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ABSTRACT

This document contains proceedings of the hearing held on September 12, 1995, before the Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies, which is a subcommittee of the United States Senate Committee on Appropriations. The purpose of the hearing was to hear testimony on the funding for Goals 2000, the Educate America Act. The document contains the opening remarks of Senators Arlen Specter, Harry Reid, Judd Gregg, Slade Gorton, and James M. Jeffords. It contains a summary of and the full prepared statement made by the Secretary of Education, Richard M. Riley. The document also contains the Secretary's responses to senators' questions about the following issues: the possible elimination of the National Education Standards and Improvement Council; the secretarial review of state improvement plans and standards; direct federal grants to localities; national history standards; application requirements for Goals 2000; the importance of Goals 2000 to the economy; and set-aside funds for national programs. The document also contains the statement of Ovide Lamontagne, chairman of the New Hampshire State Board of Education and his answers to queries about federal requirements. (LMI)

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GOALS 2000

ED 400 595

HEARING
 BEFORE A
 SUBCOMMITTEE OF THE
 COMMITTEE ON APPROPRIATIONS
 UNITED STATES SENATE
 ONE HUNDRED FOURTH CONGRESS
 FIRST SESSION

SPECIAL HEARING

Printed for the use of the Committee on Appropriations

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(III)

GOALS 2000

TUESDAY, SEPTEMBER 12, 1995

U.S. SENATE,
SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN
SERVICES, AND EDUCATION, AND RELATED AGENCIES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:09 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.
Present: Senators Specter, Gorton, Jeffords, Gregg, and Reid.

DEPARTMENT OF EDUCATION

SECRETARY OF EDUCATION

**STATEMENT OF HON. RICHARD RILEY, SECRETARY
ACCOMPANIED BY MIKE COHEN, SENIOR ADVISOR**

OPENING STATEMENT OF SENATOR SPECTER

Senator SPECTER. The hearing of the Subcommittee on Labor, Health and Human Services, and Education will convene.

I regret the delay in starting, but the Senate vote schedule, as I think you know, takes precedence over everything else. Last night, two votes were scheduled for this morning, so that we were unable to begin the hearing before this moment.

My opening statement will be made a part of the record, in the interest of time, and I will just briefly state the two important topics we have in today's hearings.

The first will focus on the funding for Goals 2000, the Educate America Act, and we have two very distinguished witnesses to discuss this issue, the distinguished Secretary of Education, Richard Riley, and the distinguished chairman of the New Hampshire State Board of Education, Mr. Ovide Lamontagne.

We have scheduled this hearing on the eve of our markup, to try and focus on outstanding concerns about the issue of Federal control, to see if there is some way where we can accommodate the interests of all involved.

Some 47 States have elected to take funds under Goals 2000, and I know there are genuine concerns in other quarters, and we want to hear what those concerns are, examine them, and see if there is some way to accommodate all interests, perhaps even with some modifications on this appropriations bill.

It is an exception to have any substantive changes, but that is a possibility. I do not know if it can be done, but that is what we are going to explore here this morning.

(1)

The second panel will focus on the issue of domestic violence and sexual assault. We have a very distinguished panel of women to discuss that issue.

Here, again, we are looking at a very, very tight budget, with the overall subcommittee budget having been reduced from \$70 billion, to \$62 billion, and we are looking for some additional insights on this issue.

Let me yield at this time to my colleague, Senator Reid, for an opening statement.

OPENING STATEMENT OF SENATOR HARRY REID

Senator REID. Thank you very much, Mr. Chairman.

As we speak, the State of Nevada is, under the direction of Gov. Robert Miller, beginning preparation for a celebration of Goals 2000, and its benefit to the State of Nevada.

The Senate traditionally has been very good for moneys for domestic violence, and, Mr. Chairman, the problem, traditionally, has been in the House, as evidenced by the stalemate during conferences in years past.

Those in the House who were most helpful to us in the past are no longer in the House, notably Chairman Natcher, of Kentucky, and Congressman Joe Early, of Massachusetts.

I would hope that we could readdress priorities as a nation, and start believing that spending \$7 billion more than the Pentagon requested is not a proper prioritization of our limited resources, but rather, these moneys should be spent on programs like Goals 2000, and school-to-work programs, and programs to allow women and children to remove themselves from the trauma involving family violence.

I appreciate very much, Mr. Chairman, your holding this hearing on the eve of this very difficult time we are going to have of marking up this most important bill.

Senator SPECTER. Thank you very much, Senator Reid.

Senator REID. I, also, Mr. Chairman, apologize to you and the rest of the committee: I am going to have to leave for other matters in a little bit, and I apologize, but with the schedule as it is, I have no choice.

Senator SPECTER. Thank you, Senator Reid.

Senator Gregg.

OPENING STATEMENT OF SENATOR JUDD GREGG

Senator GREGG. Thank you, Mr. Chairman, and Secretary Riley.

Let me just simply note that I have not been a casual expresser of my concerns about Goals 2000. I have been a rather aggressive expresser of my concerns about this piece of legislation.

I recognize that Secretary Riley has attempted to administer it in a fair way, that has allowed the State's flexibility, but I believe the law itself is fundamentally flawed, and needs to be amended, and I will be offering amendments as we move through the legislative process, to the underlying authorizing bill.

My concern is that these funds, which are new funds, essentially, that are flowing into the Goals 2000 program, could much more effectively be used in other areas of education, which are under funded today, and which are putting huge burdens on the States.

I would take, for example, Public Law 94-142, the handicapped programs, which we have today, and which, under the law, the Federal Government originally said it was going to fund at 40 percent, and it has put the burden of the other 60 percent on the States and the local communities.

Well, unfortunately, the Federal Government has never lived up to its responsibility in this area. The funding levels now, I think, are about 6 percent that the Federal Government puts into this account, and thus, community schools are finding that their budgets are being skewed by the requirements to meet the obligations of Public Law 94-142, without getting the support of the Federal Government.

Now, the first bill that we passed as a Congress was the unfunded mandates bill, and there is probably no larger unfunded mandate that affects education in this country than Public Law 94-142.

So it seems to me that rather than going forward with a program, which is a new program, which still remains reasonably controversial in some segments of our communities, which brings the Federal Government into a new role in managing local education, which it has not traditionally had, rather than doing that, we should take the funds which are presently proposed to go into Goals 2000, and move them over to the IDEA programs, in Public Law 94-142 language, so that we can fund the Public Law 94-142 language at a little higher level.

It would not, obviously, get up to anywhere near the 40 percent, \$300 million. In fact, it would not come close, but it would at least relieve, to some extent, that burden.

So my suggestion would be that this committee take another look at this line item, and that we move these funds over to funding Public Law 94-142, and do something that is really needed in the local community, which is to relieve the burden of paying for these very legitimate costs and very important costs for assisting and educating handicapped children and developmentally impaired children. That is, I think, a goal that everyone agrees to.

Senator SPECTER. Thank you very much, Senator Gregg.
Senator Gorton.

OPENING STATEMENT OF SENATOR SLADE GORTON

Senator GORTON. Mr. Chairman, I apologize in advance. I have three hearings, all set for the same time this morning, and I am here for a brief period of time, simply to show my interest in each of these subjects, but especially in the controversy over Goals 2000.

I would like to join with Senator Gregg in commending Secretary Riley. Whatever one feels about Goals 2000—and I have serious reservations about it—certainly, the way in which it has been administered by this Secretary, there is no room for any criticism of that kind of administration.

I would like to take this opportunity, however, even though I will not be able to stay and hear the answer, to express the hope that Secretary Riley will speak to standards. Earlier this year, as he is well aware, I became involved in what I consider the outrageous and overwhelmingly politically correct proposed standards for the teaching of history.

