

the nomination of John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 92 Ex.]

YEAS—57

Allard	Feingold	McConnell
Allen	Fitzgerald	Miller
Bayh	Frist	Murkowski
Bennett	Gramm	Nelson (NE)
Bond	Grassley	Nickles
Breaux	Gregg	Roberts
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Jeffords	Specter
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
DeWine	Lieberman	Thompson
Domenici	Lott	Thurmond
Ensign	Lugar	Voinovich
Enzi	McCain	Warner

NAYS—43

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Biden	Durbin	Murray
Bingaman	Edwards	Nelson (FL)
Boxer	Feinstein	Reed
Byrd	Graham	Reid
Cantwell	Harkin	Rockefeller
Carnahan	Hollings	Sarbanes
Carper	Inouye	Schumer
Cleland	Johnson	Stabenow
Clinton	Kennedy	Torricelli
Conrad	Kerry	Wellstone
Corzine	Kohl	Wyden
Daschle	Leahy	
Dayton	Levin	

The nomination was confirmed. Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to point out to the leadership and to the Members, this vote took 35 minutes. Many of us have hearings on the budget. We have nominees for various Secretary positions waiting. I think it is unreasonable to have a 35-minute vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

ORDER OF PROCEDURE

Mr. THOMAS. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May we have order.

Mr. KENNEDY. Mr. President, may we have order. The Senate is not in order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may I have the attention of the Senators.

The PRESIDING OFFICER. The Senate will be in order. If Members have conversations, please take them off the floor.

Mr. BYRD. Mr. President, a unanimous consent request is before the Senate to limit each of the next two votes to 10 minutes each.

Mr. THOMAS. Yes.

Mr. BYRD. Mr. President, with all due respect to the Senator who propounds this request, every Senator knows nobody is going to pay any attention whatsoever to that request if it is granted—nobody. I have seen this happen too many times. I would love to see some 10-minute rollcall votes here, but it is a joke. It is a joke to agree to 10-minute votes, and then forget about them, and go on and have 20 minutes, or 25 minutes, or 37 minutes, as was the case in the previous vote.

Now, I am not going to object in this case. Perhaps it will work this time. I hope it will. But I am going to pay close attention. I remove my reservation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the motion to reconsider is laid on the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to Legislative Session.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Craig amendment No. 372 (to amendment No. 358), to tie funding under the Elementary and Secondary Education Act of 1965 to improved student performance.

Kennedy modified amendment No. 375 (to amendment No. 358), to express the sense of the Senate regarding, and to authorize appropriations for title II, part A, of the Elementary and Secondary Education Act of 1965, with respect to the development of high-qualified teachers.

Kennedy (for Murray) amendment No. 378 (to amendment No. 358), to provide for class size reduction programs.

Kennedy (for Mikulski/Kennedy) amendment No. 379 (to amendment No. 358), to pro-

vide for the establishment of community technology centers.

Allen/Warner amendment No. 380 (to amendment No. 358), to provide for a sense of the Senate regarding education opportunity tax relief to enable the purchase of technology and tutorial services for K-12 education purposes.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

AMENDMENT NO. 372

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Craig amendment.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I assume we are now proceeding on the Craig amendment, with 1 minute for each side.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. Mr. President, I encourage my colleagues to support the amendment I have put before the Chamber. It does not cut a program. It does not even take out the cost of living or an annualized increase based on that. What it says is that the Federal Government and the Department of Education and educational programs will no longer reward mediocrity.

In title I, over the last 30 years, we have put in \$120 billion and poor kids are still lower in achievement than middle-income kids who are outside the program. It failed. In this education bill before us, we are trying to change that.

All I am saying is, if you do not measure up, and if the States do not improve the environment in which kids are learning—in other words, if kids do not improve—and it is measured by the tests and the standards within this bill—then no more Federal money goes out. In other words, we will not continue to fund mediocrity. We will set a standard and a precedence where improvement in our young people means we will reward that improvement with the use of the Federal tax dollars.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope the Craig amendment will be defeated. This is really putting the cart before the horse. If you adopt the Craig amendment, you are effectively saying there will not be any funding at all for the development of quality testing and accountability systems.

President Bush has proposed a three-fold increase in three times the amount of reading funding. That will not be available for children if the Craig amendment is adopted. Effectively, this amendment undermines what President Bush has stated are his goals in terms of trying to get increased accountability, better testing, and increased support for education. That will all be prohibited under the Craig amendment.

What we are trying to do is match resources to responsibility. That is the change in this whole bill. We are matching those two concepts. And that makes sense. But under the Craig amendment, you will be denying the President's program in increased reading and the President's program in terms of accountability. It puts the cart before the horse and makes no sense. I hope it will be defeated.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I support what the distinguished Senator is trying to accomplish. I think it is about time we let the States know they are going to have to do better; that they are going to have to measure up. I cannot, however, coming from a poor State, summarily cut this off. When I use the word "summarily," I realize we have had 35, 36 years in which to accomplish these things. But I do think they ought to be warned ahead of time.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. CRAIG. This Senator's amendment would not cut any program. It would allow continued funding at that level. It does not reward by allowing the increases in the spending. That is what is important. The Senator from Massachusetts mentioned that nothing would go forward. He is wrong. Everything goes forward, and the measurements are in place.

What we are saying is, we are strong and definitive in saying that if you do not improve, you do not get the additional money.

Mr. BYRD. Mr. President, at some future time, I may support what this amendment is trying to accomplish. I think that we should have more accountability by the states. I also believe that we may need to reevaluate how Title I funds are used in the states. That being said, I do not think that this amendment is the proper way to tie funding to achievement. I represent a low-income state where Title I funds make up \$76.5 million of the money spent on education. By threatening to freeze funding until the schools improve, I fear we may be taking away the very tools necessary to achieve the improvement that we all seek both in our schools and our stu-

dents. I like what the Senator is saying, but I am going to vote against his amendment at this time. Basically, I have not heard enough of this debate. And this is one thing that is wrong. Let me underline that. This is one thing that is wrong with the stacking of the amendments.

I have already stated my opposition to the stacking of the amendments.

Sometimes there is justification for stacking votes, and sometimes I will not object to it. But in the future, I am going to object more than I have in the past. It is demeaning to the Senator who offers the amendment. It is demeaning to the amendment itself to be limited to 2 minutes before we vote on it. And it is demeaning to the Senate.

When it comes to stacking votes so as to allow Senators to be away on a Monday or be away on Fridays, I am going to be hard to get along with in that regard. I hope that what I am saying will let every Senator know that in the future I will frequently object to the stacking of votes. This is a bad way to legislate.

This particular amendment ought to have more debate than it is getting. It may have had some debate—I don't know—on Friday. I am not sure. I had to take my wife on Friday to a pulmonary expert. I couldn't be here. But other Senators weren't here either. It is demeaning to come out here and offer an amendment on Friday with a shirrtailful of Senators present, maybe two, maybe three, and few press people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I thank the Chair. I will have to vote against the Senator's amendment today, but I compliment him for trying to do something. Let's do it later.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 372. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 27, nays 73, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—27

Allard	Ensign	Inhofe
Allen	Enzi	Kyl
Bennett	Fitzgerald	Nickles
Bond	Frist	Santorum
Brownback	Gramm	Shelby
Bunning	Grassley	Smith (NH)
Burns	Gregg	Thomas
Craig	Hatch	Thompson
Crapo	Helms	Thurmond

NAYS—73

Akaka	Cleland	Edwards
Baucus	Clinton	Feingold
Bayh	Cochran	Feinstein
Biden	Collins	Graham
Bingaman	Conrad	Hagel
Boxer	Corzine	Harkin
Breaux	Daschle	Hollings
Byrd	Dayton	Hutchinson
Campbell	DeWine	Hutchinson
Cantwell	Dodd	Inouye
Carnahan	Domenici	Jeffords
Carper	Dorgan	Johnson
Chafee	Durbin	Kennedy

Kerry	Miller	Smith (OR)
Kohl	Murkowski	Snowe
Landrieu	Murray	Specter
Leahy	Nelson (FL)	Stabenow
Levin	Nelson (NE)	Stevens
Lieberman	Reed	Torricelli
Lincoln	Reid	Voinovich
Lott	Roberts	Warner
Lugar	Rockefeller	Wellstone
McCain	Sarbanes	Wyden
McConnell	Schumer	
Mikulski	Sessions	

The amendment (No. 372) was rejected.

