



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, FIRST SESSION

WASHINGTON: Thursday, January 16, 2003

Senate

S.Res.22, EXPRESSING CONCERNS ABOUT IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT

Mr. DORGAN. Mr. President, today, I am submitting a Sense of the Senate Resolution that expresses my concerns about the implementation of the No Child Left Behind Act.

I supported this law when it was passed by the Senate with overwhelming bipartisan support, and I still support it. In general, I think it is very appropriate and important for us as a Nation to demand very high standards of performance from our schools and to identify those schools that should be doing better and give them the assistance they need to improve.

Having said that, I do have concerns that a lack of adequate funding and a potential lack of flexibility in the implementation of this new law could set out public schools up for failure, and that is wrong. All of us have an obligation, as parents, educators, concerned citizens, and policymakers, to get the implementation of this law right.

Nationwide, about 25 percent of public schools are rural. In North Dakota, fully 89 percent of our public school districts are rural. The No Child Left Behind Act imposes many new requirements that will be challenging for all States and schools to meet. However, rural school districts face unique challenges that are compounded by the small size, remoteness, and lack of resources facing many rural schools.

Rural educators in my State have pointed out a number of unique concerns facing them. For example, many rural school districts in North Dakota have very small numbers of students. The poor performance of just a few students on the tests required by the No Child Left Behind Act could result in a school being identified as needing improvement, even when most of the students are performing very well.

In addition, some of the options created under the No Child Left Behind Act for students attending schools identified for improvement simply may not be available in rural areas. For instance, most of the school districts in my State only include one school, so another public school choice is not an option. Likewise, the distance to the next nearest school district may be impractical or the cost of transportation may be prohibitively expensive. Similar concerns exist with the availability of supplemental tutoring services.

Many rural schools already have shortages of teachers in key subject areas, even though rural instructors frequently teach in multiple subject areas. Some of the experienced teachers and paraprofessionals in rural schools may not meet the new "highly qualified" requirements of the No Child Left Behind Act, and it will be very difficult for rural school districts to complete with

large school districts in recruiting and retaining quality teachers.

I believe the No Child Left Behind Law provides States with the flexibility that is needed to address these and other concerns, if the Department of Education allows States to use that flexibility and the States take advantage of it. As President Bush himself said last week, "One size doesn't fit all when it comes to public education."

Of course, the other ingredient that is needed is funding. Even with the necessary flexibility, if schools do not have the resources to make needed reforms, they will not be able to improve.

When the Congress and the President last year reached bipartisan agreement on the No Child Left Behind Act, we agreed on the levels of funding that would be necessary to meet the new expectations and requirements. That law authorizes \$31 billion for the No Child Left Behind Act in fiscal year 2003, a \$9 billion increase over the fiscal year 2002 level.

Unfortunately, barely a month after this legislation was signed into law, the President sent to Congress a budget that not only did not fully fund the increases in the No Child Left Behind Act, it actually cut funding by \$90 million.

One cut of particular concern to me is the President's proposal to eliminate funding for the Rural Education Achievement Program, REAP, which was funded in fiscal year 2002 at \$162.5 million. REAP funding is particularly important because it is targeted at small, rural districts that do not receive large enough amounts of money through the individual federal formula "title programs" to make substantive changes or investments. In addition, because small rural districts often lack the administrative staff to apply for competitive grants from the State and Federal level, they receive a smaller proportion of federal dollars than their suburban or urban counterparts.

For many rural school districts, REAP will mean an additional \$20,000 to \$60,000 in new funding that will

help them to meet the challenges of implementing the No Child Left Behind Act. While this may not seem like much funding to an urban or suburban district, to a small rural district it makes a real impact.

As Congress completes work on the fiscal year 2003 Education appropriations bill, I hope we will provide the \$31 billion authorized in No Child Left Behind. I understand that Senator Harkin plans to offer an amendment to bring the funding level up to the authorized amount. Given that the No Child Left Behind Act was passed by the Senate by an 87-10 vote, I would hope and expect that Senator Harkin's amendment would receive similarly strong bipartisan support.

However, my Sense of the Senate resolution also calls on President Bush to request the authorized level of funding of \$34 billion in his fiscal year 2004 budget he will send to Congress next month, and it calls on Congress to appropriate that level of funding in fiscal year 2004.

If full funding is not provided in fiscal year 2004, my resolution expresses the "Sense of the Senate" that enforcement of the No Child Left Behind Act should be suspended. A moratorium on enforcement is not my preference. Our children would be much better off if Congress and the President simply lived up to their commitment to provide the level of funding and flexibility needed to implement this law correctly. That should be our goal.

However, without this funding, we are simply imposing an enormous "unfunded mandate" on states and local school districts. The reality is that the budget crises facing just about every state and local government make it virtually impossible for states and local governments to make up for the lack of resources from the federal government.

Fundamentally, this can be a good law, and I think it would be a shame, and irresponsible to our

children, if it cannot be implemented properly because Congress did not provide the resources it said it would.

SENATE RESOLUTION 22--EXPRESSING THE SENSE OF THE SENATE REGARDING THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT OF 2001

Mr. DORGAN (for himself and Mr. **CONRAD**) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Res. 22

Whereas all students, no matter where they live, should receive the highest quality education possible, and Congress and the President enacted the No Child Left Behind Act of 2001 (Public Law 107-110) to ensure high academic standards and the tools and resources to meet those standards;

Whereas the No Child Left Behind Act of 2001 imposes many new requirements and challenges for States, school districts, and individual educators;

Whereas many States and school districts are struggling to understand the requirements of the No Child Left Behind Act of 2001, even as additional regulations and guidance continue to be forthcoming from the Department of Education;

Whereas the small size, remoteness, and lack of resources of many rural schools pose potential additional problems in implementing the No Child Left Behind Act of 2001;

Whereas many rural schools and school districts have very small numbers of students, such that the performance of a few students on the assessments required by the No Child Left Behind Act of 2001 can determine the progress or lack of progress of that school or school district;

Whereas the small number of students in many rural schools can make the disaggregation of testing results difficult and even statistically unreliable;

Whereas some of the options created for students attending failing schools, including the choice to attend another public school and the availability of supplemental tutoring services, simply may not be available in rural areas or may be prohibitively expensive due to the cost of transportation over long distances;

Whereas many rural schools already have shortages of teachers in key subject areas, rural teachers frequently teach in multiple subject areas, and rural teachers tend to be older, and lower paid than their urban counterparts;

Whereas many experienced teachers and paraprofessionals in rural schools may not meet the definition of "highly qualified" in the No Child Left Behind Act of 2001 and rural school districts will have difficulty competing with large school districts in recruiting and retaining quality teachers;

Whereas the No Child Left Behind Act of 2001 imposes many new requirements on schools and school districts, but the President's budget request for fiscal year 2003 does not provide the level of funding needed and authorized to meet those requirements and in fact cuts funding by \$90,000,000 for programs contained in the No Child Left Behind Act of 2001; and

Whereas a majority of the States are being forced to cut budgets and local governments are also struggling with revenue shortfalls that make it difficult to provide the increased resources necessary to implement the No Child Left Behind Act of 2001 in the absence of adequate federal funding: Now, therefore, be it

Resolved, That--

(1) the Secretary of Education should provide the maximum flexibility possible in assisting predominantly rural States and school districts in meeting

the unique challenges presented to them by the No Child Left Behind Act of 2001 (Public Law 107-110);

(2) the President should, in his fiscal year 2004 budget request, request the full levels of funding authorized under the No Child Left Behind Act of 2001 for all programs, including the Rural Education Achievement Program (20 U.S.C. 7341 et seq.); and

(3) it is the sense of the Senate that, if the President does not request and Congress does not provide full funding for the No Child Left Behind Act of 2001 in fiscal year 2004, Congress should suspend the enforcement of the implementation of the requirements of the No Child Left Behind Act of 2001 until full funding is provided.