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DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

Mr. CARPER. Mr. President, during the course of our debate last Thursday, we had the opportunity to share a number of thoughts about the President's proposed voucher demonstration for the District of Columbia. I have appreciated the opportunity this last week to engage in discussions and negotiations, if you will, with my friend, Senator DeWine from Ohio, Senator Landrieu, and others.

I know there has been some discussion today. I just arrived moments ago. I want to revisit it a little bit. I think we have a vote in about 20 minutes, but I want to take the next few minutes to review some of that conversation.

I said on Thursday and say it again today, I think the measure as it is being amended on the Senate floor is a significant improvement over what was offered in the House and approved by the House. It was a very close partisan vote. I think it passed by one vote. I appreciate the willingness of the other side to at least engage in what I think were

good-faith discussions and negotiations.

Among the problems we found with the legislation that came out of committee to the floor was that eligible participating students need not take the same tests that other District of Columbia students take. Most States around the country have adopted academic standards. Once academic standards are adopted, most States are developing tests to understand the students' progress in math or science or English or social studies or other subjects. I understand the District of Columbia has been involved in the process of developing their own academic standards for their own students. I believe they are in the process of developing tests which would reveal student progress.

In the meantime, I think they use a proxy test. If one of my colleagues wants to correct me, feel free, but I think the District of Columbia uses as a proxy test the Standard of Achievement Test to measure how

students are doing with respect to reading, writing, and math.

In the State of Delaware, we adopted our standard in 1995 and began giving Delaware State tests in 1998. We actually use the Stanford 9. We actually embed the Stanford 9 achievement test within the Delaware State test so we have some idea how Delaware students are doing with respect to progress against Delaware standards on math, science, and social studies, and also because of the Stanford Achievement Test we have an idea how we are doing with regard to the rest of the country, at least as it relates to reading and mathematics. But I believe the District of Columbia uses only the Standard of Achievement Test at this time. They are developing a standard of achievement test that will find out how local students are doing against the standards that have been adopted. They will now begin using it.

The reason it is important to make sure all our students are taking the same test, whether they happen to be in a traditional public school or a public charter school or in a private or parochial school, that at least once a year they take the same test, is we want to have some way of objectively measuring whether students are making progress and know we are measuring apples and apples and oranges and oranges, and not apples and oranges.

I believe that with the adoption by voice vote of the Feinstein amendment last week, this measure has been amended so now students in

parochial, private, traditional public schools and in charter schools here in the District will all be at least taking the same test. That is an important step.

The next step, though, is for us to figure out what we do with the results from that test. That is critically important.

What do we do with the results of those tests? We measure the students' progress toward the District of Columbia's academic standards. It is all well and good if they take the same test, but what if we don't act on those tests or use those tests as most States, including mine, are using the test to help make sure we hold everybody accountable, hold schools accountable, school districts accountable, students accountable, educators accountable?

I used the example last week. I will use something similar to it today to try to make clear we are not interested in creating an administrative nightmare for the parochial schools or the private schools. I don't know how difficult it would be for them 1 or 2 days a year, a couple of days a year, for those schools to ensure the students attending those schools with vouchers take the District's test. On top of that, we are not interested in imposing on a private school or parochial school the accountability system that we find in No Child Left Behind.

There is going to be an independent entity created here in the District of Columbia if this

voucher demonstration program is actually adopted and implemented. There would be an entity created called an Eligible Entity. That is what it is actually called. As I understand it, that Eligible Entity would be responsible for, among other things, negotiating with the private and parochial schools, making sure the students who receive these vouchers—actually, I understand the voucher funding would come from the Federal Government through the Eligible Entity to the parents of the students. Then they would choose from among a variety of schools. The schools, if they were oversubscribed, would have a lottery system.

We are not interested in seeing that the parochial and private schools that participate have to go through the No Child Left Behind rules. That is not what we are interested in doing. We do want to know, however, if there are 2,000 kids in this voucher demonstration program, how they are doing relative to the District of Columbia's academic standards. We want to know if we are making good progress with respect to those standards. We want to know if the various subgroups that we are responsible for tracking are doing well, just as we would similar subgroups that are still in traditional public schools in DC or in charter schools here in the District of Columbia.

The data for those students enrolled in private or parochial schools, how well they do on their test scores, can fairly easily be aggregated and pulled out either by

the Eligible Entity, collected by the Eligible Entity, or by some appropriate entity in the District of Columbia, and they will know how kids are doing in the sixth grade and the seventh grade to the eighth grade. They will know how they are doing with respect to reading and how they are doing with respect to mathematics, if those kids were receiving their education on a voucher.

Again, we are not trying to make things unduly complicated or difficult for the parochial or private schools. But if this is going to happen, if we are going to try this experiment, I think it is in the interest of everybody, including the kids, including us as decisionmakers, to not impede the ability of students to enroll in a private or parochial school that is interested in participating. The key, though, for us is to make sure that at the end of the day we have data that we can look at as decisionmakers, and the folks in the District of Columbia can look at, and they will actually know with some certainty whether or not the students using those vouchers are making academic progress using the same standards, the same kind of accountability that we are imposing on all the public schools, including the charter schools.