Mr. BYRD. Mr. President, how many minutes were required for that rollcall?

The PRESIDING OFFICER. Sixteen and a half minutes.

Mr. BYRD. Sixteen and a half minutes on a 10-minute rollcall. We are doing better.

AMENDMENT NO. 375, AS MODIFIED

The PRESIDING OFFICER. On this amendment there are 2 minutes equally divided. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, one of the very important features of this legislation is upgrading the skills of unqualified teachers who are teaching poor children and also making sure that new recruits are going to be qualified teachers.

This legislation guarantees schools that have 50 percent poor children will have a qualified teacher in every classroom in 4 years.

This amendment says that we should fully fund the \$3 billion which is in the authorization to make sure all the teachers who are going to be teaching poor children are qualified. It says we ought to add \$500 million each additional year, so that in the last year there will be a total of \$6 billion a year in funding, necessary to provide continued professional development to every teacher, every year in a high poverty classroom.

There are 1,500,000 teachers who teach poor children; 750,000 are unqualified today. This amendment will ensure that we continually upgrade the skills of every one of them.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. JEFFORDS. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 375, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 69, nays 31, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—69

Akaka	Dodd	Lieberman
Allen	Dorgan	Lincoln
Baucus	Durbin	McCain
Bayh	Edwards	McConnell
Biden	Ensign	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Grassley	Nelson (NE)
Campbell	Harkin	Reed
Cantwell	Hatch	Reid
Carnahan	Hollings	Rockefeller
Carper	Hutchinson	Sarbanes
Chafee	Hutchison	Schumer
Cleland	Inouye	Sessions
Clinton	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Warner
Dayton	Leahy	Wellstone
DeWine	Levin	Wyden

NAYS—31

Allard	Frist	Roberts
Bennett	Gramm	Santorum
Bond	Gregg	Shelby
Brownback	Hagel	Smith (NH)
Bunning	Helms	Stevens
Burns	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Murkowski	
Fitzgerald	Nickles	

The amendment (No. 375), as modified, was agreed to.

AMENDMENT NO. 380

Mr. JEFFORDS. Mr. President, I ask for the regular order on this pending Allen amendment No. 380.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BYRD. Mr. President, I want the Senate to know that I voted twice on the previous vote. I was standing here by Mr. KENNEDY when I raised my hand, which I usually do. I was not behind my desk, as I usually am.

I am not complaining about anything. I am not criticizing anybody. I just want the Senate to know that I voted. Normally, I do not hold up the Senate.

I thank the Senate. I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the pending amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 380) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. I thank the Chair.

Mr. President, I thank all of our Members for their presence and for their cooperation.

We now have the Senator from Washington on an extremely important amendment. We hope the Senate will give careful attention to this amendment. This is one of the most important amendments we will have to this legislation. I am enormously grateful

to the Senator from Washington for her leadership on smaller class size. I am sure she was reassured again today when we read the front page of the Washington Post and saw what was happening in Prince George's County. The test scores show the best gains.

When the local Superintendent of schools was asked about the factors that were most important in making progress, she quickly indicated that smaller class size in the early grades was one of the most important aspects leading to the children's progress.

Mr. President, I ask unanimous consent that the full Washington Post article be printed in the RECORD after Senator MURRAY's remarks.

Senator WARNER spoke to me and would like to join me in that request.

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

(See exhibit 1.)

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

AMENDMENT NO. 378

Mrs. MURRAY. Mr. President, I call up amendment No. 378.

The PRESIDING OFFICER. The amendment is now the regular order.

Mrs. MURRAY. Mr. President, I thank Senator KENNEDY for his work on class size, too. I saw the article in the Washington Post today. It shows that the debate we are about to have on the class size amendment is extremely critical. We know it makes a difference in our children's classrooms. We have had tremendous progress.

I hope that our colleagues will listen carefully to the debate as we bring it forward because it is an important part of education. It is what parents are looking for. It is what we are demanding of our students—achievement.

I appreciate the words of the Senator from Massachusetts, and I look forward to the debate we are about to have.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to my amendment: Senators BAUCUS, BIDEN, BINGAMAN, CLINTON, CORZINE, DODD, FEINGOLD, HARKIN, KENNEDY, REED of Rhode Island, and WELLSTONE.

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

Mrs. MURRAY. Mr. President, right now in classrooms across our country students are gathering. Right now teachers are beginning his or her lesson, and those students in that classroom probably do not know the specifics of the debate that we are about to have. They probably are not familiar with the amendment I am about to offer. But I will promise you one thing. Those students will realize the impact of how the Senate votes on this class size amendment.

Today, I am offering an amendment to continue the progress we have made over the last 3 years in making classrooms across the country less crowded

and more productive. My amendment will ensure that we keep our commitment to help local school districts hire 100,000 new teachers so that students can get the time and the attention they need and deserve in our classrooms.

We know that smaller classes help kids learn the basics with fewer discipline problems.

Just this year we also learned that smaller classes resulted in better scores on standardized tests and a higher likelihood of taking college entrance exams and a lower teen pregnancy rate.

As managers of the taxpayer dollars, we should invest in ideas that work. We know that smaller classes help our students learn.

Unfortunately, the underlying bill combines funding for class size reduction and teacher quality into one pool. As a result, local school districts would have to choose, under this bill, between providing smaller classes or funding teacher quality. They shouldn't have to choose one or the other. We should fund both. It has always been important to invest in the things that work in the classroom. This year it is even more important as I look at the rest of the underlying bill.

Since President Bush plans to punish schools that do not improve, we have to make sure that schools have the proven tools they need, such as smaller classes, to help our children learn.

Before I continue, I want to share a personal reflection about what we are doing on education this month. As we update the Elementary and Secondary Education Act, we are creating a blueprint of how we are going to support excellence in schools across the country.

As a parent and as a former educator, I cannot imagine smaller classes not being a part of that blueprint. It just does not make sense. Right now, this bill leaves behind targeted funding for smaller classes. My amendment corrects that failure and tells students, teachers, and parents across the country that we know they are concerned about overcrowded classrooms, we know they want help in hiring new teachers, and we are going to honor our responsibility to pay for them.

I want to talk this morning about the difference that smaller classes can make according to research and according to parents and teachers. We know that too many classes are overcrowded with growing enrollment and limited space. Too many students are trying to learn in classrooms that are packed to capacity, where they have to fight just to get a teacher's attention. And too many teachers are spending time on crowd control instead of spending time on curriculum.

Over the years, major studies have found that smaller classes boost student achievement. The STAR study

found that students in small classes—those with 13 to 17 students—significantly outperform other students in math and reading. It also found that students in small classes have better high school graduation rates, higher grade point averages, and they are more inclined to pursue higher education. Certainly those are goals. Every one of us in the Senate Chamber has stated that we want that for our children in our school systems in this country.

Another critical study, the Wisconsin SAGE study, consistently proved that smaller classes result in significantly greater student achievement.

Just two months ago, in March, we got more good news. Dr. Alan Krueger of Princeton University found there are long-term social benefits of being in a smaller classroom, including better scores on standardized tests, a higher propensity to take college entrance exams, a lower teen pregnancy rate, and possibly a lower crime rate for teens.

Those are the types of benefits we want for every one of our students. But you do not need research to know that smaller classes help. Just talk to parents or teachers or talk to the students themselves.

I have been in classrooms where this funding has reduced overcrowding. It makes a difference. I recently received an e-mail from Kristi Rennebohm Franz. Kristi teaches at Sunnyside Elementary School. I also should mention that Kristi is one of our best educators. She received a Milken National Teacher's Award. She received the Presidential Award for Excellence in Teaching Elementary Science, and the Peace Corps World Wise Schools Paul D. Coverdell Award for Excellence in Education. Those are some of Kristi's credentials.

