

**H.R. 2649, THE SCHOOLS
SAFELY ACQUIRING FACULTY
EXCELLENCE ACT OF 2003**

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON 21ST CENTURY
COMPETITIVENESS

OF THE

COMMITTEE ON EDUCATION
AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

May 24, 2004 in Las Vegas, Nevada

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C O N T E N T S

	Page
Hearing held on May 24, 2004	1
Statement of Members:	
McKeon, Hon. Howard P. "Buck", Chairman, Subcommittee on 21st Century Competitiveness, Committee on Education and the Workforce	1
Prepared statement of	3
Porter, Hon. Jon C., a Representative in Congress from the State of Nevada	4
Prepared statement of	6
Statement of Witnesses:	
Lark, Carol, Principal, C.P. Squires Elementary, North Las Vegas, Nevada	10
Prepared statement of	11
Rice, Dr. George Ann, Associate Superintendent, Human Resources Division, Clark County Schools, Las Vegas, Nevada	7
Prepared statement of	9
Stutz, DJ, President, Nevada State PTA, Member, Board of the National PTA, Las Vegas, Nevada	12
Prepared statement of	14

**H.R. 2649, THE SCHOOLS SAFELY ACQUIRING
FACULTY EXCELLENCE ACT OF 2003**

Monday, May 24, 2004

U.S. House of Representatives

Subcommittee on 21st Century Competitiveness

Committee on Education and the Workforce

Las Vegas, Nevada

The Subcommittee met, pursuant to call, at 10 a.m., at Clark County School District, 2832 East Flamingo Road, Las Vegas, Nevada, Hon. Howard P. "Buck" McKeon [Chairman of the Subcommittee] Presiding.

Present: Representatives McKeon and Porter.

Chairman MCKEON. A quorum being present, the Subcommittee on 21st Century Competitiveness of the Committee on Education and the Workforce will come to order.

We're meeting today to hear testimony on H.R. 2649, the Schools Safely Acquiring Faculty Excellence Act of 2003.

I'd like to thank the Clark County School District for hosting this hearing today. I appreciate their hospitality, and I'm pleased to be here.

I'm eager to hear from our witnesses, but before I begin I ask for unanimous consent for the hearing record to remain open 14 days to allow member statements and other extraneous material referenced during the hearing to be submitted in the official hearing record.

No objection. So ordered.

STATEMENT OF HON. HOWARD P. "BUCK" MCKEON, CHAIRMAN, SUBCOMMITTEE ON 21st CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE

Good morning. I'd like to welcome each of you to our hearing today to discuss the need for teacher background checks and to examine the provisions of H.R. 2649, the Schools Safely Acquiring Faculty Excellence Act of 2003, a bill that was introduced by my colleague, Congressman Porter, to help keep our children safe in the classroom.

Mr. Porter is new on our Committee. This is his first term in Congress and he's already demonstrated great leadership ability and has had legislation passed through our Committee, so it's really a good opportunity to be here and visit with him and his district

and to commend you for a wise selection in picking him to be your Congressman.

The success of education reform efforts is increasingly seen as directly dependent on the quality of classroom instruction and ensuring the quality of America's 3.2 million teachers is an essential part of providing an excellent education to all our children. A growing number of studies provide conclusive evidence that teacher quality is the primary school related factor affecting student achievement.

We held a series of hearings a couple of years ago when we were talking about teacher quality and I remember a big argument about school class size was very important. But as we held those hearings, I asked every one of the witnesses after each of those hearings what was the most important part of education. Of course the first thing is the parent. But No. 2 was a quality teacher and it was most important to have, more important than the class size, was the quality of teacher.

Students who are taught by effective and competent teachers excel quickly, while those who are assigned to the least effective teachers lag behind and often never catch up.

The bipartisan No Child Left Behind law asks each state, in exchange for billions of dollars in Federal teacher quality aid, to develop and implement a plan to place a highly qualified teacher in every public classroom by the close of the 2005-2006 school year.

Since No Child Left Behind was enacted more than 2 years ago, Congress and President Bush have continued to provide record teacher quality aid to states and local school districts, at levels far higher than provided under the previous Administration. Federal teacher quality aid has been increased by more than 35 percent under President Bush who requested nearly 3 billion dollars in annual teacher quality funding for states and teachers in his 2005 budget request to Congress, compared with just \$787 million provided under President Clinton's final budget.

In addition, President Bush and Congress have taken numerous steps since the enactment of the No Child Left Behind Act to help teachers, local educational agencies, and states meet the law's highly qualified teacher provisions and improve our nation's teaching force.

To provide incentives for good teachers to remain in the teaching profession, President Bush and congressional Republicans in 2002 enacted legislation allowing teachers to take a \$250 tax deduction when they pay money out of their own pockets for classroom expenses, such as crayons and books. We are currently working to expand this so-called "Crayola Credit" to \$400 or more.

During the 108th Congress, the House passed legislation to more than triple the amount of Federal student loan forgiveness available to highly qualified reading specialists and math, science and special education teachers who commit to teaching in high-need schools for 5 years.

The Teacher Recruitment and Retention Act would increase maximum Federal loan forgiveness for such teachers from \$5,000 to \$17,500.

In 2003, the House also passed legislation to strengthen teacher-training programs at America's colleges.

The Ready to Teach Act would reauthorize and strengthen teacher-training programs under the Higher Education Act to ensure tomorrow's highly qualified teachers are prepared to meet the needs of the nation's students.

It is important to note that members of the Committee reintroduced these bills last week as part of a competitiveness package aimed at helping teachers receive quality training they need to improve student achievement.

Today, the Subcommittee continues its focus on teachers, but we are looking at a different issue. The purposes of today's hearings are to discuss the need for teacher background checks and to examine the provisions of H.R. 2649, the Schools Safely Acquiring Faculty Excellence Act of 2003.

Mr. Porter will talk more about his legislation, but I want to thank him for his leadership on this issue and his efforts to help ensure that our nation's students are safe in the classroom.

I would like to thank everyone for attending today and I'd especially like to thank the witnesses for their participation. I look forward to your testimony.

[The prepared statement of Chairman McKeon follows:]

Statement of Howard P. "Buck" McKeon, Chairman, Subcommittee on 21st Century Competitiveness, Committee on Education and the Workforce

Good morning. I'd like to welcome each of you to our hearing today to discuss the need for teacher background checks and to examine the provisions of H.R. 2649, the Schools Safely Acquiring Faculty Excellence of 2003, a bill that was introduced by my colleague—Congressman Porter—to help keep children safe in the classroom.

The success of education reform efforts is increasingly seen as directly dependent on the quality of classroom instruction, and ensuring the quality of America's 3.2 million teachers is an essential part of providing an excellent education to all our children. A growing number of studies provide conclusive evidence that teacher quality is the primary school-related factor affecting student achievement. Students who are taught by effective and competent teachers excel quickly, while those who are assigned to the least effective teachers lag behind and often never catch up.

