

## PROGRAM

Mr. DASCHLE. Madam President, with this request having now been agreed to, the Senate will not be in session on Friday, as I have announced. On Monday, the Senate will convene at 1 p.m. with a period for morning business. There will be no rollcall votes on Monday. Rollcall votes will occur on Tuesday afternoon and throughout the remainder of the week as the Senate begins consideration of the Patients' Bill of Rights.

## ORDER FOR ADJOURNMENT

Mr. DASCHLE. Madam President, I now ask unanimous consent that following the remarks of Senators BYRD, AKAKA, and WELLSTONE, the Senate stand in adjournment as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

## THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. WELLSTONE. Madam President, reauthorization of the Elementary and Secondary Education Act may be the most important step we will take during this Congress to affect what is surely one of the most crucial interests of the country—children's education. I have tried to devote appropriate attention and effort toward improving this bill. That is because I have believed since Committee consideration that it contains significant flaws. At the same time, we have improved the bill in important ways, and we have added substantial new commitments of federal funds for education. In my view, these improvements, plus the prospects for further improvement in Conference, outweigh my remaining serious reservations about policy contained in the bill at the present time. Therefore, while I pledge to continue in Conference to try to improve the policy and to assure funding, I have voted in favor of the bill today.

A number of weeks ago, I opposed bringing this bill to the floor in the absence of some assurance that sufficient resources would be provided to federal education programs. That issue remains among my deepest concerns and considerations. Along with other improvements we have made since that time, we have very substantially bolstered needed funding for federal education—especially by including mandatory, full funding for the Individuals with Disabilities Education Act, IDEA. This provision alone will mean over \$3 billion for my state of Minnesota in IDEA funds during the coming 10 years. It will mean \$153 million in IDEA funds for Minnesota in fiscal year 2001.

The improvements must be balanced against policy deficiencies—primarily in the area of mandated tests and the bill's so-called "straight-A's," or "per-

formance agreement," provisions. My view is that if we at the federal level are going to insist on "accountability" from states, districts, schools and students, then we must be accountable to the principle that every student should have an equal opportunity to succeed. That means we must sufficiently fund the federal programs, such as Title I, IDEA and others, that attempt to give all students an equal chance. We all know that not every student arrives to school equally ready to learn. That is why it really is impossible to separate our presumption of holding schools and students accountable on one hand, from our own accountability to an obligation to sufficiently fund housing, nutrition and Head Start efforts on the other hand. We have not held ourselves accountable on that measure. We have avoided even debating this bill in that context. But if we will not meet that measure, and we have not, then we must at minimum ensure that federal education programs provide schools and students an equal chance at succeeding before we impose accountability and tests whose stakes can be very high.

My colleagues and anyone who has listened to much of the debate on this bill know that I have grave reservations about its annual testing provisions. Indeed, I oppose those provisions. I offered one amendment to remove the mandate for the tests if full Title I funding is not provided. I then cosponsored an amendment to allow states not to implement the tests so that they could utilize those funds instead for other means of boosting student achievement in the lowest performing schools.

I continue to believe that federally mandated annual testing of every student is a mistake. If it is implemented, I believe we will regret it. I say "if" because I hope the Senate will realize its mistake before the year 2005, which is when the first of these new tests would be required. I still intend to attempt at least to allow states to utilize the newly mandated tests for "diagnostic" purposes, rather than for the purpose of meeting adequate yearly progress targets. I hope that change can be made in Conference. If I do not succeed at that, I believe that we in Congress, the states and the public may very well reject these tests before they occur. I think they are unneeded, unwanted and most likely detrimental. The debate on what is becoming a mania for testing is just beginning.

We are making a significant mistake in mandating these new tests on every child, in every school, in every district and in every state. In the current context, it makes little sense. We have not even begun fully to implement the assessments we approved in 1994 with the last ESEA reauthorization. Yet we are moving to double those requirements and to expand their scope to cover every child in the country. We have not had a chance to look at the effect of those 1994 changes. Only 11 states have

brought themselves into full compliance with that law. From what we have been able to look at, the evidence seems to indicate we should be very concerned about how these tests are being implemented and what their effect is on student learning.

