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REPORT
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SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS REAUTHORIZATION ACT

APRIL 25, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 4901]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 4901) to reauthorize the Scholarships for Opportunity and Results Act, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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59–006

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

The Scholarships for Opportunity and Results (SOAR) Reauthorization Act gives families in the District of Columbia (DC) choice in their children's education. The bill continues the three-sector approach to education in the District of Columbia by authorizing $60 million in annual funding, equally distributed to District of Columbia public schools, public charter schools, and the Opportunity Scholarship Program (OSP). The OSP gives children of low-income families in the District of Columbia access to a quality education through scholarships to attend private schools.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4901 reauthorizes the three-sector approach to education in the District of Columbia.[1] Since 2004, students in the District of Columbia have had greater access to a quality education, and the SOAR Reauthorization Act would allow this trend to continue.

Helping the District Maintain Educational Improvements

The District of Columbia's public education system has experienced improvements in recent years, with particularly positive outcomes appearing in the 2015 school year. Specifically, from the 2014 school year to the 2015 school year, the graduation rate for DC public schools increased from 58 percent to 64 percent.[2] While this gain is welcome, there is still room for further improvement to help ensure children in the District have access to a quality education.

A key pillar of the SOAR Act is the authorization of funds for public education within the District of Columbia. H.R. 4901 reauthorizes the SOAR Act for another five years, providing $300 million in additional funding to support education in the District of Columbia over this timeframe. The $300 million authorized by H.R. 4901 is divided equally among DC public schools, DC public charter schools, and the OSP. The OSP does not take any money away from public schools or public charter schools within the District. Rather, DC public schools and DC public charter schools benefit from additional funding that would otherwise not be available to support education within the District of Columbia. These funding streams are dedicated to improving public schools and public charter schools. It has become increasingly clear in recent years that the District of Columbia benefits from a strong network of public charter schools that provide meaningful alternatives to families that would otherwise be assigned to low-performing public schools. H.R. 4901 ensures that DC public charter schools receive funding

[1] The three-sector approach was part of the D.C. School Choice Incentive Act in P.L. 108–99 and was later formalized through the enactment of the Scholarship for Opportunity and Results Act of 2011 in P.L. 112–10.

[2] District of Columbia Office of the State Superintendent of Educ., *DC 2014 Adjusted Cohort 4-Year Graduation Rate, available at* http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Adjusted%20Cohort%20Graduation%20Rate%20Overview%202013-14.pdf; *See* also District of Columbia Office of the State Superintendent of Educ. *available at* http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Adjusted%20Cohort%20Graduation%20Rate%20Overview%202014-15.pdf (hereinafter "DC 2015 Adjusted Cohort 4-Year Graduation Rate").

for continued improvement, strengthening educational options for District children.

While much work remains to be done for DC public schools, the most recent graduation rate demonstrates the progress being made. As a March 2016 letter from DC Mayor Muriel Bowser and a majority of the DC Council described, "These [SOAR Act] funds are critical to the gains that the District's public education system has seen in recent years."[3]

In that same letter, the Mayor and Councilmember signees urge congressional leadership to reauthorize the SOAR Act, noting "SOAR Act funding for [DC Public Schools] has been used to support initiatives that reward and increase retention of high performing teachers and principals. The funds also help attract more high quality teachers and principals to DCPS and to improve the efficiency with which schools are run."[4]

In addition to the importance of the public school funding streams for these improvements, evidence suggests the OSP could have positive impacts on public schools, as the OSP prompted public school principals within the District to implement changes to retain students who might pursue the OSP or private school education. According to a 2010 U.S. Department of Education study of the OSP, 28 percent of public school principals indicated that they made changes to their operations in an effort to keep students from leaving public school for the OSP or a private school.[5] As the District continues to make gains in and through its public schools, H.R. 4901 further supports those efforts. This legislation is strongly supported within the District government, as evidenced by the letter from the DC Mayor and a majority of Councilmembers requesting Congress reauthorize the SOAR Act.

