

114TH CONGRESS
1ST SESSION

H. R. 10

AN ACT

To reauthorize the Scholarships for Opportunity and Results Act, 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,*

1 **SECTION 1. SHORT TITLE; REFERENCES IN ACT.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Scholarships for Opportunity and Results Reauthoriza-
4 tion Act” or the “SOAR Reauthorization Act”.

5 (b) **REFERENCES IN ACT.**—Whenever in this Act an
6 amendment is expressed in terms of an amendment to or
7 repeal of a section or other provision, the reference shall
8 be considered to be made to that section or other provision
9 of the Scholarships for Opportunity and Results Act (divi-
10 sion C of Public Law 112–10; sec. 38–1853.01 et seq.,
11 D.C. Official Code).

12 **SEC. 2. FINDINGS; PURPOSE.**

13 (a) **FINDINGS.**—Congress finds the following:

14 (1) Parents are best equipped to make decisions
15 for their children, including the educational setting
16 that will best serve the interests and educational
17 needs of their children.

18 (2) In 1995, Congress passed the DC School
19 Reform Act, which granted the District of Columbia
20 the authority to create public charter schools and
21 gave parents greater educational options for their
22 children.

23 (3) In 2003, in partnership with the Mayor of
24 the District of Columbia, the chairman of the DC
25 Council Education Committee, and community activ-
26 ists, Congress passed the DC School Choice Incen-

1 tive Act of 2003 (Public Law 108–199; 118 Stat.
2 126), to provide opportunity scholarships to parents
3 of students in the District of Columbia to enable
4 them to pursue a high-quality education at a private
5 elementary or secondary school of their choice.

6 (4) The DC Opportunity Scholarship Program
7 (DC OSP) was part of a comprehensive three-part
8 funding arrangement that provided additional funds
9 for both the District of Columbia public schools and
10 public charter schools of the District of Columbia.
11 The intent behind the additional resources was to
12 ensure both District of Columbia public and charter
13 schools continued to improve.

14 (5) In 2011, Congress enacted the three-part
15 funding arrangement when it reauthorized the DC
16 OSP and passed the Scholarships for Opportunity
17 and Results (SOAR) Act (division C of Public Law
18 112–10) with bipartisan support.

19 (6) While the National Center for Education
20 Statistics indicates that per pupil expenditure for
21 public schools in the District of Columbia is the
22 highest in the United States, performance on the
23 National Assessment of Educational Progress
24 (NAEP) continues to be near the bottom of the
25 country when examining scores in mathematics and

1 reading for fourth and eighth grades. When Con-
2 gress passed the DC School Choice Incentive Act of
3 2003, students in the District of Columbia ranked
4 52 out of 52 States (including the Department of
5 Defense schools). Since that time, the District of Co-
6 lumbia has made significant gains in mathematics
7 and reading. However, students in the District of
8 Columbia still rank in the bottom three States out
9 of 52 States. According to the 2013 fourth grade
10 math NAEP results, 34 percent of students are
11 below basic, 38 percent are at basic, and 28 percent
12 are at proficient or advanced. The 2013 fourth
13 grade reading results found that 50 percent of
14 fourth grade students in the District of Columbia
15 are at or below basic, 27 percent are at basic, and
16 23 percent are proficient or advanced.

17 (7) Since the inception of the DC OSP, there
18 has been strong demand for the program by parents
19 and the citizens of the District of Columbia. In fact,
20 74 percent of District of Columbia residents support
21 continuing the program (based on the Lester & As-
22 sociates February 2011 Poll).

23 (8) Since the program's inception, parental sat-
24 isfaction has remained high. The program has also
25 been found to result in significantly higher gradua-

1 “(3) PROHIBITING IMPOSITION OF LIMITS ON
2 ELIGIBLE STUDENTS PARTICIPATING IN THE PRO-
3 GRAM.—

4 “(A) IN GENERAL.—In carrying out the
5 program under this division, the Secretary may
6 not limit the number of eligible students receiv-
7 ing scholarships under section 3007(a), and
8 may not prevent otherwise eligible students
9 from participating in the program under this
10 Act, on any of the following grounds:

11 “(i) The type of school the student
12 previously attended.