I would like to cite a few reports that should send us a clear warning about what we are about to do. The Independent Review Panel on Title I which was mandated in the 1994 Reauthorization issued its report "Improving the Odds" this January. The report concluded that "Many States use assessment results from a single test—often traditional multiple choice tests. Although these tests may have an important place in state assessment systems, they rarely capture the depth and breadth of knowledge reflected in state content standards." The Panel went on to make a strong recommendation. It said, "Better Assessments for instructional and accountability purposes are urgently needed."

I would also like to quote from the National Research Council, as cited in the Report "Measuring What Matters." This report was developed by the strongly pro-testing Committee for Economic Development. The report says: "policy and public expectations of testing generally exceed the technical capacity of the tests themselves."

Everybody wants to find a way to address the critical challenge of closing the achievement gap. In people's genuine desire to do something about our schools, I believe they have created expectations from these tests, that far exceed what the tests can ever do. In fact, Robert Schwartz, the President of Achieve, Inc., the nonprofit arm of the standards-based reform movement recently said: "Tests have taken on too prominent a role in these reforms and that's in part because of people rushing to attach consequences to them before, in a lot of places, we have really gotten the tests right."

In this rush for answers, the tests have ceased their useful function of measuring the reform and have become synonymous with it. That is exactly where this bill goes wrong and I believe that the consequences will be destructive. I believe that in the not so distant future, we will regret ever having done this. In fact, I believe that by the time these new tests are to go into effect, many if not most of the Senators in this body will have changed their mind on this issue.

My concerns are many and I have been over them before, but in summary, I am extremely concerned about how too much testing can subvert real learning. A Stateline News article from last week reported that:

A yet to be released RAND study conducted in North Carolina found that between 50 and 80 percent of the improvements in student performance measured by tests are temporary and fail to predict any real gains in student learning.

RAND, which is one of the most respected research institutions in the

country, is not alone. A recent survey of Texas teachers indicates that only 27 percent of teachers believe that increases in TAAS scores reflect an increase in the quality of learning and teaching.

Much of this is due to the phenomenon of teaching to the test. The Committee for Economic Development, a strongly pro-testing coalition of business leaders, warns against test based accountability systems that "lead to narrow test based coaching rather than rich instruction." Test preparation is not necessarily bad—but if it comes at the expense of real learning, it becomes a major problem. There is no question, at this point, that teaching to the test has become a problem. As an example, the recent Education Week/Pew Charitable Trust study, *Quality Counts* found that "Nearly 7/10 teachers said instruction stresses tests 'far' or 'somewhat' too much. 66 percent also said that state assessments were forcing them to concentrate too much on what is tested to the detriment of other important topics."

Beyond this detrimental phenomenon, which has proven to be more prevalent in low income communities, there is significant evidence that, at the very time we are trying to bring more teachers into low income schools and address a teacher shortage generally, the need to teach to the test and to provide education based on rote memorization and is driving people out of the field.

This is tragic at a time when we face an acute teacher shortage and we know that the single most important factor in closing the achievement gap between students is the quality of the teacher the students have. Both Linda Darling Hammond and Jonathan Kozol have addressed this issue when speaking to the Democratic Caucus. As Kozol said: "Hundreds of the most exciting and beautifully educated teachers are already fleeing from inner-city schools in order to escape what one brilliant young teacher calls "Examination Hell." I would like to quote from an article from today's *New York Times* that addresses this specific issue. The article explained: "In interviews over the last month many fourth grade teachers questioned why they should stay in a job that revolves around preparation for new state exams . . . Principals say that they cannot keep experienced teachers in fourth grade or transfer them there."

It would be remiss to talk about this issue without also addressing the fact that these tests are not perfect instruments. No one put it better than the strongly pro-testing Committee for Economic Development. These business leaders concluded that "tests that are not valid, reliable and fair will obviously be inaccurate indicators of the academic achievement of students and can lead to wrong decisions being made about students and schools."