Mr. President, I ask unanimous consent that her entire letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mrs. MURRAY. Mr. President, 10 years ago, when Kristi started as a teacher, she promised herself that she would take time each day to listen to her students and to understand their needs. Kristi writes to me now:

It is a promise that can only come true if we have small enough classes with enough qualified teachers in place to meet the individual learning needs of each child. . . .

She continues:

. . . because of the sheer numbers of children in our classroom, it is not humanly possible to have the educational conversations I need and want to have with each child to best assess their understandings, struggles, challenges, and progress that can inform where the next day's learning needs to go.

She says:

I can't tell you how frustrating it is to know how to teach and not be able to do the

very best teaching every moment because it is difficult with too large a class and without enough teachers on board as a team to meet the learning needs of the children.

Mr. President, let's show Kristi and thousands of hard-working teachers that we do support them and want them to be able to do their best in uncrowded classrooms.

I have talked about the research, and I have shared a teacher's perspective, but I have one more example of the importance of small class sizes. It comes from the Houston Independent School District where our Education Secretary, Rod Paige, served as their superintendent.

I show my colleagues this chart. It is actually from a presentation by the former Chief of Staff for Educational Services in the Houston district, Susan Sclafani. By the way, she currently serves as Counselor to Secretary Paige at the Education Department.

Part of her presentation that I am showing on this chart shows how Houston helped turn around low-performing schools. I know we are basing a lot of this education bill on what happened in Houston at the directive of the President and Dr. Paige. They talk about test scores, but they also are very clear about what made a difference in making sure those test scores turned around and that those schools improved.

On the chart, you can see that among the seven things they have done in the Houston school district was to make classrooms less crowded. They made making classrooms less crowded one of the seven things to be done to improve education. They know it works.

In fact, Houston hired 177 new teachers through the Class Size Reduction Program that we funded at the Federal level. Houston also used the funding to provide professional development for more than 600 teachers. That is the type of support we want all communities to have.

We know that making classes smaller works. The research shows it. Parents know it. Teachers know it. Even Secretary Paige used smaller classes to make improvements in the Houston school district. There was not a miracle in Houston. There was hard work. And there was investment in what works. Class size reduction was one of those investments.

We should invest in the things that we know work in the classroom. Parents want to know that their Federal education dollars are making a difference for students.

I served on a local school board. I can tell you that hiring new teachers is difficult because you have to commit today for a new teacher when you don't know what is going to happen 3 months down the road.

That is one of the reasons why many school districts have had a hard time hiring new teachers on their own. For-

tunately, they are not all on their own. Local educators have partners at the State and Federal level who are working together to help all students succeed.

That is why in 1998, Congress began the Class Size Reduction Initiative. This program sends Federal dollars to school districts across the country so they can hire new, fully qualified teachers in grades K-3.

And let me remind my colleagues that this is a voluntary program. No school is forced to use this money. If a district wants help hiring teachers to make classrooms less crowded, they simply apply. And there is very little paperwork or administration. In fact, in my own State of Washington you can apply for this class size reduction money over the Internet on a simple, one-page form.

Many educators have told me that they have never seen dollars get so quickly from Congress to the classroom. Local schools, under this, make all the decisions about who to hire based on their unique needs. The money is also flexible. If schools have already reduced classroom overcrowding, they can use the money for teacher recruitment or for professional development. Finally, and critically, these dollars are targeted to disadvantaged students—who can make the most progress when they are in a productive classroom.

This program has been a success story for the Congress. Since 1998, we have helped school districts across the country hire 34,000 new teachers. Over the past 3 years, we have made classrooms less crowded in K-3 and more productive for almost 2 million students. It is a program that works, and we should not abandon it now. This underlying bill does not ensure that this overcrowding will be reduced because it eliminates the targeted funding for class size reduction.

Some say that we should combine funding for teacher quality and class size reduction and just let folks choose. Unfortunately, that is a false choice, and our kids will pay the price. This bill—the underlying bill—pits effective programs against each other and makes educators choose. In the end, our kids will lose if they can't have both smaller classes and qualified teachers. We should be the ones making sure that happens.

Let me repeat that. Smaller classes and qualified teachers go hand in hand. Educators should not have to choose between either making classes smaller or improving teacher quality. They need both. We should fund both. That is what this amendment would ensure.

Finally, I remind my colleagues that there are real consequences to not providing dedicated class size funding. Without my amendment, this bill could put schools in an unwinnable situation with very high stakes. The underlying

bill will punish schools that do not improve. At the same time, it takes away the very tools they need to improve, and that is just wrong.

On the one hand, we are telling students to meet high standards, and on the other hand this bill takes away the support they need to get there. We can do better than that. If we want our students to succeed and we are going to punish those who don't, now is the time to increase our investment in smaller class sizes. That is what this amendment does.

This week we are talking about many different education issues from accountability to testing to funding. Right now there is only one question being asked by each of us as Senators: Do you favor targeted funding to make classrooms less crowded or will you take that targeted funding away from your schools? How you vote on this amendment will affect millions of students who are trying to get a good education.

I urge our colleagues to support this amendment by voting yes.

#### EXHIBIT 1

[From the Washington Post, May 8, 2001]  
PRINCE GEORGE'S TEST SCORES SHOW BEST GAINS EVER

34% OF COUNTY SCHOOLS MEET U.S. BENCHMARK  
(By Tracey A. Reeves)

Prince George's County students posted their highest gains ever on a key standardized test used to gauge how local children measure up to their peers nationally, according to results released yesterday.

Prince George's has often been criticized for its abysmal test scores and spotty leadership, but its gains on the Comprehensive Test of Basic Skills are the first significant academic increases the county has registered since Iris T. Metts took over as superintendent in 1999.

According to the results, 34 percent of county schools had median test scores at or above the national average this school year, compared with 21 percent last year.

Of the schools tested, 82, or 63 percent, registered significant gains. Results also show a slight narrowing of the achievement gap between black and white students and between Hispanic and white students, an added boon for school officials who have been struggling for years to close the gap.

The improved scores brought a huge sigh of relief for Metts, who acknowledged yesterday that she felt vindicated by the results and empowered to continue her changes.

Metts said she hoped that county and state leaders would see the test scores as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size and repair deteriorating buildings.

"We're not just achieving," an elated Metts said at a celebratory news conference announcing the test results. "We're achieving miraculously."

The mood was indeed upbeat as school officials assembled in Upper Marlboro to learn more about the results and to coax each other on in the effort to improve the school system's rank as the second-worst in the state, behind Baltimore. In the hallways, school system employees flashed wide grins as they toasted the gains with punch. Teach-

ers and their staffs, who had been summoned to county school headquarters for the news conference could hardly contain their applause.

Principals hugged their teachers. High-fives were everywhere.

"This didn't happen by chance," said Leroy Tompkins, head of instruction for county schools. "We achieved this by focusing on what we needed to do, and it's paid off."

School Board Chairman Kenneth E. Johnson (Mitchellville), who with the rest of the board has been accused of not putting the needs of students first, praised the superintendent for the results and said the board never doubted her ability.

"The board always thought she could bring the system along," Johnson said. "All we need to do now is stay the course."

Even Maryland Schools Superintendent Nancy S. Grasmick said she was encouraged by the results, though she hesitated to classify the scores an all-out success. She is eager to see the results of Maryland School Performance Assessment Program exams, which students are taking this month.

"I expect to see improvements there, too," Grasmick said. "But all of these results will have to be sustained over a two-year period for us to really know what's happening here."

Maryland requires all public school second-, fourth-, and sixth-graders to take the basic skills exam, which tests ability in math, reading and language arts.

Prince George's is the first Maryland county to release its results, in part because it is using the scores to determine whom to recommend for a new summer program established to bring along struggling students.

Other school systems are expected to release their test scores in coming weeks.

The test is given annually to gauge trends in ability among students. Unlike the MSPAP, which generally measures how well schools are teaching children, the Comprehensive Test of Basic Skills is viewed as more useful to parents because it looks at how students did individually.

The basic skills test is also considered useful to teachers because it lets them know what areas to concentrate on and which students need more help.

Until this year, Prince George's scores have been low, flat and far from the national norm. School officials attributed the gains to the reforms that Metts has demanded.

