

# Union Calendar No. 17

112TH CONGRESS  
1ST SESSION

# H. R. 471

**[Report No. 112-36]**

To reauthorize the DC opportunity scholarship program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. BOEHNER (for himself, Mr. ISSA, Mr. KLINE, Mr. LIPINSKI, Mr. HUNTER, and Mr. GOWDY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

MARCH 17, 2011

Additional sponsors: Mr. PENCE, Mr. WEBSTER, Mrs. McMORRIS RODGERS, Mr. SHUSTER, Mr. CASSIDY, Mr. BISHOP of Utah, Ms. BUERKLE, Mr. WILSON of South Carolina, Mr. CALVERT, Mr. RIVERA, Mr. FITZPATRICK, Mr. SCOTT of South Carolina, Mr. HARPER, Mr. POSEY, Mrs. MILLER of Michigan, Mr. SCHOCK, Mr. HANNA, Mr. ROKITA, Mr. DREIER, Mr. HECK, Mr. FLEMING, Mr. AKIN, Mr. NUNES, Mr. ROONEY, Mr. BURTON of Indiana, Mrs. HARTZLER, Mr. THOMPSON of Pennsylvania, Mr. DUNCAN of South Carolina, Mr. HARRIS, Mr. WALSH of Illinois, Mr. SAM JOHNSON of Texas, Mr. MCCAUL, Mr. STIVERS, Mr. BUCSHON, Mr. WOODALL, Mr. COFFMAN of Colorado, Mr. FRELINGHUYSEN, Mr. MCHENRY, Mr. YOUNG of Indiana, Mr. GOSAR, Mrs. SCHMIDT, Mr. ROSS of Florida, Mr. NEUGEBAUER, Mr. PITTS, and Mr. LATTA

MARCH 17, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 26, 2011]

# **A BILL**

To reauthorize the DC opportunity scholarship program, and  
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Scholarships for Oppor-*  
5 *tunity and Results Act” or the “SOAR Act”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 *(1) Parents are best equipped to make decisions*  
9 *for their children, including the educational setting*  
10 *that will best serve the interests and educational needs*  
11 *of their child.*

12 *(2) For many parents in the District of Colum-*  
13 *bia, public school choice provided under the Elemen-*  
14 *tary and Secondary Education Act of 1965, as well*  
15 *as under other public school choice programs, is inad-*  
16 *equiate. More educational options are needed to ensure*  
17 *all families in the District of Columbia have access to*  
18 *a quality education. In particular, funds are needed*  
19 *to provide low-income parents with enhanced public*  
20 *opportunities and private educational environments,*  
21 *regardless of whether such environments are secular or*  
22 *nonsecular.*

23 *(3) While the per student cost for students in the*  
24 *public schools of the District of Columbia is one of the*  
25 *highest in the United States, test scores for such stu-*

1        *dents continue to be among the lowest in the Nation.*  
2        *The National Assessment of Educational Progress*  
3        *(NAEP), an annual report released by the National*  
4        *Center for Education Statistics, reported in its 2009*  
5        *study that students in the District of Columbia were*  
6        *being outperformed by every State in the Nation. On*  
7        *the 2009 NAEP, 56 percent of fourth grade students*  
8        *scored “below basic” in reading, and 44 percent*  
9        *scored “below basic” in mathematics. Among eighth*  
10       *grade students, 49 percent scored “below basic” in*  
11       *reading and 60 percent scored “below basic” in math-*  
12       *ematics. On the 2009 NAEP reading assessment, only*  
13       *17 percent of the District of Columbia fourth grade*  
14       *students could read proficiently, while only 13 per-*  
15       *cent of the eighth grade students scored at the pro-*  
16       *ficient or advanced level.*

17            *(4) In 2003, Congress passed the DC School*  
18        *Choice Incentive Act of 2003 (Public Law 108–199;*  
19        *118 Stat. 126), to provide opportunity scholarships to*  
20        *parents of students in the District of Columbia to en-*  
21        *able them to pursue a high-quality education at a*  
22        *public or private elementary or secondary school of*  
23        *their choice. The DC Opportunity Scholarship Pro-*  
24        *gram (DC OSP) under such Act was part of a com-*  
25        *prehensive 3-part funding arrangement that also in-*

1 *cluded additional funds for the District of Columbia*  
2 *public schools, and additional funds for public charter*  
3 *schools of the District of Columbia. The intent of the*  
4 *approach was to ensure that progress would continue*  
5 *to be made to improve public schools and public char-*  
6 *ter schools, and that funding for the opportunity*  
7 *scholarship program would not lead to a reduction in*  
8 *funding for the District of Columbia public and char-*  
9 *ter schools. Resources would be available for a variety*  
10 *of educational options that would give families in the*  
11 *District of Columbia a range of choices with regard*  
12 *to the education of their children.*

13 *(5) The DC OSP was established in accordance*  
14 *with the Supreme Court decision, *Zelman v. Sim-**  
15 *mons-Harris, 536 U.S. 639 (2002), which found that*  
16 *a program enacted for the valid secular purpose of*  
17 *providing educational assistance to low-income chil-*  
18 *dren in a demonstrably failing public school system*  
19 *is constitutional if it is neutral with respect to reli-*  
20 *gion and provides assistance to a broad class of citi-*  
21 *zens who direct government aid to religious and sec-*  
22 *ular schools solely as a result of their genuine and*  
23 *independent private choices.*

24 *(6) Since the inception of the DC OSP, it has*  
25 *consistently been oversubscribed. Parents express*