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Mr. Porter will talk more about his legislation—but I want to thank him for his leadership on this issue and his efforts to help ensure that our nation's students are safe in the classroom.

We have a distinguished panel of witnesses for today's hearing. I would like to thank each of you for your appearance before the Subcommittee and I look forward to your testimony.

Chairman MCKEON. I would now like to recognize my colleague on the Education and Workforce Committee and our host in his congressional district, Mr. Porter, for his opening statement and to introduce our distinguished panel of witness. Mr. Porter.

**STATEMENT OF HON. JON C. PORTER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEVADA**

Mr. PORTER. Thank you, Mr. Chairman. I tell you, it's a real honor to have the Committee with us today and I appreciate your support for Nevada. Coming from our smaller brother-sister state of California, but more importantly I understand quite well the impacts of growth in Nevada, as do you, with the growth and impacts on education in California. So we appreciate very much your being here with the Committee.

When I first heard about the Committee on 21st Century Competitiveness, I said what kind of Committee is that? And Mr. McKeon made it clear to me that I would find it would be one of the most effective Committees in the House working with education, with children, with higher education, and I tell you it's an honor to serve on the Committee and to serve on Education Workforce. There is not a larger need in Nevada than education taking care of our kids, so I appreciate your being here and what the Committee does.

We have a number of speakers this morning and I will just introduce you briefly, but then before you speak I'll go more in-depth.

First, an individual that really is or should be taking credit for this hearing here today. The idea of what we could do to make sure that we have teachers that are—that we can entrust our children with really came from.

Dr. Rice, George Ann Rice, who is here this morning, so first let me just welcome and thank you, Doctor, for your ideas and suggestions.

Another good friend, Ms. Carol Lark, is here, Principal of Elementary School C.P. Squires, and with her, sitting to her left, is Mrs. DJ Stutz, who is President of the Nevada PTA. So thank you very much for being here.

Let's talk a little bit about Nevada and some of the impacts, and I'm talking to the experts right here, but if I could summarize for the Committee and for the record, we are one of the fastest growing communities, of course, in the country. Five, six, 7,000 people a

month moving into Nevada. Of course that varies from month to month. A net of possibly 5- or 6,000 people when you take those that decide to relocate maybe to California or some other place, but literally major impacts on our community from infrastructure of streets, highways, air quality, but health care also falls into those areas of challenges, but can you imagine the impact on education with the size of growth that we have?

We need schools for 15- to 16,000 new students a year, and I guess from a side note I was sharing this challenge with one of my colleagues from Virginia the other day, and we were kind of doing a one upmanship on education on who had the most challenges and the member said, well, you know, I have 1500 new students a year moving into my school district, and I said, well, we have 15- or 16,000, and of course the conversation just continued, and all of a sudden there was a silence. He looked at me and said, what did you say? How many students do you have? And I said 15- or 16,000. And he said, well, I guess my 1500 really is nowhere compared to your 15- or 16,000.

And what I've been trying to do, and I believe successfully, with our delegation who works very well together on educating our colleagues is letting them know the impacts of what this really means.

So not only do we have 15- or 16,000 new students, we need 2-1/2 schools—Joyce, is that where we are now, 2-1/2 schools a month? Two schools a month? Two schools a month. Unheard of. And we are actually staying up with that growth and knowing we are going to need some additional funding soon for the infrastructure. But that brings us to the discussion today.

Can you imagine in the private sector having to hire 2,000 or 2,500 new employees a year? I don't care what kind of business it is, 2,500 new employees a year is a huge project, especially the human resource department, but imagine trying to find that many people from your community first, and, of course, as a growing community, we don't have enough teachers here locally, so we reach out to across the country, but we need 2,000 to 2,500 state-wide teachers a year. With that the challenges of recruitment, getting the messages out, selling the community, selling the importance of education in Nevada. And as we have hired outside of Nevada, we've learned that as a top recruiter in the country, with that comes major challenges.

And as Nevada is seeking teachers outside of Nevada, we must also have the means to determine that none of our faculty have pasts that are indicative of behavior that poses a threat to our children. And as a parent myself, of course my kids are now 26 and 23, but sharing with the district, as I've been a member of the state Senate and now the Congress, the challenges and the trust that I as a parent put in the school district, I trust that as the district is hiring new employees, you're doing everything possible to make sure that our children and my children will be safe in the school district. But the potential physical and psychological damage that a few individuals pose to our children in our education system in general requires lawmakers and administrators to act so as to remove all credible threats to the safety of our nation's children. And one of the most common sense actions that we can take is to re-

quire states in some shape or form to share any information on the background of these individuals who will come into close contact with our kids.

With the legislation that we're examining today, and as I mentioned, a lot of credit goes to Dr. Rice, I would require states to partake in a nationwide information sharing system that would provide human resource directors and administrators with the background information that they need to hire highly qualified and highly ethical individuals to serve in our schools.

The National Crime Prevention and Privacy Compact, and I've learned that in Washington we have a lot of titles, a lot of long names, but I think it summarizes it well, the National Crime Prevention and Privacy Compact, signed into law on October 10 of 1998, established an infrastructure by which states can exchange criminal records for non-criminal justice purposes.

Now, that was in 1998. Unfortunately, only 21 states have currently ratified this compact. While the remaining 29 states still have the opportunity to ratify this compact, I believe that we must encourage this action with the greatest haste possible. By providing a more compelling reason to join the compact, H.R. 2649 would close one of the cracks through which potentially harmful individuals might slip. And I know that as Dr. Rice and the balance of the panel testify, they will explain how the process works, but I think it's imperative that we hire the best, the brightest, but also the most ethically and educated individuals to take care of our children.

Clark County School District being the sixth largest in the country, and probably rapidly moving in on the fifth, I think should be complimented for the job that you've done. A tremendous challenge before us, and I know that we have individuals moving from all over the country, also from here in Nevada, but I'd like to applaud the Clark County School District for what they've done to stay in front of the growth from an infrastructure standpoint, from an education standpoint, and now certainly from hiring teachers.

So with that I'd like to formally introduce the first speaker on the panel, if you don't mind, Mr. Chairman.

Our first witness is Dr. George Ann Rice, and Dr. Rice currently serves as Associate Superintendent for Clark County Schools in Las Vegas, Nevada, a position she has held for over 13 years. Before pursuing an education in the legal field and practicing law in California, Dr. Rice served as a teacher and department Chairman at Western High School here in Las Vegas.

The prepared statement of Mr. Porter follows:]

Statement of Hon. Jon C. Porter, a Representative in Congress from the State of Nevada

Thank you, Chairman McKeon, for calling this important hearing of the Education and the Workforce Subcommittee on 21st Century Competitiveness. As we examine my legislation, H.R. 2649, the Schools Safely Acquiring Faculty Excellence Act of 2003, I urge the subcommittee to consider the importance of ensuring that the environment our children encounter in their schools is as safe as possible. I thank our panel of distinguished guests for their insight into the need to ensure student safety and unblemished records of faculty and staff. I appreciate their sacrifice of time and their ongoing efforts on behalf of the children of Clark County and Nevada.