For example, a study by David Rogosa of California's Stanford 9 Na-

tional Percentile Rank Scores for individual students showed that the chances that a student whose true score is in the 50th percentile will receive a reported score that is within 5 percentage points of his true score is only 30 percent in reading and 42 percent on ninth grade math tests.

Rogosa also showed that on the Stanford 9 test "the chances, . . . that two students with identical 'real achievement' will score more than 10 percentile points apart on the same test" is 57 percent for 9th graders and 42 percent on the fourth grade reading test.

We have to take such error very seriously if we are attaching consequences to the test results for students and schools. If we do not, and we continue to over rely on a single, less than accurate test, our ability to fairly implement any type of accountability is in jeopardy.

When we rush to get them done and rush to attach stakes to them, we are ignoring the admonition of the National Academy of Sciences that our expectations for tests should not exceed their technical capacity. One of the most troubling quotations I have read in this regard is a quote from Maureen di Marco, Vice President of Houghton Mifflin company whose subsidiary, Riverside Publishing, is one of the major test publishers. She was cited in the *Washington Post* as saying that the Industry can only handle the Bush proposal as long as states make up the difference with off the shelf, national achievement tests that are mostly multiple choice and can be scored electronically. This would be destructive and take us in the opposite direction from where we must be going in terms of accurate, quality testing. Such tests are usually not aligned with standards and most often do not measure the depth of student knowledge or student reasoning. In fact, the Stanford-9, the test studied by Rogosa, is just this kind of test, that the companies are telling us we will have to rely on.

H. D. Hoover, one of the authors of the Iowa Test of Basic Skills and incoming president of the National Council on Measurement in Education said in a recent article that "there is one heck of a capacity problem" when it comes to meeting the testing requirements in this bill. So again, in this context, I fail to understand why we are rushing ahead with these new requirements. Why can we not at least wait until states have the knowledge and the opportunity to get the tests they have right before we move on to doing so many more. The Committee for Economic Development report clearly states "there is more work to do in designing assessment instruments that can measure a rich array of knowledge and skills embedded in rigorous and substantive standards." Before we rush ahead, let's meet that challenge.

But I would not be being intellectually or personally honest if I did not

say that even if we had the most perfect assessments, I still would have significant concerns with the use of tests to compare all students and to punish schools because we have still done so little to ensure that every student has the same opportunity to do well on those tests. That concern runs as deep as any I have. It is a fairness question. There are few bills we will face this year where the policy proposals and the funding that must back up the proposals are so inextricably linked. Without giving more resources to low income schools so they can develop the capacity to help their children do well, we will only set up children to fail. In punishing these students and these schools for their poor performance, I am afraid that we are too blindly confusing their failure with our own. It is in fact, a failure for policy makers to close our eyes to the resource starved schools in our urban and rural areas. It is a failure to think that by testing alone we can reverse years of neglect and deprivation.

A study of the Florida accountability system proves this point starkly. The study found that "for every percent that poverty increases, the school's score drops by an average of 1.6 points." He showed that the level of poverty in a school in Florida predicted what the school's achievement score would be with 80 percent accuracy! Not one of my colleagues should be surprised by this.

Tests have their place, but they also have their limits. They can not give a kindergartener the early childhood education that his or her parents could not afford to provide. They can not hire a good teacher, they can not reduce class size, they cannot buy students' books and they cannot fix the heater in a school in Minnesota in the winter. Until we give every child these critical tools to do well, the tests will measure less a child's potential and more the accident of his birth.

My concerns with this bill are many, and they remain deep. But I also recognize that there is room for improvement and that the bill as it stands has many strengths. I very much appreciate the work that I and my colleagues have had the opportunity to do to improve this bill. I would like to highlight just a few of those improvements.

In the area of testing, I want to thank my colleagues for their support for three amendments that I worked very hard on and that I think will go far to ensure that we have high quality tests that are not abused. In ensuring the proper use of tests, we move to ensure that tests most accurately measure how students learn, not what they have memorized. We can more accurately see what it is that students have actually been taught. We can get a better picture of what students need and how they can best be helped.