The Opportunity Scholarship Program is Working and Helping Families

In 2003, when the OSP was developed as part of the DC Parental Choice Incentive Act of 2003, DC public school students had the lowest test scores in the nation.[6] In the decade since, DC public schools have shown improvement in many areas; however, DC public school students continue to test well below national averages, with scores that remain at or near the bottom of the United States.[7] While it is important to support the continued progress of

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[3] Letter from Muriel Bowser, Mayor, District of Columbia, Phil Mendelson, Chairman, District of Columbia Council, et al., to Mitch McConnell, Maj. Leader, U.S. Sen., Harry Reid, Min. Leader, U.S. Sen., Paul Ryan, Speaker, U.S. H.R., Nancy Pelosi, Min. Leader, U.S. H.R. (Mar. 2016).

[4] *Id.*

[5] Patrick Wolf et al., *Evaluation of the DC Opportunity Scholarship Program: Final Report*, U.S. Dep't of Educ., Inst. of Educ. Sciences, Nat'l Center for Educ. Evaluation & Regional Assistance, at 67, (June 2010) (NCEE 2010–4018) (hereinafter "Wolf et al., 2010").

[6] Nat'l Center for Educ. Statistics, *Digest of Education Statistics*, Table 222.60 (2013), Table 222.50 (2013), Table 221.60 (2013), Table 221.40 (2013), *available at* https://nces.ed.gov/programs/digest/2013menu_tables.asp.

[7] Nat'l Center for Educ. Statistics, National Assessment of Education Progress (NAEP), The Nation's Report Card, DC 2015, 4th Grade Reading State Snapshot Report *available at* http://nces.ed.gov/nationsreportcard/subject/publications/stt2015/pdf/2016008DC4 (last visited April 20, 2016) (hereafter "DC 4th grade 2015 Reading State Snapshot Report."); *See also* Nat'l Center for Educ. Statistics, NAEP, The Nation's Report Card, DC 2015, 4th Grade Mathematics State Snapshot *available at* http://nces.ed.gov/nationsreportcard/subject/publications/stt2015/pdf/2016009DC4.pdf (last visited April 20, 2016) (hereafter "DC 2015 4th Grade Math State Snapshot Report"); *See also* Nat'l Center for Educ. Statistics, NAEP, The Nation's Report Card, DC 2015, 8th Grade Reading State Snapshot *available at* http://nces.ed.gov/nationsreportcard/subject/publications/stt2015/pdf/2016008DC8.pdf (last visited April 20, 2016) (hereafter "DC 8th

Continued

DC public education, families in the District deserve strong educational options, options which are made available through the OSP.

In 2015, DC eighth graders had the lowest average math and reading scores of any state.[8] In math, 49 percent of students scored below basic, compared to the national average of 30 percent.[9] In reading, 44 percent of students scored below a basic level, compared to the national average of 25 percent.[10] In 2015, DC fourth graders remain at or near the bottom of scores in the country.[11] Among DC fourth graders, 31 percent of students tested below a basic level in math, compared to the national average of 19 percent.[12] In reading, 44 percent of students tested below a basic level, compared to the national average of 32 percent.[13]

Conversely, there is convincing evidence to demonstrate OSP students are seeing improved achievement against non-OSP students in reading. The 2009 U.S. Department of Education evaluation found that after three years, OSP students scored significantly higher in reading achievement, a difference equivalent to three or four months of additional learning.[14] The final evaluation spanning 2004–2009 could not conclusively report on increased reading achievement, because the achievement over four years was only statistically significant at the 94 percent confidence level, and not the 95 percent confidence level included in the report.[15] Dr. Patrick Wolf, the leading researcher on the study, indicated that this was the result of the sample having changed; as students graduated, the researchers had a smaller, different group of students for the fourth-year study.[16]

Additionally, the OSP has resulted in a meaningful impact on graduation rates. Despite the recent improvement in graduation rates for DC public schools, OSP students graduate high school at a much higher rate. During the 2014–2015 school year, OSP students had a graduation rate of 90 percent, while DC public school students had a graduation rate of 64 percent.[17] OSP students graduated well above the national average of 82 percent.[18] Students

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grade 2015 Reading State Snapshot Report"); *See also* Nat'l Center for Educ. Statistics, NAEP, The Nation's Report Card, DC 2015, 8th Grade Mathematics State Snapshot *available at* http://nces.ed.gov/nationsreportcard/subject/publications/stt2015/pdf/2016009DC8.pdf (last visited April 20, 2016) (hereafter "DC 8th grade 2015 Math State Snapshot Report").