1        *strong support for the opportunity scholarship pro-*  
2        *gram. Rigorous studies of the program by the Insti-*  
3        *tute of Education Sciences have shown significant im-*  
4        *provements in parental satisfaction and in reading*  
5        *scores that are more dramatic when only those stu-*  
6        *dents consistently using the scholarships are consid-*  
7        *ered. The program also was found to result in signifi-*  
8        *cantly higher graduation rates for DC OSP students.*

9                *(7) The DC OSP is a program that offers fami-*  
10        *lies in need, in the District of Columbia, important*  
11        *alternatives while public schools are improved. This*  
12        *program should be reauthorized as 1 of a 3-part com-*  
13        *prehensive funding strategy for the District of Colum-*  
14        *bia school system that provides new and equal fund-*  
15        *ing for public schools, public charter schools, and op-*  
16        *portunity scholarships for students to attend private*  
17        *schools.*

18        **SEC. 3. PURPOSE.**

19                *The purpose of this Act is to provide low-income par-*  
20        *ents residing in the District of Columbia, particularly par-*  
21        *ents of students who attend elementary schools or secondary*  
22        *schools identified for improvement, corrective action, or re-*  
23        *structuring under section 1116 of the Elementary and Sec-*  
24        *ondary Education Act of 1965 (20 U.S.C. 6316), with ex-*  
25        *panded opportunities for enrolling their children in other*

1 *schools in the District of Columbia, at least until the public*  
2 *schools in the District of Columbia have adequately ad-*  
3 *dressed shortfalls in health, safety, and security, and the*  
4 *students in the District of Columbia public schools are test-*  
5 *ing in mathematics and reading at or above the national*  
6 *average.*

7 **SEC. 4. GENERAL AUTHORITY.**

8 (a) *OPPORTUNITY SCHOLARSHIPS.—*

9 (1) *IN GENERAL.—From funds appropriated*  
10 *under section 14(a)(1), the Secretary shall award*  
11 *grants on a competitive basis to eligible entities with*  
12 *approved applications under section 5 to carry out a*  
13 *program to provide eligible students with expanded*  
14 *school choice opportunities. The Secretary may award*  
15 *a single grant or multiple grants, depending on the*  
16 *quality of applications submitted and the priorities of*  
17 *this Act.*

18 (2) *DURATION OF GRANTS.—The Secretary may*  
19 *make grants under this subsection for a period of not*  
20 *more than 5 years.*

21 (b) *DC PUBLIC SCHOOLS AND CHARTER SCHOOLS.—*

22 *From funds appropriated under paragraphs (2) and (3) of*  
23 *section 14(a), the Secretary shall provide funds to the*  
24 *Mayor of the District of Columbia, if the Mayor agrees to*  
25 *the requirements described in section 11(a), for—*

1           (1) *the District of Columbia public schools to im-*  
2           *prove public education in the District of Columbia;*  
3           *and*

4           (2) *the District of Columbia public charter*  
5           *schools to improve and expand quality public charter*  
6           *schools in the District of Columbia.*

7 **SEC. 5. APPLICATIONS.**

8           (a) *IN GENERAL.*—*In order to receive a grant under*  
9           *section 4(a), an eligible entity shall submit an application*  
10          *to the Secretary at such time, in such manner, and accom-*  
11          *panied by such information as the Secretary may require.*

12          (b) *CONTENTS.*—*The Secretary may not approve the*  
13          *request of an eligible entity for a grant under section 4(a)*  
14          *unless the entity’s application includes—*

15               (1) *a detailed description of—*

16                       (A) *how the entity will address the prior-*  
17                       *ities described in section 6;*

18                       (B) *how the entity will ensure that if more*  
19                       *eligible students seek admission in the program*  
20                       *of the entity than the program can accommodate,*  
21                       *eligible students are selected for admission*  
22                       *through a random selection process which gives*  
23                       *weight to the priorities described in section 6;*

24                       (C) *how the entity will ensure that if more*  
25                       *participating eligible students seek admission to*



1           *a participating school than the school can ac-*  
2           *commodate, participating eligible students are*  
3           *selected for admission through a random selec-*  
4           *tion process;*

5           *(D) how the entity will notify parents of el-*  
6           *igible students of the expanded choice opportuni-*  
7           *ties in order to allow the parents to make in-*  
8           *formed decisions;*

9           *(E) the activities that the entity will carry*  
10          *out to provide parents of eligible students with*  
11          *expanded choice opportunities through the*  
12          *awarding of scholarships under section 7(a);*

13          *(F) how the entity will determine the*  
14          *amount that will be provided to parents under*  
15          *section 7(a)(2) for the payment of tuition, fees,*  
16          *and transportation expenses, if any;*

17          *(G) how the entity will seek out private ele-*  
18          *mentary schools and secondary schools in the*  
19          *District of Columbia to participate in the pro-*  
20          *gram;*

21          *(H) how the entity will ensure that each*  
22          *participating school will meet the reporting and*  
23          *other program requirements under this Act;*

24          *(I) how the entity will ensure that partici-*  
25          *pating schools submit to site visits by the entity*

1           *as determined to be necessary by the entity, ex-*  
2           *cept that a participating school may not be re-*  
3           *quired to submit to more than 1 site visit per*  
4           *school year;*

5                   *(J) how the entity will ensure that partici-*  
6           *parting schools are financially responsible and*  
7           *will use the funds received under section 7 effec-*  
8           *tively;*