For example, she has required all schools to give students in the early grades 120 minutes of uninterrupted reading time and 90 minutes of math a day. She has also reduced class sizes in the lower grades, and efforts are underway to remove disruptive students from classrooms. Metts and principals have also put more emphasis on training teachers.

Systemwide, Prince George's scores increased at each of the three grade levels and in every content area in the March test. For example, the rate of students scoring above the national average in reading rose from 24 percent last year to 36 percent. In math, it more than doubled, from 16.7 percent to 42.4 percent.

#### EXHIBIT 2

APRIL 30, 2001.

DEAR SENATOR MURRAY: As the U.S. Congress has its focus on educational programs, I want to take time to thank you for your tireless efforts on behalf of quality education funding for our public schools! As a primary classroom teacher in Washington State, I know first hand the challenges we face in making sure no child is left behind. While

the challenges are tremendous, it is a challenge which public school teachers take on day after day, unwilling to give up and unwilling to do anything less than the very best we can and know how to do in each moment we have in the classroom. When I interviewed for my current teaching position ten years ago, one of the comments I made about my goals as a teacher was that it was very, very important that I hear each child's voice at school each day so that each child would know he/she: (1) had multiple opportunities to be listened to and heard; (2) had the opportunity to tell me what he/she understood and what he/she needed help with; and (3) had multiple opportunities to know he/she was greatly valued as a learner and person. That is a promise that needs to be reality in order for no child to be left behind. It is a promise that can only come true if we have small enough classes with enough qualified teachers in place to meet the individual learning needs of each child and to mentor children in meeting the expectations we share for them as teachers, parents, community, state, and country.

Each school day, I try to live to that promise . . . and as I come to the end of each day, I know I have come up short . . . because of the sheer numbers of children in our classroom, it is not humanly possible to have the educational conversations I need and want to have with each child to best assess their understandings, struggles, challenges, and progress that can inform where the next day's learning needs to go. In order to best and most effectively and efficiently teach primary children, I need time each day to interact with them as individuals, in small groups and as a cohesive whole class without distractions and interruptions. I need time to build the math, literacy, science and social studies concepts, problem solving and critical thinking skills they need for today's complex and ever dynamically changing world. When I have a large class of primary children with very diverse academic, social and emotional needs and with no additional adult in the classroom to assist children, the importantly needed and valued time to work on learning with children individually and even in small groups or as a cohesive whole class can be lost.

Presently, every classroom teacher in my building is well qualified for his/her assignment and has special outstanding abilities. But we can not do the job we know how to do and keep learning new and better ways to teach in response to changing needs and in today's schools, when: (1) the numbers of students in each class makes it impossible to meet the challenges each student faces; (2) the number of adults needed to help provide education is too low; and (3) the energy toll of the teaching day (which requires planning, preparation, reflection, collaboration with colleagues and parents far beyond the time our 8:00 to 3:30 contract time) leaves teachers unable to engage in much needed professional development beyond the needs of the daily classroom instruction. We hear people say that throwing money at the challenges in education won't help, but I don't know how we can provide the number of qualified teachers needed to provide the best education possible for each child without funding those positions, without providing the funding for teaching materials and for safe, healthy learning environments that are needed, and without funding support for teachers to keep learning and growing professionally!

During this school year, I received a Milken National Teacher's Award as well as

the Presidential Award for Excellence in Teaching Elementary Science, the Peace Corps World Wise Schools Paul D. Coverdell Award for Excellence in Education (which was presented at the U.S. Senate building with comments from Sen. Edward Kennedy and Sen. Christopher Dodd), a national Blue Ribbon Classroom Website Award, and just recently a grant for funding a co-teacher in our classroom for the remaining weeks of the school year to sustain and document our innovative primary curricular program where children are developing the literacy, science, social studies and math skills they need to meet state learning goals through local to global collaborative telecommunications service learning projects. I am continually learning how to teach. I often work 12 hours per school day developing and sustaining our curricular program as well as usually a full weekend day. I often spend recess time with children as well as after school time building team support for a child and communicating with parents. I spend summers reviewing the past school year and preparing for the next. I spend time taking the course work I need to improve my teaching skills and keep my certification updated. That is what it takes to even come close to a goal of leaving no child behind. Yet, even with developing a classroom which is being recognized as outstanding, I feel that I come up short at the end of each day in providing each of the children in my class the full measure of what they need, deserve, and are capable of doing. If only we had been able to have two teachers for this many children all school year, the sky would not even be the limit for what these children could be accomplishing!!! There is no substitute for educational success for all children than critically needed time with an adult to teach them and enable them to soar! And I don't know anyway to insure that those adults are in place each day with needed qualifications without funding!!! There is no substitute for having the funds to prepare qualified teachers and have them in classrooms in great enough numbers so we can do the job of teaching that is needed for today's schools.

Almost every public school class today faces challenges of helping children with behavior. Some days, the biggest challenge comes down to making sure each child is safe from harmful physical and verbal hurt by other peers. Large class sizes greatly, exponentially exacerbate these challenges of classroom management to the point of taking away from valuable teaching and learning time. Additionally problems are compounded by not having enough school personnel to assist children facing emotional behavior needs often caused by circumstances not of their fault. Primary grades are the school years with the first opportunities for helpful interventions for children and their families on issues of academic successes and for meeting the emotional needs that affect that success. We know what to do to help. We know how to design learning programs to help children succeed but we simply can't do it unless we have the people we need to implement those programs. I can't tell you how frustrating it is to know how to teach and not be able to do the very best teaching every moment because it is difficult with too large a class and without enough teachers on board as a team to meet the learning needs of the children. People will say to me, "You are trying to do too much, Kristi, . . . your expectations for what we can do in school are too high" . . . but, to me, lowering the expectations of what's possible means some children will be

left behind and I'm not willing to accept that option. How can we ever possibly be doing too much until we know every child is succeeding to the best of his/her abilities? And wouldn't it be wonderful to be at that place where we say, we have enough of what we need to meet the challenges of educating our children and we are indeed leaving no child behind? I dream of someday hearing that conversation nationally . . . and, until that conversation is truly there, we must do all we can and more just to insure we meet our educational vision and goals for all the children in our country!!!

And how can we assess if children are meeting those educational goals and we as teachers are meeting our teaching vision . . .

We can administer standardized test to a whole class to measure how students are doing according to a norm and against the skills a particular test identifies as priorities. But, those measurements provide only one form of reference on student learning and, depending on the integrity and quality of a standardized assessment, the test data may or may not be an accurate assessment of what students understand. I can't tell you how many times, in working with primary children, I have seen a child's standardized test results communicate an assessment profile that does not provide the full measure of what I have seen that child demonstrate in the classroom learning environment lessons. Performance on an isolated skill assessment with primary children simply cannot document the whole of who they are as learners.

Primary children are growing along a developmental continuum where many of the skills and understandings that we need to see in place in these years as indicators of ongoing successful learning are best demonstrated within the context of active learning with the teacher rather than being only demonstrated in individual performance by themselves. Rather than just being able to demonstrate mastery of individual, isolated skill tasks that are assessed in a standardized test without support of a teacher and outside the context of lesson learning . . . many, many of the skills and understandings that we need to have in place in the primary years for ongoing school success are in the category of: Being able to engage in lessons with the teacher; being able to learn when being taught during a lesson; being able to actively think and talk within a teachable moment; and being able to generate a product or comment when asked to contribute and work with the teacher and peers on ideas and work directly with curricular learning materials . . .

While I am successfully using the standardized tests that are required in our district and state to provide data on student progress, if I were to rely only on those standardized skills assessments to measure the success of our children in our public schools, I would miss important documentation of learning that is taking place but simply is best revealed in the interactive teaching and learning between the student with his/her teacher and peers. A standardized test, while providing specifically focused insights on a child's progress, is just a moment of time in a child's school learning. This is especially true when assessing primary children. Sometimes, a standardized assessment presents a profile of student learning that shows a child not succeeding when in actuality, he/she has been demonstrating some successes. I have seen a standardized assessment provide data that looks like the child and the teaching is failing when in actuality neither is true. Often, the observation of a

child's behaviors when responding to the challenges of an individual standardized test tell me as much about that child's learning strategies and performance as the actual numerical score that child receives. I often make documentation notes on a child's behavior during the process of administering a standardized test. This takes time for individual observations and writing on my part while also devoting energy and focus on the rest of the class . . . which is no easy task but an important one to fully understand and interpret the results of a standardized score.