They may or may not have disappeared. I would like to know what the status of those standards is now, and I would also like to know whether or not there is still a major effort taking place with respect to standards in other education fields; whether they are scientific or mathematical on the one hand, or the social sciences on the other hand, and whether we are likely to be faced with controversy with respect to potential future standards.

Secretary Riley, you can either answer that here, or get back to me on it. I would appreciate, in the normal course of events, hearing from you on that subject.

Senator SPECTER. Senator Gorton, we will give the Secretary the chance to answer it, when your turn comes.

Senator Jeffords.

OPENING STATEMENT FROM SENATOR JAMES M. JEFFORDS

Senator JEFFORDS. I think it is critical to this Nation's future that we continue to move forward with the Goals 2000 Program. I disagree with the statements that are contrary to that.

I do not disagree that we should increase the funding in IDEA. I think that is also critical. I think we have to reorder our priorities in order to make sure that we adequately fund education at all levels.

I would point out that the Goals 2000 started with the Reagan administration, with the at-risk report, which said if a foreign government had imposed our present educational situation upon us, we would consider it an act of war.

Under the Bush administration, the Governors all got together and said, yes, what we have to do is to set the goals for this Nation's school system, so they know the goals they have to meet.

They do not know the kind of competition there is out in this world, unless we tell them how it is, and we help them plan for it.

Right now, our situation is simply this, our kids, in the areas of math and science, we have some of the smartest kids in the world, but on the average, our kids come in last when we are compared with most of our other competitor Nations.

Any Nation which graduates 55 percent of its kids functionally illiterate, which are the statistics, it has a real problem.

And if we do not face up to that problem, and it is going to take national leadership to do so, to make sure that the local governments understand what has to be done, it is not a matter of comparing Rutland with Nashua, NH, it is a matter of comparing the city of Rutland with Bonn, and Beijing, and other places around the world, and we are just doing a lousy job right now.

So I commend the administration for pushing forward, as other Presidents have, in insisting that this Nation get its educational system corrected, so it can be the best in the world.

Senator SPECTER. Thank you very much, Senator Jeffords.

SUMMARY STATEMENT OF SECRETARY RICHARD RILEY

Secretary Riley, your full statement will be made a part of the record.

This is an extraordinarily busy time of the year, because we are in markups, and we have the welfare bill, and we would like to

limit the opening statements to 5 minutes, if we could, to leave the maximum amount of time on dialog, questions, and answers, and we do have two panels, and we are going to try to conclude the hearing by 11:30, which is an ambitious undertaking, since we started late, but your full statement will be in the record.

To the extent you can summarize it, we would appreciate it.

Secretary RILEY. Thank you, Mr. Chairman, and the other Senators here.

Mike Cohen is with me, my senior advisor, and lead person in the implementation of Goals 2000. Mike was the education director for the National Governors' Association. He was at the Charlottesville summit meeting, and is very familiar with the history and all the things about Goals 2000.

This is an important time for us to be talking about education. I think some good things have happened, though.

SAT scores are up. Students are taking tougher courses. Math and science has gone up significantly. One reason math has gone up so much is because schools have been using math standards, which were created by math teachers, for several years now.

Goals 2000 provides States and local communities and schools the help to design and implement the school improvements most needed in that particular State or community. It is grassroots, bottom-up reform.

It creates a partnership between the Federal Government and the States and communities, working to improve their schools. It asks States to do certain things—to set their own challenging academic standards, to develop their own comprehensive education reforms, and to do this with broadbased, grassroots parental involvement.

In return, the Federal Government provides funds and flexibility and a clearinghouse for what works best, to share information with other States.

Some 90 percent of the dollars that this subcommittee appropriates to Goals 2000 will flow to the local schools and local school districts—90 percent of it.

The Department has issued no new regulations for Goals 2000. Under the law, the States can receive waivers from other Federal laws, if these regulations are limiting a State or local community's own approach to improving their schools.

We also have a demonstration program called Ed-Flex. Under that pilot, six States would not have to come to the Secretary to get waivers from current laws, but would be delegated the authority to grant those waivers themselves.

As pointed out, 47 States are participating in Goals 2000; 24 States have received their second-year funding. The response to Goals 2000 has been enthusiastic, and the States—and I appreciate what was said by all the Senators—have found it user-friendly.

Because of the flexibility and the streamlined application process, local interest in participating is very, very strong. Initial evidence is that local applications will exceed the amount available by 200 to 600 percent.

I have a long list of what is happening in the States. Let me just mention a couple, in consideration of time.

In Burlington, VT, students at the Wheeler Elementary School receive daily intensive instruction from university student tutors, student teachers, parent volunteers, and foster grandparents. That is funded by Goals 2000.

In Philadelphia, PA, Goals 2000 funds are helping to implement a new management structure, reorganizing 6 large regions into 22 smaller ones, to provide school leaders with maximum flexibility to implement school improvements.

Massachusetts is using Goals 2000 funds to pay the startup costs for 14 charter schools.

Unfortunately, a lot of the debate has involved misconceptions. Mr. Lamontagne, who is the chairman of the State board in New Hampshire, has raised appropriate questions for a chair of an education board, and those are very legitimate questions.

We have tried seriously to answer them all. But aside from all of that, a lot of the questions that are raised are really strange misconceptions of reality.

One was pointed out recently by the Wall Street Journal a front-page story—that Goals 2000 is part of the U.N. cabal, mind control, as a result of school inoculations, a plot to take children out of their homes, if the owners of those homes owned guns that can be loaded within 10 minutes.

These things are a little much for us to try to have to argue, but it is a shame that some political leaders really are paying attention to them.

Whatever the source of false assertions, though, the most common statement is that Goals 2000 will be a Federal takeover. I will tell you, as a former Governor, I am very sensitive to that.

I would not have supported Goals 2000, if I had thought that. You do not have to take my word for it. Just look at the statute itself.

Section 318 makes it absolutely clear that no mandates are there, there will be no Federal takeover. Section 319 specifically reaffirms that control of education is reserved to the States.

Now, successful education reform requires a sustained, long-term commitment. With Goals 2000, we are out of the blocks, we are rounding the first turn, and we cannot afford to sacrifice the momentum that we are receiving. I am so pleased to see that that progress is happening.

Senator Jeffords was referring to this momentum when he recently wrote, "We have no time to wait and argue about the politics of implementing higher standards in education, we have to keep moving."

In closing, Mr. Chairman, the American public knows how important education is to the Nation; so does the business community.

I would like to submit a letter from the Business Coalition for Education Reform, and I think you all have a copy. If you will, note the list of business supporters: the U.S. Chamber of Commerce, the Business Roundtable, the National Association of Manufacturers, and nine other major business groups.

Last Wednesday, the President and I met with eight chief executive officers, representing some of the largest companies in America. The business community wants a well-prepared and productive work force, and Goals 2000 is helping with this.

Lou Gerstner, the respected IBM CEO, told reporters later, and I quote, "If we lost Goals 2000, it would be an incredibly negative setback for this country."

PREPARED STATEMENT

Your subcommittee's action will send an important message to the American people. Raising standards and achievement is important for our Nation's children, and I urge your support of that.

I will be happy to discuss the history standards, if you would like me to, at this time, or should we wait until we get into the question and answer portion, Senator?

[The statement follows:]

PREPARED STATEMENT OF SECRETARY OF EDUCATION RICHARD W. RILEY

Mr. Chairman and Members of the Subcommittee: I appreciate this opportunity to testify in support of the Goals 2000: Educate America Act. This hearing is taking place at a critical time, because education is more important to the Nation than ever before, and because we are starting to show important progress in education achievement and performance. SAT scores are up. Students are taking tougher courses and, as a result, math and science scores have gone up. But we still have a long way to go. Now is the time for those of us at the Federal level to do everything we can to help move education forward in this country. Supporting the continued implementation of Goals 2000 is one very important step.

WHAT IS GOALS 2000?