[8] DC 8th grade 2015 Reading State Snapshot Report, *supra* note 7; DC 8th grade 2015 Math State Snapshot Report, *supra* note 7.

[9] DC 8th grade 2015 Math State Snapshot Report, *supra* note 7.

[10] DC 8th grade 2015 Reading State Snapshot Report, *supra* note 7.

[11] DC 4th grade 2015 Math State Snapshot Report, *supra* note 7; DC 4th grade 2015 Reading State Snapshot Report, *supra* note 7.

[12] DC 4th grade 2015 Math State Snapshot Report, *supra* note 7.

[13] DC 4th grade 2015 Reading State Snapshot Report, *supra* note 7.

[14] Wolf et al., 2010, *supra* note 5, at 36–41.

[15] *Id.*, at 35–37, Table 3–2 and Figure 3–1 (June 2010) (NCEE 2010–4018).

[16] H. Comm. on Oversight & Gov't Reform, *Hearing on D.C. Opportunity Scholarship Program: Making the American Dream Possible*, 114th Cong. (May 14, 2015) (statement of Dr. Patrick Wolf, Professor and 21st Century Chair in School Choice at the College of Educ. & Health Professions at the University of Arkansas); *See also* Wolf et al., 2010, *supra* note 5, at 37, footnote 39.

[17] D.C. Children and Youth Investment Trust Corporation , *D.C. Opportunity Scholarship Program 2014–2015 Program Summary*, *available at* http://dcscholarships.org/elements/file/OSP/SY%2016-17%20Documents/DC%20OSP%20Program%20Summary%20-%20SY%202014-15.pdf (last visited April 20, 2016) (hereinafter "OSP 2014–2015 Program Summary"); *See also* DC 2015 Adjusted Cohort 4-Year Graduation Rate.

[18] Nat'l Center for Educ. Statistics, *Common Core of Data, Public high school 4-year adjusted cohort graduation rate (ACGR) for the United States, the 50 states, and the District of Columbia: School Year 2013–2014*. This is the latest data available by NCES.

from low-achieving schools in particular appear to be benefiting from the OSP, as students in low-achieving schools that used an OSP scholarship increased their graduation rate from 66 percent to 79 percent, compared to students in low-achieving schools that applied but did not receive an OSP scholarship.[19] Of the 2014–2015 OSP population, 98.1 percent would have otherwise attended a school formerly designated as in need of improvement without the program.[20] Further, in 2014, the OSP saw 98 percent of its graduating students enroll in a two- or four-year college, with an 88 percent enrollment rate in 2015.[21]

The OSP is positioning students in the District of Columbia for academic success that will continue to benefit them for the rest of their lives. According to the Bureau of Labor Statistics, in 2015, high school graduates had a median weekly income that was $185 higher than those without a diploma.[22] This number is even higher for those with some college experience, and for those with a bachelor's degree, their median weekly earnings were more than twice that of those without a high school diploma.[23] Additionally, in 2015, the unemployment rate was 33 percent lower for those with a high school diploma than for those without.[24] For those with a bachelor's degree, the unemployment rate was 65 percent lower than for those without a high school diploma.[25] A study conducted by Dr. Wolf and Dr. Michael McShane found that for every dollar spent on the program, the OSP produces $2.62, or a 162 percent return on investment.[26] Simply put, OSP is a cost-effective program.