9                   *(K) how the entity will address the renewal*  
10          *of scholarships to participating eligible students,*  
11          *including continued eligibility; and*

12                   *(L) how the entity will ensure that a major-*  
13          *ity of its voting board members or governing or-*  
14          *ganization are residents of the District of Colum-*  
15          *bia; and*

16                   *(2) an assurance that the entity will comply*  
17          *with all requests regarding any evaluation carried*  
18          *out under section 9(a).*

19   **SEC. 6. PRIORITIES.**

20           *In awarding grants under section 4(a), the Secretary*  
21   *shall give priority to applications from eligible entities that*  
22   *will most effectively—*

23                   *(1) in awarding scholarships under section 7(a),*  
24    *give priority to—*

1           (A) eligible students who, in the school year  
2 preceding the school year for which the eligible  
3 students are seeking a scholarship, attended an  
4 elementary school or secondary school identified  
5 for improvement, corrective action, or restruc-  
6 turing under section 1116 of the Elementary and  
7 Secondary Education Act of 1965 (20 U.S.C.  
8 6316);

9           (B) students who have been awarded a  
10 scholarship in a preceding year under this Act  
11 or the DC School Choice Incentive Act of 2003  
12 (sec. 38–1851.01 et seq., D.C. Official Code), as  
13 such Act was in effect on the day before the date  
14 of the enactment of this Act, but who have not  
15 used the scholarship, including eligible students  
16 who were provided notification of selection for a  
17 scholarship for school year 2009-2010, which was  
18 later rescinded in accordance with direction from  
19 the Secretary of Education; and

20           (C) students whose household includes a sib-  
21 ling or other child who is already participating  
22 in the program of the eligible entity under this  
23 Act, regardless of whether such students have, in  
24 the past, been assigned as members of a control

1           *study group for the purposes of an evaluation*  
2           *under section 9(a);*

3           (2) *target resources to students and families that*  
4           *lack the financial resources to take advantage of*  
5           *available educational options; and*

6           (3) *provide students and families with the widest*  
7           *range of educational options.*

8 **SEC. 7. USE OF FUNDS.**

9           (a) *OPPORTUNITY SCHOLARSHIPS.—*

10           (1) *IN GENERAL.—Subject to paragraphs (2) and*  
11           *(3), an eligible entity receiving a grant under section*  
12           *4(a) shall use the grant funds to provide eligible stu-*  
13           *dents with scholarships to pay the tuition, fees, and*  
14           *transportation expenses, if any, to enable the eligible*  
15           *students to attend the District of Columbia private el-*  
16           *ementary school or secondary school of their choice be-*  
17           *ginning in school year 2011–2012. Each such eligible*  
18           *entity shall ensure that the amount of any tuition or*  
19           *fees charged by a school participating in such entity’s*  
20           *program under this Act to an eligible student partici-*  
21           *pating in the program does not exceed the amount of*  
22           *tuition or fees that the school charges to students who*  
23           *do not participate in the program.*

24           (2) *PAYMENTS TO PARENTS.—An eligible entity*  
25           *receiving a grant under section 4(a) shall make schol-*

1        *arship payments under the entity's program under*  
2        *this Act to the parent of the eligible student partici-*  
3        *pating in the program, in a manner which ensures*  
4        *that such payments will be used for the payment of*  
5        *tuition, fees, and transportation expenses (if any), in*  
6        *accordance with this Act.*

7                (3) *AMOUNT OF ASSISTANCE.—*

8                        (A) *VARYING AMOUNTS PERMITTED.—Sub-*  
9                        *ject to the other requirements of this section, an*  
10                        *eligible entity receiving a grant under section*  
11                        *4(a) may award scholarships in larger amounts*  
12                        *to those eligible students with the greatest need.*

13                        (B) *ANNUAL LIMIT ON AMOUNT.—*

14                                (i) *LIMIT FOR SCHOOL YEAR 2011–*  
15                                *2012.—The amount of assistance provided to*  
16                                *any eligible student by an eligible entity*  
17                                *under the entity's program under this Act*  
18                                *for school year 2011–2012 may not exceed—*

19                                        (I) *\$8,000 for attendance in kin-*  
20                                        *dergarten through grade 8; and*

21                                        (II) *\$12,000 for attendance in*  
22                                        *grades 9 through 12.*

23                                (ii) *CUMULATIVE INFLATION ADJUST-*  
24                                *MENT.—Beginning the school year following*  
25                                *the school year of the date of the enactment*

1           *of this Act, the Secretary shall adjust the*  
2           *maximum amounts of assistance described*  
3           *in clause (i) for inflation, as measured by*  
4           *the percentage increase, if any, from the*  
5           *preceding fiscal year in the Consumer Price*  
6           *Index for All Urban Consumers, published*  
7           *by the Bureau of Labor Statistics of the De-*  
8           *partment of Labor.*

9           (4) *PARTICIPATING SCHOOL REQUIREMENTS.—*

10          *None of the funds provided under this Act for oppor-*  
11          *tunity scholarships may be used by an eligible student*  
12          *to enroll in a participating private school unless the*  
13          *participating school—*

14                 *(A) has and maintains a valid certificate of*  
15                 *occupancy issued by the District of Columbia;*

16                 *(B) makes readily available to all prospec-*  
17                 *tive students information on its school accredita-*  
18                 *tion;*

19                 *(C) in the case of a school that has been op-*  
20                 *erating for 5 years or less, submits to the eligible*  
21                 *entity administering the program proof of ade-*  
22                 *quate financial resources reflecting the financial*  
23                 *sustainability of the school and the school's abil-*  
24                 *ity to be in operation through the school year;*

1           (D) agrees to submit to site visits as deter-  
2           mined to be necessary by the eligible entity pur-  
3           suant to section 5(b)(1)(I);

4           (E) has financial systems, controls, policies,  
5           and procedures to ensure that funds are used ac-  
6           cording to this Act; and

7           (F) ensures that each teacher of core subject  
8           matter in the school has a baccalaureate degree  
9           or equivalent degree, whether such degree was  
10          awarded in or outside of the United States.