Goals 2000 provides support to States, local communities and schools to help design and implement the school improvements most needed in that particular State or community—it is grassroots, bottom-up reform.

Goals 2000 creates a partnership between the Federal Government and States and communities working to improve their schools. Goals 2000 asks States to: (1) set challenging academic standards; (2) develop their own comprehensive education reforms; and (3) do this with broad-based grass roots parental involvement. In return, the Federal Government provides funds and flexibility. Ninety percent of the dollars that this Subcommittee appropriates for Goals 2000 flows to local school districts and schools.

The Department has issued no regulations for Goals 2000. Under Goals 2000, States can receive waivers from other Federal laws if these regulations are limiting a State or local community's own approach to improving their schools. In addition, the historic "Ed-Flex" Demonstration Program gives six States the power to waive certain federal education regulations themselves. Oregon and Kansas have already been given this authority. We are fully committed to reducing federal education regulations. That is why one-third of all Federal education regulations that were on the books when I was sworn in no longer exist.

GOALS 2000 IS ALREADY HAVING AN IMPACT

Forty-seven States are participating in Goals 2000 and have received their first-year grants. In addition, 24 States have received their second year funds already.

The response to Goals 2000 has been enthusiastic, and States have found Goals 2000 to be a "user-friendly" program, both because of the flexibility and our streamlined application process. Local interest in participating in Goals 2000 is also very strong. Initial evidence is that local applications for State Goals 2000 funds have exceeded available funds by between 200 and 600 percent, depending on the State.

I want to give you a few examples of how Goals 2000 funds are supporting school improvement:

- Michigan is using Goals 2000 funds to help local school districts adopt standards and core curricula in the academic subjects.
- In Burlington, Vermont, students at the Wheeler Elementary School receive daily intensive instruction from university student tutors, student teachers, parent volunteers and foster grandparents.
- In Kentucky, Goals 2000 is helping Harrison County to strengthen parental involvement in education by training teachers to recruit parents as volunteer in-

structional aides and by reaching out to parents through cable television programs and homework hotlines.

- In Philadelphia, Pennsylvania Goals 2000 funds are helping to implement a new management structure—reorganizing six large regions into 22 smaller ones to provide school leaders maximum flexibility to implement school improvements.
- Massachusetts is using Goals 2000 funds to pay the start-up costs of 14 charter schools.

These examples demonstrate clearly the wide range of activities that Goals 2000 funding supports.

For fiscal year 1996, President Clinton has proposed to expand this partnership by providing \$750 million for Goals 2000. This level of funding could help as many as 17,000 schools. The House did not provide any fiscal year 1996 funding for Goals 2000. I believe the House action, unless reversed by the Senate, threatens to deal a tremendous setback to education reform in America, one from which we might not recover for a good many years.

MYTHS AND MISCONCEPTIONS ABOUT GOALS 2000

Unfortunately the current debate over Goals 2000 rests largely on misconceptions about what the program actually does. The attacks on Goals 2000 are one part myth, one part misinformation and one part the politics of pandering. At the extreme, as *The Wall Street Journal* recently pointed out in a front page story, Goals 2000 is depicted as a United Nations cabal, mind control, and even a plot to take children out of the homes of gun owners. All this is a little much. Here we are in the middle of an extraordinary era of new knowledge and information, and public leaders—who should know better—are listening to people who would lead us backward.

Whatever the source, the false assertions are easily refuted. Perhaps the most common statement is that Goals 2000 will lead to a Federal takeover of local education. As a former Governor of South Carolina, I am very sensitive to concerns about Federal intrusion in local affairs, and I am a strong believer in the long American tradition of local control of education. I would not have supported Goals 2000 if I thought it remotely threatened to undermine that tradition. You don't have to take my word on that, however. Just look at the statute itself. Section 318 makes it absolutely clear that there are no mandates, and there will be no Federal takeover; and Section 319 specifically reaffirms that control of education is reserved to States and local school systems. Clearly, those who warn of a Federal takeover are raising fears without a shred of justification.

MAINTAINING OUR MOMENTUM

Successful education reform requires a sustained, long-term commitment. With Goals 2000, we are out of the blocks and rounding the first turn, and we cannot afford to sacrifice the momentum achieved by nearly all the States and hundreds of communities. Senator Jeffords doubtless was referring to this momentum when he recently wrote: "We have no time to wait and argue about the politics of implementing higher standards in education * * * we must keep moving forward."

The American public knows how important education is to the Nation—as does the business community. I would like to submit for the record a letter from the Business Coalition for Education Reform (made up of the U.S. Chamber of Commerce, the Business Roundtable, the National Association of Manufacturers and nine other business groups.)

Last Wednesday the President and I met with eight Chief Executive Officers representing some of the largest companies in America. The business community wants a well prepared and productive workforce, and Goals 2000 is helping to address this challenge. Lou Gerstner, IBM's CEO, later told reporters, "If we lose Goals 2000, it would be an incredibly negative setback for this country."

Your Subcommittee's action will send an important message to the American people: Are you for or against raising standards of achievement for the Nation?

I will be happy to answer any questions you might have.

LETTER FROM THE BUSINESS COALITION FOR EDUCATION REFORM

WASHINGTON, DC, May 10, 1995.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Economic and Educational Opportunities,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Business Coalition for Education Reform believes that higher academic standards are crucial to the nation's education reform efforts and to the ultimate success of every child in school. We have aggressively supported bipartisan legislation in Congress for this purpose and have been actively engaged in advancing reform in nearly every state.

During the 102d Congress, the Coalition worked for the enactment of President Bush's America 2000 proposal. Last year, we stood behind the enactment of President Clinton's Goals 2000 Educate America Act. During the debate on these proposals, our interest focused on two issues: First, the need to establish higher academic standards for all students, and, second, to provide states with financial assistance that would either accelerate the education reform already underway, or help jump-start new, comprehensive education improvements.

New legislation has been introduced in both the House of Representatives (H.R. 1045, H.R. 977) and in the Senate (S. 323, S. 469) to amend Goals 2000. We continue to support the underlying principles for reform contained in the Act, but believe that the provisions creating the National Education Standards and Improvement Council (NESIC) and opportunity-to-learn standards could be eliminated. We continue to support the role of the federal government in providing leadership as well as creating incentives for states to set high academic standards for what students should know and be able to do.

Most member companies within our Coalition agree that education quality continues to be a national issue and a national problem, with serious potential consequences for our economic future and social strength. Consequently, we believe that there is an appropriate role for national leadership in benchmarking knowledge and skills, such as performing an information clearinghouse function, or providing advice, analysis, or technical assistance upon request that would help states understand how they compare to the best in the world. We also believe that it is inappropriate for the federal government to dictate or control education decisions that are state and local concerns.

Standards for knowledge and skills are used already by employers every day in the marketplace. They are used for hiring and promoting people, and continue to change rapidly in a competitive world economy. Our youth will continue to pay the price if we fail to articulate clear expectations for knowledge and competence. Young people with high school diplomas may think that they have a passport to the future, but too few are qualified for employment against the high standards required in the global economy. The stark reality is that youth who cannot perform against high workplace expectations are not going to be employed.

As you proceed with legislation to amend the Goals 2000: Educate America Act, we strongly urge you to ensure that states be given the national support they need to move their reforms forward with high benchmarks for educational excellence.

Sincerely,

AMERICAN BUSINESS CONFERENCE.
 BLACK BUSINESS COUNCIL.
 THE BUSINESS ROUNDTABLE (COALITION
 CO-CHAIR).
 CHAMBER OF COMMERCE OF THE UNITED
 STATES.
 NATIONAL ALLIANCE OF BUSINESS
 (COALITION CO-CHAIR).
 NATIONAL ASSOCIATION OF
 MANUFACTURERS.
 NATIONAL ASSOCIATION OF WOMEN
 BUSINESS OWNERS.
 U.S. HISPANIC CHAMBER OF COMMERCE.

(Coalition participants not having specific policies on this issue or otherwise unable to sign include: Business-Higher Education Forum, Committee for Economic Development, and The Conference Board).

POSSIBLE ELIMINATION OF STANDARDS COUNCIL

Senator SPECTER. Thank you very much, Secretary Riley.

Perhaps we can go to questions and answers now. I would note at the outset that the bill passed the Senate by a 71-25 vote, initially, and on the conference report, 63 to 22; not quite three to one each time, but very close.

Let me move, Mr. Secretary, to a couple of controversial points, to try to come to grips with the theoretical concerns of the opponents. Concern has been expressed about the National Education Standards and Improvement Council.

Mr. Secretary, there is legislation pending to eliminate that council. If that council were eliminated, would there be any serious impact on the program?

Secretary RILEY. No, sir.

Senator SPECTER. Do you favor elimination of the council?

Secretary RILEY. Well, as a member of the Goals panel, I supported the effort to eliminate it. I have a very good explanation of how it came about, as the result of a committee, which Carroll Campbell and Roy Romer chaired. Lynn Cheney and Roger Porter and others were on the council that recommended it.

And the purpose of it was very honorable. It did not have any control over the ultimate State standards, whatsoever.

However, it had become such a point of controversy that we were perfectly agreeable to doing away with it, and the whole process works fine without it.

The House passed a measure, as you know, to do that. The measure is now in the Senate, and we are supportive. The President has withheld making any appointments to NESIC, so that is really not a heavy issue out there.

SECRETARIAL REVIEW OF STATE PLANS AND STANDARDS

Senator SPECTER. Mr. Secretary, there is a provision for secretarial review and approval of State improvement plans. It is my understanding that this provision requires submission to the Secretary, but when the State establishes its own standards, it may do so without respect to the Secretary's opinion.

Secretary RILEY. That is exactly right, and there is no requirement for secretarial approval of State standards.

Senator SPECTER. Well, would it be acceptable, from your point of view, even to eliminate the requirement for submission?

It is broadly misunderstood, and, frankly, a little hard to understand why you have submission, if the party submitted to does not have authority to approve or disapprove. Would you—

Secretary RILEY. Well, Mr. Chairman—

Senator SPECTER. Excuse me. Let me finish the question.

Secretary RILEY. Oh. Excuse me.

Senator SPECTER. Would you be prepared to eliminate the process requirement for submission to the Secretary?

Secretary RILEY. Well, it is a question, Mr. Chairman, of accountability, that States do have to come up with their own standards, and they submit their plans.

I do not see whether the States submit their plans as a life and death issue, but it does seem like it has some measure of bringing

it all together to say, if you are going to receive the Federal funds, then you do have to have State standards and a State plan.

As far as them being required to be submitted, I do not see that that is a life and death issue at all.

Senator SPECTER. Well, on the requirement of State standards, you could take a look to see if the States have standards, without having it submitted.

Secretary RILEY. That is right. And that is really, basically, is what we do now.

Senator SPECTER. Is there any other issue of controversy, as to Federal control, that you know about?

Secretary RILEY. Well, I think the general issue of State responsibility for education and local function, and some people are suspicious of any Federal involvement, whatsoever, and I think that really is kind of in the background of some of these other issues—

Senator SPECTER. There is generalized concern, but nothing specific.

Secretary RILEY. There is generalized concern. And we have been very careful, as the two sections I pointed out in the law itself specifically say. Notwithstanding anything else in the law, there can be no Federal mandates, and there is no Federal control—

Senator SPECTER. Mr. Secretary, my yellow light is up. I want to ask you two more questions.

Secretary RILEY. OK.

DIRECT FEDERAL GRANTS TO LOCALITIES

Senator SPECTER. Are there any education grants which go directly to local government cities? Some of the crime control grants do.

In the absence of a State acceptance, and this might go too far, but I just pose it as an alternative, and I want to discuss it with Mr. Lamontagne, so I want to ask you about it first, in the case where a State would decline to accept the funds, is there any precedence, or would you consider it an acceptable idea, to have funds go directly to local government, or to the school boards?

Secretary RILEY. There is already a 5-percent set-aside in the Goals 2000 for national leadership. Half of that money goes out in direct grants to local school districts. These grants are not contingent on State participation.

But normally, Mr. Chairman, the State responsibility for education has to be a strongly considered factor, I think; however, certain areas, carefully drawn, specific things, I think could go to local communities.

Senator SPECTER. Senator Gorton.

Senator GORTON. Now, you can answer my questions, Mr. Secretary.

NATIONAL HISTORY STANDARDS

Secretary RILEY. Good. You want me to respond to the questions about the history standards. You and I have talked about that, and I am very much aware of your opposition to the standards, and I share that disappointment with you. Those were not our standards, as you know.

Senator GORTON. I understand.

Secretary RILEY. They were contracted with the group before we got in office. They were completed while we were here, but we, in no way, approved them.

Under Goals 2000, States and districts determine their own academic standards. They outline what they want their children to learn, and if they choose, and only if they choose, States and communities can use voluntary national standards.

They are not, in any way, connected to receipt of any Federal funds, or whatever. They are really just like other good ideas.

It has worked very well. And let me tell you what has happened then to the history standards. They are pretty well history.

But the Council for Basic Education, a private organization not connected to Government, led by Chris Cross, former Assistant Secretary of Education under President Bush and a very well-respected educator in Maryland, has stepped forward to sponsor two independent panels to review the draft history standards.

Former Governor Al Quie, of Minnesota, heads the U.S. history panel. He is a conservative Republican, a very well-respected Governor, and I have served with him.

Stephen Muller, president emeritus of Johns Hopkins, leads the world history panel, another highly respected person. That review process will be completed in October.

The other standards—and since that came up in history, I hope it will not impact other standards, because they are working so well—are science and math as well as geography, civics, arts, and so forth.

Senator GORTON. Are those processes that have been completed in the—

Secretary RILEY. Those I have mentioned have been completed. Others are in process, and have not been completed. But, Senator, the public has received them very well. History has been the only problematic area.

Senator GORTON. As far as I know, that is correct. Thank you, Mr. Secretary. Well, now that I am still here, I would like to ask one more question.

APPLICATION REQUIREMENTS IN GOALS 2000

I looked at the written testimony of the chairman of the New Hampshire State Board of Education, and he outlines a number of fields in which he finds mandates in Goals 2000. In each case, those mandates relate to the plan or the application which a State is to submit to the Secretary of Education.

It is clear, under section 306 and parts of section 309, that the word shall is included, that certain things must be included in that plan, and it is to that that the State of New Hampshire has objected.

If a State like New Hampshire has made its own determination that various forms of social services are not the appropriate subjects for the State Department of Education, or the educational system, can it respond in an application to you, and simply say so?

Has the State met its statutory requirements by saying: "We reject the proposition that these various social services are respon-

sibilities of the schools, and we do not intend to do anything about them”?

Secretary RILEY. Yes, sir; that is purely up to them, and there is no connection—

Senator GORTON. So they have to fill in a blank on the form. They have to respond to that requirement, but they can respond negatively, if they wish to do so.

Secretary RILEY. Yes, sir.

Senator GORTON. I thank you very much. That is all I have.

Senator SPECTER. Thank you very much, Senator Gorton.

Senator Jeffords.

Senator JEFFORDS. Thank you.

IMPORTANCE OF GOALS 2000 TO THE ECONOMY

Mr. Secretary, you have an excellent statement, and I just want to reemphasize the importance of Goals 2000. I know from the testimony that we had, and I shared some information from the other committee, the authorizing committee, that I think it was probably most clearly stated by the CEO of Circuit City when he said, the reasons businesses are going offshore is not because the labor is cheaper, but because they cannot get qualified people that have the educational standards necessary to do the job, and give them the productivity they need in this country. That has been emphasized, I think—I urge the committee members to take a look at the Motorola situation, and the study that was done in the Harvard Business School on that, indicating the tremendous problems they had in finding the proper and adequate educational aspects in their own employees, but they were successful in doing so, and keeping business here.

Also, I was impressed by the number of CEO's that were in the White House this past week, and to me, I have talked with CEO's all over this country, and they are clambering for action here, in order to help raise the standard of living of our people, and the only way you can do that is by making them have a better education, and have the standards necessary to give us the productivity, to justify the wages, to bring their standards up.

I have never seen a more clear need, as has been emphasized by CEO Gerstner, of IBM, before the Governor's Association. Former Congressman, and Governor of Maine, Jock McKernan's book is an excellent book on the needs in this regard, and the IBM problems, Hedrick Smith's excellent book on rethinking America, which demonstrates very clearly all the needs here.

I just cannot emphasize more, from everything that I have seen, how critical it is that we move forward with Goals 2000, and I will do everything I can to make sure that that is possible for you.

Secretary RILEY. Well, thank you very much, Senator.

I think that just about anybody in the education field really understands this business of a standards process, and how important that is for people to decide what they need to teach in order to reach high standards, and have our young people be competitive in the world. To have that standards process sidetracked, when we really have this action going on in practically all the States, one way or another—in all States, really—it would, I think, be a very serious setback for this country.

Senator JEFFORDS. Let me just ask you also, one of the biggest problems we have in this country is there is no perception that our system is as bad as it is, in the sense of being able to have a qualified work force, and that if we were to do away with Goals 2000 now, it would seem to reinforce that unfortunate perception in the public. Would you agree with that?

Secretary RILEY. I would absolutely agree with it. Instead of saying, let us go forward and do more, and work harder, and get parents and community involved with the schools, it would really be saying let us retreat, let us back up, let us give up, and this is not why this country has moved forward, with that philosophy.

Senator JEFFORDS. I think you have already said this, but you would agree that it all has to be at the local level. That is where the problems are, and that is where they can be corrected, and there is no attempt here in any way to do anything other than to show how important it is for the local communities to get together, and to support their schools, and the parents to get into the schools, and support the schools, but they have to know where they have to go, and what outcomes they are going to have, to meet the needs of the Nation. Is that a fair statement?

Secretary RILEY. That is exactly right, and that, under Goals 2000, is the responsibility of the State, and not the Federal Government.

Any activity we have in that regard would be an attempt to identify world-class standards—what a child in the eighth grade should know about science to be world-class educated in science, in the eighth grade, and the States develop their own standards.

They might go higher, they might go lower, they might pick the same, but ours that we funded really are just for the purpose of helping them, and it is not connected to any funding mechanism, or any other program.

Senator JEFFORDS. Thank you.

Senator SPECTER. Thank you very much, Senator Jeffords.

Mr. Secretary, I have just one brief followup question. You made a comment about a 5-percent factor on specialized programs going directly to local government. Could you amplify just how that works?

Secretary RILEY. Let me ask Mike Cohen, if he would, Senator. Mike, if you would—

Senator SPECTER. Mr. Cohen, the floor is yours.

Mr. COHEN. Thank you, Senator.

SET-ASIDE FOR NATIONAL PROGRAMS

There is a set-aside of 5 percent of the title III funds in Goals 2000 for national leadership programs, and one-half of those funds are available to urban and rural districts, serving populations with large concentrations of needy students, in which those communities can apply directly to the Department for funds, without regard to whether their State is participating.

Senator SPECTER. Is there any other precedent under education grants for awards to be made directly to cities or school boards without going through the States?

Mr. COHEN. I am not certain, but I believe there are bypass provisions in other Federal education legislation—

Senator SPECTER. Mr. Cohen, if you would check that, and let the committee know, we would appreciate it.

Mr. COHEN. We will be happy to do that.
[The information follows:]

DIRECT GRANTS TO LOCALITIES UNDER STATE PROGRAMS

There are a number of programs in the Department of Education, including Goals 2000, under which direct Federal grants are awarded to local school boards and cities. For the most part, these are competitive grant programs. However, there are no State formula grant programs in the Department that provide for bypassing States that do not wish to participate and making grants directly to localities. Such a provision could be particularly unwieldy in a program such as Goals 2000 or other State grant programs such as School-to-Work, whose foundation is built on the importance of statewide comprehensive approaches to education reform.

SUPREME COURT APPOINTMENT

Senator SPECTER. OK. Thank you. Thank you very much, Mr. Secretary.

It has been a pleasure to work with you. You have done an outstanding job, universally recognized. The only slight concern I would have would be what I discussed with you privately, why you did not take the Supreme Court appointment, but beyond that, you have exemplary service.

But we are about to hear from Mr. Ovide Lamontagne, Mr. Secretary. I wonder if you would not mind waiting and listen to his testimony, if you are not in a rush.

Secretary RILEY. Mr. Chairman, I will wait for a while, and I will keep Mike Cohen here, who certainly knows all the responses about it, and I might have to leave in about 10 minutes.

Senator SPECTER. Well, if you do, I sure understand, but there might be something which would arise, so if Mr. Cohen can stay, that would be fine. Thank you very much.

Secretary RILEY. I will stay for as long as I can.

Senator SPECTER. OK.

NONDEPARTMENTAL WITNESS

STATEMENT OF OVIDE LAMONTAGNE, CHAIRMAN OF THE NEW HAMPSHIRE STATE BOARD OF EDUCATION

Senator SPECTER. Mr. Lamontagne, thank you very much for joining us.

We are now going to hear from the chairman of the New Hampshire State Board of Education, who submitted a very thoughtful, detailed statement.

And as noted in Mr. Lamontagne's introduction, the subcommittee had invited the distinguished Governor of New Hampshire, Steven Merrill, to give us his views, and as Mr. Lamontagne notes in his statement, he is appearing here at the request of and on behalf of Governor Merrill.

I note your statement compliments the Secretary on the administration and the user-friendly way. Mr. Lamontagne, the floor is yours. Your full statement will be made a part of the record.

Mr. LAMONTAGNE. Thank you very much, Mr. Chairman, and good morning.

First of all, I would like to correct my opening remarks, to the extent that I apparently have committed the cardinal sin of politics, and have misspelled the chairman's name in my opening remarks.

Senator SPECTER. Well, that is the first time it has ever been done. [Laughter.]

Mr. LAMONTAGNE. I particularly feel vulnerable here, in light of the fact that we have been reading so much about you in New Hampshire, and we are always very pleased to have national figures, such as the chairman, visit our State, for whatever reason—

Senator SPECTER. Mr. Lamontagne, I might just tell you, my uncle spells it O-R. My father and his brother came to the United States, and changed Specter slightly, and one ended up with an O, and one ended up with an E.

Mr. LAMONTAGNE. Well, then perhaps I am not completely in error.

I thought it would be appropriate to perhaps deviate from my opening remarks, if I can, and address some of the issues that have been raised this morning.

Senator SPECTER. Thank you.

Mr. LAMONTAGNE. I think, first of all, it is important—I feel very much that it is very important that the record reflect that the reasoning the State Board of Education undertook to reach the conclusion it did, and that is not to participate in Goals 2000, had nothing to do with whether or not this was United Nations conspiracy, whether or not there was some brain surgery contemplated by Federal officials on students, and none of that nonsense that unfortunately was reported in the Wall Street Journal.

I am not suggesting that we did not hear some of that, but that certainly was not the reason that we elected, or the board voted as it did. A majority of our board members voted not to participate in Goals 2000.

What I have tried to do in my opening remarks is to summarize what I consider to be the jurisdictional issues, the important policy decision we made as a State not to form or enter a partnership with the Federal Government at this level, given the scope of the legislation, which is Goals 2000.

I tried to think of an analogy on the way down here, and I think that in some ways, it might be fair to say that Goals 2000 is to education as the Clinton health care plan is to health care.

Now, why do I say that? We have Medicare, we have Medicaid, which impact the health care delivery system in this country, and we have some vocational education and special education which impact the educational system in this country, but the Goals 2000 is not targeted to any particular part of education.

It is targeted to all of education. It purports to have the Federal Government enter into a partnership with the States, to set the standard on reading, writing, arithmetic, and so forth.

That may be defined, and it may be established by the State itself, but it is subject to the approval of the Secretary of Education.

Now, if I knew that Secretary Riley would be the Secretary of Education for the next 20 years, or until I retired from this job, however long that is, I probably would not be as concerned, but as the Secretary pointed out in his own testimony, education reform needs a sustained, consistent, long-term effort.

And I suspect that if the train were allowed to proceed on the track it is on, 5 years from now, 10 years from now, we will be looking at reauthorizing Goals 2000, continuing a lot of the programs that were put in place, in partnership with the Federal Government, and we would be looking at generations of leaders down the road who find themselves, much as I do now in my work with the State board, with a State system that is locked in, lock step with the Federal Government, on whether it is a specific targeted program, or under Goals 2000, a general program.

I think the message this Congress ought to be sending to the States and local communities of this country is a renewed faith in the system, which brought us to the leadership, internationally, that this country enjoyed. We did not win World War II, because Goals 2000 was in place in the thirties and the forties.

In fact, if you look historically, the Federal Government had nothing to do, practically speaking, with elementary and secondary education in this country until after World War II.

Incidentally, that coincides with what we see, in the Nation at Risk reports, as a decline in the American public elementary and secondary education systems. Private schools are not immune from that, either.

I do not want to attribute the decline in elementary and secondary education solely to the role of the Federal Government, or the increased role of the Federal Government.

I am suggesting that in response to some of the comments made, an increase commitment in dollars, nationally, to education, an increased involvement by the Federal Government, nationally, in

education, has not resulted in the kind of return we would expect. In fact, very much the opposite has occurred.

What I am suggesting this Congress ought to do is by way of a block grant, a pure block grant, communicate to the Nation that it has confidence that the work at the local community level, at the State level, is going to continue to establish the standards.

I would just want to close by commenting on an article written by Albert Shanker, the president of the American Federation of Teachers, who most recently published an article indicating that 49 States had adopted the only set of high standards, and he attributed Goals 2000 for having done that.

I can suggest that New Hampshire was one of those States he included in his 49 States, and that, in fact, New Hampshire did it on its own long before Goals 2000 was, in fact, enacted.

The standards movement in this country has taken place, because of the leadership of the Governors of this country, not because of the leadership of the Federal Government, and the standards would continue, frankly, the high standards would continue to be reached and articulated by the States and local communities, not withstanding the Federal Government's involvement.

This is an important message that this committee will send out, and I urge the committee to discontinue the funding of Goals 2000, as it is presently packaged, shifting the resources to support existing programs like IDEA, or amending Goals 2000 to be a pure block grant.

Thank you, Mr. Chairman.

Senator SPECTER. Thank you very much, Mr. Lamontagne.

[The statement follows:]

STATEMENT OF OVIDE M. LAMONTAGNE

Good morning members of the Appropriations Subcommittee on Labor, Health, Human Services and Education. My name is Ovide Lamontagne, and I am the Chairman of the New Hampshire State Board of Education. I appear before you at the request of Governor Stephen Merrill of the State of New Hampshire who was invited by Senator Arlen Specter by letter dated August 11, 1995 to appear before this Subcommittee to address concerns about federal involvement with education and, in particular, the continued funding of "Goals 2000: Educate America Act." On behalf of Governor Merrill and the citizens of New Hampshire, I bring you good tidings and thank you for the opportunity to appear before you regarding this matter.

As the members of this Subcommittee are undoubtedly aware, the State of New Hampshire is but one of two states which declined to submit an initial application for funding under Title III of Goals 2000. Unlike the State of Virginia, the New Hampshire decision not to submit an application under Title III was made by the New Hampshire State Board of Education, the State educational agency (SEA) duly authorized to submit an application for federal funds under the Act.

Our Board reached its decision on June 21, 1995 after more than one year of study and consultation. Beginning with a formal presentation by former Secretary of Education, Lamar Alexander before our Board in April of 1994--at which time Secretary Alexander first cautioned us about Goals 2000 and the significant departure the Congress had made from America 2000--our Board members have considered seriously the implications of New Hampshire's participation in the program. As a member of the New Hampshire delegation which attended the Orientation Conference on Goals 2000 sponsored by the United States Department of Education and held on May 25-27, 1994 at the Sheraton Washington Hotel in Washington, D.C., I was one of only twenty-two state board members nationally who participated in that Conference. As a

member of our delegation I had the opportunity to receive and review materials prepared by the United States Department of Education and discuss the implications of the Act with representatives of the Department. Subsequent to the Conference, I have had the opportunity to study the legislation in detail and to consult with other individuals across the country regarding Goals 2000.

Other New Hampshire State Board of Education members likewise studied the Act and considered the arguments of both the proponents and the opponents of the Program. We authorized the Commissioner of Education to prepare a draft application and to obtain certain assurances from the U.S. Department of Education. Needless to say, we did not take this matter lightly, and on June 21, 1995, the Board voted not to submit the application for Goals 2000 funding. Although as Chairman I could not vote on the June 21 motion to decline our participation in Goals 2000,¹ I can fully support the Board's decision. Governor Merrill, likewise, fully supported the Board's decision and stood fast in the face of harsh criticism by the minority of individuals who expressed an opinion favoring New Hampshire's participation in the program. I now appear before you on Governor Merrill's behalf and at the invitation of Senator Spector to offer a brief critique of Title III of Goals 2000 which led to our State Board of Education's decision on this matter. In the end, I believe this critique supports the discontinuation of the funding for the Act as it is presently codified.

Before beginning my critique, it is important to note that our concerns with Goals 2000 has to do with the legislation itself and not the administration of the program. United States Secretary of Education, Richard Riley, and his staff were extremely helpful in providing information and assurances in

¹Our Board's procedures are governed by Robert's Rules of Order, which specifies that the presiding officer does not vote except to break or to create a tie. Our seven member board voted 4-2 in favor of the motion not to participate and, accordingly, I could not vote.

order to clear the way for New Hampshire's participation in Goals 2000. In addition, and by all accounts, it appears that under Secretary Riley's leadership, Goals 2000 has been administered in a way which appears to be "user friendly." I have the utmost respect for Secretary Riley and for his integrity in administering the program. The record should be clear that our concerns with Goals 2000 has to do with the 103rd Congress which enacted the legislation and not the Department of Education which is attempting to execute the Act.

My critique of Goals 2000 begins with the philosophical premise that the federal government has no role to play in public elementary and secondary education. While this premise may appear to be extreme, I believe it accurately reflects the balance of the powers which our forefathers contemplated in establishing a federal government of limited powers. There is no jurisdictional basis to support the growing involvement by the federal government in public elementary and secondary educational issues which we have witnessed over the past 30 years. Moreover, as this Congress assesses its priorities--both from a budgetary point of view and from a public policy perspective--a retreat by the federal government from its involvement in public elementary and secondary education is warranted.

Having implicated itself in elementary and secondary education over the past 30 years, the federal government has imposed numerous mandates and requirements on states and local communities, leaving states and local communities little choice but to go along. To the extent the Congress has established programs which are voluntary in nature, the states and local communities have had the ability to discern between those programs in which the benefits exceed the costs from those programs which add little value to the educational enterprise when weighed against the burdens and requirements imposed by Washington. Regrettably, over the years, however, the states and

local communities have had little opportunity to exercise the responsibilities of discernment and have acquiesced to Washington's carrot and stick approach in shaping the evolution of public elementary and secondary education across the country in areas ranging from health education to special education and vocational and technical training.

Title III of "Goals 2000: Education America Act" not only continues the carrot and stick approach of orchestrating changes in public elementary and secondary education from Washington, but represents a marked departure from the more discrete, targeted programs of the past. Rather than focusing on a specific area of public elementary and secondary education, Goals 2000 purports to transfer from the states to the Secretary of Education the authority to review and approve a state's comprehensive strategy for improving education.

As members of this Subcommittee are undoubtedly aware, "Goals 2000: Educate America Act" contains several titles establishing, among other things, the national education goals, the National Education Goals Panel, the National Education Standards and Improvement Council, safe schools and midnight basketball league training and partnership. Title III, however, contains the lion's share of funding for states and local communities. Title III makes available funds for state and local planning grants and state and local implementation grants to plan for and implement "systemic improvement." Section 305 requires that a state application be submitted to develop a state improvement plan as set forth in Section 306 and to require the award of subgrants for local planning under Section 309(a).

Under Section 306, the state improvement plan is to be developed by an independent panel, the membership of which is appointed half by the governor and half by the chief state school officer. This unelected and independent panel is to develop a state improvement plan which meets the requirements of Section 306(c) through (m). These eleven sections contain numerous

subparts either requiring or encouraging such things as "gender equitable and multi-cultural materials" (306(c)(2)(C)); "assessing the effectiveness and equity of the school finance program of the State ..." (306(c)(2)(B)); opportunity-to-learn standards and strategies (306(d)); and "one-stop shopping" for delivering social services and health care to parents and students (306(f)(2)). Once prepared, the state plan is required to receive peer review and secretarial approval under Section 306(n). Secretarial approval is required even if a state submits a pre-existing state plan under Section 306(q) in order to avoid the need to establish an independent state panel and the development of a state improvement plan under Section 306 or if a state subsequently amends its plan. Section 309(a) mirrors the planning process of Section 306 for local educational agencies which seek to qualify for subgrants under Title III of Goals 2000.

The delegation of authority to the Secretary of Education pursuant to Section 306(n) is unprecedented insofar as the Secretary acquires the authority to approve or disapprove a state's improvement plan for general education. Section 306(n) makes it clear that the Secretary of Education acquires new powers to review and approve a state's strategy for improving the quality of the educational services it offers to all of its students. Whether the Secretary of Education chooses to exercise the authority conferred upon him under Section 306(n) or not, the simple fact is that the Congress has effectively made the federal government a necessary partner in all public elementary and secondary educational initiatives in those states which participate under Title III of Goals 2000--an unprecedented shift in the balance of power over the delivery of elementary and secondary educational services. One need only consider that prior to the enactment of Goals 2000, a state was effectively free from any federal interference in charting whatever school improvement strategy and direction its policy makers felt was in

the best interests of its students. That is no longer the case under Section 306, subparts (n) through (p) of the Act.

We have been told repeatedly in New Hampshire by federal officials that Goals 2000 represents a change from "business as usual" in Washington and that Goals 2000 is a "precursor" to a block grant. If the 32 pages under Title III of Goals 2000 represent a "precursor" to a block grant, then I for one am not interested in the direction Congress is moving in when the discussion revolves around "block grants."

Proponents of Goals 2000 are also fond of citing Section 311 subpart (b) which confers upon the Secretary powers to waive certain federal education statutory and regulatory requirements. The fairly tortured process of obtaining a waiver in the first instance under Section 311(a) notwithstanding--and assuming Section 311 confers authority upon the Secretary to waive provisions of Goals 2000 itself--a review of Section 311(c) limiting the Secretary's waiver authority, once again leads to the conclusion that there are non-waivable requirements and mandates under Title III imposed by Congress upon the states in the area of policy making. For example, Section 311(c) specifically provides that the Secretary may not waive statutory or regulatory requirements relating to such things as "parental participation and involvement" and "maintenance of effort."

Section 306 under Title III of the Act regarding state improvement plans and Section 309 regarding sub-grants for local reform and professional development both contain provisions regarding "parental participation and involvement." Section 306(f), for example, provides the following mandatory requirement to expand school-based social services in developing the state improvement plan:

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT--Each State improvement plan shall describe strategies for how the state educational agency will involve parents and other community representatives in planning, designing, implementing the State improvement plan, including strategies such as--

- (1) focusing public and private community resources and public school resources in prevention and early intervention to address the needs of all students by identifying and removing unnecessary regulations and obstacles to coordination; and
- (2) increasing the access of all students to social services, health care, nutrition, related services and child care services and locating such services in schools, cooperating service agencies, community-based centers, or other convenient sites designed to provide "one-stop shopping" for parents and students.

Section 309(a)(3)(F) likewise requires each local educational agency to develop a local improvement plan which shall include the following:

(F) Describe how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsecretarian services in a school setting or at a nearby site

As noble as the stated intentions of these provisions might appear, there should be no doubt that they are mandatory, non-waivable, and codify a philosophical direction of expanding school-based social services. This approach goes well beyond the academic mission of our schools; a mission which education policy makers in many states, including New Hampshire, feel is the primary focus of the elementary and secondary educational enterprise.

The "maintenance of effort" requirement under Section 304(d) likewise imposes certain obligations on the part of a state and limits how it uses its own resources as well as those resources allocated under Title III of Goals 2000. Section 304(d) specifically requires as follows:

(d) Maintenance of Effort.--Each recipient of funds under this title, in utilizing the proceeds of an allotment received under this title, shall maintain the expenditures of such recipient for the activities assisted under this title at a level equal to not less than the level of such expenditures maintained by such

recipient for the fiscal year preceding the fiscal year for which such allotment is received, except that the Secretary may reduce, temporarily or permanently, the level of expenditures required by this subsection if the Secretary determines that such recipient has justifiable reasons for a reduction in the level of expenditures required by this subsection.

This non-waivable, mandatory provision likewise limits a state's ability to use its own resources, subjecting the state's development and modification of its educational improvement plan and the expenditure of resources associated therewith at least to the indirect approval authority of the federal government--a right and a power which it does not otherwise enjoy.

These are but two examples which illustrate that Goals 2000 is much more than a precursor to a block grant. In many ways, Title III of Goals 2000 is permeated by philosophical underpinnings which are being promoted by the federal government for implementation at the local school level. The requirements under the Act have a direct bearing on how a state chooses to deliver general elementary and secondary educational services, and the Act confers upon the Secretary of Education unprecedented powers as a matter of law over the delivery of all educational services in a particular state. This is not the role of the federal government.

While I wholeheartedly support the block grant concept being discussed in Washington at the present time, Goals 2000 is not a block grant or anything close to it. In my opinion, unless the Act is amended significantly, it should not continue to be funded in its present form.

In New Hampshire, we are not ignorant of reports by many states that they have been pleased with the administration of Goals 2000. As noted above, the issue here does not involve the manner by which Secretary of Education Riley has chosen to oversee the implementation of Goals 2000. Our dispute is with the language of the Act itself and the unwarranted transfer of power to the federal government over public elementary and secondary education.

In conclusion, it is worth noting that the public elementary and secondary educational system which has evolved in this country emerged without the involvement of the federal government. Each state has developed its own unique but strikingly analogous system of delivering public elementary and secondary educational services. These delivery systems were established well before the federal government's post-World War II intrusion into the educational field. It is no mere coincidence that the stagnation and demise of elementary and secondary education widely reported since the publication of A Nation at Risk published in 1983, coincides with the direct and increasing involvement by Washington in an educational system which historically and practically has been developed, implemented and administered at the state and local level.

Goals 2000 continues the move away from the states and local communities to Washington in shaping the development, implementation and administration of elementary and secondary education. It is my hope that this Congress will take the bold and necessary step to reverse that direction. There is no better vehicle with which to begin the reversal of the federal government's power grab over public elementary and secondary education than by repealing or dramatically modifying "Goals 2000: Educate America Act." Short of that, funding for the program should be discontinued.