OSP parents report that the schools they are choosing for their children are safer than the alternative public school.[27] Parents also exhibited greater satisfaction with their child's school as a result of the OSP.[28] According to an April 2016 report published by the Institute of Education Sciences examining the OSP, parents indicated greater satisfaction for private schools than for public schools.[29] Parents applying to the OSP were surveyed at the time of application about their satisfaction levels with their child's current school. 93 percent of parents of private-school students gave their current school a grade of an A or B, while only 55 percent of public school parents did the same.[30] Put differently, 44 percent of public school parents applying for the OSP gave their child's current school a grade of a C, D, or F; only eight percent of private

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[19] Wolf et al., 2010, *supra* note 5, at 41.
[20] OSP 2014–2015 Program Summary, *supra* note 17.
[21] D.C. Children and Youth Investment Trust Corporation, *D.C. Opportunity Scholarship Program 2013–2014 Program Summary, available at* http://dcscholarships.org/elements/file/OSP/SY%2016-17%20Documents/2014_06_03%20DC%20OSP%20Program%20Summary.pdf (last visited April 20, 2016); *See also* OSP 2014–2015 Program Summary, *supra* note 17.
[22] U.S. Bureau of Labor Statistics, *Employment Projections 2015, available at* http://www.bls.gov/emp/ep_chart_001.htm (last visited April 20, 2016).
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] Patrick J. Wolf and Michael McShane, *Is the Juice Worth the Squeeze? A Benefit/Cost Analysis of the District of Columbia Opportunity Scholarship Program*, Education Finance and Policy (Winter 2013), 8(1), at 74–99.
[27] Wolf et al., 2010, *supra* note 5, at 43–46.
[28] *Id.*
[29] U.S. Dep't of Educ., Inst. of Educ. Sciences, Nat'l Center for Educ. Evaluation & Regional Assistance, *Applying to the DC Opportunity Scholarship Program: How do Parents Rate their Children's Current Schools at Time of Application and what do they Want in New Schools?*, at 4 (Apr. 2016) (NCEE Evaluation Brief) (hereinafter "NCEE Evaluation Brief, April 2016").
[30] *Id.*

school parents rated their child's current school as a C or lower.[31] The strong satisfaction with private schools helps explain the strong support for the OSP within the District which is further demonstrated by 74 percent of OSP parents and the community supporting the continuation of the program.[32]

According to an April 2016 Institute of Education Sciences report, parents of private school students indicated the least amount of dissatisfaction with their child's school across each of the 12 categories measured.[33] In each category, the dissatisfaction with public schools was *at least* 15 percentage points greater than the dissatisfaction with private schools.[34] With respect to "academic quality", the top priority for parents choosing a new school, parents of public school students registered dissatisfaction at 42 percent compared to the six percent registered by parents of private school students.[35]

Positive Changes for the OSP

The OSP is contributing to the success of students in the District and the satisfaction of parents with their child's education. As a result of the demonstrated success of the OSP, H.R. 4901 revises the structure for evaluating the program. Beginning in 2003, the D.C. Parental Choice Incentive Act, and the subsequent SOAR Act, required the OSP to be evaluated using the strongest possible research design. To fulfill this requirement, the U.S. Secretary of Education utilized a randomized control evaluation, creating a lottery system where some student applicants received scholarships, while other student applicants were placed in a "control group" and did not receive a scholarship. The current method of evaluation limits participation in the program, and excludes students from receiving a scholarship to complete the evaluation. Given the documented success of the program, H.R. 4901 shifts the OSP evaluation to a new standard that will still rigorously measure student achievement, but not deny scholarships to certain students through the use of a control group.

To ensure the new evaluation method is rigorous, H.R. 4901 requires the use of a quasi-experimental research design evaluation. This evaluation compares the academic achievement of OSP students to the academic achievement of a comparison group of students with similar backgrounds in District of Columbia public schools. The study is to continue evaluating students who received a scholarship and were previously studied under the former evaluation. The evaluation is not a descriptive analysis, nor does it compare OSP students to their own performance over time, but rather is an evaluation of OSP student achievement compared to DC public school student achievement, comparing students from similar backgrounds. The study should be designed to meet the U.S. Department of Education's *What Works Clearinghouse*™ standards for a "qualified quasi-experimental design" and therefore permit

[31] *Id*. The percentages do not sum to 100 due to rounding.
[32] Lester & Associates, *The District of Columbia Citywide Survey, Feb. 2011, Question 25*.
[33] NCEE Evaluation Brief, April 2016, *supra* note 29, at 8.
[34] *Id*.
[35] *Id*, at 8 and 10.

