely with you and our colleagues in the House and to do everything that we possibly can even with the short supply of resources they give us to try to make sure that we're not going to get to all of these children. Thank you.

Senator Dorgan: Senator Kennedy I just have one question that I wanted to ask you to answer, I would obviously like an answer from Congressman Miller as well. If we don't get the resources, and I had two hearings in North Dakota recently on this at school board meetings, teachers, administrators, both rooms were packed when I had these meetings very concerned about this, concerned about the mandate without the funding, struggling to get the money. The question is if we don't provide the resources that represented the implied promise with this mandate we imposed on the school districts, is it destined to fail? Can this succeed without the resources?

Senator Kennedy: Well the resources are an absolutely indispensable part. Having said that, I was visiting with my school superintendent in Springfield, Massachusetts and they have a budget of about \$230 million there and theirs should have been, I forget right now about what additional kinds of resources, probably about \$6 million or \$8 million more in terms of it, and I was asking him about how's he able to cope? How's he able to cope with this, how is he able to kind of deal with it? And he talked about the lost opportunity, about the lost opportunity. But what he also told me is that it's important that we have standards based education and we cannot retreat from that basic and very fundamental concept that's included in this legislation; that the overwhelming majority of parents wants standards base. They want to know what their children are learning, they want their children to learn, they want to know what their children are learning, they want to know what's happening in other schools, but they want to have some benchmarks, which they haven't had in the past, and they want to stay the course on this.

I think the great sense that I had after visiting with them is just a renewed kind of commitment to trying to get the additional resources to help him help the parents. But the overall concept, which is included in here, is basically what Ernie Boya, who is probably the most thoughtful educator in the last twenty-five years, *The Nation at Risk*, and his strong commitment on the standards base that we just as a nation had to get this up. And this was basically; we tracked this through the successful programs in the National Science Foundation, which has a broad record of success in different parts of the country challenging districts, standards base. It needs all of these elements that are included on that, but I think that's something that we've got the nation now thinking about and focusing on and that's why I think that the burden will hopefully be on us to try and give life to this rather than retreat from it.

Congressman Miller: On that point I think Senator Kennedy is quite correct. Not only do parents want a standards-based education with some accountability, but we also know that the components of this act are what is necessary to create the educational opportunity for these children. And there really is no going back because the genie is out of the bottle now in terms of the desegregation of data and the disparities between rich and poor and minority and majority children.

We're at the fiftieth anniversary of Brown v. Board of Education. We have lawsuits all over the nation about the disparity, my state an incredible lawsuit in terms of the lack of resources and the disparity of resources between rich and poor districts and the educational opportunities of these children. This is now what was a private secret as we dealt in the averages, of how the average child in North Dakota, or South Dakota, or California, Florida were doing, the bottom half wasn't moving. Now we've desegregated the data, we now know what's happening in a minority community among poor children, among immigrant children, among the limited English-speaking children.

We as a nation have to address that, and let me say the other night we had an amendment by Mr. Allen, Mr. Moore, or similar pieces of legislation; I voted for that. But I voted for that out of the frustration in the House where we can't offer the amendments. We don't get a chance to offer the amendments to improve the education budget. We don't get in

the consideration of the budget the transfer amendments that you were familiar with when you were in the House. In the Senate you get to make these kinds of changes and budget priorities, we're given it on a take it or leave it basis. So yes, I join that effort out of frustration for the manner in which we have to deal with this budget and the education funding in the House of Representatives. But nobody should be under the allusion that we can go back. What we have got to do is to take the fight to the White House and to the President on the broken promises; on the credibility; on the worth of his word to American children. This isn't about us pulling back from what we know are fundamental shifts and reforms that all of the research tells us will provide a better opportunity. I am hearing it from my superintendents of schools. Look, in the state of California we've got a \$28 billion deficit. We just raised the higher education fees 30% and 25% in the state's university system, but we don't think we can go back. We can't take the children of East L.A. and put them back where they were before, we can't make them invisible like they were before to the political process or the children in my district in North Richmond. These parents want to know how their kids are doing. They're getting information for the first time about the quality of the teacher, about how that school's performing, about how their child's performing, and how they're performing down the road. That's explosive information as a society, that's explosive information. But it has to be delivered otherwise the bottom will never move. It won't move. Thank you.