13 “(ii) Whether or not the student pre-
14 viously received a scholarship or partici-
15 pated in the program.

16 “(iii) Whether or not the student was
17 a member of the control group used by the
18 Institute of Education Sciences to carry
19 out previous evaluations of the program
20 under section 3009.

21 “(B) RULE OF CONSTRUCTION.—Nothing
22 in subparagraph (A) may be construed to waive
23 the requirement under section 3005(b)(1)(B)
24 that the entity carrying out the program under
25 this Act must carry out a random selection

1 process which gives weight to the priorities de-
2 scribed in section 3006 if more eligible students
3 seek admission in the program than the pro-
4 gram can accommodate.”.

5 **SEC. 4. REQUIRING ELIGIBLE ENTITIES TO UTILIZE INTER-**
6 **NAL FISCAL AND QUALITY CONTROLS.**

7 Section 3005(b)(1) (sec. 38–1853.05(b)(1), D.C. Of-
8 ficial Code) is amended—

9 (1) by striking “and” at the end of subpara-
10 graph (K); and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(M) how the entity will ensure that it uti-
14 lizes internal fiscal and quality controls; and”.

15 **SEC. 5. CLARIFICATION OF PRIORITIES FOR AWARDING**
16 **SCHOLARSHIPS TO DETERMINING ELIGIBLE**
17 **STUDENTS.**

18 Section 3006(1) (sec. 38–1853.06(1), D.C. Official
19 Code) is amended—

20 (1) in subparagraph (A), by striking “identified
21 for improvement, corrective action, or restructuring
22 under section 1116 of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C. 6316)”
24 and inserting “identified as one of the lowest-per-

1 forming schools under the District of Columbia’s ac-
2 countability system”; and

3 (2) in subparagraph (C), by striking the semi-
4 colon at the end and inserting the following: “, or
5 whether such students have, in the past, attended a
6 private school;”.

7 **SEC. 6. MODIFICATION OF REQUIREMENTS FOR PARTICI-**
8 **PATING SCHOOLS AND ELIGIBLE ENTITIES.**

9 (a) **CRIMINAL BACKGROUND CHECKS; COMPLIANCE**
10 **WITH REPORTING REQUIREMENTS.**—Section 3007(a)(4)
11 (sec. 38–1853.07(a)(4), D.C. Official Code) is amended—

12 (1) by striking “and” at the end of subpara-
13 graph (E);

14 (2) by striking the period at the end of sub-
15 paragraph (F) and inserting a semicolon; and

16 (3) by adding at the end the following new sub-
17 paragraphs:

18 “(G) conducts criminal background checks
19 on school employees who have direct and unsu-
20 pervised interaction with students; and

21 “(H) complies with all requests for data
22 and information regarding the reporting re-
23 quirements described in section 3010.”.

24 (b) **ACCREDITATION.**—Section 3007(a) (sec. 38–
25 1853.07(a), D.C. Official Code) is amended—

1 (1) in paragraph (1), by striking “paragraphs
2 (2) and (3)” and inserting “paragraphs (2), (3), and
3 (5)”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(5) ACCREDITATION REQUIREMENTS.—

7 “(A) IN GENERAL.—None of the funds
8 provided under this division for opportunity
9 scholarships may be used by an eligible student
10 to enroll in a participating private school unless
11 one of the following applies:

12 “(i) In the case of a school that, as of
13 the date of enactment of the SOAR Reau-
14 thorization Act, is a participating school,
15 the school is provisionally or fully accred-
16 ited by an accrediting body described in
17 subparagraphs (A) through (G) of section
18 2202(16) of the District of Columbia
19 School Reform Act of 1995 (sec. 38–
20 1802.02(16)(A–G), D.C. Official Code).

21 “(ii) In the case of a school that, as
22 of the day before the date of enactment of
23 the SOAR Reauthorization Act, is a par-
24 ticipating school but does not meet the re-
25 quirements of clause (i)—

1 “(I) not later than 1 year after
2 the date of enactment of such Act, the
3 school is pursuing full accreditation
4 by an accrediting body described in
5 clause (i); and

6 “(II) not later than 5 years after
7 the date of enactment of such Act, the
8 school meets the requirements of
9 clause (i), except that an eligible enti-
10 ty may extend this deadline for a sin-
11 gle 1-year period if the school provides
12 the eligible entity with evidence from
13 such an accrediting body that the
14 school’s application for accreditation
15 is in process and that the school will
16 be awarded accreditation before the
17 end of such period.

18 “(iii) In the case of a school that, as
19 of the date of enactment of the SOAR Re-
20 authorization Act, is not a participating
21 school, the school meets the requirements
22 of clause (i) or, if it does not meet the re-
23 quirements of clause (i)—

24 “(I) at the time the school noti-
25 fies an eligible entity that it seeks to

1 be a participating school, the school is
2 actively pursuing full accreditation by
3 an accrediting body described in
4 clause (i);

5 “(II) not later than 5 years after
6 the school notifies an eligible entity
7 that it seeks to be a participating
8 school, the school meets the require-
9 ments of clause (i), except that an eli-
10 gible entity may extend this deadline
11 for a single 1-year period if the school
12 provides the eligible entity with evi-
13 dence from such an accrediting body
14 that the school’s application for ac-
15 creditation is in process and that the
16 school will be awarded accreditation
17 before the end of such period; and

18 “(III) the school meets all of the
19 other requirements for participating
20 schools under this Act.

21 “(B) REPORTS TO ELIGIBLE ENTITY.—Not
22 later than 5 years after the date of enactment
23 of the SOAR Reauthorization Act, each partici-
24 pating school shall submit to the eligible entity
25 a certification that the school has been fully or

1 provisionally accredited in accordance with sub-
2 paragraph (A), or has been granted an exten-
3 sion by the eligible entity in accordance with
4 subparagraph (A)(ii)(II).

5 “(C) ASSISTING STUDENTS IN ENROLLING
6 IN OTHER SCHOOLS.—If a participating school
7 fails to meet the requirements of subparagraph
8 (A), the eligible entity shall assist the parents
9 of the eligible students who attend the school in
10 identifying, applying to, and enrolling in an-
11 other participating school under this Act.”.

12 (c) USE OF FUNDS FOR ADMINISTRATIVE EXPENSES
13 AND PARENTAL ASSISTANCE.—Section 3007 (sec. 38-
14 1853.07, D.C. Official Code) is amended—

15 (1) by striking subsections (b) and (c) and in-
16 serting the following:

17 “(b) ADMINISTRATIVE EXPENSES AND PARENTAL
18 ASSISTANCE.—The Secretary shall make \$2,000,000 of
19 the amount provided under the grant each year available
20 to an eligible entity receiving a grant under section
21 3004(a) to cover the following expenses:

22 “(1) The administrative expenses of carrying
23 out its program under this Act during the year, in-
24 cluding—

1 “(A) determining the eligibility of students
2 to participate;

3 “(B) selecting the eligible students to re-
4 ceive scholarships;

5 “(C) determining the amount of the schol-
6 arships and issuing the scholarships to eligible
7 students;

8 “(D) compiling and maintaining financial
9 and programmatic records; and

10 “(E) conducting site visits as described in
11 section 3005(b)(1)(l).

12 “(2) The expenses of educating parents about
13 the entity’s program under this Act, and assisting
14 parents through the application process under this
15 Act, including—

16 “(A) providing information about the pro-
17 gram and the participating schools to parents
18 of eligible students;

19 “(B) providing funds to assist parents of
20 students in meeting expenses that might other-
21 wise preclude the participation of eligible stu-
22 dents in the program; and

23 “(C) streamlining the application process
24 for parents.”; and

1 (2) by redesignating subsection (d) as sub-
2 section (c).

3 (d) CLARIFICATION OF USE OF FUNDS FOR STU-
4 DENT ACADEMIC ASSISTANCE.—Section 3007(c) (sec. 38-
5 1853.07(c), D.C. Official Code), as redesignated by sub-
6 section (c)(2), is amended by striking “identified for im-
7 provement, corrective action, or restructuring under sec-
8 tion 1116 of the Elementary and Secondary Education
9 Act of 1965 (20 U.S.C. 6316)” and inserting “identified
10 as one of the lowest-performing schools under the District
11 of Columbia’s accountability system”.

12 (e) PERMITTING USE OF FUNDS REMAINING UNOB-
13 LIGATED FROM PREVIOUS FISCAL YEARS.—Section 3007
14 (sec. 38-1853.07, D.C. Official Code), as amended by this
15 section, is amended by adding at the end the following
16 new subsection:

17 “(d) PERMITTING USE OF FUNDS REMAINING UN-
18 OBLIGATED FROM PREVIOUS FISCAL YEARS.—To the ex-
19 tent that any funds appropriated for the opportunity
20 scholarship program under this Act for any fiscal year (in-
21 cluding a fiscal year occurring prior to the enactment of
22 this subsection) remain unobligated at the end of the fiscal
23 year, the Secretary shall make such funds available during
24 the next fiscal year and (if still unobligated as of the end
25 of that fiscal year) any subsequent fiscal year for scholar-

1 ships for eligible students, except that an eligible entity
2 may use not more than 5 percent of the funds for adminis-
3 trative expenses, parental assistance, and tutoring, in ad-
4 dition to the amounts appropriated for such purposes
5 under section 3007(b) and (c).”.

6 **SEC. 7. PROGRAM EVALUATION.**

7 (a) REVISION OF EVALUATION PROCEDURES AND
8 REQUIREMENTS.—

9 (1) IN GENERAL.—Section 3009(a) (sec. 38–
10 1853.09(a), D.C. Official Code) is amended to read
11 as follows:

12 “(a) IN GENERAL.—

13 “(1) DUTIES OF THE SECRETARY AND THE
14 MAYOR.—The Secretary and the Mayor of the Dis-
15 trict of Columbia shall—

16 “(A) jointly enter into an agreement with
17 the Institute of Education Sciences of the De-
18 partment of Education to evaluate annually the
19 opportunity scholarship program under this
20 Act;

21 “(B) jointly enter into an agreement to
22 monitor and report on the use of funds author-
23 ized and appropriated for the District of Co-
24 lumbia Public Schools and the District of Co-

1 lumbia public charter schools under this Act;
2 and

3 “(C) make the evaluations described in
4 subparagraphs (A) and (B) public in accord-
5 ance with subsection (c).

6 “(2) DUTIES OF THE SECRETARY.—The Sec-
7 retary, through a grant, contract, or cooperative
8 agreement, shall—

9 “(A) ensure that the evaluation under
10 paragraph (1)(A)—

11 “(i) is conducted using an acceptable
12 quasi-experimental research design for de-
13 termining the effectiveness of the oppor-
14 tunity scholarship program under this Act
15 which does not use a control study group
16 consisting of students who applied for but
17 who did not receive opportunity scholar-
18 ships; and

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

21 “(B) disseminate information on the im-
22 pact of the program—

23 “(i) in increasing academic achieve-
24 ment and educational attainment of par-
25 ticipating eligible students; and

1 “(ii) on students and schools in the
2 District of Columbia.

3 “(3) DUTIES OF THE INSTITUTE OF EDU-
4 CATION SCIENCES.—The Institute of Education
5 Sciences of the Department of Education shall—

6 “(A) assess participating eligible students
7 in each of the grades 3 through 8, as well as
8 one of the grades in the high school level, by su-
9 pervising the administration of the same read-
10 ing and math assessment used by the District
11 of Columbia Public Schools to comply with sec-
12 tion 1111(b) of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6311(b));

14 “(B) measure the academic achievement of
15 all participating students in the grades de-
16 scribed in subparagraph (A); and

17 “(C) work with the eligible entities to en-
18 sure that the parents of each student who re-
19 ceives a scholarship under this Act agree to per-
20 mit the student to participate in the evaluations
21 and assessments carried out by the Institute
22 under this subsection.

23 “(4) ISSUES TO BE EVALUATED.—The issues to
24 be evaluated under paragraph (1)(A) shall include
25 the following:

1 “(A) A comparison of the academic
2 achievement of participating eligible students in
3 the measurements described in paragraph (3) to
4 the academic achievement of a comparison
5 group of students with similar backgrounds in
6 the District of Columbia Public Schools.