The first is the amendment I introduced that would ensure that states show that their assessments are in

compliance with the National Standards on Educational and Psychological Testing and that their assessments are of adequate technical quality for each purpose for which they are used. The amendment also would provide \$200 million in grants for states to improve their assessments so that they are of the highest quality and are state of the art in terms of most accurately measuring the range and depth of student knowledge.

These higher quality tests and fairer uses of tests are needed because low quality tests can lead to inaccurate assessments which do not serve, but rather subvert, efforts at true accountability and high standards. Further, if we want to avoid the negative outcomes that the wrong kind of testing can bring, such as teaching to the test and teachers leaving the field, we have to be sure that assessments measure students' depth and creativity. We have to measure what students have actually been taught and we have to measure student progress not just in a single point in time, but over time and in multiple dimensions. In doing so, teachers will not futilely train their students but rather will engage their students, and challenge them and explore with them their diverse talents. That way students will gain a deeper more enduring knowledge that translates to all different contexts and is useful when confronting all different challenges. This amendment will move us strongly in the right direction.

The second amendment would achieve the same effect as the first. This amendment took the incentive bonus grants that the bill included, which would have rewarded states for completing their assessments as fast as possible, and instead awarded the bonuses to states that develop the most high quality assessments. This way we will be able to incentivize states to move in the direction of developing the most effective assessments that lead to better teacher and learning.

The third was an amendment that I offered and which passed in the Committee that authorized an in depth study, conducted by the National Research Council, to address the impact of high stakes tests on individual students. I do not think there is a greater abuse of a test than to use it as the sole determinant of whether a student will be promoted or graduated. The Professional Standards on Educational and Psychological Testing, the National Research Council and virtually every major education and civil rights group agrees with this, yet states and districts persist in this practice. This amendment would look at this practice to determine what are its affects on students, teachers and curriculum. This study would serve as a guide for policy makers so they can understand better how tests can be used as a positive tool in children's education.

But beyond the testing provisions, other key improvements were included. None may be more important than the

inclusion of the Harkin amendment which would provide full mandatory funding for IDEA.

The fact that we have finally decided to live up to the commitment we made too many years ago to fully fund the federal share of the Individuals with Disabilities Education Act is perhaps the greatest improvement of all. For too long we have shirked this responsibility and for too long children with disabilities have not received the services they need. We assume the responsibility to educate children with disabilities because it is their constitutional right and it is their moral right. But we must never forget that we also educate these children because we know that if given the right opportunities, the vast majority of them can succeed. Passage of this amendment helps make sure that children with disabilities are not pushed aside, that they get the services they need and that they have the opportunities to do well. With those opportunities, so many children can do well they do better than well. They excel.

Beyond this most important, most deeply rooted issue is that the program has created a significant, debilitating burden on states and districts when it is our responsibility, not theirs, to provide a large portion of the funding for these critical services to children with disabilities. While states have a constitutional mandate to provide equivalent educations to students with special needs, they do not have the financial resources to do so. It is shameful that for so long, the federal government has not lived up to its promise to provide its share of that funding. And it is with great relief and happiness that this funding, which so many of us have pushed for for years, is one step closer to being realized. This amendment will bring more than \$3 billion in IDEA spending to Minnesota. This would make a real difference for children with disabilities and all children in the state. I am grateful to Senator HARKIN for his leadership on this issue and I believe that mandatory full funding for IDEA will make a world of difference for so many of our nation's children. I very much support this part of the bill.

Another critical area is the area of teacher quality. I am particularly pleased that the Senate has adopted an amendment that I introduced with Senators HUTCHISON, CLINTON, DEWINE and KENNEDY to establish a national Teacher Corps program to help states and districts recruit teachers into the nation's highest need schools. The teacher shortage we face amounts to a crisis and the problem is most acute in high need urban and rural schools. Even though research shows that the most important factor in student achievement is the quality of the teacher, the rates of underlicensed teachers in urban schools is twice that of the nation as a whole and in low income areas, 50,000 under-prepared teachers are hired each year. The pas-

sage of this amendment represents a national commitment to address this very severe barrier to learning.