Many of the standardized assessments we are required to do with our primary students require extended, individual, uninterrupted time with each student. After we give the initial instructions, we must time and record their performance. This is especially true of reading assessments as those are done while listening to, recording, timing and notating each child's reading aloud performance (while also keeping track of the rest of the class). Often these assessments can take ten to fifteen minutes per child to implement and additional time to score. While the information from these assessments can be very valuable, you can well imagine the time involved in a school day to do this accurately and reliably with each child when you have a large class of primary children without any other adult assistance in the classroom. In order to do the best possible job on all assessments of student progress, we need to have smaller class sizes.

Often, the best insights I have had on children's learning progress have emerged in the process of having a cohesive whole class, small group or individual conversation about important basic skills and concepts we have been working on together and sometimes it comes from listening in on conversations a child is having with a peer as they work on their learning with one another. Those avenues of assessment tell us so much about the successes in children's learning as well as direction for ongoing learning. Those conversations will not happen unless we have small enough classes with enough teachers to hear the voices of what children are learning each school day.

Sincerely,

KRISTI RENNEBOHM FRANZ.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise in opposition to the Murray amendment and to put a little different focus on the debate.

The issue, as I see it, on this amendment is not classroom reduction. The issue is not the virtue of having smaller classrooms. The issue is not whether that is valuable or whether that is desirable. Most would say, of course, a smaller class is better than a bigger class. The issue is whether or not those choices and those decisions ought to be made at the local level.

The Senator from Washington, who is always very passionate on this issue, used Houston as an example. I will use Houston as an example. Yes, classroom reduction was part of the program. It was part of seven points, a package of seven reforms they emphasized as local reform that helped turn around the Houston school district. I emphasize that classroom reduction was only one

part of the whole package. The decisions were made locally, and in addition to class size reduction you also had tutors, planning assistance, and staff development. Those decisions were made locally.

The issue is not, do we want smaller classes? Of course, we do. The issue is, do we want to continue the Washington-knows-best, top-down approach to education, when the whole thrust of this bill is to move the other direction?

The thrust of this legislation, supported on both sides of the aisle, negotiated by leaders on both sides of the aisle, is that the plethora of Federal programs has not been a productive approach and that we should consolidate those Federal streams of funding. And now along comes an amendment that says: Let's go back to the old way. Let's go back in the old direction. Instead of consolidation, let's pull this out and let's have this program prescriptive from the Federal level where we know best, where we are going to tell local educators what they should do.

The Senator from Washington said they should not be forced to choose and that we should fund both. In fact, in this legislation we do fund both. The Teacher Quality Program is authorized at \$3 billion, which is an increase over at what the programs are currently funded.

So many people argue that when we create larger, more flexible grants, we are trying to decrease funding for these programs. That is just not true. The Professional Development Program received \$485 million last year, and the Class Size Reduction Program received \$1.6 billion. If my addition is correct, that is \$2.05 billion in these two programs. We consolidate them. We combine them and increase the funding to \$3 billion.

Furthermore, the Kennedy amendment, which just passed and which I supported, reaffirmed not only the \$3 billion number but then increases \$1/2 billion a year each year. So it is not a matter of only giving limited resources and you must choose: Do you want class size reduction or do you want professional development? We are saying: Here is both, but you decide your priorities locally. Here is the funding for both, an increase by 30 percent over what the previous administration put into class size reduction and professional development. The President and this Congress have increased that authorized level by 30 percent to \$3 billion, ensuring an additional \$1/2 billion each year in the future.

We said: Let the local schools, let the States decide the priority. It is not always going to be class size reduction as the highest priority. Sometimes it will be professional development. Sometimes it will be mentoring. Sometimes it will be merit pay. Sometimes it will be tenure reform. Many times it will be

class size reduction. We ensure they will always have the option of spending that money as they see best.

The issue is not do you want class size reduction. The issue is, do you want real local control? Do you really want them to have the choice or do you think we know best?

There has been a growing consensus that what we have done for the last 35 years, with Washington creating more programs and making more prescriptions, has not been the right approach. There has been a growing consensus on both sides of the aisle that we need to consolidate. This is a move in the wrong direction, the opposite direction, to pull this out and say: In this area, we know best; you must do class size reduction if you want these funds.

Studies by Eric Hanushek, a professor at the University of Rochester, show that teacher quality is the most important factor in a child's instruction. So while class size is very important, even more important than class size is the quality of the teacher in that classroom.

Oftentimes professional development is going to be even more valuable than ensuring there are fewer children in the classroom, and we should not make the determination of what is needed locally. This new flexible grant, the Teacher Quality Program, allows States and school districts to continue class size reduction if they choose. They are not mandated to do so.

The National Commission on Teaching & America's Future found that class size reduction has the least impact on increasing student achievement and that teacher education and teacher quality had the most impact on increasing achievement.

One other point: For rural States such as Arkansas, we have many school districts, many times very small school districts. This kind of Federal program simply doesn't work. If you calculate what local schools in Arkansas get, it is about a third of a teacher per school district. For many small school districts, this kind of a program just doesn't work. It is far better to put additional funding in a program with greater flexibility so local school districts will have enough resources so they can actually make a difference.

While I agree many school districts and many States are going to put as priority No. 1 cutting the size of classes, in some areas that is not going to be priority No. 1. We should not make that decision for them and say: The only way you can access these funds is if you spend it in this way.

I reluctantly oppose the Murray amendment. We are putting considerable new resources, a 30-percent increase, into this Teacher Quality Program, and that will ensure that schools are going to be able to make the right kind of choice and the right kind of investment to get the best return in aca-

demic achievement. The Teacher Quality Program in this bill recognizes that mandates from Washington aren't the way to improve teacher quality. This legislation gives more flexibility to States and school districts but holds them accountable for teacher quality and, most importantly, student achievement.

I underscore again that this amendment is counter to the entire thrust of this education reform legislation. We should not make the mistake of returning to the past and reducing again the very important flexibility and decisionmaking authority that should reside at the local level.

So while I know this amendment is well intended, it is really counter to the kind of reform that will result in greater student achievement and improved education across this country, and I hope my colleagues will join me in opposing the Murray amendment and staying consistent with a desire to consolidate and provide greater flexibility, with meaningful accountability, and thus keep our focus upon the children and their educational future.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mrs. CLINTON. Mr. President, I associate myself with a number of the points made by my friend from Arkansas. Clearly, what we are attempting to do is to put the emphasis on what works and to provide to our children the opportunity to have the best possible education.

I have been very privileged over the last 20 years to know quite a bit about education in Arkansas, which my good friend has the privilege of representing, and now I know a lot about education in New York. I have no doubt that my friend, were he still here, would agree with me that our goals are the same for the children in both States. We want to provide the best possible educational opportunities, but we face very different challenges.

What I saw and worked on for many years in improving education in Arkansas, which was one of the great honors of my life, is very different from what I now see day in and day out in New York City, where we have more than a million children in our school system.

I agree with my friend that what we are crafting is an approach that will give to local school districts, parents, and teachers the tools to make the right decisions for the children whose futures they hold in their hands. That is why I wish my friend were still here—and I will seek him out later to talk with him privately about this.

That is why I am such a strong supporter of Senator MURRAY's amendment because what Senator MURRAY has done is point out very clearly that one size does not fit all; that what we need to do is provide the tools that will

enable each school district in each State to deal with the problems they face.

So I want to be part of passing legislation, in a bipartisan way, that will be the best for Arkansas, the best for Washington, the best for Vermont, and the best for New York because we will have honestly looked at all the different tools we need to provide our local educational authorities with in order that they can do the job we are now asking them to do their very best in achieving.

So I am very proud to be a cosponsor of this amendment and to stand with my colleague in stating my commitment to supporting the Class Size Reduction Initiative, both because it is voluntary and provides additional funding to schools that are in desperate need of such funding and, maybe most important, because we know it works.