11          (b) *ADMINISTRATIVE EXPENSES.*—An eligible entity  
12          receiving a grant under section 4(a) may use not more than  
13          3 percent of the amount provided under the grant each year  
14          for the administrative expenses of carrying out its program  
15          under this Act during the year, including—

16               (1) determining the eligibility of students to par-  
17               ticipate;

18               (2) selecting eligible students to receive scholar-  
19               ships;

20               (3) determining the amount of scholarships and  
21               issuing the scholarships to eligible students;

22               (4) compiling and maintaining financial and  
23               programmatic records; and

24               (5) conducting site visits as described in section  
25               5(b)(1)(I).

1           (c) *PARENTAL ASSISTANCE*.—An eligible entity receiv-  
2   ing a grant under section 4(a) may use not more than 2  
3   percent of the amount provided under the grant each year  
4   for the expenses of educating parents about the entity’s pro-  
5   gram under this Act, and assisting parents through the ap-  
6   plication process, under this Act, including—

7           (1) providing information about the program  
8           and the participating schools to parents of eligible  
9           students;

10          (2) providing funds to assist parents of students  
11          in meeting expenses that might otherwise preclude the  
12          participation of eligible students in the program; and

13          (3) streamlining the application process for par-  
14          ents.

15          (d) *STUDENT ACADEMIC ASSISTANCE*.—An eligible en-  
16   tity receiving a grant under section 4(a) may use not more  
17   than 1 percent of the amount provided under the grant each  
18   year for expenses to provide tutoring services to partici-  
19   pating eligible students that need additional academic as-  
20   sistance. If there are insufficient funds to provide tutoring  
21   services to all such students in a year, the eligible entity  
22   shall give priority in such year to students who previously  
23   attended an elementary school or secondary school that was  
24   identified for improvement, corrective action, or restruc-



1 *turing under section 1116 of the Elementary and Secondary*  
2 *Education Act of 1965 (20 U.S.C. 6316).*

3 **SEC. 8. NONDISCRIMINATION AND OTHER REQUIREMENTS**  
4 **FOR PARTICIPATING SCHOOLS.**

5 *(a) IN GENERAL.—An eligible entity or a school par-*  
6 *ticipating in any program under this Act shall not dis-*  
7 *criminate against program participants or applicants on*  
8 *the basis of race, color, national origin, religion, or sex.*

9 *(b) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASS-*  
10 *ES, OR ACTIVITIES.—*

11 *(1) IN GENERAL.—Notwithstanding any other*  
12 *provision of law, the prohibition of sex discrimination*  
13 *in subsection (a) shall not apply to a participating*  
14 *school that is operated by, supervised by, controlled*  
15 *by, or connected to a religious organization to the ex-*  
16 *tent that the application of subsection (a) is incon-*  
17 *sistent with the religious tenets or beliefs of the school.*

18 *(2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVI-*  
19 *TIES.—Notwithstanding subsection (a) or any other*  
20 *provision of law, a parent may choose and a school*  
21 *may offer a single sex school, class, or activity.*

22 *(3) APPLICABILITY.—For purposes of this Act,*  
23 *the provisions of section 909 of the Education Amend-*  
24 *ments of 1972 (20 U.S.C. 1688) shall apply to this*

1 *Act as if section 909 of the Education Amendments*  
2 *of 1972 (20 U.S.C. 1688) were part of this Act.*

3 *(c) CHILDREN WITH DISABILITIES.—Nothing in this*  
4 *Act may be construed to alter or modify the provisions of*  
5 *the Individuals with Disabilities Education Act (20 U.S.C.*  
6 *1400 et seq.).*

7 *(d) RELIGIOUSLY AFFILIATED SCHOOLS.—*

8 *(1) IN GENERAL.—Notwithstanding any other*  
9 *provision of law, a school participating in any pro-*  
10 *gram under this Act that is operated by, supervised*  
11 *by, controlled by, or connected to, a religious organi-*  
12 *zation may exercise its right in matters of employ-*  
13 *ment consistent with title VII of the Civil Rights Act*  
14 *of 1964 (42 U.S.C. 2000e–1 et seq.), including the ex-*  
15 *emptions in such title.*

16 *(2) MAINTENANCE OF PURPOSE.—Notwith-*  
17 *standing any other provision of law, funds made*  
18 *available under this Act to eligible students, which*  
19 *are used at a participating school as a result of their*  
20 *parents' choice, shall not, consistent with the first*  
21 *amendment of the Constitution, necessitate any*  
22 *change in the participating school's teaching mission,*  
23 *require any participating school to remove religious*  
24 *art, icons, scriptures, or other symbols, or preclude*  
25 *any participating school from retaining religious*

1        *terms in its name, selecting its board members on a*  
2        *religious basis, or including religious references in its*  
3        *mission statements and other chartering or governing*  
4        *documents.*

