

Floor Remarks on Broken Education Reauthorization Process

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At some point today the Senate will vote on the motion to appoint conferees – or what’s often called the motion to go to conference – for a bill that reauthorizes the Elementary and Secondary Education Act, or the ESEA, which is the legislation governing our federal K-12 education policy.

Because most Americans have probably never heard of this obscure parliamentary procedure – the motion to appoint conferees – I’d like to take a moment to explain how it works... or at least, how it’s *supposed* to work.

When the House and the Senate each pass separate, but similar, bills, the two chambers convene what’s called “a conference.”

A conference is essentially a meeting where delegates from each chamber come together to iron out the differences between their respective bills, and put together what’s called “a conference report” – which is a single piece of legislation that reconciles any disparities between the House-passed bill and the Senate-passed bill.

Once the delegates to the conference – the conferees – agree on a conference report, they bring it back to their respective chambers, to the House and to the Senate, for a final vote.

It’s important to note here that, once the conference report is sent to the House and the Senate for a final vote, there’s no opportunity to amend the legislation. It’s an up-or-down vote: each chamber can either approve or reject the conference report in its entirety.

If each chamber votes to approve the conference report, it’s then sent to the president, who can either sign it into law or veto it.

So what we’re doing today is voting on the motion to appoint conferees for the reauthorization of the Elementary and Secondary Education Act.

Earlier this year, both the House and the Senate passed their own ESEA reauthorizations. And now, we’re voting to proceed to the conference process and to appoint certain senators to participate in that process as conferees.

Historically, and according to the way the conference process is supposed to work, this vote is not that big of a deal. Voting on the motion to appoint conferees is usually, and mostly, a matter of routine.

But it's not a vote that should be rushed through on a moment's notice, because it is the last opportunity for senators and representatives who are not conferees – such as myself – to influence the outcome of the conference process.

We can do that by offering what are called “motions to instruct the conferees.”

For example, let's say I was not chosen to be a conferee to a particular bill, but there was an issue related to the bill that was important to me and to the people I represent – in that case, I could ask the Senate to vote on a set of instructions that would be sent to the conference to inform their deliberations and influence the substance of the conference report.

Mr. President, this is how the conference process is supposed to work.

But it is not how the conference process has been conducted with respect to this bill, the Elementary and Secondary Education Act reauthorization.

Sure, we're still voting to appoint conferees.

And those conferees will still convene a conference.

And that conference will still produce a conference report.

So from the surface, it will still look like the conference process is happening the way it's supposed to.

But beneath the surface we know that all of this has already been pre-arranged, pre-cooked, pre-determined... by a select few members of Congress, working behind closed doors, free from scrutiny.

And we know that this vote was scheduled on extremely short notice, so that it would be difficult – if not impossible – for the rest of us to influence the substance of the conference report through motions to instruct.

Now, why does this matter?

We know the American people care deeply about K-12 education policy. But why should they care about this obscure parliamentary procedure in the Senate?

They should care – and Mr./Madam President, we know that they do care – because the process influences the policy.

In this case, the process expedites the passage of policies that we know don't work – policies to which the American people are strongly opposed.

For instance, it's my understanding that this pre-agreement may authorize \$250 million in new spending on federal pre-K programs – what amounts to a down-payment on the kind of universal, federally-run pre-K programs advocated by President Obama.

This would be a disaster not only for American children and families, but for our 21st-century economy that increasingly requires investments in human capital.

We know that a good education starting at a young age is an essential ingredient for upward economic mobility later in life. A mountain of recent social science research proves what experience and intuition have been teaching mankind for millennia: that a child's first few years of life are critical in their cognitive and emotional development.

Yet we also know that too many of America's public schools, especially those in low-income and disadvantaged neighborhoods, fail to prepare their students to succeed.

Nowhere has the top-down, centrally planned model of public education failed more emphatically than in our nation's public pre-K programs. The epitome of federal preschool programs is Head Start, which has consistently failed to improve the lives and educational achievements of the children it ostensibly serves.

According to a 2012 study by President Obama's own Department of Health and Human Services, whatever benefits children gain from the program disappear by the time they reach the third grade.

But because bureaucracies invariably measure success in terms of inputs, instead of outcomes, Head Start and its \$8 billion annual budget is the model for Democrats as they seek to expand federal control over child care programs in communities all across the country.

This bill also doubles down on the discredited common-core approach to elementary and secondary education that the American people have roundly, and consistently, rejected.

Mr. President, parents and teachers across America are frustrated by Washington, D.C.'s heavy-handed, overly prescriptive approach to education policy.

I've heard from countless moms and dads in Utah who feel as though anonymous government officials living and working 2,000 miles away have a greater say in the education of their children than they do.

The only way to improve our K-12 education system in America is to empower parents, educators, and local policymakers to meet the unique needs of their communities and serve the low-income families the status quo is leaving behind.

With early childhood education, we could start block granting the Head Start budget to the states.

This would allow those closest to the children and families being served to design their own programs – rather than spending all their time complying with onerous, one-size-fits-all federal mandates – and designate eligible public and private pre-schools to receive grants.

We know this works because many states are already doing it. In my home state of Utah, for instance, United Way of Salt Lake has partnered with two private financial institutions, Goldman Sachs and J.B. Pritzker, to provide first rate early education programs to thousands of Utah children.

They call it a “pay-for-success” loan.

With no upfront cost or risk to the taxpayers, private capital is invested in the Utah High Quality Preschool Program, which is implemented and overseen by United Way.

If, as expected, the preschool program results in increased school readiness and improved academic performance, the state of Utah repays the private investors with the public funds it would have spent on remedial services that the children would have needed between kindergarten and the twelfth grade, had they not participated in the program.

Washington policymakers should not look at Utah’s pay-for-success initiatives – and other local success stories like them – as potential federal programs, but as a testament to the power of local control.

Mr. President, we shouldn’t expand Washington’s control over America’s schools and pre-K programs. Instead, Congress must advance reforms that empower parents – with flexibility and choice – to do what’s in the best interest of their children.

The policies in this bill move in the opposite direction.