I would like to take this opportunity to welcome to this hearing, Dr. George Ann Rice, the Associate Superintendent in the Human Resources Division of the Clark County School District; Ms. Carol Lark, Principal of the C.P. Squires Elementary School; Mr. Ronald Lopez, the Deputy Executive Director of the Clark County Education Association; and Mrs. DJ Stutz, the President of the Nevada State PTA. I thank you all for taking the time to share with the committee the needs you perceive for our children in this important matter. I also wish to express the gratitude of all Southern Nevadans for the work that you do to increase the educational opportunities of our children.

As the Clark County School District, the nation's sixth largest school district, continues to grow at the astonishing rate of 15,000 students per year, the need for 2,000 new teachers a year poses great difficulties. Forced to seek teachers and other staff from outside of Nevada, we must have the means to determine that none of our faculty have pasts that are indicative of behavior that poses a threat to our children. The potential physical and psychological damage that these few individuals pose to our children and our education system in general requires law makers and administrators to act so as to remove all credible threats to the safety of our nation's students. One of the most common sense actions that we can take is to require states to share any information on the background of these individuals who will come into close contact with our children.

The legislation we are examining today would require states to partake in a nation-wide information sharing system that would provide human resources directors and administrators with the background information that they need to hire highly qualified and highly ethical individuals to serve in our schools. The National Crime Prevention and Privacy Compact, signed into law October 10, 1998, established an infrastructure by which states can exchange criminal records for non-criminal justice purposes. Unfortunately, only 21 states have currently ratified this compact. While the remaining 29 states still have the opportunity to ratify this compact, I believe that we must encourage this action with the greatest haste possible. By providing a more compelling reason to join the compact, H.R. 2649 would close one of the cracks through which potentially harmful individuals might slip.

Mr. Chairman, I thank you again for joining me in Las Vegas and for convening this panel of witnesses who can help this committee further understand the need to protect our children from any individual who might wish them harm. I look forward to working with the committee on this important legislation in the future and am anxious to hear the testimony of our four witnesses today.

Mr. PORTER. So I'd like to welcome again Dr. George Ann Rice, and thank you very much, we appreciate your testimony.

STATEMENT OF DR. GEORGE ANN RICE, ASSOCIATE SUPERINTENDENT, CLARK COUNTY SCHOOLS, LAS VEGAS, NEVADA

Dr. RICE. Good morning, Mr. Chairman, Mr. Porter, and counsel. I am George Ann Rice, the Associate Superintendent of the Human Resources Division for the Clark County School District. I am ultimately responsible for the staffing of all of the positions in our district. We have approximately 15,500 teachers, 1,000 administrators, and 9,000 support staff district-wide, plus temporary people and substitutes.

I am pleased to testify on behalf of the Clark County School District, as Mr. Porter mentioned, the sixth largest district in the country, soon to be the fifth largest district. I have to believe that I am testifying, however, on behalf of school districts throughout the country that are not even aware that this problem exists.

The Clark County School District, as Mr. Porter has pointed out, is a rather unique school district. We are central city school district, a suburban school district, and a rural school district, all in one. Our service area of Clark County covers 7,910 square miles, which is roughly the size of Connecticut and Delaware put together. We have 289 schools, 197 in Las Vegas, 70 schools in the

surrounding suburban area, and 22 outside the metropolitan area in rural Clark County.

To keep pace with our rapid growth the Clark County School District opens on the average in the past a new school each month. We are scheduled to open 14 new schools in August, and since 1986 we have built 157 new schools.

Each year we must higher approximately 2,000 new teachers, 600 of whom are hired due to teacher turnover, the remainder because of our growth and because of our own teacher retirements. We have hired approximately 8,000 teachers over the past 5 years and project to hire 10,000 more over the next 5 years.

We have two state universities, UNLV and UNR. We have one state college, Nevada State College, which is 2 years old, and also a small presence of private preparation programs of private colleges here. During the very best years, in combination they produce approximately 600 of the 2,000 teachers that we need each year.

We are forced to go to other states to recruit the remaining 1,400 teachers we require each year. Recruiting for the 2004-2005 school year, we have made 166 trips out of the state and held 107 full days of interviewing right here on our own site. We require that every person that we hire, and volunteers, be fingerprinted. These fingerprints of sent through our own school police through the Nevada Central Crime Repository, our Nevada Highway Patrol, to the FBI. We have believed all of these years that when we received a copy of an FBI report, that we had the candidate's complete arrest and conviction history from all states. I think all school districts are under that assumption. We recently learned that not all states submit their criminal records to the FBI for non-criminal justice purposes such as employment inquiries by school districts.

At first we considered eliminating our recruiting from any state that had not released these records. However, we realized that this action would be meaningless because of the mobility of our population in the United States. We must have access to records from all states.

All school districts are hiring teachers, administrators and support staff who will spend hours each today working with, supervising, and guiding children. These same people will each day be alone with these children. It is imperative that school districts be aware of any and all contacts candidates have had with any law enforcement agencies for any felony, for any arrest that involves violence, controlled substances, child abuse, sexual misconduct, and so on.

If the school districts around the country were aware of the limited nature of the information they are being given from their FBI inquiries, they would all be here, I'm sure, en masse to testify.

I might tell you other things that we do on our application, we ask the candidates approximately 20 questions regarding any contact that they have had with law enforcement that's self reporting. Then we ask every reference to whom we send professional references inquiries concerning their professional competence, and on those inquiries we will also list the very same question, do you have any reason to believe, and then we list that this person has ever been arrested, charged or convicted of a felony of a violence related offense, of a sex related offense, of a domestic or violence

related and also drug-related offense. We ask every applicant, every reference, but it is the FBI reports that we were relying upon to ensure that we were getting accurate information.

I would like to thank you for the opportunity to address you on this critical bill and to suggest that if you're looking at things that might enable the bill to have—to have better success with larger groups within the Congress, we might look at a different penalty or a modification of the penalty for not complying. It might be that we will have opposition on tying compliance with educational funding where if there was maybe a different penalty, that those people would come along.

Also, I think that in today's atmosphere, it might be good to consider the suspicion part because there will be a lot of people who will step up against that, and I would certainly, I think we all would certainly see, hate to see this bill maybe doomed because of those things that really do not—are not part of the guts of the bill, which is letting us know about those arrest charges and convictions.

Thank you again for the opportunity to testify.

Chairman MCKEON. Thank you.

[The prepared statement of Dr. Rice follows:]

Statement of Dr. George Ann Rice, Associate Superintendent, Human Resources Division, Clark County Schools, Las Vegas, Nevada

Good morning, Mr. Chairman and members of the committee.

I am Dr. George Ann Rice, the Associate Superintendent of the Human Resources Division for the Clark County School District in Las Vegas, Nevada. I am ultimately responsible for staffing the positions in our district. We have approximately 15,000 teachers, 1,000 administrators, and 9,000 support staff employees district-wide, plus temporary people and substitutes.