5        *(e) RULE OF CONSTRUCTION.—A scholarship (or any*  
6        *other form of support provided to parents of eligible stu-*  
7        *dents) under this Act shall be considered assistance to the*  
8        *student and shall not be considered assistance to the school*  
9        *that enrolls the eligible student. The amount of any scholar-*  
10       *ship (or other form of support provided to parents of an*  
11       *eligible student) under this Act shall not be treated as in-*  
12       *come of the parents for purposes of Federal tax laws or for*  
13       *determining eligibility for any other Federal program.*

14       *(f) REQUESTS FOR DATA AND INFORMATION.—Each*  
15       *school participating in a program funded under this Act*  
16       *shall comply with all requests for data and information re-*  
17       *garding evaluations conducted under section 9(a).*

18       *(g) RULES OF CONDUCT AND OTHER SCHOOL POLI-*  
19       *CIES.—A participating school, including the schools de-*  
20       *scribed in subsection (d), may require eligible students to*  
21       *abide by any rules of conduct and other requirements appli-*  
22       *cable to all other students at the school.*

23       *(h) NATIONALLY NORM-REFERENCED STANDARDIZED*  
24       *TESTS.—*

1           (1) *IN GENERAL.*—*Each participating school*  
2 *shall comply with any testing requirements deter-*  
3 *mined to be necessary for evaluation under section*  
4 *9(a)(2)(A)(i).*

5           (2) *MAKE-UP SESSION.*—*If a participating*  
6 *school does not administer a nationally norm-ref-*  
7 *erenced standardized test or the Institute of Edu-*  
8 *cation Sciences does not receive data on a student*  
9 *who is receiving an opportunity scholarship, then the*  
10 *Secretary (through the Institute of Education*  
11 *Sciences of the Department of Education) shall ad-*  
12 *minister such test at least one time during a school*  
13 *year for each student receiving an opportunity schol-*  
14 *arship.*

15 **SEC. 9. EVALUATIONS.**

16           (a) *IN GENERAL.*—

17           (1) *DUTIES OF THE SECRETARY AND THE*  
18 *MAYOR.*—*The Secretary and the Mayor of the District*  
19 *of Columbia shall—*

20                   (A) *jointly enter into an agreement with the*  
21 *Institute of Education Sciences of the Depart-*  
22 *ment of Education to evaluate annually the per-*  
23 *formance of students who received scholarships*  
24 *under the 5-year program under this Act;*

1           (B) jointly enter into an agreement to mon-  
2           itor and evaluate the use of funds authorized and  
3           appropriated for the District of Columbia public  
4           schools and the District of Columbia public char-  
5           ter schools under this Act; and

6           (C) make the evaluations described in sub-  
7           paragraph (A) and (B) public in accordance  
8           with subsection (c).

9           (2) *DUTIES OF THE SECRETARY.*—The Sec-  
10          retary, through a grant, contract, or cooperative  
11          agreement, shall—

12           (A) ensure that the evaluation under para-  
13          graph (1)(A)—

14           (i) is conducted using the strongest  
15           possible research design for determining the  
16           effectiveness of the opportunity scholarship  
17           program under this Act; and

18           (ii) addresses the issues described in  
19           paragraph (4); and

20           (B) disseminate information on the impact  
21          of the program—

22           (i) in increasing the academic growth  
23           and achievement of participating eligible  
24           students; and

1                   (ii) on students and schools in the Dis-  
2                   trict of Columbia.

3                   (3) *DUTIES OF THE INSTITUTE OF EDUCATION*  
4                   *SCIENCES.—The Institute of Education Sciences of*  
5                   *the Department of Education shall—*

6                   (A) use a grade appropriate, nationally  
7                   norm-referenced standardized test each school  
8                   year to assess participating eligible students;

9                   (B) measure the academic achievement of  
10                  all participating eligible students; and

11                  (C) work with the eligible entities to ensure  
12                  that the parents of each student who applies for  
13                  a scholarship under this Act (regardless of  
14                  whether the student receives the scholarship) and  
15                  the parents of each student participating in the  
16                  scholarship program under this Act, agree that  
17                  the student will participate in the measurements  
18                  given annually by the Institute of Educational  
19                  Sciences for the period for which the student ap-  
20                  plied for or received the scholarship, respectively,  
21                  except that nothing in this subparagraph shall  
22                  affect a student's priority for an opportunity  
23                  scholarship as provided under section 6.

1           (4) *ISSUES TO BE EVALUATED.*—*The issues to be*  
2           *evaluated under paragraph (1)(A) shall include the*  
3           *following:*

4                   (A) *A comparison of the academic growth*  
5                   *and achievement of participating eligible stu-*  
6                   *dents in the measurements described in para-*  
7                   *graph (3) to the academic growth and achieve-*  
8                   *ment of the eligible students in the same grades*  
9                   *who sought to participate in the scholarship pro-*  
10                  *gram under this Act but were not selected.*

11                  (B) *The success of the program in expand-*  
12                  *ing choice options for parents of participating*  
13                  *eligible students, improving parental and student*  
14                  *satisfaction of such parents and students, respec-*  
15                  *tively, and increasing parental involvement of*  
16                  *such parents in the education of their children.*

17                  (C) *The reasons parents of participating el-*  
18                  *igible students choose for their children to par-*  
19                  *ticipate in the program, including important*  
20                  *characteristics for selecting schools.*

