

any pending amendment and to call up amendment No. 540.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 540 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 540.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for education reform programs that provide same gender schools and classrooms, if comparable educational opportunities are offered for students of both sexes)

On page 684, strike liens 1 through 5, and insert the following:

“(L) education reform programs that provide same gender schools and classrooms, if comparable educational opportunities are offered for students of both sexes;”

AMENDMENT NO. 540, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I send to the desk an amendment to amendment No. 540, a modification to be substituted for the text of the amendment.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 540), as modified, is as follows:

(Purpose: To amend the provisions relating to same gender schools and classrooms)

On page 684, strike lines 1 through 5, and insert the following:

“(L) programs to provide same gender schools and classrooms, consistent with applicable law;

On page 684, between lines 16 and 17, insert the following:

“(c) AWARD CRITERIA AND OTHER GUIDELINES.—Not later than 120 days after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall issue specific award criteria and other guidelines for local educational agencies seeking funding for activities under subsection (b)(1)(L).

Mrs. HUTCHISON. Mr. President, this is an amendment that several of us have worked on for quite a while trying to come up with the right formula.

I thank Senator KENNEDY, and I especially thank the cosponsors of my amendment, Senator COLLINS, Senator MIKULSKI, and Senator CLINTON, for trying to come up with a solution to a problem that we have seen over many years; that is, obstacles put in place against public schools being able to offer single-sex classrooms and single-sex schools.

We are trying to open more options to public school than are available in private school because we want public schools to be able to tailor their programs to what best fits the needs of students in that particular area.

Most of the time coeducational classes in schools are going to be the an-

swer. But sometimes in some circumstances we find that girls do better in a single-sex atmosphere and boys do better in a single-sex atmosphere. We want parents who might not be able to afford private school or might not have the option of parochial school to be able to go to their school board and say: We would like to offer a single-sex eighth grade math class for girls or we would like to offer a single-sex chemistry lab for boys or we might want a whole single-sex school, such as some that have had wonderful results.

I imagine my colleague, the Senator from New York, will mention this because one of the great success stories in single-sex public schools is the Young Women's Leadership Academy in East Harlem, NY, which just saw its first high school graduation and schools such as Western High School in Baltimore that has been in place since the 1800s.

These are the kinds of schools that have weathered all the storms, faced the lawsuits, and have gotten over it. We don't want those kinds of barriers.

If people want that kind of option, and parents come to the school boards wanting that option, that is easily obtain. Our amendment simply says, under applicable law, schools can offer, under title VI, which is the creativity title—the title that we hope will open more options for public schools, single-sex schools and classrooms—we want to particularly have the Department of Education, which is provided in this amendment, to have 120 days to issue guidelines so the public schools that are interested in offering this kind of option will have clear guidelines on how they must structure the program to meet applicable law. That is simply what the amendment does. It has been agreed to by all of the entities that have been working on this issue.

I think this is very exciting. It is something I have worked on since Senator Danforth of Missouri left the Senate; he tried to get an amendment passed when he was here that would have allowed single-sex schools and classrooms and made it easier to do that. But the Department of Education, frankly, has been the barrier. They have put the roadblocks in front of the people who want to try to do this around the country. Most people have been persuaded. Ones such as the East Harlem Young Women's Leadership Academy have prevailed, and they have done very well.

However, we shouldn't have to overcome hurdles. We want public schools to meet all of the tests and all of the individual needs of students without having to go through a lot of redtape, a lot of bureaucracy, and many barriers. That is what this amendment will do.

I call on my colleague from New York, who has worked with me on this amendment. I talked to her about my observations of the leadership school in Harlem when we first put this amendment forward. She has been a real lead-

er in helping me work through the amendment and getting everyone to agree on what we could do to go forward. I appreciate that help. I yield to my colleague, the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank my good friend and colleague from Texas for her leadership on this and so many other issues. The remarks she made very well describe why I stand in support of this amendment.

I believe public school choice should be expanded and as broadly as possible. Certainly, there should not be any obstacle to providing single-sex choice within the public school system. I thank the Senator from Texas for being a leader in promoting quality single-sex education and for working with me, as well as our colleagues from Maryland and Maine, and with the chairman of the Education Committee, to find a compromise that would further the ability of our school districts around the country to develop and implement quality single-sex educational opportunities as a part of providing a diversity of public school choices to students and parents but in doing it in a way that in no way undermines title IX or the equal protection clause of the Constitution.

We know, as the Senator from Texas has said, that single-sex schools and classes can help young people, boys and girls, improve their achievement.

In New York City, we have one of the premier public schools for girls in our Nation. In fact, yesterday the New York Times reported that the first class of girls graduating from the Young Women's Leadership Academy in East Harlem in New York City—all 32 of the seniors—have been accepted by 4-year colleges, and all but one are going to attend while the other young woman has decided to pursue a career in the Air Force, which we know is also an opportunity for young women.

We have to look at the achievements of a school such as the one in New York City that I mentioned, the Young Women's Leadership Academy, or other schools that are springing up around the country. We know this has energized students and parents. We could use more schools such as this.

With the negotiations we have engaged in over this amendment, there was some disagreement that we had to work out about how to comply with title IX and with the Constitution because there has been confusion around our country in school districts about how they can develop single-sex educational opportunities without running afoul of the law or a constitutional prohibition.

This amendment clearly states that school districts should have the opportunity to spend Federal educational funds on promoting single-sex opportunities so long as they are consistent with applicable law. It also makes