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We must go to other states to recruit the remaining 1400 teachers we require each year. Recruiting for the 2004–2005 school year, we have made 166 trips out of state and held 107 full days of interviewing on this site. We require that every person we hire be fingerprinted. These fingerprints are sent through our school police through the Nevada Central Crime Repository (Nevada Highway Patrol) to the FBI. We have believed that when we receive a copy of the FBI report that we have a candidate's complete arrest and conviction history from all states.

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If schools districts around the country were aware of the limited nature of the information they are receiving from their FBI inquiries, they would all be here today eager to testify.

Thank you for the opportunity to address you on this critical bill.

Chairman MCKEON. If you could introduce our next—

Mr. PORTER. Sure. Thank you, Mr. Chairman.

I'd also like to enter for the record a copy of some newspaper articles, without objection, from the Chairman, throughout the Las Vegas area, on some challenges that we've had here locally, for the record. Thank you.

Chairman MCKEON. No objection. So ordered.

Mr. PORTER. Thank you.

[The information referred to has been retained in the Committee's official files.]

Mr. PORTER. Next we have Miss Carol Lark. Ms. Lark currently serves as Principal of C.P. Squires Elementary School in North Las Vegas, Nevada. A former recruiter of teachers for Clark County schools, Miss Lark has used her public relations skills to build beneficial partnerships with businesses and community organizations. With Blue Cross/Blue Shield funding, Miss Lark administered a pilot program that provided free onsite dental care to more than a thousand children.

We could list another hundred different successes of Ms. Lark, who was Principal of the Year last year, but please welcome Ms. Lark.

Thank you very much.

**STATEMENT OF CAROL LARK, PRINCIPAL, C.P. SQUIRES
ELEMENTARY SCHOOL, NORTH LAS VEGAS, NEVADA**

Ms. LARK. Thank you very much.

It is indeed an honor to address this important legislative Committee. My name is Carol Lark, and I am principal of an elementary school here in North Las Vegas, Nevada. I have 945 students; 91 percent are on free and reduced lunch, 86 percent of our children are Hispanic. We are a full Title 1 School, and I wish to take a moment just to tell you how much we appreciate the funds you do provide to our Title Schools.

I am here today to testify on behalf of the Schools Safely Acquiring Faculty Excellence Act of 2003. Only recently did I learn that only 21 states have ratified the National Crime Prevention and Privacy Compact. In all honesty, I was shocked. I've been an administrator in Nevada for the past 14 years, and I've always assumed that when prospective teachers were fingerprinted, we could be rest assured that at the very least they did not come to us with felonies on their records. Unfortunately, interviews and reference checks will often not reveal such information. Professionals are becoming more and more reluctant to share negative information about em-

ployees out of fear of being sued. Fingerprinting was the one objective factual bit of information that we should have access to when selecting teachers.

A few years ago I spent 7 days in an arbitration attempting to remove a teacher based on performance alone.

When the arbitrator asked me if I had any last words, I told him that if he were to reverse my decision, then he should have to put his own child or his own grandchild in that classroom. And I think the same principle applies here.

The only plausible reason that I can imagine for not cooperating must be financial. I am sure that entering the data would require a certain amount of manpower and womanpower. But nevertheless, I doubt you could find a taxpayer alive that would not support this legislation. I would much prefer to dodge potholes in the road than allow sexual predators in my child's classroom.

Six years ago, when I moved to my at-risk school, I hired 23 teachers from all over the country, and I have hired many more since. I knew that each one of them had to be fingerprinted, and I felt secure in believing that they had no criminal record. To find out now that I was wrong is very disturbing.

Clark County is presently the sixth largest district in the Nation and we probably have teachers from every state in the union. We are growing so fast that we are constantly prioritizing our priorities, but never have we questioned the importance of cooperating with the FBI in an area as serious as our children's safety.

I urge you to pass this legislation as quickly as possible. Our children's safety is at stake. If we are to leave No Child Left Behind, let us address their safety as well as their academic achievement.

I thank you for this opportunity to testify.

Chairman MCKEON. Thank you.

[The prepared statement of Ms. Lark follows:]

Statement of Carol Lark, Principal, C.P. Squires Elementary, North Las Vegas, Nevada

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I am here today to testify on behalf of the "Schools Safely Acquiring Faculty Excellence Act of 2003". Only recently did I learn that only 16 states have ratified the National Crime Prevention and Privacy Compact. In all honesty, I was shocked. I have been an administrator in Nevada for the past 14 years and I have always assumed that when prospective teachers were fingerprinted, we could rest assured that at the very least, they did not come to us with a felony on their records. Unfortunately, interviews and reference checks will often not reveal such information. Professionals are becoming more and more reluctant to share negative information about employees out of fear of being sued. Fingerprinting is the one objective, factual bit of information that we should have access to when selecting teachers.

A few years ago I spent seven days in an arbitration attempting to remove a teacher based on performance alone. When the arbitrator asked me if I had any last comments, I told him that if he were to reverse my decision, and keep that teacher in the classroom, then he should have to put his own child, or his grandchild in that classroom. The same principle applies here.

The only plausible reason that I can imagine for not cooperating, must be financial. I am sure that entering the data would require a certain amount of manpower. Nevertheless, I doubt that you could find a taxpayer alive that would not support this legislation. I would much prefer to dodge potholes in the road, than allow sexual predators in my child's classroom.

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Chairman MCKEON. Mr. Porter.

Mr. PORTER. Thank you, Mr. Chairman.

Next we have Mrs. Stutz. Mrs. Stutz serves as President of the Nevada State PTA, is a member of the board of the National PTA. In addition to her more than two decades serving with the PTA, Mrs. Stutz works for the Clark County Parenting Project and teaches early morning seminary classes.

Also, a side note, there isn't anyone involved in the community like Mrs. Stutz. We appreciate everything you've done all these years, and fully two decades you've touched and changed a lot of lives. So thank you very much, and we appreciate you being here this morning.

**STATEMENT OF DJ STUTZ, PRESIDENT, NEVADA STATE PTA,
LAS VEGAS, NEVADA**

Ms. STUTZ. Thank you very much, and I too thank you for allowing me the time to provide you some information and points of view from the prospective of PTA. Nationally, PTA represents almost 6 million members, all of whom are concerned with the welfare and education of our nation's children. And one of the five purposes of this organization is to secure adequate laws for the care and protection of children and youth.

On a side note, just last January representatives from all 54 Congresses of National PTA identified making our children competitive in the 21st Century as one of the top three priorities for PTA nationally, and so I am excited about the work that your Committee does.

As a national organization, we are very serious about properly representing the voice of our membership. Our motto is "every child, one voice" and it is out of our belief in this motto that we work diligently with our membership as we develop the positions that we take. It was only after much research, deliberation, and finally a vote on our convention floor by the delegates of this organization that the resolution that I have attached to this statement was accepted as an official position of National PTA. And the name of that resolution is Background Checks on Teachers.