Congressman Spratt: I'd like to now give other members of the panel the opportunity to ask questions. Before doing it, let me note the arrival of Mr. Moran of Virginia, Ms. DeLauro of Connecticut, and Ms. Majette of Georgia. We've got a substantial panel, which indicates the interest in this. The room is full and people are in the hallway trying to get in here; I think we're on to something.

Let me start with the members in the order of arrival and ask them if they could try to hold their questions to two or three questions so that we can finish with this panel with George Miller by maybe 11:10 and then move to our next panel. Bobby Scott from Virginia.

Congressman Scott: Thank you Mr. Chairman and before I begin I'd just like to enter into the record an article in today's *New York Times*, the headline of which is "Tens of Thousands Will Lose College Aide Reports Say", which shows the unfortunate direction that we're going in. Representative Miller, you're familiar with this chart, which is now out of date, which shows the deficit has actually gone off the chart. This is the February numbers; the new numbers have this going off the chart. That deficit was created with tax cuts for the wealthy, the top 1% getting half of the tax cuts, the upper 20% getting the overall majority of it. Millionaires, the off the chart number is what millionaires get. 75,000, 50,000 to 75,000 that's what they got and you don't even need any ink to describe the tax cut that others got. We were told that we were going to create jobs if we did it; not. That's the job chart since Harry Truman and Presidents and what they've been able to create, 9/11 could not have created this because this chart includes the Korean War, the Vietnam War, the Persian Gulf War, Cold War, Somalia, Kosovo and everything else and after the tax cuts passed we have a squeeze because of all of the deficits we are running up. This is the interest on the national debt. We were running a

surplus when this administration came in; the green line is the interest on the national debt that we were going to pay; the red line is the interest on the national debt that we're going to have to pay because of fiscal irresponsibility; the blue line puts it into perspective, that's the defense budget. Instead of zero interest on the national debt, we're going to be spending over \$500 billion a year in interest on the national debt.

Now, my question in all of that is how, what does this say about our priorities in terms of being able to address educational benefits as opposed to tax cuts that went mostly to millionaires?

Congressman Miller: Well I think when you see the creation of the debt by this administration, when you see the run up and the interest payments on that debt, when you see the conscious decision to deliver some \$2 trillion in tax cuts over the coming years, and then you see the education funding chart that Senator Kennedy put up here it's very clear that nowhere in the consideration in the run up of the debt or the tax cuts was education ever considered. Education has now gone, when the President set foot in the White House on the first day when we met with him his statement was that education was his highest priority, it's gone from being his highest priority to getting leftovers. It gets leftovers after the debt, after the interest payment on the debt, after the tax cuts, after the military spending; education gets the leftovers. That's not where children should be. It's very clear this is not a priority any longer. It simply cannot be when you recognize the commitments and the mandates that the President put in place for the education system in this country and the failure to fund those. And those were in place when he designed his budget for last year, they were in place when he designed his budget for this year, and for next year; so this isn't like a surprise. We did four signing ceremonies. We traveled around to four different states when we signed *leave no child left behind*. This wasn't an accident. This was a promise the President wanted the American people to know that he made to them, but he simply doesn't want to talk about it now.

Congressman Spratt: Dennis Moore.

Congressman Moore: Thank you Mr. Chairman. Congressman Miller we have all talked, I think, at length about the promise that this Congress made twenty-seven, twenty-eight years ago when IDEA... (unintelligible) ...hospitals and institutions and bring them into the public schools for education and I think that was exactly the right thing to do because those kids can learn from so called regular education kids and regular education kids can learn from special education children. But as you know, where up to 17 percent or 18 percent of the promised 40 percent funding twenty-seven years later and we broke that promise as a nation. And it's really put, I think, hurt on our states and our local school boards in terms of education funding. Is the same thing going to happen again here where we have made a promise and a commitment to our educators who tell me back home, and we have some of the best schools in the whole nation in our district, but they say we can do our job and educate children, but what we can't do is take on additional requirements and responsibilities without the resources to do it. Is that going to happen again here Congressman Miller?

Congressman Miller: Well that's our concern and I have to say that Senator Kennedy raised this very early in our conversations and that was the question of whether or not we considered the funding levels to take into account what's happening elsewhere in the education budget and in the states and IDEA came up a number of times and you and I had numerous discussions about the impact of this on our local school districts. But yes, we're getting to the point between the mandates in leave no child behind and the mandates in IDEA, both of which I believe are Constitutional mandates, if the law went away you couldn't go back to taking children with special needs and not letting them into an education system and you couldn't take minority and poor children and give them a second class education. But we recognize that as a nation. I was here when we wrote IDEA; this was a fundamental promise. We've added a lot of money to IDEA over the last several years on a bipartisan basis and this committee and the House Budget Committee, House Democrats have been pushing for eight years, every year, to add full funding of that and we've added money but we're falling behind again. It'll take, I don't know fifteen, twenty years, well you won't get there at the current levels, you'll never arrive at full funding with what's in the current budget. And again, those children don't leave the school system, they don't get educated somewhere else, the obligation continues to run and I think that there's no other excuse. Again, I hate to keep going back to this President, what he promised us, but he said if you get the reforms in no child left behind, you'll get the resources. He said if you get the reforms in IDEA as the chairman in both the House and Senate committee both a Republican chairman said at that time, you'll get the resources. Well here we are forks. We've gotten the reforms we just haven't gotten the resources, and it's going to cause an incredible amount of trouble at the local level in terms of providing a quality education.

Congressman Spratt: Darlene Hooley, herself a formal schoolteacher.

Congresswoman Hooley: Thank you Mister Chairman. Yeah, I grew up in a family that when you made a promise, you kept it. The only thing you really have is your word.

Congressman Spratt: That is what we always say in politics. All you have here is your name and . . .

Congresswoman Hooley: All you have is your name and your word. And when we were working on No Child Left Behind, the word was given that if in fact we make these reforms, and your right the genie is out of the bag, out of the bottle, you are not going to put it back in, that we needed to make these reforms. And I know how hard you worked, and everybody worked, to make those reforms happen. But you needed the money to go along with those reforms. That is how it is going to really happen. My state, Oregon, I think everyone knows is in serious trouble. We have had school districts cut days off the end of their school year. We have increased our class sizes and yet we know through scientific evidence that smaller classroom sizes, particularly for the lower grades, that children do better. Well we are increasing our class sizes, we are asking teachers to take cuts, we are cutting days off the school year. At the beginning our shortfall was about three hundred million dollars for this next fiscal year. If we would of kept our promises on IDEA funding, Mr. Morris has been talking about that, it would of meant about a

hundred million, a hundred and ten million more to our state, which would of gone a long ways toward helping with our school deficit. How do we ever get passed this issue of we make the reforms that I think are necessary? Both IDEA, Individuals with Disability Act, and Leave No Child Behind with some accountability, how do we make sure that we keep our promises? It's the only thing we have. I mean it is one of the most frustrating things I've encountered. How do we ever get there?

Congressman Miller: Well, let's start with what you just said. You would get there if people kept their promises. If the Congress kept its promise of full funding of IDEA. Right now my party, our party, doesn't control the Congress. And if the President kept his promise. I found it rather interesting when we had a vote in the education committee earlier this year, a couple months ago, on IDEA. There were six members of that committee who were sponsors of legislation for full funding of IDEA and voted against the amendment. They voted against the amendment because the administration called them and put pressure on them to vote against the amendment. We have dozens of Republican members of the Congress who are sponsors of legislation for full funding but voted against it when it came to the floor.

There is a level of hypocrisy going on here about IDEA that just got to be politically unacceptable at some point to the American people. It has simply got to be unacceptable and in this particular instance this was pressure put on these individuals that runs right through the front door and out the back door of the White House to the Congress of the United States. That is where the end of the phone conversations were. They were from the White House to the members of Congress. And that is where we are. In the last minute they added a billion dollars, I think, to plus this up as John Spratt would say, to make it look good so they could hold their members on the vote against full funding, and then the billion dollars makes ends up not being reflected in the appropriations bill. It was all a shell game. But the Republicans have decided that they would rather play a shell game, they would rather move around the information, they rather not keep their promises then have their people vote on these matters. The evidence is, you know, it's the Republican President in the White Houses in Washington, D.C. with the candlestick that is creating the crime here. O.K.?

Congresswoman Hooley: But Representative Miller, the President says that they have increased funding by an average of twelve percent over the last five years. Isn't that enough to cover these new promises?

Congressman Miller: There is not a school district in this country, there is not a principal in this country, there is not a teacher in this country that believes that is sufficient funding. The tragedy of what's happening is not only the lost opportunity, that Senator Kennedy talked about, with these children because remember children don't stand still, they keep moving. And if we miss them in the fourth grade they have a deficit in the fifth grade. If we don't quite get there for the whole year in the fifth grade they have a greater deficit in the sixth grade. But the other problem is that the teachers, who are trying to deal with this, think of their frustration as their class size increases when we know a lower class size helps them to do their job. Think of their time when they know the

school days are being cut so they have to cram more into a larger class in a less period of time. What this does to their morale and what this does to their ability to be a highly proficient teacher. So, I mean, this is really starting to unravel, the educational opportunity within this country.

Congresswoman Hooley: But the bottom line is we have said we would do something and we have not done it. We have not kept our promise.

Congressman Miller: Well, I am starting to narrow that definition of we have not kept our promise. We, our party, my party, the Democrats in the Congress have offered in time and again in committee, in the Budget Committee, in the Education Committee, in the Rules Committees efforts to try to redeem these promises and we have been rebuffed at every opportunity.

Congresswoman Hooley: I want to keep the promises we made.

Congressman Miller: You are right.

Congressman Spratt: Thank you, Mr. Moran from Virginia.

Congressman Moran: Thank you John and thank you George for all the work that you have put in to this with Senator Kennedy and others. And it is not hard to understand the source of your passion. You made a deal, you made a deal on behalf of those who believe in education on behalf of the Democratic Caucus particularly. That deal basically was that you would buy into the Republican's approach to education with an emphasis on testing, on being willing to fail teachers and parents and school systems, treating every child as though they were all equal regardless of the circumstances of their birth or the educational level or income of their parents. They were going to throw them all in and grade them and judge them and hold them accountable and their schools systems. You were willing to do that, to buy into that as long as the Republicans were willing to come up with the money to achieve the transformation that was necessary. To really put into actuality, this nice phrase and I am afraid has become trite now to leave no child behind. But you knew that you can't do one without the other. You can't do the testing, you can't fail schools, you can't hold kids accountable and teachers and school systems unless you are willing to invest. To overcome the circumstances of their birth, to overcome the fact that many of them have parents who are illiterate in their own right that we've many school systems are inundated with children who are even illiterate in their native language. Never mind to overcome the barriers of learning this English language that they have to compete in. But you made that deal on our behalf and now the deal has been broken. Where all over the country we are holding these school systems and these kids accountable but we are not giving them the money to make that kind of transformational change. So in many ways we have the worst of both worlds. We are failing schools, we are holding them accountable, we are supposedly exposing them, we are causing many middle class families to pull their kids out of public schools because we are not willing to provide the resources.

Now Congressman Scott outlined the budget context, I think there is a little more involved here than just rewarding the very wealthy. It's obscene the fact that we are giving one tenth of one percent of the wealthiest Americans as much tax benefit as we are giving the other ninety percent who's incomes are ninety five thousand or less. Talk about exacerbating the disparity we already have. But I think there is more than that, I think it goes back to these people who think that they are fulfilling the Reagan Revolution, who don't trust government, who want to get government out of their lives because they can afford to have government out of their lives. We had a hearing with the new budget director and we pointed out that you can eliminate now all of the domestic discretionary programs, all of them. And given the tax cuts, you are still going to have a deficit.

So now will start hearing this mantra that we got a deficit, we just don't have money, we would really like to help you at, we would like to do something about failing schools systems and poor help but the money isn't there. The money is not there because they took it off the table in these tax cuts for the very wealthiest. So what happens then, and this gets to my question, what happens then? There is no money at the federal level to fill the gaps to build a capacity. You go down to the state level, the states tell us that they are hurting worse than we are. Many of them in the nineties when we had a boom thanks to good fiscal management, they would up cutting taxes themselves, took money off the table and they don't have the money now. And so it goes down to the local level, the local level in so many school districts, we have the worst possible way of financing schools through property taxes. And so the poor school districts, obviously by definition have the least money to tax. They have the lowest property values and yet they need resources the most. The wealthiest districts, who presumably need public resources the least because those parents are well educated, the kids have grown up advantaged, have been academically competitive their whole lives, they have had good solid developmental daycare. They know they are going to college. They don't really need so much a public school system although they need to see how the rest of the world lives. But that is where you get the property tax, that's where you have all the property taxes you could ever want. And even within neighborhoods, you have the politics of the people who live in the largest homes, the wealthiest homes in suburban areas, they are the least likely to have kids in the public school system, the least likely! And they are the ones that vote, so I think there may be, and I want to ask you from your perspective, there may really be something calculated about this, that you are giving over the fate of our public school system to the people who have the least vested interest in its success. And unless the Federal government steps in and tries to balance it out, tries to fill those gaps, tries to equalize this inefficient, inappropriate, unfair system of paying for schools with property taxes, unless we step in then the public school systems that need public resources the most are bound to fail. They know that, we know that, and the public is beginning to realize that. What do you think George?

Congressman Miller: Let me just say at the outset that I don't consider this a Republican approach to education. I was quite fascinated when I listened to this President talk about this bill; and when I looked at the components of this bill and what we are trying to do and if you go back to what Lyndon Johnson said when this bill was initiated in 1965 and

what Robert Kennedy said about the expectations for America's children. This is a very democratic idea that all children would have an equal opportunity at a first class education. Again that is the promise of this bill; that is not the promise that is being kept. And in fact, what we see, what we see now in two budgets, what we see is that this promise made by the Bush Administration is as phony as that little red school house on the top of the Department of Education. There is nobody walking through the door of that red school house and getting an education, it is as phony as it can be. And the express commitment to this legislation and to America's children is just as phony. And you are right; it is now starting to empower some of the worst critics of public school education. It's empowering them because they think they are going to be able to point to failures. Hopefully, America's parents and America's communities will catch on faster than the others and they will understand that if this fails it is a design failure because the President has within his power to keep it from failing. But right now I would say that we are starting to move on a downward glide path toward failure if the president does not in fact keep his word.

Congressman Moran: Good answer, thanks.

Congressman Spratt: Ms. DeLauro

Congresswoman DeLauro: If I can for a moment, I would like to pursue what my colleague Mr. Moran was saying because that is the direction that I was coming from as well. First of all I just want to say to Congressman Miller, I think Congressman Miller and Senator Kennedy have in their lifetime, in the professional career, have really provided for the success and opportunity of youngsters all over the country and they really epitomize what we all know about education, which is that it is a great equalizer. And despite your gender, your socioeconomic background, your political party, whatever it is, that it is your god given talent that ought to have expression and that you do that through our education process.

So we are grateful to you for that but I was taking a look through the listing of what is happening nationwide. Alabama schools are being forced to raise class sizes, cut back extra-curricular activities. Alaska Kenai Peninsula teachers sleep in closets on mattresses and are increasing class sizes by three students. Arizona school districts are planning to lay off teachers or staff next year. I won't talk about California, you know about California, Colorado reducing offerings in early childhood. I am not going to go through every state but parents in Idaho raising money for teacher's salaries through bake sales. Waterloo Iowa Schools laid off a quarter teacher's associates. I mentioned Connecticut: sixty-eight teachers are not coming back in New Britton, Connecticut. We are not going to be able deal with qualified, what you call Congressman Miller, good teachers are the cornerstone of our educational system. The issue of failure; this has been an administration and it has been a leadership in this Congress that has called for a number of years ago an end to the Department of Education. This has been an administration and a leadership that has said that the way one deals with education in this country is through vouchers; and that there should be a shift of public money to private education. Is this, in your view, part of a larger plan? And it may not only be in education but it may be in

other areas as well if you take a look at what's happening with Medicare and the movement of Medicare to a private system. If you take a look at what's happening with Head Start and unraveling a Head Start program, if you take a look at public education if it fails then we move to the private sector. Your view, maybe it's a cynicism, I don't know where it comes from, but that this is a direction we are going in with education being a cornerstone of that effort.

Congressman Miller: Well I think that we have seen that we are know in the appropriation's process in the floor of the Congress of the United States; and I think what we are seeing that ideology drives a great deal here. And part of the budget deficit is clearly created to starve the Federal government and then the Federal government can't properly do its job whether that's the immigration service or that's the Department of Education or the National Park Service. And then the next argument is that they must be privatized or they must be abolished because they're not doing their job and we are talking about fundamental institutions within American society. It's not an accident that's happening, it's not an accident that they want to starve Medicare so people will have to flee the system, which will make Medicare more expensive for the people who remain in it because they will be the sicker part of our population. And then people will want to do away with that. No, no this is not an accident. This is a design; this is an ideology that really does not believe in any of our public institutions. They really don't believe in that and right now America's children are paying the price of that. You know the President launched this educational effort by talking about the bigotry of low expectations. We are now talking about the bigotry of broken promises. It's just as harsh, it's just as demeaning, and it's just as lethal to the opportunity for these children; maybe even more so because it is intentional. It's a conscious decision, it's a conscious decision. It was this President who said he wanted to target this money to the poorest children and the poorest performing schools. Which children does this President think are being hurt when he cuts the money? It's the poorest children in the poorest performing schools.