7 “(B) The success of the program under
8 this Act in expanding choice options for parents
9 of participating eligible students and increasing
10 the satisfaction of such parents and students
11 with their choice.

12 “(C) The reasons parents of participating
13 eligible students choose for their children to
14 participate in the program, including important
15 characteristics for selecting schools.

16 “(D) A comparison of the retention rates,
17 high school graduation rates, college enrollment
18 rates, college persistence rates, and college
19 graduation rates of participating eligible stu-
20 dents with the rates of students in the compari-
21 son group described in subparagraph (A).

22 “(E) A report on the college enrollment
23 rates, college persistence rates, and college
24 graduation rates of students who participated
25 in the program in 2004, 2005, 2011, 2012,

1 2013, 2014, and 2015 as the result of winning
2 the Opportunity Scholarship Program lottery as
3 well as the rates of students who entered but
4 did not win such lottery in those years and who,
5 as a result, served as the control group for pre-
6 vious evaluations of the program under this
7 Act. Nothing in this subparagraph may be con-
8 strued to waive section 3004(a)(3)(A)(iii) with
9 respect to any such student.

10 “(F) A comparison of the safety of the
11 schools attended by participating eligible stu-
12 dents and the schools in the District of Colum-
13 bia attended by students in the comparison
14 group described in subparagraph (A), based on
15 the perceptions of the students and parents.

16 “(G) Such other issues with respect to par-
17 ticipating eligible students as the Secretary con-
18 siders appropriate for inclusion in the evalua-
19 tion, such as the impact of the program on pub-
20 lic elementary schools and secondary schools in
21 the District of Columbia.

22 “(5) PROHIBITING DISCLOSURE OF PERSONAL
23 INFORMATION.—

24 “(A) IN GENERAL.—Any disclosure of per-
25 sonally identifiable information shall be in com-

1 pliance with section 444 of the General Edu-
2 cation Provisions Act (commonly known as the
3 ‘Family Educational Rights and Privacy Act of
4 1974’) (20 U.S.C. 1232g).

5 “(B) STUDENTS NOT ATTENDING PUBLIC
6 SCHOOLS.—With respect to any student who is
7 not attending a public elementary school or sec-
8 ondary school, personally identifiable informa-
9 tion may not be disclosed outside of the group
10 of individuals carrying out the evaluation for
11 such student or the group of individuals pro-
12 viding information for carrying out the evalua-
13 tion of such student, other than to the parents
14 of such student.”.

15 (2) TRANSITION FROM CURRENT EVALUA-
16 TION.—The Secretary of Education shall terminate
17 the current evaluations conducted under section
18 3009(a) of the Scholarships for Opportunity and Re-
19 sults Act (sec. 38–1853.09, D.C. Official Code), as
20 in effect prior to the date of enactment of this Act,
21 after obtaining data for the 2015–2016 school year,
22 and shall submit the reports required with respect to
23 the evaluations in accordance with section 3009(b)
24 of such Act. Effective with respect to the 2016–2017
25 school year, the Secretary shall conduct new evalua-

1 tions in accordance with the provisions of section
2 3009(a) of such Act as amended by this Act, and as
3 a component of the new evaluations, the Secretary
4 shall continue to monitor and evaluate the students
5 who were evaluated in the most recent evaluation
6 under such section prior to the enactment of this
7 Act, along with their corresponding test scores and
8 other information.

9 (b) DUTY OF MAYOR TO ENSURE INSTITUTE HAS
10 ALL INFORMATION NECESSARY TO CARRY OUT EVALUA-
11 TIONS.—Section 3011(a)(1) (sec. 38–1853.11(a)(1), D.C.
12 Official Code) is amended to read as follows:

13 “(1) INFORMATION NECESSARY TO CARRY OUT
14 EVALUATIONS.—Ensure that all District of Colum-
15 bia public schools and District of Columbia public
16 charter schools make available to the Institute of
17 Education Sciences of the Department of Education
18 all of the information the Institute requires to carry
19 out the assessments and perform the evaluations re-
20 quired under section 3009(a).”