I want to particularly applaud the work of Senator KENNEDY, who has fought more than anyone in the area of teacher quality. Senator KENNEDY included key provisions that would ensure that within five years, only highly qualified teachers are hired in high poverty schools. No one has worked harder on the issue of high quality teachers than Senator KENNEDY. When we think about closing the achievement gap between low and high income schools, this provision is essential. Several studies have shown that if poor and minority students are taught by high quality teachers at the same rate as other students, a large part of the gap between poor and minority students and their more affluent white counterparts would disappear. For example, one Alabama study shows that an increase of one standard deviation in teacher test scores leads to a two-thirds reduction in the gap between black-white test scores.

Finally, parent involvement is an area in which I believe the bill has seen substantial improvement. Parent involvement is one of the most important parts of any child's education. When families are fully engaged in the educational process, students have: higher grades and test scores; better attendance and more homework done; fewer placements in special education; more positive attitudes and behavior; higher graduation rates; and, greater enrollment in post-secondary education. For this reason, I am grateful for the inclusion of my amendment to establish local, community based parent involvement centers to help the lowest income communities and the communities like the Hmong community in Minneapolis and St. Paul where parents, because of language and cultural barriers, are most isolated from their children's educational experience. Senator REED's leadership on parent involvement has brought the issue to the forefront and his work has helped ensure that the benefits brought by greater family involvement in education would extend to all families.

In conclusion, there are many important issues with which we grapple in the U.S. Senate. But, my colleagues, I truly feel that there is nothing more important than the education of America's children. The opportunity to improve America's public education was one of the key factors that drove me to become a public servant and to run for election to this body nearly a dozen years ago. I am proud of the work I have done with many in this body on education at all levels in this country.

It is that passion to improve public education that is the reason that at many points during the last several months, as we moved to this point on the reauthorization of ESEA, I have been deeply frustrated. And, it is the reason that I am frustrated with this bill today. For all the reasons that I

have laid out earlier, I truly feel that in many ways we are missing a tremendous opportunity to take a significant step forward in bettering America's education system.

At the time of the final vote in our committee mark-up, I voted to send the bill forward to the full Senate. I was deeply conflicted about my vote at that point. However, along with several of my colleagues on that committee, I did so with the message that, as the process continued, the expansion of resources committed to education must come to match the elevation in our expectations about our schools' performances. On the Senate floor we have made a huge step forward in achieving that goal with the mandatory funding for the IDEA program. The inclusion of mandatory IDEA funding has gotten us part of the way there on the commitment of resources that was vital, in my mind to match the dramatic increase in testing required by an act that confuses educational accountability with standardized testing.

But, beyond this, we still have to make sure, that along with the passage of the Dodd-Collins Amendment on Title I, the Kennedy Amendment on Teacher Quality and the Boxer amendment on after school—there will be an adequate appropriation to match the authorization levels so we can truly help those students who are already so far behind where they should be. Without that, this bill will not work.

While this is a vote on the final passage of this bill in the Senate, we all know that much work remains to be done on this bill. Whether it is in testing or funding or defining adequate yearly progress, I think that most people on this side of the aisle know that this bill has a long way to go. I am committed to remain deeply involved in that important work that must be done in the weeks ahead. Therefore, I will vote "yes" today with perhaps the deepest ambivalence I have ever felt on a vote during my years in the United States Senate and with a message similar to the one I laid out when I voted to send this bill out of committee.

In particular, in the weeks ahead, as the Conference Committee does its work, I will continue to fight to strengthen the fairness and quality of the assessments that will be a part of the final bill. Specifically, I will continue to work toward an effective compromise. That compromise was included in an amendment which I filed and was prepared to put forward today. I decided that it would be more productive for me to wait until another day to offer that proposal. That amendment would keep in place the assessment system used for determining whether schools are achieving adequate yearly progress that was included in the 1994 reauthorization but has yet to be fully implemented. And, it would allow the annual testing to move forward. But, it would allow states and schools to use those additional annual tests only for the diagnostic purposes

for which experts in the field of educational assessment say is their most appropriate use. That is, rather than being attached to sanctions for schools or individuals, assessments are best used to diagnose the academic strengths and weaknesses of individual students and to help them improve. Testing has a role in the educational system, but it should be used primarily to achieve what should be our ultimate goal: Helping our students live up to their true intellectual potential.