I don't think that is too much to ask. I cited last Thursday a quote from the President. I don't have it with me here, but this is what he announced when he rolled out this proposal last July here in the District of Columbia and talked about these kids. I will paraphrase him: These

kids have to operate under the same system of accountability that other kids here in the District would be expected to operate under, to which I would say terrific; I couldn't agree more.

In talking with one of the President's top senior people over in the White House last week, I was concerned to hear that one of the reasons we couldn't have expectations for accountability for progress for kids using these vouchers to go to private or parochial schools is because there is kind of an expectation that given their backgrounds and the problems and academic difficulties they bring to the school, we probably couldn't reasonably expect them to make the kind of progress kids in traditional public schools or public charter schools would be making.

It reminded me that the President is fond of talking about the soft bigotry of low expectations. Boy, as soon as I heard those words, I couldn't help but think that strikes of something akin to soft bigotry of low expectations.

We say we expect kids who are in some of these deplorable schools in the District—we are going to take kids out of those miserably failing public schools and put them in a parochial school or a private school and not expect them to perform in those schools or at least match or exceed the scores in the schools from which they came. Something is wrong here. Maybe I misinterpreted or misunderstood what was being said on the phone. I hope I was.

But the scores of those kids who get out of the environment they are studying in should soar.

The last point I want to make is, if you have 2,000 vouchers to hand out to a pool of kids, where do you find the students to give them to? How do you make that determination? As far as I know, we still haven't bridged our differences here.

Senator Landrieu and I, along with others on both sides—but more Democrats and some Republicans—have contended that we ought to make every effort to ensure that those vouchers, whether it is 2,000 or however many we have, go to kids in schools that are failing. There is a question about whether we have enough failing schools in the District of Columbia in order to make sure that those vouchers are fully implemented and exercised and used.

I am at a loss as to what to say on that. If the schools in this District are half as bad as we have all heard, there are more than enough kids in schools that any of us would deem failing to use those 2,000 vouchers for, and argue for more. There are 15 public schools in the District of Columbia that are deemed to be failing by the standards that are currently being used. I think that is going to change as this District of Columbia test is developed and implemented in the next couple of years.

In my State, we have been making great progress academically for the last year or so. We have several

times the number of failing schools as the District of Columbia has.

I know in talking with Senator Landrieu in the last week or so that the State of Louisiana has a whole lot more—just in New Orleans alone many times more than 15—failing schools. There are going to be plenty of kids in failing schools here a year or so from now when it is up and running, if it is ever up and running—more than enough kids in these failing schools.

I would suggest to our friends on the other side of the aisle and to the administration that we shouldn't get bogged down on this point. Let us just give the vouchers to kids in failing schools, be done with it, and move on.

The last piece that is troubling—and it was troubling to us before but even more so now—is when legislation comes to the Senate, whoever the President is, whether it is a former President, President Bush, President Clinton, the former President Bush, President Reagan, there is a statement of administration policy that comes with regard to the legislation. Senator Landrieu and I were trying to obtain from our Republican colleagues and from the administration an agreement that what emerges from conference would actually be the language and the principles that were laid out that we and our friends talked about a whole lot last week. We are asking for assurances from the administration and our Republican colleagues that regardless of what we vote on or agree to on the Senate

floor—and the whole package could be agreed to on the Senate floor, but when we go to conference with the House of Representatives, you just never know what is going to come out of the conference. We didn't want to be hoodwinked. We didn't want to enjoy a period of victory on the Senate floor only to find that what emerges from the conference of the House of Representatives is something that looks quite different.

Our concerns were underlined, maybe with an exclamation point at the end, when we saw the statement of administration policy.

I don't have it before me. Does Senator Landrieu happen to have a statement of administration policy?

Ms. LANDRIEU. Yes. Mr. President, I do have a statement of administration policy. I appreciate my colleague raising that issue. I know we are scheduled for a vote at 5:30. We only have a few more minutes for this discussion.

But as my colleague from Delaware has stated, there is a statement of administration policy that basically focuses on the \$13 million voucher proposal. It does not mention charter schools. It does not mention additional funding for traditional public schools.

We subsequently received a letter from Secretary Paige after this document was presented indicating that his Department is in support of the three-sector approach. But the Senator from Delaware is correct. Until we have a more definitive

statement from the administration and our Republican colleagues, even if we accept that language in this bill, there would be really no confirmation.

Mr. CARPER. Mr. President, I believe the Senator from Nevada wishes to say something before we vote at 5:30. I don't want to impede him.

Mr. DeWINE. Mr. President, I wonder if my colleague will yield for a question?

Mr. CARPER. Yes.

Mr. DeWINE. I was really asking my colleague if Secretary Paige's letter—and, of course, my colleague from Louisiana just referenced that letter—I wonder if my colleague would agree that the letter from the Secretary is a pretty definitive letter. The Secretary is the Secretary and does represent the administration. So it seems to me that it is, in fact, the administration's policy to support the three-pronged approach that we have been talking about here on the Senate floor.

Mr. CARPER. I am encouraged that the Secretary has promulgated a letter. I don't know to what extent it also bears an imprimatur of OMB and the senior folks in the White House. I am encouraged by the letter.

The point I am trying to make is that we are uneasy in the first place about entering into some kind of agreement on the Senate floor, and then just seeing that dissipate in conference. In the administration's

statement they don't even mention the \$13 million for public and charter schools, which just further exacerbates our uneasiness.

Let me yield, if I may, to the Senator from Nevada.