21 **SEC. 8. FUNDING FOR DISTRICT OF COLUMBIA PUBLIC**
22 **SCHOOLS AND PUBLIC CHARTER SCHOOLS.**

23 (a) MANDATORY WITHHOLDING OF FUNDS FOR
24 FAILURE TO COMPLY WITH CONDITIONS.—Section

1 3011(b) (sec. 38–1853.11(b), D.C. Official Code) is
2 amended to read as follows:

3 “(b) ENFORCEMENT.—If, after reasonable notice and
4 an opportunity for a hearing, the Secretary determines
5 that the Mayor has failed to comply with any of the re-
6 quirements of subsection (a), the Secretary may withhold
7 from the Mayor, in whole or in part—

8 “(1) the funds otherwise authorized to be ap-
9 propriated under section 3014(a)(2), if the failure to
10 comply relates to the District of Columbia public
11 schools;

12 “(2) the funds otherwise authorized to be ap-
13 propriated under section 3014(a)(3), if the failure to
14 comply relates to the District of Columbia public
15 charter schools; or

16 “(3) the funds otherwise authorized to be ap-
17 propriated under both section 3014(a)(2) and sec-
18 tion 3014(a)(3), if the failure relates to both the
19 District of Columbia public schools and the District
20 of Columbia public charter schools.”.

21 (b) RULES FOR USE OF FUNDS PROVIDED FOR SUP-
22 PORT OF PUBLIC CHARTER SCHOOLS.—Section 3011
23 (sec. 38–1853.11, D.C. Official Code) is amended—

24 (1) by redesignating subsection (c) as sub-
25 section (d); and

1 (2) by inserting after subsection (b) the fol-
2 lowing new subsection:

3 “(c) SPECIFIC RULES REGARDING FUNDS PROVIDED
4 FOR SUPPORT OF PUBLIC CHARTER SCHOOLS.—The fol-
5 lowing rules shall apply with respect to the funds provided
6 under this Act for the support of District of Columbia
7 public charter schools:

8 “(1) The Secretary shall direct the funds pro-
9 vided for any fiscal year to the Office of the State
10 Superintendent of Education of the District of Co-
11 lumbia (OSSE).

12 “(2) The OSSE may transfer the funds to sub-
13 grantees who are specific District of Columbia public
14 charter schools or networks of such schools or who
15 are District of Columbia-based non-profit organiza-
16 tions with experience in successfully providing sup-
17 port or assistance to District of Columbia public
18 charter schools or networks of schools.

19 “(3) The funds shall be available to any Dis-
20 trict of Columbia public charter school in good
21 standing with the District of Columbia Charter
22 School Board (Board), and the OSSE and Board
23 may not restrict the availability of the funds to cer-
24 tain types of schools on the basis of the school’s lo-
25 cation, governing body, or any other characteristic.”.

1 **SEC. 9. REVISION OF CURRENT MEMORANDUM OF UNDER-**
2 **STANDING.**

3 The Secretary of Education and the Mayor of the
4 District of Columbia shall revise the memorandum of un-
5 derstanding which is in effect under section 3012(d) of
6 the Scholarships for Opportunity and Results Act (sec.
7 38–1853.12(d), D.C. Official Code) as of the day before
8 the date of the enactment of this Act to address the fol-
9 lowing:

10 (1) The amendments made by this Act.

11 (2) The need to ensure that participating
12 schools under such Act meet fire code standards and
13 maintain certificates of occupancy.

14 (3) The need to ensure that District of Colum-
15 bia public schools and District of Columbia public
16 charter schools meet the requirements under such
17 Act to comply with all reasonable requests for infor-
18 mation necessary to carry out the evaluations re-
19 quired under section 3009(a) of such Act.

20 **SEC. 10. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
21 **TIONS.**

22 Section 3014(a) (sec. 38–1853.14(a), D.C. Official
23 Code) is amended by striking “each of the 4 succeeding
24 fiscal years” and inserting “each of the 9 succeeding fiscal
25 years”.

1 **SEC. 11. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to school year 2016–2017 and each succeeding
4 school year.

 Passed the House of Representatives October 21,
2015.

Attest:

Clerk.

114TH CONGRESS
1ST SESSION

H. R. 10

AN ACT

To reauthorize the Scholarships for Opportunity
and Results Act, and for other purposes.