I went back and reread President Bush's blueprint for education called "No Child Left Behind." In it, he expresses dismay that over the years Congress has developed programs without asking whether or not programs produce results or even knowing the impact on local needs. Later on, the President goes on to suggest that under his education plan, which is really the core of what we are debating in this education debate, he will focus on what works and ensure that Federal dollars will be spent on effective, research-based programs and practices and that the funds will be targeted to improve schools and enhance teacher quality. That is certainly what the committee on which I am proud to serve, under the leadership of the Senator from Vermont, attempted to do in reporting out such a bill—to focus on what works and to target funds to improve our schools and enhance teacher quality. President Bush and I absolutely agree on this point.

I have often said that I sometimes fear Washington is an evidence-free zone where, despite whatever evidence we have, we don't follow it, we don't put it to work, and we spin our wheels too much. Well, I believe we should look at what works, what has had a positive impact in raising student achievement, what has helped at the local level give very necessary resources; there is no better example of what works than reducing class sizes so that teachers can teach and children can learn.

Allow me just a moment to review the research demonstrating that reducing class size has proven results. Teachers who teach in classes of 18 students or fewer in the early grades are helping to raise student achievement for our most educationally disadvantaged students who are attending schools in high-poverty neighborhoods, where we all know it is harder to teach.

Senator MURRAY was a teacher. She was on a school board. I don't think any of us should kid ourselves; there are some school districts and some schools where it is just hard to teach, where children come to school with all kinds of challenges and difficulties. We know, as we look at the research done, that if we focus on getting that class size down with a qualified teacher—this should not be an either/or; it should be a qualified teacher and a small enough class size—then we can have very positive results.

I particularly point to the work Senator MURRAY and I highlighted in a press conference a few weeks ago that was done at Princeton University by an economist named Dr. Alan Krueger, who tracked the performance of well over 11,000 elementary school students at 79 schools in a Tennessee pilot program known as Project STAR. This was done randomly. The results are scientifically provable. What he found, and what everyone who has studied it has found, is that smaller class sizes have a tremendously positive impact on student performance and, particularly, on African American students.

We want to be supporting both excellence and equity. That is why I support accountability. I think we should know what our children know and what they don't know. I also believe everyone in this Chamber understands that we have to do more to increase the opportunity for excellence by focusing on the students who are most likely to be left behind. To me, the fact that African American students have such positive results from lower class size is a very strong argument for us renewing this commitment.

There are other studies which have found exactly the same thing. A Rand study—and Rand usually studies issues such as the military and defense and national security—focused on cost-effectiveness of educational resources in raising scores on the NAEP, the National Assessment of Educational Progress. It is a test that is given to a randomly selected group of our students across the country. We use it to track how well we are doing as a nation.

What Rand found in looking behind these test scores was that the higher scores could be traced to investments in lower class sizes in the early grades—plus, higher prekindergarten participation, lower teacher turnover, and higher levels of teacher resources. So it is that complement of cost-effective strategies that I think we should be supporting in this legislation.

Later in the debate, I will focus on the importance of supporting early learning opportunities and trying to retain our teachers because we are losing our teachers at an alarming rate. I brought this photo of P.S. 19 in Jackson Heights, Queens, which is one of the magnets for immigration into our

country. People come to Kennedy or LaGuardia Airports and they end up in Queens. I wish I could take every Member of this body to the schools I visit in Queens where bathrooms are classes, hallways are classes, and where children speak 40 to 100 different languages, where they are packed in there and where a teacher, despite her best efforts, can't possibly connect with all these children.

Yesterday, I was in a school that works in Manhattan, the New Manhattan School. It is a wonderful school. I met for a long time with the teachers, the principal, and the superintendent of the district. It is an old building, built in 1904. It is packed to the rafters. They are adding teachers into classrooms so if they do not have the additional classrooms, at least they have more qualified teachers in those classes so the children get the attention of the adult responsible for their learning.

It is important we understand there have to be opportunities for local communities to make choices. I believe having this tool is essential for providing good opportunities for choices to be made.

With the funds appropriated in 2001, it is expected the Federal Government's Class Size Reduction Initiative will bring nearly 40,000 qualified teachers into classrooms. Any one of us who goes into a large city in our country knows that if we do not have qualified teachers and we do not have low class sizes, we can test until the cows come home and we are not going to find anything other than what we already know: that children from high-poverty areas, from dysfunctional backgrounds without adequate training for academic work are not going to do well, but that a qualified teacher working with a small enough group of children, as Senator MURRAY knows so well, can make all the difference in that child's future.

When we looked at this issue in New York City, we saw the results clearly. Two years ago, the program was initiated and class sizes in New York City were 25 percent larger than statewide. With both Federal and State initiatives, we were able to reduce class size for approximately 90,000 students in the early grades, almost 30 percent of the city's K-3 population.

I want people to keep in mind, I am talking about a million children and 90,000 children. I know it is hard for some people who represent States without that many people in the State or maybe only half that many to understand we are dealing with huge numbers in a lot of the large cities. It is not just the numbers; it is the real lives behind those numbers.

When we looked at the results, after 2 years of efforts, we were very pleased because achievement went up in those classrooms where, with Federal help, we were able to add a teacher.

That does not mean the local communities do not have to continue doing their part, and it does not mean the State does not have to do its part, but we have gotten behind in what we need to do for our children. We need all hands on deck. We need everybody pulling together. Education is a local responsibility in our country, but we all know it has to be a national priority.

Let us make sure we focus on both teacher quality and lower class size. That is why this amendment, which Senator MURRAY has championed and has been successful in persuading a bipartisan group of Senators to support in the past, is a critical component of this legislation.

If we can make it possible for class sizes to remain small in the early grades, we improve the chances dramatically of producing a productive, functioning citizen who can find his or her way in this complicated society and global economy that awaits them in the 21st century.

Yesterday, when I was in this wonderful school that was filled to the brim, they took me into a bathroom that had been turned into a guidance counselor's office. They did not have any other space. We went into the gym and children were doing their physical activity which I believe in strongly. We have to keep children's bodies active as well as their minds.

There was a partitioned area in which there were more offices. They were making the best of a very difficult situation. They had just been told a school down the block, a little elementary school, had been condemned. We will get to that later in this debate, too. This school had been condemned. It is unsafe for our children and teachers.

There is a school in Mechanicsville, NY, where a piece of concrete fell on a teacher's head while teaching in the classroom.

There is a condemned school a few blocks from where I was yesterday. They are already packed. The school I visited will be taking in the children from that condemned school.

This is a critical component of the commitment to excellence and equity, accountability, and resources that the President has called for which so many in this Chamber have championed for many years. We have the money to do this. We just have to determine whether we have the will.

I call on my colleagues, and echo the very eloquent call of the Senator from Washington, that we recognize that continuing this initiative does help local communities meet the needs they see right in front of them and let us make sure we do everything possible to make every child believe he or she is important so that at the end of this debate the bill we pass truly will leave no child behind.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the amendment. The role that teachers play in the efforts to improve educational opportunities for young people is perhaps the most important next to the role of parents.

The bill before us includes significant changes related to the critical job of providing teachers the quality professional development activities they deserve. Supporting our Nation's teachers is a key element of education reform. A 1999 survey by the U.S. Department of Education, pertaining to the preparation and qualifications of public school teachers, reported that continued learning in the teaching profession is essential to "building educators' capacity for effective teaching, particularly in a profession where the demands are changing and expanding." Over the last decade, States have been developing standards that are directly tied to academic achievement and performance. S. 1 builds on that movement.

Having a highly qualified teaching force is a major factor in getting students to meet and exceed the standards. While there is near total agreement that strong, capable teachers are very important to a successful educational system, we have done little to help our teachers be at the top of their profession. There are still too many educators teaching outside their field of their expertise. Too often, teachers are offered one-shot, one-day workshops for professional development that do little to improve teaching and learning in the classroom. Professional development activities often lack the connection to the everyday challenges that teachers face in their classrooms. A recent evaluation of the Eisenhower Professional Development program notes that "the need for high quality professional development that focuses on subject matter content and how students learn that content is all the more pressing in light of the many teachers who teach outside their areas of specialization."