As you may note, it is our position, supported by our vast membership, that background checks on teachers before the issuance or renewing of a license or permit be completed by the appropriate agencies. Our resolution also states that we encourage the cooperation between Treasury Departments and Teacher Licensing agencies in the investigation of background checks on teachers. Let me tell you how pleased we are to see that this important issue has come to the forefront of your Committee.

On a personal note, as the mother of four, grandmother of two, soon to be three, and the aunt of 67 children, I have to admit that I—and I have to admit that I've lost track of how many great grandnieces and nephews that I have strewn throughout this great nation, I have a huge personal investment in the education process and the protection of our most precious national treasure, our children. It has been with great dismay that I have heard the news reporting on the molestation of children by teachers or personnel in the school district where my children and many of my nieces and nephews attend school. It is even more alarming when the reports state that this person has had a history of such behavior in other states that was not reported during the background checks. In my mind, these were preventable incidences. Every child, each precious face that we see as a victim of such a horrific crime, deserves the assurance that such things will never happen again, not to them, not to anyone else. I am mournful that any of these incidences should occur. And while I realize that we realistically cannot prevent such—all such outrages from transpiring, it is imperative that we as a society do all that we can to responsibly protect our nation's children from such a travesty.

That being said, I would like to draw attention to three issues that I believe could improve this bill. The first is in Section 3, it's on page 3, lines 22 and 23, letter A. "The identity of each individual so arrested, charged or convicted." My concern with this clause is that there are many individuals who are arrested and charged with a crime but never convicted. History is resplendent with examples of people falsely accused, people who have had to leave their homes and careers due to the repercussions of false accusations or misunderstandings. And I believe that the standard of "innocent until proven guilty" is a standard worthy of this great country.

Secondly, I'm concerned by Section 3 which is on page 3, lines 24 and 25, identified by letter B, "The identity of each individual under suspicion of such an offense." This subsection brings my concerns just stated to a new level.

Now, not only do you not have to be convicted, charged or even arrested, but merely the suspicion of misconduct would scar a record. I'm aware, as students are, that a cry of foul can turn the tables very quickly for a teacher deemed as unfair, tough, or just unliked. Just as it is important to have each concern fully investigated, it is also important to protect the ability of an individual to care and provide for his or her family if suspicions turned out to be unfounded.

The final concern is that I don't see an appeals process should an unfavorable report be found. For example, my son in-law is named Michael Smith. The phone book tells me that there are 41 Michael Smiths with published phone numbers in Clark County alone. Confused identity being only one of a plethora of possibilities of a wrongly unfavorable report, there must be some mechanism for appeal.

I thank you for bringing this bill forward. Quite honestly, I've been deeply saddened as I have had to explain to my children, boys and girls alike, to watch for signs of improper advances from all kinds of adults who should be guarding them from such. While I

believe that even if this bill passes, the need for such warnings will still exist, I am hopeful that we can find our way to a society that honors, cherishes, and treasures the only asset that truly matters in this nation, or in the world for that matter, our children.

Thank you.

[The prepared statement of Ms. Stutz follows:]

**Statement of DJ Stutz, President, Nevada PTA, Member, National PTA
Board of Directors**

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On a personal note, as the mother of four, grandmother of two soon to be three, and the aunt of 67, and I have to admit that I've lost track of how many grand nieces and nephews I have strewn throughout this great nation. Therefore, I have a huge personal investment in the education process and the protection of our most precious national treasure, our children. It has been with great dismay that I have heard the news reporting on the molestation of children by teachers or personnel in the school district where my children and many of my nieces and nephews attend school. It is even more alarming when the reports state that this person has a history of such behavior in other states that was not reported during the background checks. In my mind, these were preventable incidences. Every child, each precious face that we see as a victim of such a horrific crime, deserves the assurance that such things will never happen again. Not to them, not to anyone else. I am mournful that any of these incidences should ever occur. While I realize that we realistically cannot prevent all such outrages from transpiring, it is imperative that we, as a society, do all that we can to responsibly protect our nation's children from this travesty.

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Chairman MCKEON. Thank you. Excuse me. Thank you very much. 7,900 square miles, about the size of Connecticut and Delaware. I was in Delaware last weekend giving a graduation speech, and I was talking to some of the people there and they said it's about a 2-hour drive from top to bottom, and I thought, my district goes from north LA County to above Bridgeport. It comes to Nevada. So we're neighbors, and that's why it's good to be here with you, but our district from top to bottom is about 450 miles and a couple of hundred miles east to west, and I come from the fastest growing part of LA County, Santa Clarita, and I thought we were, you know, we were having real growth problems because we had to add a few schools. We are nowhere near what you're facing here.

Then I go to the north, which is very rural, and have Inyo County, and we have a problem there just trying to get enough children to fill the schools. We have a school that was built for a hundred kids, we have 60 kids. We have 500 children in one school district spread over about 3,500 square miles. Very difficult. So I see very rural and I see very, very rapid growth in a much denser population. So I think I understand a little of what you're going through in your school district.

I am really, really glad that I'm here today and I've had a chance to hear this testimony because, you know, in Congress we have 435 members in the House of Representatives, we represent all kinds of districts, and we get involved in our particular subject, and some of us become quite familiar with—like I chair this Subcommittee on higher education, and I've really gotten involved over the 12 years I've been in Congress in those issues, but this is something I've never even heard about until today, and I was on a school board for 9 years before coming to Congress, and I guess I just took for granted that we were able to do background checks.

Although I was kind of questioning how you're able to ask all these questions because I come from a business background and I've hired people, and I know that you can only ask—legally now we can't ask questions really except "Are you alive?" "Will you perhaps show up if we hire you?" I mean, it's so vague on what you really can ask people that I wasn't aware that you were able to ask all of these kinds of questions when you hire someone.

Can you explain how that works?

Dr. RICE. Mr. Chairman, members of the Committee, there has been case law in our state that says when people work directly with children, that we are able to ask these questions.

Chairman MCKEON. That's just a state law.

Dr. RICE. There is case law in our state and so our questions have been approved by our legal department and there are about 20 of them.

Now, we don't, one of the things that we cannot do is make a definite decision just on the basis of finding that out. We have to

look at the overall application. And what we also do is ask anyone who on that application indicates that there has been an arrest, you know, a charge and/or, or and a conviction, we ask even on an arrest, you may give us an explanation, give us a copy of the arrest documentation, give us a copy of the court disposition, and give us your explanation.

So by that same case law I can't make a decision solely on the basis of finding that out but I may look at the entire application including that information.

Chairman MCKEON. Well, I have six children and I have 26 grandchildren, and I've led a pretty sheltered life.