21                  (D) *A comparison of the retention rates,*  
22                  *high school graduation rates, and college admis-*  
23                  *sion rates of participating eligible students with*  
24                  *the retention rates, high school graduation rates,*  
25                  *and college admission rates of students of similar*

1           *backgrounds who do not participate in such pro-*  
2           *gram.*

3           *(E) A comparison of the safety of the schools*  
4           *attended by participating eligible students and*  
5           *the schools in the District of Columbia attended*  
6           *by students who do not participate in the pro-*  
7           *gram, based on the perceptions of the students*  
8           *and parents.*

9           *(F) Such other issues with respect to par-*  
10          *ticipating eligible students as the Secretary con-*  
11          *siders appropriate for inclusion in the evalua-*  
12          *tion, such as the impact of the program on pub-*  
13          *lic elementary schools and secondary schools in*  
14          *the District of Columbia.*

15          *(G) An analysis of the issues described in*  
16          *subparagraphs (A) through (F) by applying such*  
17          *subparagraphs by substituting “the subgroup of*  
18          *participating eligible students who have used*  
19          *each opportunity scholarship awarded to such*  
20          *students under this Act to attend a participating*  
21          *school” for “participating eligible students” each*  
22          *place such term appears.*

23          *(5) PROHIBITION.—Personally identifiable infor-*  
24          *mation regarding the results of the measurements*  
25          *used for the evaluations may not be disclosed, except*



1       to the parents of the student to whom the information  
2       relates.

3       (b) *REPORTS.*—*The Secretary shall submit to the Com-*  
4 *mittees on Appropriations, Education and the Workforce,*  
5 *and Oversight and Government Reform of the House of Rep-*  
6 *resentatives and the Committees on Appropriations, Health,*  
7 *Education, Labor, and Pensions, and Homeland Security*  
8 *and Governmental Affairs of the Senate—*

9           (1) *annual interim reports, not later than April*  
10       *1 of the year following the year of the date of enact-*  
11       *ment of this Act, and each subsequent year through*  
12       *the year in which the final report is submitted under*  
13       *paragraph (2), on the progress and preliminary re-*  
14       *sults of the evaluation of the opportunity scholarship*  
15       *program funded under this Act; and*

16           (2) *a final report, not later than 1 year after the*  
17       *final year for which a grant is made under section*  
18       *4(a), on the results of the evaluation of the program.*

19       (c) *PUBLIC AVAILABILITY.*—*All reports and under-*  
20 *lying data gathered pursuant to this section shall be made*  
21 *available to the public upon request, in a timely manner*  
22 *following submission of the applicable report under sub-*  
23 *section (b), except that personally identifiable information*  
24 *shall not be disclosed or made available to the public.*

1       (d) *LIMIT ON AMOUNT EXPENDED.*—The amount ex-  
2       pended by the Secretary to carry out this section for any  
3       fiscal year may not exceed 5 percent of the total amount  
4       appropriated under section 14(a)(1) for the fiscal year.

5       **SEC. 10. REPORTING REQUIREMENTS.**

6       (a) *ACTIVITIES REPORTS.*—Each eligible entity receiv-  
7       ing funds under section 4(a) during a year shall submit  
8       a report to the Secretary not later than July 30 of the fol-  
9       lowing year regarding the activities carried out with the  
10      funds during the preceding year.

11      (b) *ACHIEVEMENT REPORTS.*—

12              (1) *IN GENERAL.*—In addition to the reports re-  
13      quired under subsection (a), each eligible entity re-  
14      ceiving funds under section 4(a) shall, not later than  
15      September 1 of the year during which the second  
16      school year of the entity's program is completed and  
17      each of the next 2 years thereafter, submit to the Sec-  
18      retary a report, including any pertinent data col-  
19      lected in the preceding 2 school years, concerning—

20                      (A) the academic growth and achievement of  
21                      students participating in the program;

22                      (B) the high school graduation and college  
23                      admission rates of students who participate in  
24                      the program, where appropriate; and

25                      (C) parental satisfaction with the program.

1           (2) *PROHIBITING DISCLOSURE OF PERSONAL IN-*  
2           *FORMATION.—No report under this subsection may*  
3           *contain any personally identifiable information.*

4           (c) *REPORTS TO PARENTS.—*

5           (1) *IN GENERAL.—Each eligible entity receiving*  
6           *funds under section 4(a) shall ensure that each school*  
7           *participating in the entity’s program under this Act*  
8           *during a school year reports at least once during the*  
9           *year to the parents of each of the school’s students*  
10          *who are participating in the program on—*

11           (A) *the student’s academic achievement, as*  
12           *measured by a comparison with the aggregate*  
13           *academic achievement of other participating stu-*  
14           *dents at the student’s school in the same grade*  
15           *or level, as appropriate, and the aggregate aca-*  
16           *ademic achievement of the student’s peers at the*  
17           *student’s school in the same grade or level, as ap-*  
18           *propriate;*

19           (B) *the safety of the school, including the*  
20           *incidence of school violence, student suspensions,*  
21           *and student expulsions; and*

22           (C) *the accreditation status of the school.*

23           (2) *PROHIBITING DISCLOSURE OF PERSONAL IN-*  
24           *FORMATION.—No report under this subsection may*  
25           *contain any personally identifiable information, ex-*

1        *cept as to the student who is the subject of the report*  
2        *to that student's parent.*