I will also do everything I can to fight for the retention of the IDEA amendment in the Conference Report and for other funding increases for Title I, Teacher Quality, after school and other key programs.

It is because of this desire to fight and because I see so much room for improvement that I am choosing to stay engaged in this process and I am voting yes. I believe we can do much, much more.

After today, however, there will be one remaining vote on this bill—on the bill that comes out of the Conference between the Senate and the House. My vote at that time will be based on the considerations I have outlined above. It is my sincere hope that the provisions in the bill related to the quality, fairness and appropriate use of tests will be stronger in the conference report than in this bill. There must also be an iron-clad commitment of resources to assist disadvantaged students in their educational opportunities. Finally, the bill must ensure full funding for the federal government's commitment to its share of our special education students' education. But, today, with deep ambivalence, I have voted "yes" on this bill with hope that we can continue to improve it and the education of America's students.

Again, I want to congratulate the Senators who supported this bill. I voted for it with a considerable amount of ambivalence. Making the IDEA program mandatory is hugely important to Minnesota and other people in the country. There were amendments on testing, and on recruitment of teachers, and dealing with parental involvement that I am proud of, which I worked on along with others who were a part of this bill.

When it goes to conference, I get to be in the conference committee. I am going to fight to make the testing diagnostic, without high-stakes consequences. The money needs to be there in appropriations. If we don't get the money for title I, if we are not able to make some of those changes, I may well vote against the conference report when it comes back to the floor. For right now, I want to keep on fighting.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IN DEFENSE OF FATHERS

Mr. BYRD. Madam President, recently there has been a spate of articles regarding the increase in the number of single parent homes, based upon the latest census data. Last month, Newsweek's cover story was "The New Single Mom: Why the Traditional Family is Fading Fast, What It Means for Our Kids." The number of families headed by single mothers has increased 25 percent since 1990, to more than 7.5 million households. Although divorce and widowhood certainly contribute to this figure, the number of out-of-wedlock births has run at about one third of all births for the last decade, compared to 3.8 percent of all births in 1940.

Let me say that again. The number of out-of-wedlock births has run at about one-third of all births for the last decade, compared to 3.8 percent of all births in 1940.

Not all single parent households are headed by women. The number of single fathers has also increased, to just over 2 million families. Nevertheless, what I found most striking about the articles I read was the apparently growing trend of women who choose for whatever reason to put off marriage, but who still decide to go ahead and have children, whether by birth or adoption. The thinking seems to be: Don't settle for less than Mr. Perfect, but if the biological alarm is ringing, don't put off having children, either. As Father's Day approaches, I do wish to say a few words in defense of men, particularly men in the role of father.

Men are not perfect. I found that out at the beginning of the human race. Most will never be "Mr. Perfect." I will be the first to admit that. Many men squeeze toothpaste from the middle of the tube and many men do not always put the cap back on the toothpaste tube. Men have been known to drink from the milk carton before putting it back in the refrigerator. Some men cannot seem to find the dirty clothes basket for love nor money, and a few miscreants leave their dirty clothes tangled in inside-out knots. Men commonly are assigned the once-a-week 'glory' jobs like taking out the trash and mowing the lawn, leaving the daily burden of cooking, cleaning, laundry, and getting kids ready for school to their wives. This I hear from women on my staff, and it can be readily verified by asking any married woman within earshot. Fathers do not do their fair share of changing diapers, getting up in the middle of the night, reading bedtime stories, helping with homework, driving kids to sports practices and games, or shopping for school clothes. From this litany, one might suppose that women who elect to have children without the burden of also caring for a