I mean, I've heard things in the last few years, or you watch TV and you see different episodes of, you know, they portray real life, and you find out about sexual predators and sexual molesters, and I just, I really didn't know that went on, and, I mean, until—when our children were young, I wasn't even aware of these kind of things. But now we have a granddaughter staying with us, she came Saturday, she'll be with us, a 10-year-old little, pretty little girl that will be with us for a week, and our bedroom is upstairs and we have a guest bedroom downstairs where she's staying, and I was helping my wife make the bed, and I said, "You think she'll be safe down here? You know, this is a ground level. Somebody could break in one of these windows." I mean, that is something that years ago I never even would have thought of, and then we figured, well, nobody will know she's here, you know, we're probably OK, but that's—it's a scary thing that we have to even think about things like that, but, you know, we've seen things where people have been stolen right from their home, right when they have a sister in the room with them. I mean, we live in some really tough times, so I again want to commend Mr. Porter for bringing this legislation and for you for being here to testify today.

And I think you've given us some real good, some real good additions I think that could be made, changes that could be made in the legislation. And that's the process. That's why we have hearings, is to see how we can look at the proposals, if there are ways that we can improve them, and also to get some publicity so we can get information out so we start building support and groundwork for these.

I think the comment was made, why don't we have something like this already and why would it be so hard to get something like this passed. Well, out of the 435 members in the House of Representatives I know that there will be—there is always somebody that is opposed to something. That's just the way it is works. And that's how it should work. That's the system. And so it takes—it's difficult getting things passed. Even things that you would think that nobody would oppose, you'll find that there will be some people that—on the other side that, why should we take away people's privacy? Why don't we protect people from these kind of things.

But my personal feeling is I would protect the children over anything else, and I think of our grandchildren, I think of your children, grandchildren, nieces, nephews, all children that we send to school and expect that there they would be protected and kept from harm and then find that maybe we're sending them into harms

way. That's something that really, really concerns me, and I commend you for moving on this.

Let me ask, what is the typical time period for background checks on a teacher that you're hiring.

Dr. RICE. Mr. Chairman, what happens is we send it to—through our school police, and they send it to the Central Crime Repository, and then it's sent to the FBI, and approximately 3 months, there's a 3-month lag time.

So when we're making offers, we begin in December, sometimes even earlier, making offers for the following year, and what we require is that fingerprint cards be sent back with the acceptance of our offer trying to get a jump on that 3-month period.

We also require that all student teachers coming into our schools and all practicum students coming into our schools to observe also be fingerprinted in addition to volunteer coaches and people like that.

Chairman MCKEON. You make the offer before you get the fingerprint.

Dr. RICE. What we do is make the offer, and we will not—we don't accept the offer in most cases without the fingerprint card, and those fingerprint cards have to come back through an authorized police agency.

Sometimes the people will send back the offer and then we have to scamper in order to get the fingerprint, you know, the fingerprints.

Last year our Legislature did not adjourn and did not pass our funding until the end of July. We were hiring 800 teachers after the end of July. That did create a problem for us as far as that lag time, but normally we get as many of those as we possibly can as early in the season as we possibly can.

Chairman MCKEON. Do you think this legislation would increase that lag time, would be—would exacerbate the problem.

Dr. RICE. I am—Mr. Chairman, I am confident that with the technology that is available to us, that that should not be a problem. And I would say that if it were a problem, it would certainly be worth the while of the entire country to hire additional people, or even to buy additional computers, in order to allow this to happen.

I can't believe that we have a situation in 2004 where we're testifying that we need this. It seems like it should have been here in 1000 rather than, you know, in 2004. So even if it did exacerbate the problem, we need to find solutions, because this has to be passed.

Chairman MCKEON. I would think that when you stick your credit card in to buy gasoline and they can authorize it that quickly, we should be able to—the technology is there that we should be able to solve that problem.

Thank you very much. Mr. Porter.

Mr. PORTER. Thank you, Mr. Chairman.

When I first heard about the problem, I think it was probably Mitch Fox, I think Mitch has left the room, but Mitch told me I had to get a hold of Dr. Rice as soon as possible because George Ann had an idea and a problem. I'll be honest with you, I was

shocked, I was shocked that we weren't able to get the proper information to check on teachers.

Now, in fairness, we have some great teachers and we have phenomenal teachers that have hearts of gold and go the extra mile and invest in the classroom and invest in the kids, but there are a few out there slipping between the cracks, and again, as a parent, I was shocked that we didn't have some check and balance.

Dr. Rice, explain to me and for the Committee the dollars. It costs what, 70, \$80 or something per check, isn't it pretty reasonable.

Dr. RICE. Mr. Chairman, Mr. Porter, I believe it costs around 40, \$45 for the FBI and for the Central Crime Repository, that's how much, and we even take that from the teacher's salary over an extended period of time so it is not a burden.

Oh, I had an important point and it's gone.

Mr. PORTER. So if I may help you a moment, the \$45 that is paid for by the applicant, by the teacher themselves, but it's over a period of time.

Dr. RICE. That is correct.

Mr. PORTER. So the actual hard cost to the district is really minimal other than a staff time, which you do it electronically, or do you submit it through the mail, or how do you submit the request.

Dr. RICE. We submit it. We had the—we're buying, and we bought a number of them already, the electronic, where you put your hand on the glass and it's sent electronically, but we also still receive the manual ones because two thirds of our teachers, actually three quarters or 70 percent of our teachers are actually coming from out of state, so however we're able to get those fingerprints, and most of the time of course it would be by card, by actual rolling of the prints, but here locally we do it by the hand on the glass. I'm not sure what that technology is called, but that's the way we do it.

Mr. PORTER. Do you remember if that was expensive, that technology.

Dr. RICE. I believe that ran about \$7,000 per machine. And we first saw those in LA, at LA Unified, where they do, as far as I know, all of their fingerprinting. I think at the time they had approximately 12 of those machines, and we came back and looked into that and thought that that was a much better way to go than what we were doing.

Mr. PORTER. The process is such that it takes about 90 days, did you say, to get the information back, is that correct.

Dr. RICE. That's approximately what it's been running.

Mr. PORTER. And that is prior to using the new hand scan, that's the manual check, or do we know the—

Dr. RICE. That's correct, and I'm not sure how long it's taking with the ones that we're actually sending.

Now, we can get from our local Metropolitan Police, we can get that report turned around in a matter of hours, because we do go through our own school police. It's not like we as a school district are submitting directly, it's through our own school police to the Nevada Highway Patrol and then to the FBI. So things are being checked along the way.

One of the things a number of years ago that we asked that the Nevada Highway Patrol do, and a bill was actually passed, was that if there is a check on a school district employee, and the point I want to make is the point that the Chairman just made, that 99 and 9 tenths of our teachers this is not an issue, and I want to make that very clear, this is not an issue for 99 and 9 tenths percent of our people, but if even one gets through, then it's worth the time of everybody involved and it's certainly worth the passage of the bill to ensure that even one does not get through.

But that is submitted, and the bill that we put before the State Legislature that was passed is that if any school district in Nevada submits fingerprints and there is a later addition or hit to that particular record, that that school district would be so informed. Because unless there is reasonable cause, we can't later fingerprint someone on a regular basis, and so we said if a school district checks on any employee or any volunteer and later there is an entry into that record concerning the particular criminal offenses that we've talked about, that the school district would be notified.