3        *(d) REPORT TO CONGRESS.—Not later than 6 months*  
4        *after the first appropriation of funds under section 14, and*  
5        *each succeeding year thereafter, the Secretary shall submit*  
6        *to the Committees on Appropriations, Education and the*  
7        *Workforce, and Oversight and Government Reform of the*  
8        *House of Representatives and the Committees on Appro-*  
9        *priations, Health, Education, Labor, and Pensions, and*  
10       *Homeland Security and Governmental Affairs of the Sen-*  
11       *ate, an annual report on the findings of the reports sub-*  
12       *mitted under subsections (a) and (b).*

13       **SEC. 11. DC PUBLIC SCHOOLS AND DC PUBLIC CHARTER**  
14       **SCHOOLS.**

15       *(a) CONDITION OF RECEIPT OF FUNDS.—As a condi-*  
16       *tion of receiving funds under this Act on behalf of the Dis-*  
17       *trict of Columbia public schools and the District of Colum-*  
18       *bia public charter schools, the Mayor shall agree to carry*  
19       *out the following:*

20                *(1) INFORMATION REQUESTS.—Ensure that all*  
21        *the District of Columbia public schools and the Dis-*  
22        *trict of Columbia public charter schools comply with*  
23        *all reasonable requests for information for purposes of*  
24        *the evaluation under section 9(a).*

1           (2) *AGREEMENT WITH THE SECRETARY.*—*Enter*  
2           *into the agreement described in section 9(a)(1)(B) to*  
3           *monitor and evaluate the use of funds authorized and*  
4           *appropriated for the District of Columbia public*  
5           *schools and the District of Columbia public charter*  
6           *schools under this Act.*

7           (3) *SUBMISSION OF REPORT.*—*Not later than 6*  
8           *months after the first appropriation of funds under*  
9           *section 14, and each succeeding year thereafter, sub-*  
10          *mit to the Committee on Appropriations, the Com-*  
11          *mittee on Education and the Workforce, and the Com-*  
12          *mittee on Oversight and Government Reform of the*  
13          *House of Representatives, and the Committee on Ap-*  
14          *propriations, the Committee on Health, Education,*  
15          *Labor, and Pensions, and the Committee on Home-*  
16          *land Security and Governmental Affairs of the Sen-*  
17          *ate, information on—*

18                   (A) *how the funds authorized and appro-*  
19                   *riated under this Act for the District of Colum-*  
20                   *bia public schools and the District of Columbia*  
21                   *public charter schools were used in the preceding*  
22                   *school year; and*

23                   (B) *how such funds are contributing to stu-*  
24                   *dent achievement.*

1           (b) *ENFORCEMENT.*—If, after reasonable notice and an  
2 opportunity for a hearing for the Mayor, the Secretary de-  
3 termines that the Mayor has not been in compliance with  
4 1 or more of the requirements described in subsection (a),  
5 the Secretary may withhold from the Mayor, in whole or  
6 in part, further funds under this Act for the District of Co-  
7 lumbia public schools and the District of Columbia public  
8 charter schools.

9           (c) *RULE OF CONSTRUCTION.*—Nothing in this section  
10 shall be construed to reduce, or otherwise affect, funding  
11 provided under this Act for the opportunity scholarship  
12 program under this Act.

13 **SEC. 12. TRANSITION PROVISIONS.**

14           (a) *REPEAL.*—The DC School Choice Incentive Act of  
15 2003 (sec. 38–1851.01 et seq., D.C. Official Code) is re-  
16 pealed.

17           (b) *SPECIAL RULES.*—Notwithstanding any other pro-  
18 vision of law—

19                   (1) *funding appropriated to provide opportunity*  
20 *scholarships for students in the District of Columbia*  
21 *under the heading “Federal Payment for School Im-*  
22 *provement” in title IV of division D of the Omnibus*  
23 *Appropriations Act, 2009 (Public Law 111–8; 123*  
24 *Stat. 653), the heading “Federal Payment for School*  
25 *Improvement” in title IV of division C of the Consoli-*

1       *dated Appropriations Act, 2010 (Public Law 111–*  
2       *117; 123 Stat. 3181), or any other Act, may be used*  
3       *to provide opportunity scholarships under section*  
4       *7(a) for the 2011–2012 school year to students who*  
5       *have not previously received such scholarships;*

6               *(2) the fourth and fifth provisos under the head-*  
7       *ing “Federal Payment for School Improvement” of*  
8       *title IV of Division C of the Consolidated Appropria-*  
9       *tions Act, 2010 (Public Law 111–117; 123 Stat.*  
10       *3181) shall not apply; and*

11               *(3) any unobligated amounts reserved to carry*  
12       *out the provisos described in paragraph (2) shall be*  
13       *made available to an eligible entity receiving a grant*  
14       *under section 4(a)—*

15                       *(A) for administrative expenses described in*  
16                       *section 7(b); or*

17                       *(B) to provide opportunity scholarships*  
18                       *under section 7(a), including to provide such*  
19                       *scholarships for the 2011–2012 school year to*  
20                       *students who have not previously received such*  
21                       *scholarships.*

22               *(c) MULTIYEAR AWARDS.—The recipient of a grant or*  
23       *contract under the DC School Choice Incentive Act of 2003*  
24       *(sec. 38–1851.01 et seq., D.C. Official Code), as such Act*  
25       *was in effect on the day before the date of the enactment*

1 *of this Act, shall continue to receive funds in accordance*  
2 *with the terms and conditions of such grant or contract,*  
3 *except that—*

4           (1) *the provisos relating to opportunity scholar-*  
5 *ships in the Acts described in subsection (b)(1) shall*  
6 *not apply; and*