Title II of this bill addresses these serious professional development deficiencies. S. 1 draws on the strongest elements of the Eisenhower program while including authority for other initiatives that have an impact on teacher quality. The bill provides flexibility to school districts to address the specific needs of individual schools through activities such as recruitment and hiring initiatives; teacher mentoring; retention; and other long-term professional development efforts. S. 1 prohibits Federal dollars from being used for "one-shot" workshops that have been criticized for being relatively ineffective because they are usually short term and lack continuity. In addition, these one-day

workshops are often isolated from classrooms and schools which serve as the professional development laboratories.

S. 1 authorizes a major investment of funds, \$3 billion, which will be used by school districts to improve the quality of teaching in the classroom. The funding level of the teacher quality section of this bill represents the combining of funds and authorities from the current Eisenhower program and the class size reduction program. The purpose of combining the funding streams is to give school districts the flexibility they need to make the investments that will lead to having a highly qualified teacher in every classroom—either by using the funds to hire teachers or providing first rate professional development or both. This bill clearly states that Federal funds must be used for activities that will improve teaching and learning in the classroom, including the hiring of highly qualified teachers if that hiring will improve student performance. The decision as to how the Federal funds will be used will be made by the local school district.

My home State of Vermont serves as a good example of success through local decisionmaking. Vermont strongly supports funding for class size reduction. Yet, since the first dollar was appropriated for class size reduction, Vermont sought greater flexibility to use most of the money for professional development activities that would improve the quality of the teacher in the classroom. Because Vermont already had small classes that met the Federal mandated level of 18, a large portion of Vermont's share of the class size reduction monies has been used for professional development.

I want other States to do what Vermont has done if that is what is in the best interest of its students. Reducing class size is important. Having a dynamic, highly qualified teacher at the head of the classroom is of equal or perhaps, even greater importance. Title II of this bill supports both efforts and does so in a manner that allows school districts to come up with their own recipe for improving student achievement and performance. I am opposed to the class size reduction amendment because I believe that local schools are in a better position than we are to determine how best to distribute funds in regard to professional development and teacher hiring. S. 1 as passed by the committee gives local school districts the opportunity to make the decision about the expenditure of dollars for the purpose of improving their teaching force which will, in turn, lead to overall student improvement.

I see the hour of 12:30 p.m. has arrived.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess—

Mr. WARNER. Mr. President, I ask unanimous consent that the recess be deferred for about 6 minutes so I can address the Senate.

Mrs. MURRAY. Mr. President, if I could just make a 1-minute wrapup before we turn to the Senator from Virginia, I would appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Mr. President, let me state we will have more time, obviously, this afternoon to debate the class size amendment. I appreciate the comments from the chair of the HELP Committee in this regard.

I agree with him. Professional development is extremely critical. That is why my amendment to separate the professional development funds from class size funds is extremely important. We want our schools to have professional development but not at the expense of reducing class size, which we know works. That makes sure Federal tax dollars are spent wisely at the local level—and which is a local decision, I say to the Senator from Arkansas, who spoke earlier.

If a school district doesn't want to participate, they certainly do not have to do so. But for the many schools out there, for 2 million students who have benefited, let's not take it away now. Let's make sure they are in a class size in K-3 that allows them to learn math, science, basic reading, and they are able to succeed in the future.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Chair and my colleagues for their indulgence.

I was greatly taken by the distinguished manager of the bill, Chairman JEFFORDS, and his recognition of teachers. I have here the President's really wonderful message on education entitled "No Child Left Behind." I am sure the chairman agrees with me, if we do not accord equal assistance to teachers, we cannot hope to achieve the goal that no child will be left behind.

Mr. JEFFORDS. I certainly agree with the Senator.

Mr. WARNER. I thank the chairman.

Mr. President, I rise today in support of our Nation's teachers and to say thank you to the over 3,000,000 teachers in this Nation for all of the hard work and personal sacrifices they make to educate our youth.

This week is "Teacher Appreciation Week" and today, May 8, 2001, is "National Teacher Day." Today, I will be introducing a resolution in the Senate where the Senate will make the appropriate designations to honor our teachers with this appreciation week and day.

This resolution already has as original cosponsors Senators ALLEN,

BROWNBACK, COCHRAN, JEFFORDS, CRAIG, THURMOND, CRAPO, and ENZI. Mr. COVERDELL, who unfortunately was taken from us some time ago, introduced a similar resolution in 1999.

How appropriate it is that Teacher Appreciation Week and National Teacher day are upon us as we in the Senate are considering legislation to reauthorize the Elementary and Secondary Education Act.

The legislation that is before us today, the Better Education for Students and Teachers Act—the "BEST" Act—is based on a principle put forth by President Bush entitled, "No Child Left Behind."

As we move towards education reforms to achieve the goal of "Leaving No Child Behind," we must keep in mind the other component in our education system—the teachers. If we fail to accord equal recognition to our teachers in this debate, our children will be left behind.

All of us know that individuals do not pursue a career in the teaching profession for the salary. People go into the teaching profession for different personal commitments—to educate the next generation, to strengthen America.

While many people spend their lives building careers, our teachers spend their careers building lives.

Simply put, to teach is to touch a life forever.

How true that is. I venture to say that every one of us can remember at least one teacher and the special influence he or she had on our lives.

Even though we are all well aware of the important role our teachers play, it goes without saying that our teachers are underpaid, overworked, and all too often, under-appreciated.

In addition to these factors, our teachers also expend significant money out of their own pocket to better the education of our children. Most typically, our teachers are spending money out of their own pocket on three types of expenses:

1. Education expenses brought into the classroom—such as books, supplies, pens, paper, and computer equipment;

2. Professional development expenses—such as tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors; and

3. Interest paid by the teacher for previously incurred higher education loans.

These out of pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Estimates are that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement and increased student enrollment.

While the primary responsibility rests with the states, I believe the federal government can and should play a role in helping to alleviate the nation's teaching shortage.

Here is an example of such help. On a federal level, we can encourage individuals to enter the teaching profession and remain in the teaching profession by reimbursing them for the costs that teachers voluntarily incur as part of the profession. This incentive will help financially strapped urban and rural school systems as they recruit new teachers and struggle to keep those teachers that are currently in the system.

With these premises in mind, I introduced, "The Teacher Tax Credit." This legislation creates a \$1,000 tax credit for eligible teachers for qualified education expenses, qualified professional development expenses and interest paid by the teacher during the taxable year on any qualified education loan.

I ask unanimous consent to have a copy of my tax bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 225

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as "The TEACHER-Tax Credit Act".

**SEC. 2. CREDIT FOR TEACHING EXPENSES, PROFESSIONAL DEVELOPMENT EXPENSES, AND INTEREST ON HIGHER EDUCATION LOANS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

**"SEC. 25B. TEACHING EXPENSES, PROFESSIONAL DEVELOPMENT EXPENSES, AND INTEREST ON HIGHER EDUCATION LOANS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the qualified education expenses paid or incurred by the taxpayer during the taxable year,

"(2) the qualified professional development expenses paid or incurred by the taxpayer during the taxable year, and

"(3) interest paid by the taxpayer during the taxable year on any qualified education loan.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for the taxable year shall not exceed \$1,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE TEACHER.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in a public elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

“(2) ELEMENTARY AND SECONDARY SCHOOLS.—The terms ‘elementary school’ and ‘secondary school’ have the respective meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect of the date of enactment of this section.

“(3) QUALIFIED EDUCATION EXPENSES.—The term ‘qualified education expenses’ means expenses for books, supplies (other than non-athletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

“(4) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES—

“(A) IN GENERAL.—The term ‘qualified professional development expenses’ means expenses—

“(i) for tuition, fees, books, supplies, and equipment required for the enrollment or attendance of an individual in a qualified course of instruction, and

“(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

“(B) QUALIFIED COURSE OF INSTRUCTION.—The term ‘qualified course of instruction’ means a course of instruction which—

“(i) directly relates to the curriculum and academic subjects in which an eligible teacher provides instruction,

“(ii) is designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

“(iii) provides instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented),

“(iv) provides instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in clause (iii) learn, or

“(v) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of the eligible teacher.