Congresswoman DeLauro: Thank you.

Congressman Spratt: Ms. Majette

Congresswoman Majette: Thank you Mr. Chairman and thank you Mr. Miller for all of the wonderful work that you have done over the decades to support our children, and I am honored to serve with you on the Education and Workforce Committee. . .

Congressman Miller: I am delighted to have you

Congresswoman Majette: And I appreciate your leadership and I am looking forward to fight with you for the education of our children in this country. I also want to thank Congressman Spratt for convening this and I serve on the Budget Committee as well and as Congressman Scott will recall we did offer amendments to fully fund Leave No Child Behind during the budget process which obviously were defeated. So it is clear to all of us that our priorities, our priorities are straight but those of the administration are not. I

know that you are as concerned as all of us are that around this nation we have increased the expectations of teachers and students but we are not providing the kind of local support and resources that they need to get the job done of educating our children. The broken promises that Leave No Child Behind create a huge hole in the very fabric of this county and all of the things that we seek to do as a community and as a nation will fail if we do not keep the promises that were made. I would just ask you to comment briefly on the relationship between the current fight we are engaged on with Head Start, and fully funding Head Start, and the broken promises of Leave No Child Behind and how that will impact our nation as we are moving forward.

Congressman Miller: You raise an important point here; again it's all linked together. The education system in this country, we are trying to make it a seamless continuum where opportunity is available to children at every level. Head Start is the premiere program in this nation for getting children ready to go to school and it's been very successful with the population of children that are eligible for Head Start. We know want to make some improvements in Head Start; we want to provide for greater professionalization of the teachers, we want to provide for advanced degrees for those teachers. We want to serve more children; we want to serve children at an earlier age. But the administration wants to do all of that with less money. That's what they do in the bill. So the promise of serving more children, the promise of serving children at an earlier age, the promise of the comprehensive services, the promises of better qualified teachers is all hollow because the money is not there. We are barely going to be able to keep level with inflation under what they are proposing in this legislation. That just dampens the educational opportunity of that child when they arrive in kindergarten. We know we can change some of these outcomes. Not to do it is a horrible sin. Not to do it is a horrible, horrible act of neglect for these children.

You know, in your state of Georgia, you have done some serious work within the state about what level of attainment children should have at various grade levels and what they should of learned and what they should be proficient in. That is all now threatened if these monies are not there for Head Start, if these monies are not there for Title I, if these monies are not there for IDEA. Those local schools, and I have visited many schools around the Atlanta area, those schools will now be threatened as to whether or not they can now deliver that opportunity at a first class education for those children in Georgia. And the tragedy now is that we see it threatened from the very youngest children in preschool to now the children who wish to embark on a higher educational opportunity as was pointed out in the newspapers this morning. There educational opportunity is now being threatened by the levels of funding. This is no longer just an argument over money; this is an argument over whether or not huge sectors of America's children and young adults will have an educational opportunity made available to them so they can fully participate in American society in the American economic system.

Congresswoman Majette: Just briefly, how do you think that will impact the situation with respect to higher education? We know that the recent ruling of the Supreme Court with respect to the University of Michigan and the justices made comments about in another twenty five years maybe we won't have to have this kind of discussion but. . .

Congressman Miller: And we all hope that would be true, we would hope that we would flood the system with everybody who had a great educational opportunity from preschool to high school and everybody would carry with them full potential. But we know we have young people with a huge amount of potential but were not given the opportunity to exercise it. That's what we have to erase from the countryside of America. The children who come ready and able and excited to learn have that hope dashed and diminished because they don't have access to a high performing teacher, they don't have access to good curriculum, they are taught in a crummy, crummy classroom where the lighting is bad, the heating is bad. That's got to stop. That's got to stop. That's got to be the last century, that cannot be the American education story and it cannot be the educational story for so many young people from poor and minority families that they somehow are left behind. So the court, you can't have it both ways folks, you can't have it both ways. Thank you.

Congressman Spratt: George Miller, thank you very much for a very powerful testimony. Let me say to our next panel, we will be back but I have to tell you that all the bells tell us that we got five votes coming up and we cannot possibly make it back before 12:00. If you can stay with us, rest assured we will be back and we want to hear your testimony. We want to put it on the record and we hope you can stay with us. We apologize for this inconvenience but it's nothing we can avoid. The main business of the day happens on the floor and we got to get over there and vote to pass this appropriations bill. Thank you for your patience. I am sorry for this hiatus in the program but it can't be avoided.