7           (2) *the memorandum of understanding described*  
8 *in subsection (d), including any revision made under*  
9 *such subsection, shall apply.*

10       (d) *MEMORANDUM OF UNDERSTANDING.—The Sec-*  
11 *retary and the Mayor of the District of Columbia shall re-*  
12 *vis* *the memorandum of understanding entered into under*  
13 *the DC School Choice Incentive Act of 2003 (sec. 38–*  
14 *1851.01 et seq., D.C. Official Code), as such Act was in ef-*  
15 *fect on the day before the date of the enactment of this Act,*  
16 *to address—*

17           (1) *the implementation of the opportunity schol-*  
18 *arship program under this Act; and*

19           (2) *how the Mayor will ensure that the District*  
20 *of Columbia public schools and the District of Colum-*  
21 *bia public charter schools comply with all the reason-*  
22 *able requests for information as necessary to fulfill the*  
23 *requirements for evaluations conducted under section*  
24 *9(a).*



1           (e) *ORDERLY TRANSITION.*—Subject to subsections (c)  
2 and (d), the Secretary shall take such steps as the Secretary  
3 determines to be appropriate to provide for the orderly tran-  
4 sition to the authority of this Act from any authority under  
5 the provisions of the DC School Choice Incentive Act of 2003  
6 (sec. 38–1851.01 et seq., D.C. Official Code), as such Act  
7 was in effect on the day before the date of enactment of  
8 this Act.

9 **SEC. 13. DEFINITIONS.**

10       As used in this Act:

11           (1) *ELEMENTARY SCHOOL.*—The term “elemen-  
12 tary school” means an institutional day or residen-  
13 tial school, including a public elementary charter  
14 school, that provides elementary education, as deter-  
15 mined under District of Columbia law.

16           (2) *ELIGIBLE ENTITY.*—The term “eligible enti-  
17 ty” means any of the following:

18                   (A) A nonprofit organization.

19                   (B) A consortium of nonprofit organiza-  
20 tions.

21           (3) *ELIGIBLE STUDENT.*—The term “eligible stu-  
22 dent” means a student who is a resident of the Dis-  
23 trict of Columbia and comes from a household—

24                   (A) receiving assistance under the supple-  
25 mental nutrition assistance program established

1           *under the Food and Nutrition Act of 2008 (7*  
2           *U.S.C. 2011 et seq.); or*

3           *(B) whose income does not exceed—*

4                     *(i) 185 percent of the poverty line; or*

5                     *(ii) in the case of a student partici-*  
6                     *parting in the opportunity scholarship pro-*  
7                     *gram in the preceding year under this Act*  
8                     *or the DC School Choice Incentive Act of*  
9                     *2003 (sec. 38–1851.01 et seq., D.C. Official*  
10                    *Code), as such Act was in effect on the day*  
11                    *before the date of enactment of this Act, 300*  
12                    *percent of the poverty line.*

13           (4) *MAYOR.*—*The term “Mayor” means the*  
14           *Mayor of the District of Columbia.*

15           (5) *PARENT.*—*The term “parent” has the mean-*  
16           *ing given that term in section 9101 of the Elementary*  
17           *and Secondary Education Act of 1965 (20 U.S.C.*  
18           *7801).*

19           (6) *PARTICIPATING ELIGIBLE STUDENT.*—*The*  
20           *term “participating eligible student” means an eligi-*  
21           *ble student awarded an opportunity scholarship*  
22           *under this Act, without regard to whether the student*  
23           *uses the scholarship to attend a participating school.*

24           (7) *PARTICIPATING SCHOOL.*—*The term “partici-*  
25           *parting school” means a private elementary school or*

1       *secondary school participating in the opportunity*  
2       *scholarship program of an eligible entity under this*  
3       *Act.*

4           (8) *POVERTY LINE.*—*The term “poverty line”*  
5       *has the meaning given that term in section 9101 of*  
6       *the Elementary and Secondary Education Act of*  
7       *1965 (20 U.S.C. 7801).*

8           (9) *SECONDARY SCHOOL.*—*The term “secondary*  
9       *school” means an institutional day or residential*  
10      *school, including a public secondary charter school,*  
11      *that provides secondary education, as determined*  
12      *under District of Columbia law, except that the term*  
13      *does not include any education beyond grade 12.*

14          (10) *SECRETARY.*—*The term “Secretary” means*  
15      *the Secretary of Education.*

16   **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

17          (a) *IN GENERAL.*—*There are authorized to be appro-*  
18      *priated \$60,000,000 for fiscal year 2012 and for each of*  
19      *the 4 succeeding fiscal years, of which—*

20           (1) *one-third shall be made available to carry*  
21      *out the opportunity scholarship program under this*  
22      *Act for each fiscal year;*

23           (2) *one-third shall be made available to carry*  
24      *out section 4(b)(1) for each fiscal year; and*

1           (3) *one-third shall be made available to carry*  
2           *out section 4(b)(2) for each fiscal year.*

3           (b) *APPORTIONMENT.—If the total amount of funds*  
4           *appropriated under subsection (a) for a fiscal year does not*  
5           *equal \$60,000,000, the funds shall be apportioned in the*  
6           *manner described in subsection (a) for such fiscal year.*



Union Calendar No. 17

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 471**

[Report No. 112-36]

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**A BILL**

To reauthorize the DC opportunity scholarship program, and for other purposes.

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MARCH 17, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed