

AMENDMENT UPDATE:

Senator Mikulski (D-MD): offered an amendment that would reauthorize the Jacob J. Javits program—a program that supports gifted and talented education. She said that her intention in reauthorizing the program was, in part, to dispel the notion that “all poor kids are dumb.” There are gifted young people in schools across the country who require specialized attention to nurture their talent and interests. Otherwise, they “fail out.” Whitehouse asked to be added as a cosponsor to the amendment and shared a story of a gifted student who created a remarkable method for early identification of pancreatic cancer and exemplified the need for the program. Murray also spoke in support of the proposal. **The amendment was adopted on a voice vote.**

During the debate of this amendment, **Senator Roberts**, who was absent from proceedings the day before, provided essentially an opening statement that addressed many issues, but focused on the Common Core reading and mathematics standards and his legislation that specifically prohibits any federal requirement or incentives to adopt them. He praised provisions in the ECAA that address this issue. There were some responses to his statements that asserted that the Common Core standards were developed and adopted by states, not the federal government. Alexander noted their adoption is not mandated by any federal entity, but Roberts asserted that an explicit prohibition is warranted.

Senator Casey (D-PA): offered his “Ready-to-Learn Television” amendment. A number of his Democratic colleagues joined him to cosponsor the amendment, as did Murkowski, making the proposal to offer competitive grants to develop, produce and distribute education and instructional video programming for preschool and elementary school students and their parents bipartisan. **The amendment was adopted via voice vote.**

Senator Franken (D-MN): offered his STEM (science, technology, engineering and mathematics) education amendment, which is cosponsored by Kirk. The amendment would essentially reinstate a STEM-focused program in place of the Math Science Partnership program currently in Title II of ESEA. He noted that exposing young people to STEM skills is important to the future of the country. The proposal would help recruit, train and support teachers in STEM subjects and give them important professional development opportunities. During the debate, Murray, Baldwin and Bennet were added as cosponsors. Alexander noted that there are already 209 STEM programs across federal agencies and cited a report found that 83% of those programs are duplicative. Franken and Murray rebutted the Chairman’s points, noting that the programs serve different purposes and populations, and this amendment preserves the only STEM-focused program at the Department of Education, and the only one that provides professional development for K-12 teachers. Despite the Chairman’s opposition to the change, **the amendment was adopted by a vote of 12-10.**

Senator Bennet (D-CO): offered an amendment that would change Title II from a “slush fund” into a program that “is going to lead the way for a new generation of teachers.” The proposal would authorize grants to strengthen teacher leadership activities in Title II. Isakson commended the proposal and the goals, as did Collins, who asked to be added as an amendment cosponsor. **The amendment was adopted via voice vote.**

Senator Baldwin (D-WI): offered an amendment related to workforce-critical subjects. She noted that workforce demands are not being met and that the new bill could support students’ attainment of in-demand skills and knowledge and close the so-called “skills gap.” The subjects would be

developed in conjunction with state workforce development boards; Baldwin noted that a similar amendment was included in the House ESEA reauthorization proposal. Alexander spoke against the proposal, asserting that the change is duplicative and unnecessary. **The amendment failed by a vote of 10-12.**

Senator Franken (D-MN): offered an amendment on accelerated learning. Alexander noted that the Committee would likely pass it, “unless you talk us out of it.” The change would give financial support to low-income students who want to take AP or IB courses. Dual enrollment, early college high schools and other accelerated learning models would also be supported. Cassidy cosponsored the amendment, as did other Democratic members of the panel. **The amendment was adopted via a voice vote.**

Senator Cassidy (R-LA): offered an amendment related to dyslexia “as a Senator and a parent,” noting his own daughter suffers from the condition. He asserted that 18% of the population has some form of dyslexia. The proposal would carve out an allowable use of Title II funds for supports for dyslexic students in Title II. He noted that some argue that the proposal elevates dyslexics over other students with other learning difficulties and countered that this is not the case; the change simply gives these students services as early as possible. Murray argued that while she sympathizes with the intention of the amendment and the personal passion of Cassidy, the amendment is unacceptable to her because it singles out one condition. She said dozens of disability organizations strongly oppose the measure. “The amendment sends the message that the Committee cares more about one group of students with disabilities more than others,” she said. She went on to say that setting a preference for one particular disability is unfair and inappropriate. The debate of this proposal was fairly pointed, with Cassidy characterizing a number of groups representing students with disabilities as “special interest groups” and other members repeatedly arguing that students with dyslexia shouldn’t have a particular mention or carve out in ESEA. Murray invoked the “Nothing without us about us” mantra of the learning disability community to again point out that the proposal is not inclusive. After some of the day’s most heated debate, **the amendment failed on a vote of 10-12.**

Senator Casey (D-PA): offered an amendment to ensure teachers, principals and other school leaders are “profession ready” in their practice. The proposal would require educators to have completed a teacher preparation program, be certified or appropriately licensed, demonstrate content knowledge and demonstrate teaching skills. Alexander said he opposed the proposal and said it was reminiscent of the Highly Qualified Teaching provisions in current law, which have proven to be unworkable. **Casey withdrew the amendment.**

Senator Alexander (R-TN): offered the en bloc amendments, without explanation or debate. They addressed afterschool programming and the 21st Century Community Learning Centers program, Project SERV (School Emergency Response to Violence), financial literacy, literacy and arts, education in rural school districts, innovation in education and physical education programs (PEP). **The en bloc amendments passed by voice vote.**

Senator Franken (D-MN): offered an amendment that would reauthorize current law’s school counseling program. Noting that the ratio of counselors to students in schools in Minnesota is 700:1, Franken argued that the country needs far more school counselors. The current law’s program is the only federal support for school counselors and he argued that there is a continuing need for such a program. Alexander opposed the proposal and said he thought other block grants in the revised law could support counselors, if states or districts choose to use the funds in that way. **The amendment passed on a vote of 13-8.**

Senator Bennet (D-CO): offered an amendment with Franken around family engagement. The amendment would give resources to family and parent engagement programs and essentially reauthorize the Parent Information and Resource Center program. Senator Alexander noted that 1% of Title I funds are currently set aside for parental engagement programs and opposed the measure. **The amendment was withdrawn.**

Senator Kirk (R-IL): was at the session and very briefly discussed his proposed amendment that would amend part A of Title I of the Act to include an Opportunity Dashboard to hold States accountable for providing a meaningful opportunity for each student to meet challenging State academic standards and be assured of graduating prepared for postsecondary education and the workforce. **The amendment was withdrawn.**

Senator Bennet (D-CO): offered an amendment to establish a weighted student funding flexibility pilot program. He noted that the formulas that currently govern myriad programs are dated and do not adequately support the students and teachers they should. Alexander acknowledged broad support for the idea and said he expected it to be approved. **The amendment passed on a voice vote.**

Senator Casey (D-PA): offered an amendment with Baldwin to authorize his “well-rounded education” program. The proposal would support funds to ensure that subjects outside of reading and math are taught well in K-12 schools. Specific subjects would include economic and financial literacy, computer science and others. He noted that research shows that students exposed to many subjects achieve to higher levels, and that a similar amendment was adopted by voice vote during the Committee’s consideration of ESEA in 2013. Alexander argued that the would-be new program is unnecessary and redundant. **The amendment was defeated by a vote of 10-11.**

Senator Alexander (R-TN): offered an amendment to address bullying and harassment in schools. Any schools that receive Title IV funds would be required to establish anti-bullying and harassment policies, although the guidelines around those policies would be few. Casey said that while he appreciated the Chairman’s proposal, he preferred his approach, outlined in a to-be-offered amendment that would mandate rules and reporting in a different and more uniform manner. Murkowski said she agreed with both Casey and Alexander, but preferred Casey’s approach to addressing the bullying and harassment issues that are plaguing the country’s schools, particularly via electronic devices. She said she would support the Chairman’s proposal, but hoped it might be strengthened before the bill is on the floor or be improved on the floor. Baldwin spoke against the Alexander plan and in favor of the Casey one. Alexander offered to work with Casey in lieu of a vote on the two proposals. **Ultimately, the Alexander and Casey amendments were withdrawn and the senators agreed to work together on a compromise before floor debate of the bill.**

Senator Casey (D-PA): offered his bullying amendment (which has the support of Kirk) after Alexander offered his, but before the two agreed to work together. He noted that technological advances have made it so that bullying does not end for its victims once tormenter and tormented are physically separated. He again argued that all districts receiving federal dollars should be required to establish policies based on federal guidelines to prevent bullying and harassment, asserting that 160,000 students are currently staying home from school daily due to bullying. The requirements would include addressing eight different classes or categories of students. Murray spoke in support of the Casey proposal; Alexander reiterated his strong opposition, saying federal lawmakers and agencies shouldn’t be giving districts prescriptive guidelines on bullying. **Ultimately, the Alexander and Casey amendments were withdrawn and the senators agreed to work together on a compromise before floor debate of the bill.**

Senator Cassidy (R-LA): returned to the issue of dyslexia in criticizing the bill’s inclusion of the LEARN program—a comprehensive literacy program, arguing that it does not address the need of dyslexic learners. His amendment would require that the new program recognize the specific needs of students with dyslexia and other disabilities. He argued that if the new program is meant to help students who read below grade level, it should explicitly help those students who suffer from a condition that is a leading cause of slower acquisition of reading skills. Murray spoke against the Cassidy amendment strongly, noting that she and a broad group of literacy advocates have been working on the LEARN Act for six years, including groups that advocate on behalf of students with dyslexia and other disabilities. She noted that the Cassidy amendment would fundamentally alter that proposal and wrongly suggest that the Committee cares more about one group of students with disabilities than others. **The amendment failed by a vote of 8-14.**

Senator Murray (D-WA) and Senator Isakson (R-GA): offered a bipartisan early childhood education amendment. The amendment would authorize a competitive grant program for states in support of early learning alignment and improvement. Isakson said the measure would maximize the effect of federal dollars invested in early childhood education, thanked Murray for her work and urged his colleagues to approve the amendment. Casey spoke in favor of the amendment, which he cosponsored, and said, “If kids learn more now, they’ll earn more later.” **The amendment was passed by voice vote.**

Senator Baldwin (D-WI): formally offered the so-called “I-Tech” amendment after Hatch mentioned it and his support for the proposal. The amendment would award grants to encourage State educational agencies, local educational agencies, and schools to utilize technology to improve student achievement and college and career readiness, the skills of teachers and school leaders and the efficiency and productivity of education systems at all levels. **The amendment was passed by voice vote.**

Senator Warren (D-MA): offered an amendment that would establish a college information demonstration program. She noted that the policy would support getting more information to would-be college students about affordable strategies for getting into college and successfully completing postsecondary degrees. Alexander asked Warren if she would withdraw the proposal to work with him on something similar during conversations around the Higher Education Act. **The amendment was withdrawn.**

Senator Whitehouse (D-RI): offered an amendment to support innovation in K-12 schools by establishing a competitive grant program that would support giving schools “mutually assured regulatory relief.” The concept is that local and state governments, as well as the federal government might agree to give innovative schools regulatory relief as they experiment with innovative educational strategies. **Whitehouse withdrew the amendment in the hopes of working with his colleagues on the concept.**

Senator Burr (R-NC): offered an amendment to change the weighting of the poverty versus population formula funds under Title II part A to better target scarce Federal dollars for teachers and school leaders in our Nation’s neediest schools. The new formula would reflect 80 percent poverty and 20 percent population, whereas the existing formula reflects 65 percent poverty and 35 percent population. **The amendment was agreed to by a voice vote.**

Senator Casey (D-PA): offered a modified amendment to restore an adjusted hold harmless provision for the formula grants under part A of Title II that would slowly implement the new formula change reflected in Burr's amendment. His amendment would aid States that would lose funding under the new formula. Burr remarked that Casey was proposing a hold harmless that artificially preserves some existing funding where numbers of students in poverty has changed, "when your numbers change, your dollars change," he asserted. He suggested that the intent of the Senate is that the money follows the individuals that are targeted under the Title. "When you hold out and ignore the demographic shift in America, it benefits your state but hurts my poor kids," he said, referring to the fact that poor children in North Carolina stand to benefit from the change but Pennsylvania would lose money. "The reality is not to hold harmless- that cheats poor people who need the funds," he said. He added that the Casey amendment may pass because so many states represented in the Committee would lose funds [under the previously adopted Burr amendment], "but that is not right." He lamented being unable to arrive at a compromise on the issue and attributed it to a fundamental difference of belief. Casey said "I respect my friend, he is fighting for his state and I am fighting for mine, too. His formula change is a substantial change, and even if my amendment passes, there is still a substantial loss to my state and others." **The amendment passed by a vote of 13 ayes and 9 nays.**

Senator Burr (R-SC): asked for unanimous consent to offer what he thought a fair compromise amendment between himself and Casey would look like on the Title II funding issue. He proposed a seven year "glide path" to phase out the hold harmless of the formula change to part A of Title II by 14.29 percent annually over seven years. By the end of that time, it would reflect the new formula change and result in the elimination of the hold harmless. Mikulski, remarking "ugh, double ugh, triple ugh," said this amendment would be a slow hemorrhage of funding to her state. She said her state of Maryland stands to lose 21 percent of current funding and that perhaps the reason her state's poverty level isn't as low as others is because workers are paid fair wages and Maryland does a good job to eliminate poverty. She said she would have to oppose the amendment because of the severe consequences her state would experience, despite her respect for Burr. Collins, highlighting some misunderstanding surrounding the Burr-Casey debate, pointed out that the Burr amendment was adopted, which significantly changed the formula, and subsequently the Casey amendment passed, which basically contradicted the Burr amendment. She voiced her confusion and pointed out the enormous amount of money some States would lose. Murray followed up by asking for a copy of the amendment. Whitehouse reiterated Collins' confusion. After further explanation from Burr, and Alexander, including an assurance that the Casey and Burr amendments did not contradict each other, **the amendment was agreed to by a vote of 12 aye to 10 nays.**

Note on Burr-Casey-Burr Amendments: In sum, the first Burr amendment would change the Title II funding formula so that the weight of poverty figures for states would be 80% and population figures would be 20% of the calculations used to determine state funding levels. The Casey amendment would establish a hold harmless so that states would not lose too large a sum of money as the formula changes. According to Burr, the subsequent Burr amendment would "split the difference" by slowing implementation of the formula change such that states would gradually deal with smaller allocations over seven years, versus bearing the full impact of the change all at once. The debate and explanation of the amendment was admittedly confusing for

Committee members, staff and attendees, so all will be looking at the language for each in coming days.

Senator Cassidy (R-LA): offered an amendment to provide for an exemption from use of a weighted lottery for schools that specialize in educating students with learning disabilities and that use an evidence-based curriculum specific to such a disability. In what was a continuation of an ideological divide on this issue, Murray opposed the amendment because she said the bill already allows for disability-specific [or specialized] charter schools, and that the amendment sets a dangerous precedent by offering preference to one disability classification over another which the federal weighted lottery guidelines seek to avoid for any protected class. She noted that the amendment is opposed by over 110 organizations, including organizations that represent student with Dyslexia and that that it may be a violation of the Americans with Disabilities Act (ADA) as well as the Supreme Court's ruling on *Olmstead v. L.C.* Cassidy rebutted that his amendment is not a digression of existing law, and that it pertains to specific curricula for a specific diagnosis. He posed the question, why would you send your non-hearing impaired child to a school for the deaf when that child doesn't need to learn how to sign? He noted the absence of the voice of the mother who is struggling to get resources for her child with specific special needs, and added that if the conversation is about a specific diagnosis with a specific treatment and that schools with the mission to employ the specific treatment are allowed to exist, it does not make sense to have a child who does not have that diagnosis in said class. Murray attempted to respond but was interrupted by Cassidy. Alexander stepped in to ask him to let her speak. "I am more than willing to insert language to accommodate the concerns you have, but I do think that all of us who care about students with disabilities want to make sure we do not set a precedent in law that prioritizes one group of children over another," Murray said. Murphy added his acknowledgement that there is a very specific treatment for Dyslexia and that he hopes this issue sees more consideration by the Committee in the future so a conclusion can be reached that does not discriminate or exclude other groups. Alexander commended Cassidy for having an impact on this issue based on his forceful advocacy. When Cassidy noted that his previous amendments had failed, Alexander reminded him that he has only been in the Senate for three months, has a strong future in the Senate and that he has already made an impact on this issue in the House of Representatives. Murray complimented Cassidy on bringing forth the issue of Dyslexia and said while she disagrees with his amendment language, she looks forward to working with him through the appropriations process. Before consideration, Cassidy clarified that his amendment would not violate federal law per the Congressional Research Service. **The amendment failed by a vote of 5 ayes to 17 nays.**

Senator Murphy (D-CT): offered an amendment to Title VI to clarify that funds can be used to assist in the continuation of evidence-based practice to aide students affiliated with the juvenile justice system to try to reduce the number of kids in the system and the cost to schools of educating these students. Alexander opposed the amendment because he said it was unnecessary and the underlying needs are better met at the Department of Justice's Office of Juvenile Justice and Delinquency Prevention, where funding currently exists. He said spending education money on training for prosecutors, judges and other personnel would take away from the pool of funds dedicated to schools. **The amendment failed by a vote of 10 ayes to 12 nays.**

Senator Franken (D-MN): offered an amendment, the Student Non-Discrimination Act, which would address the need to protect lesbian, gay, bisexual and transgendered (LGBT) students, who are regularly targeted at school. He cited that 30 percent of LGBT students have missed a day of school in the last 30 days out of fear of being bullied. He said that his amendment is about children, and that it is our job as adults to protect children. “You can’t get a good education if you dread going to school,” he said. Promising to bring the issue up again during floor debate, **Franken withdrew the amendment.** Alexander thanked Franken for bringing up and withdrawing the amendment, noting his cooperation in making the process bipartisan. Murray thanked him for his eloquence in discussing the issue, and offered her support in the future.