“(5) QUALIFIED EDUCATION LOAN.—The term ‘qualified education loan’ has the meaning given such term by section 221(e)(1), but only with respect to qualified higher education expenses of the taxpayer.

“(d) DENIAL OF DOUBLE BENEFIT.—

“(1) IN GENERAL.—No deduction or other credit shall be allowed under this chapter for any amount taken into account for which credit is allowed under this section.

“(2) COORDINATION WITH EXCLUSIONS.—A credit shall be allowed under subsection (a) for qualified professional development expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.

“(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section.”

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following new item:

“Sec. 25B. Teaching expenses, professional development expenses, and interest on higher education loans of public elementary and secondary school teachers.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. WARNER. Mr. President, this legislation, S. 225, is cosponsored by Senators MIKULSKI, ALLEN, DEWINE, COCHRAN, HARKIN, and ENSIGN. The National Education Association also has endorsed this legislation.

I am not introducing The Teacher Tax Credit Act as an amendment to the education bill before the Senate because, procedurally, it would stop this bill because of the “blue slip” taxation procedures in the House of Representatives.

I do propose today a Sense of the Senate amendment on the importance of providing additional tax relief for our Nation’s teachers.

This amendment simply states that it is the Sense of the Senate that during the 107th Congress, the Senate should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses they incur to improve the education of our Nation’s students.

I note that President Bush agrees that teachers should receive tax relief to help defray the costs associated with classroom expense and professional development costs.

The President’s education blueprint to the Congress contained a specific reference on page 13. I will read it:

Provide tax deductions for teachers: Teachers will be able to make tax deductions up to \$400 to help defray the costs associated with out-of-pocket classroom expenses such as books, supplies, professional enrichment programs and other training.

The concept is in the President’s blueprint. Frankly, with all due respect to President Bush, I want to go a step further and make it stronger, not just a deduction you have to work with and hope you get the money back, but an absolute tax credit on that tax return to take right away off the bottom line. Frankly, I think the \$400 falls a little short and I would like to see more.

I also note that Senators COLLINS, KYL, and HATCH have worked diligently on legislation providing tax relief to teachers.

On National Teachers Day, and during Teacher Appreciation Week, I urge all my colleagues to support this important amendment that will put the Senate on record in support of tax relief legislation for our Nation’s teachers.

I thank the Chair and my chairman for allowing me to participate at this time in this debate.

I send the amendment to the desk, a sense of the Senate, and I await com-

ments from the Chair. Then I will ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. JEFFORDS. I am aware of your amendment. I also said on the Finance Committee, not only can I assure you it will get notice here, I assure you I will communicate your wishes to the chairman of the Finance Committee and support you.

AMENDMENT NO. 383 TO AMENDMENT NO. 358

Mr. WARNER. Mr. President, I send to the desk my amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

Mr. WARNER. At the appropriate time, subject to the leadership of the Senate and management, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The clerk will report the amendment by number first.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 383 to amendment No. 358.

The PRESIDING OFFICER. Without objection, the reading is dispensed with.

The amendment is as follows:

(Purpose: to provide a Sense of the Senate regarding tax relief for elementary and secondary level educators)

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.**

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master’s degree and 16 years of experience is approximately \$40,582.

(2) The average starting salary for teachers in the United States is \$26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average \$408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation’s schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation’s teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation’s teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses educators incur to improve the education of our Nation's students.

Mr. WARNER. I ask for the yeas and nays

The PRESIDING OFFICER. There is not a sufficient second at the moment.

Mr. WARNER. At the moment.

Perhaps I could engage the attention of my two colleagues. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The yeas and nays were ordered.

#### RECESS

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

#### BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Warner amendment.

Mr. McCONNELL. Mr. President, it is my understanding that I would be recognized to lay down an amendment at 2:15, and I am here to do that.

I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 384 TO AMENDMENT NO. 358

Mr. McCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 384 to amendment No. 358.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCONNELL. Mr. President, I rise today to offer an amendment to the BEST Act which incorporates the provisions of legislation I introduced earlier this year, the Paul D. Coverdell Teacher Protection Act. This important legislation extends protections from frivolous lawsuits to teachers, principals, administrators, and other education professionals who take reasonable steps to maintain order in the classroom.

The Teacher Liability Protection Act builds upon the good work Congress began in 1997 when it enacted the Volunteer Protection Act. As Senators may recall, the Volunteer Protection Act provides liability protections to individuals serving their communities as volunteers. After bringing several volunteer protection amendments to the floor through the 1990's and introducing the Volunteer Protection Act during the 104th Congress, I was blessed when Senator Paul Coverdell joined me in helping to steer this measure through the 105th Congress and have it enacted in 1997. Now, we need to extend similar liability protections to our nation's teachers, principals, and education professionals who are responsible for ensuring the safety of our children at school.

Everyone agrees that providing a safe, orderly environment is a critical component of ensuring that every child can reach their full academic potential. Teachers who are unable to maintain order in the classroom cannot reasonably be expected to share their knowledge with their pupils, whether it be in math, science, or literature. Disruptive, rowdy, and sometimes violent students not only threaten the immediate safety of their classmates, they threaten the very future of our children by denying them the opportunity to learn. Unfortunately, teachers, principals, and other education officials share an impediment in their efforts to ensure that students can learn in a safe, orderly learning environment: the fear of lawsuits. All too often, these hard-working professionals find their reasonable actions to instill discipline and maintain order are questioned and second guessed by opportunistic trial lawyers.

Today's teachers will tell you that the threat of litigation is in the back of their minds and forces them at times to act in a manner which might not be in the best interests of their students. A 1999 survey of secondary school principals found that 25 percent of the respondents were involved in lawsuits or out-of-court settlements in the previous two years—an amazing 270 percent increase from only 10 years earlier. The same survey found that 20

percent of principals spent 5 to 10 hours a week in meetings or documenting events in an effort to avoid litigation. This is time that our educators should spend counseling students, developing curriculum, and maintaining order—not fending off frivolous lawsuits.

Mr. President, allow me to illustrate my point with several examples.

In May of 1998, representatives of the Bethlehem Area School District learned that one of their students, Justin Swidler, had created a web site where he solicited money to hire a hit man to kill his math teacher, Mrs. Kathleen Fulmer. According to a local newspaper account, the web site contained images of the principal being shot and "a picture of Fulmer which changed, or 'morphed' into a portrait of Adolf Hitler." The site, which bears a name I cannot repeat on the Senate floor, also listed reasons "Why Fulmer Should Be Fired" and then reasons "Why She Should Die." I think that deserves repeating: The list was not limited to the typical juvenile carping about a teacher. It listed why she should die.

The school district, much to its credit, expelled Justin Swidler. However, rather than encouraging young Justin to take responsibility for his actions, the response of Justin's parents was all too predictable—they hired a lawyer and they sued. First, they sued the school district. Then, they sued the principal. After that, they sued the superintendent. Finally, in the coup de grace of the litigation, the Swidlers sued the teacher whom their son had threatened to kill. I repeat, the parents sued the teacher whom their son had threatened to kill.

What reasons did the Swidlers give for their suit? They claimed, among other things, to have suffered "embarrassment, ridicule, humiliation, isolation and severe emotional distress" as well as financial loss and "inconvenience." The Swidlers wanted the school to pay because they suffered "embarrassment" and "inconvenience" because their son threatened the life of his math teacher? That is utterly outrageous. The boy's father, Howard Swidler, also claimed his son had difficulty enrolling in a new school because "teachers wouldn't provide recommendations." I can imagine that. The teachers at Nitchmann Middle School didn't want to write a letter of recommendation for this kid who had compared a fellow teacher to Hitler and threatened to have her killed. What nerve of those teachers not to write a recommendation under those circumstances.

These lawsuits and countersuits dragged out in the courts for more than 2½ years. During this time, good reputations were besmirched, distinguished careers were ruined, and each party accumulated what we can only estimate to be thousands of dollars in legal bills.