And so that's an important thing, too, because it may be years between fingerprinting and you're not sure, you know, what's happened along the way.

But I think that might be too ambitious, maybe we can come back and visit that after this is passed.

Mr. PORTER. Dr. Rice, in your travels nationally with the different districts, what do you sense is the problem for those that don't comply with this? Why aren't districts doing this.

Dr. RICE. Mr. Porter, Mr. Chairman, the way that we even knew about this is one of our administrators went to a national conference called NASDAC, and that is the national association that deals with licensure. They had an FBI person speak at one of the workshops. The FBI person announced to the personnel, school district personnel people who attended that meeting, that he had something that would really jolt them. Did they know, and he gave this information. And my colleague said that all the air in the room disappeared as people gasped, because no one knew this was going on. And I do not think that people connect the fact that their legislature has to pass this with the fact that their children, you know, that they may have employees, school district employees, teachers, support staff, administrators, whose backgrounds have not been adequately checked because of the need to pass this law.

I think there is a disconnect between me and my personnel function and knowing that the state legislature has to pass this so that the FBI will release this data for non-judicial purposes. I think there's a disconnect, and our superintendent just stepped down as the president of the Council of Great City Schools, and I've asked him if he can bring it to their attention as well as all of the member districts that this is something that we really all need to rally behind because it is so vital.

Mr. PORTER. I have found that historically when it comes to education, there is a lot of turf. You have local governments that think that, well, education isn't my job so they don't really always get engaged. And you find maybe even legislatures at times have their own thing going, and they assume that the districts are doing everything that they're supposed to be doing. But I think in the last

couple of years we're starting to see more of a global approach to education.

I would assume that part of the problem would be that a lot of the districts just assume someone else is doing it, maybe someone else is checking the background, and not unlike, I guess, applying for a credit card, if that individual does not have a record of bad credit, that the credit card company or the bank or the business isn't able to track that information. So I guess part of the reason for the penalties that were in the language of the bill was to have some encouragement other than please, because please really hasn't been working.

Are there some other areas that you think that we could look at, as our guest panelists today, other than from a funding perspective, and again every district in the country needs additional funding, and I understand the concern when we look at reducing funding, but would you have any other ideas to encourage the districts to reach out beyond their normal focus and get engaged in this to help, you know, protect our children?

Dr. RICE. Mr. Chairman, Mr. Porter, first of all let me say that I think the problem is not that they are assuming someone else is doing it, I think they are assuming they are doing it, and when they get the fingerprint, the report back, they're assuming that that contains all of the information.

I think probably, and this would be in combination with the passage of a bill mandating that this happen, I think publicity. I think that if school districts became aware through the PTA, through the PTO, through the Council of Great City Schools, that this is happening and that their legislature needs to pass this bill if that's required, or maybe, I don't know if there's a possibility that maybe this could happen without the passage of that bill, that it—Congress could change its mind and say that this will happen without the passage by each state legislature for school districts only, I'm not talking about non-judicial causes for Caesars Palace to hire people, I'm talking about people who are going to be working with children and for children. And so I would say that maybe if there's a possibility of changing that bill or overruling that part as it deals with school districts, and then I would say the publicity each of us, the PTA, the Council of Great City Schools, the National School Principals, Secondary School Principals, all of us need to make sure that the word is out that until, unless we can overrule that particular law, that until this is done, we're not getting complete information, and even if one state doesn't pass it, then we're all in jeopardy.

Mr. PORTER. I would wish for nothing more than to not have to have legislation to mandate or/encourage districts, and I would concur from your testimony this morning it may well be that they just don't understand what information they're not getting, but what do you do now then if the individual is applying from a state that's not in the 21? What do you do with that individual.

Dr. RICE. Not being—Mr. Porter, Mr. Chairman, not being in the 21 is really—doesn't solve our problem because like I was saying, we just wouldn't recruit in those 29 states, if that would solve our problem, we would only go to recruit in those 21. But we have no guarantee that that person that we're recruiting hasn't lived in five

other states, four of which do not report, and so it has to be all of us in order to close that loophole.

Mr. PORTER. Yes.

Ms. LARK. I would just like to add that I believe that you need to approach it from all fronts. If, in fact, your school board are your policymakers, and your superintendents should be the most knowledgeable in areas of this nature, and they are informing school boards, school boards need to, I believe, take some strong action to put pressure on state legislators throughout the nation, and there are organizations designed to address these kinds of issues, and your support in the form of legislation should be going on simultaneously. I feel we take it from every approach, every organization. I'm a member of the Elementary Principals Association, and I will certainly be bringing that to their attention. I honestly believe it was lack of knowledge that led us to the point that we are today.

Mr. PORTER. Carol, what happens in the classroom or in the schools now if you hear of an individual that may have been involved in pedophile or sexual predators.

Ms. LARK. It is such a serious issue that we immediately turn it over to the police authorities. There is a complete investigation done immediately. There's not a minute lost because our children's safety is at stake.

Granted, we're very, very concerned because so is that teacher's career at stake, and we value the credibility of both sides of the issue, but it would be thoroughly investigated immediately.

Mr. PORTER. It's tragic the impact on an innocent individual.

Ms. LARK. Oh, it is, it's tragic.

Mr. PORTER. I can imagine it would ruin their career. That's why it's very, very sensitive.

But let's assume for a moment that we find another state that an individual was charged but plea bargained and was able to leave. Is that information that you think you should have or not.

Ms. LARK. I'd like to defer that answer to our attorney, colleague here.

Dr. RICE. Mr. Chairman, Mr. Porter, we do need to know that information about arrest. We need to have the complete information concerning arrest. We can then investigate further to see if there has been a charge or a conviction.

I might tell you when Carol says that we turn that information over to the authorities, we also suspend that person, we remove them from the classroom until we have assurances that there is no danger.

But again I want to emphasize this is 99 and 9 tenths of our employees and volunteers are people who are as appalled at anything that they hear of this nature as we are. And so we need to keep that in mind, too.

Mr. PORTER. Assuming the system is working well and you're doing the background check and you have all the right information and you find that someone may have a challenge in their past, what happens then, and I guess No. 2, how often does that happen? Again, if the system is properly in place, how many times do you find someone that has had a charge and they've been arrested, and if they have, what do you do.

Dr. RICE. On the application we ask those approximately 20 questions concerning this very same thing, and again on the reference form we ask that.

If indeed a person does come forward and gives us the explanation, the arrest record, the court disposition documents, all of that information, then that plays into our decision. And I can tell you if it involves sex-related abuse, anything of that sort, violence, anything of that sort, then that weighs very, very heavily in our decision. The case law prevents me from saying that would eliminate someone, but that weighs very, very heavily in our decision.

If indeed someone does not tell us on the application, they do not self-report, no one of their references is aware or willing to come forward with that information, then we get, in this perfect world, the FBI report. Then we have them, not because they've committed the offense, but because they've lied on the application, and so what we do is remove them, and generally that would be a termination offense.

Mr. PORTER. What about existing employees? You touched upon this a little but, you can't do a check again, so what do you do about your existing staffing.

Dr. RICE. What we try to do, again through the Nevada Highway Patrol, was to say, to have in place that if there is a subsequent hit on that record or a subsequent addition to that record, that that would be reported to us by the Nevada Highway Patrol. As far as I know, we've never received anything, so it could be that everyone is behaving as they should, all of us, or it could be that maybe something is wrong with our system, but that was passed a number of years ago in our legislature.

What we would like to do is to have every time that a person renews their license, we would like for the state to require fingerprinting. Otherwise, we have to have reasonable cause for, you know, to look into something of that sort.

Chairman MCKEON. I'd just ask, how often do they renew their license.

Dr. RICE. If they have a bachelors degree, it's every 5 years, a master's every six, a doctorate every ten.

Chairman MCKEON. OK.

Mr. PORTER. Thank you.

Mrs. Stutz, from a National PTA perspective, you mentioned that this is a high priority. What do you think that we can do as Members of Congress to help elevate the importance of this and as a priority to districts? Is there something that we can be doing separate from passing laws.

Ms. STUTZ. Well, of course passing the law is something that we're really encouraged about. But once again, I think that Dr. Rice has hit on it very well, is getting the publicity out, letting parents know that—if you can get parents behind you and get them really onto something, miracles happen. It's amazing how quickly things can move along. This is something that is near and dear to parents' hearts and they're very protective of their children in this area, and I think that with the right publicity you would see an upswelling of support that would be maybe amazing even to you.

Mr. PORTER. The classroom itself, Ms. Lark, we touched upon it a moment ago and I want to add something for the record, that

your school is currently meeting the average early progress standards of No Child Left Behind, which is pretty amazing, congratulations, but have you experienced in your professional career a staff person that has been charged or arrested with this type of behavior.

Ms. LARK. In my 14 years I had one reason to suspect, based on something that a child reported, and that teacher was investigated immediately, and when the investigation was completed, the child, it was a fifth grade girl, and she admitted that she made the whole thing up and that there was no factual basis for that, and I felt very sad that the poor teacher had to go through that entire investigation, that entire experience. But those things will happen, and on the side of being safe, again, we will always investigate. But I've only had the one experience.

Mr. PORTER. Thank you.

Chairman MCKEON. What happened to the teacher in that situation?

Ms. LARK. They remained in our school district doing an excellent job.

Chairman MCKEON. And they were exonerated?

Ms. LARK. Exonerated totally.

Chairman MCKEON. And people accepted that.

Ms. LARK. Yes, I believe so.

Chairman MCKEON. Let me ask, does the NEA, have they taken a position on this, do you know.

Dr. RICE. Mr. Chairman, as far as I know, they were not aware of the bill until recently, and they have not taken a position that I'm aware of.

I do know in informal discussions that our local association has not taken a position either but have expressed some concerns about the funding connection and the suspicion reference, but they have not taken an official position and no one with authority to take that position has spoken to me.

This is just rumblings that I hear.

Chairman MCKEON. This would be very important.

I know I've sponsored a bill that they wanted, that the NEA wanted, and the California Teacher's Association wanted. In fact, they loved me for this bill.

In California if you—

Mr. PORTER. It didn't help me, Mr. Chairman, but I like the bill.

Chairman MCKEON. In California, and Nevada is affected the same way.

Mr. PORTER. Yes.

Chairman MCKEON. Because of the retirement plan, if you don't pay into Social Security, then when you retire, you get hit on your Social Security, you know, the offset.

Are you familiar with that—with that?

Well, because it's so important to the NEA, they have been a tremendous help on the hill in getting cosponsors, and we have now about 300 cosponsors to that bill. So that's why I bring that up, because they could be very helpful or they could be very harmful in getting this passed, because they do have quite a bit of effect on the hill.

By the way, we've introduced a different, another bill, we have not pulled our bill back, we're still working on it, but in the interim Mr. Brady introduced a bill last week that helps, it gets us about a third of the way there, and so I'm sure you've got a colleague on it and will be supporting that bill and we're hopeful that we can move forward on that one, but that would be, you know, it would be very important for us I think to get a meeting with them, with the NEA, and see where they—because if they came out in support, it would be very helpful.

Mr. PORTER. Can I respond to that, Mr. Chairman?

Chairman MCKEON. You bet.

Mr. PORTER. First, I'm a proud cosponsor of your bill and I realize the importance of making sure that the retirement benefits are taken care of properly and proud to be a part of that.

Actually today on our agenda was Mr. Ron Lopez, who had agreed to testify, with the Clark County Education Association, so we have been communicating with the Teachers' Association.

I sense that there is some discomfort with some of the points that were mentioned this morning, and I can't speak for the Teachers' Association, but I feel convinced that in concept, they support the direction that we're going, but they're having some challenges with a few of the points, which of course that's why we have the meeting, and I wish that they were here to testify to express their concerns, but they were invited and Mr. Lopez did say that he would testify, and over the weekend he chose not to. But know that we are communicating with the Teachers' Association.

I agree it's important, especially the rank and file teachers out there want to make sure, as does the association, that we have the best, the brightest, and the safest in our classrooms.

Chairman MCKEON. Well, as I mentioned, nothing is easy, and when you do try to move legislation, like I said, I think if we were to have a vote here right now we could get it passed, but that will be things that we have to deal with as we move forward, and it's important that we do reach out to everybody that would be involved and that we do address everybody's concerns.

Like I say, you brought up some really good points that I think would be helpful in the legislation today.

Mr. PORTER. We are in a political arena and, of course, it's an election year for Members of Congress, it's an election year for the White House, the President, plus many U.S. Senators. I guess my plea to the educational system nationwide would be to set aside partisan politics and do what is in the best interest of our children. And as we're again in this election season, I think you're going to see, I know I'm speaking to the choir, but we're going to see a lot of decisions based upon who may or may not win an election as to who supports what, and I would hope that this legislation would become a priority separate and apart from the political partisan bickering that we see in Washington every day that gets in the way of good decisions, and I believe in this legislation, although it's not perfect today, this is a concept, thank you Dr. Rice, that I pledge that we will do everything we can to make acceptable but also that it works to protect our children. But I would hope that together as we work on this improve, modify and compromise, which is what political service is all about, that we will have a successful legisla-

tion with your help, the PTA, the teachers, the administration, and families across this country.

Thank you.

Chairman MCKEON. Well, you picked up an ally here today on your legislation.

I want to thank the witnesses for your valuable time, for your testimony, for the work that you've put in on this and what you're doing to help our children. That's very, very important.

If there is no further business, then, this Subcommittee stands adjourned.

Mr. PORTER. Thank you, Mr. Chairman.

[Whereupon, at 11:10 a.m., the Subcommittee was adjourned.]