FEDERAL REQUIREMENTS

Senator SPECTER. On the issue of Federal requirements, or strings being attached, there are Federal requirements on other funding, which goes to the States, as, for example, with the handicapped or disadvantaged children.

How would you distinguish philosophically—and let me say you made an impressive opening statement, and I note your departure from your text.

And right to the point, taking the philosophy which you have articulated, how would you distinguish the strings which are attached to other funds which come from the Federal Government to the States, like handicapped or disadvantaged?

Mr. LAMONTAGNE. Using the health care analogy, if you will, these other programs are targeted in specific areas, special edu-

cation, vocational education, those are targeted educational programs, even chapter 1, if you will.

And the State agrees to participate, to develop, for instance, under the IDEA, a set of rules and procedures, and so forth, for delivering special education services, for which there was some support from the Federal level.

Philosophically, I distinguish that approach, which really nips the edges of education, from the Goals 2000 approach, which brings the Federal Government into partnership, full partnership with the States, on general educational services.

Senator SPECTER. What if we did abolish the National Education Standards and Improvement Council, and even eliminate the process of submission to the Secretary, so that those two Federal ties were eliminated, would that alter your views to any extent?

Mr. LAMONTAGNE. I think that would. I think the National Education Standards and Improvement Council, NESIC, was not really our primary concern, because we understood that it was going to be abolished, and there is considerable opposition to it.

The ability, though, the legal ability of a Secretary of Education to approve or disapprove a State improvement plan, or to approve or disapprove a subsequent amendment to the State improvement plan, is an important jurisdictional issue that ought to be removed from the act, and I think that would go a long way to at least showing us, that as we go forward with accepting the Federal funds, we are not going to be subjecting our State down the road to interpretations of the law.

Mr. Chairman, I am a practicing lawyer. I have been trained, as many of you have, yourself included, in reading the statutes, and the statute is a primary source of law, other than the Constitution itself.

I cannot, in good conscious, either as a lawyer, or as a public servant, ignore the plain, explicit language of legislation, which contains mandatory language, notwithstanding the general provisions the Secretary has pointed out, sections 318 and 319.

Any first-year law student will tell you that the general statutory provisions are subordinate, if you will, to the more specific articulations of jurisdiction or legal mandate, and it seems to me that we have a legal issue, even between the Secretary and myself, as to what the legal impact of this legislation is, on its face.

Your proposal to remove the secretarial approval process goes a long way to at least addressing that particular issue, that kind of issues.

Senator SPECTER. Well, are you suggesting that even with the elimination of the National Education Standards and Improvement Council, and eliminating the submission to the Secretary, so that the requirement would remain about standards, but the State would adopt its own standards, nobody would have to submit them to the Secretary, the Secretary would have to make an inquiry on his own, to see if the State had standards, so the State would have to have some standards, would that satisfy the concerns you have about Federal intrusion?

Mr. LAMONTAGNE. I do not think so. The reason is, if the rest of the language remains, of the statute, that is, we still have mandatory language in the planning process, whether or not it is ulti-

mately submitted to the Secretary for his approval is still in law, and I think would be enforceable by the Federal Government, at some point, or even a private citizen, who could articulate standing, to require New Hampshire to comply with the specific mandates of the legislation.

Our dispute, Mr. Chairman, is not with the Secretary, it is with the Congress, for having adopted this kind of prescriptive language, and our State, or all States participating in developing other State improvement plans and their strategies.

So there still is language that would remain, even under your hypothesis, that would be problematic, because it is mandatory in nature, at least as I read the law.

Senator SPECTER. Well, then what you are saying is, it would have to go much further, really, line by line on the statute. Suppose we changed all those shalls to may?

Mr. LAMONTAGNE. Right. And I think then we would have a much more comfortable situation, where it would truly be elective on our part to choose to go one way or the other.

Senator SPECTER. Would that satisfy your concerns?

Mr. LAMONTAGNE. It would go even further than where we are today. That is for sure, Mr. Chairman.

Senator SPECTER. But I do not intend to press you on it, and perhaps we can work together to see what form of statutory modification would fit the bill.

You do not have to decide it—we do not have to decide it standing on one foot here.

Mr. LAMONTAGNE. I would be more than happy to spend whatever time I can, and bring the folks who have helped us on this, to assist the committee in any way, to try to identify those statutes or provisions that we think could be addressed, while retaining the spirit of the law, which is, in fact, and I think everyone shares this, to raise the academic standards of this country, to establish the priority of the academic mission of our schools, once again, and to renew public education—

Senator SPECTER. Well, let us pursue that then. Finally, Mr. Lamontagne, on the subject of direct grants to local government, you heard Mr. Cohen testify about some very small set-asides.

I am fully aware of the sovereignty of the State, the State control of education, and the concept of federalism, and the State's responsibility and authority. There are some direct Federal grants to cities, police departments, the education ones, which Mr. Cohen described.

What would your thinking be on having some of Goals 2000 money go directly to the school boards?

Mr. LAMONTAGNE. I would tend to support that, with the qualification that I would not want the ability of a local school district to access the funds to lead to that school district, having to respond to the Federal Government above and beyond, or giving to the Federal Government, greater authority, by virtue of participating in the programs, than it owes to the State itself.

In other words, and this happens, anyone who has been in the State level, dealing with Federal programs, hears it from employees and subordinates, we have to do this, because it is required by the Federal grant we are involved in.

It reduces our flexibility. So if a school board were to tell me we cannot follow the prescripts of the State, because we are participating in Goals 2000, individually, that would not be acceptable.

It would have to be clear that they do it, but subject to whatever direction the State continues to chart for itself.

Senator SPECTER. Well, I think that would be preeminently fair to have the authority, if there is something about the program specifically, which the State disagrees with, so that perhaps some formulation might be worked out, where the Goals 2000 money could go directly to a school board, subject to disapproval by the State, subject to some factor, which would be disapproved by the Governor, or State authorities, having control over that facet.

Mr. LAMONTAGNE. Certainly. I think that is certainly a direction that we could move in, and a workable one at that. We have a very strong tradition, as most States, of local control.

We say that, and we mean that, and if a school district wants to follow the prescripts of the law, that is their choice, and ought to be their choice—

Senator SPECTER. Even with all those shalls, instead of may's.

Mr. LAMONTAGNE. Exactly. So long as it does not interfere with our ability, as a State, to continue to discharge our constitutional duty, under State law, to guarantee an adequate education for all children.

Senator SPECTER. So that if the school board accepted it, the State would still have the authority, the Governor, or the duly constituted State authority, as you define it in your State, could come in and say no, that violates public policy of New Hampshire, and we do not accept that—

Mr. LAMONTAGNE. Yes.

Senator SPECTER [continuing]. And the Federal law would be clear that there is no supremacy attached here, that this is being given to the local school board, subject to State control, if the State chooses to exercise it.

Mr. LAMONTAGNE. Yes, sir; that is a good articulation of what I think would be an accommodation that could be reached, allowing the local school districts to participate.

Senator SPECTER. Well, thank you very much, Mr. Lamontagne. We appreciate you coming, and give our best to the Governor.

Mr. LAMONTAGNE. Thank you very much. He sends his best.

Senator SPECTER. I probably will not be in New Hampshire for at least a few days, and I have not been there since Saturday.

Mr. LAMONTAGNE. Thank you, Mr. Chairman.

CONCLUSION OF HEARING

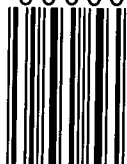
Senator SPECTER. Thank you very much. We now move to the panel on the very important subject of domestic violence and sexual assault. The subcommittee will stand in recess subject to the call of the Chair.

[Whereupon, at 11:01 a.m., Tuesday, September 12, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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