evaluators to draw causal conclusions about the program, with the reservations typical of such non-experimental analyses.[36]

The legislation also addresses prior concerns over administration of the OSP. Two previously published Government Accountability Office reports cited concerns with the OSP administrator's internal controls, including policies and procedures for financial management; *The Washington Post* also conducted an investigation in 2012 which highlighted similar concerns.[37] These reports also noted that the OSP administrator did not maintain complete information about OSP schools' accreditation, which serves as a means of accountability and oversight.[38] H.R. 4901 responds to these recommendations by requiring the OSP Administrator to utilize internal fiscal and quality controls, and also by requiring OSP participating schools to become accredited.

These controls include a requirement that the administrator of the OSP report on how it will ensure the financial viability of OSP participating schools with an OSP population that is 85 percent or greater of the total number of students enrolled at the school. With respect to accreditation, the bill contains accreditation requirements that all schools must be accredited within four years of enactment of the Consolidated Appropriations Act, 2016.[39] These changes will address quality control concerns, and help ensure students in the District of Columbia receive the high standard education they deserve.

The legislation also requires that criminal background checks be conducted on school employees who have direct, unsupervised interaction with students, and that at OSP participating schools, teachers of core subject matter (mathematics; science; and English, reading, or language arts) have a baccalaureate or equivalent degree.

H.R. 4901 makes clear that students who are eligible for the OSP may not be prevented from participating in the program based on the type of school the student previously attended, whether a student was previously awarded a scholarship that remains unused, and/or whether the student was a member of the previous control group used in the Institute of Education Sciences study. The U.S. Department of Education has not allowed otherwise eligible students to participate in the OSP for these reasons; the Department claims the SOAR Act's direction to the Department to "target re-

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[36] What Works Clearinghouse, *Designing Quasi-Experiments: Meeting What Works Clearinghouse Standards Without Random Assignment*, Webinar Transcript, Mar. 3, 2015, *available at* http://ies.ed.gov/ncee/wwc/multimedia/qedwebinar/wwc_webinar_qed_030315.pdf.

[37] Gov't Accountability Office, *District of Columbia Opportunity Scholarship Program: Additional Policies and Procedures Would Improve Internal Controls and Program Operations*, at 20 (Nov. 2007) (GAO–08–9); *see also* Gov't Accountability Office, *District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight*, at 19 (Sept. 2013) (GAO–13–805); *see also* Lyndsey Layton and Emma Brown, *Quality Controls Lacking for D.C. Schools Accepting Federal Vouchers*, Wash. Post, Nov. 17, 2012.

[38] *Id.*

[39] The Consolidated Appropriations Act, 2016 contained accreditation provisions requiring OSP participating schools become accredited. However, concerns arose over the way the language was drafted over the possibility that schools could participate in the program without ever becoming fully accredited. Out of an abundance of caution, H.R. 4901 repeals the Consolidated Appropriations Act, 2016 language (Division E, Sec. 817) and replaces it with clearer language ensuring accreditation. Because the original accreditation language (which required OSP participating, unaccredited schools and unaccredited schools who want to participate in the OSP begin seeking accreditation within a year of enactment) took effect upon enactment of the Consolidated Appropriations Act, 2016, the accreditation language in H.R. 4901 is tied to this original enactment date to maintain the five year accreditation timeline originally envisioned and enacted through the Consolidated Appropriations Act, 2016.

sources to students and families that lack the financial resources to take advantage of available educational options" allows it to exclude these eligible students from participating in the program.[40] This new language prevents the Department from continuing this practice of shutting eligible students out of the program.

This legislation also clarifies that funds which have been appropriated to the OSP but have not been used must be made available to the administrator of the OSP to grant scholarships and execute the administrative functions of the program. Currently, the U.S. Department of Education does not allow the administrator of the OSP access to funds which have been appropriated to the OSP but remain unexpended from previous fiscal years, claiming the Department must maintain those funds to ensure current students can stay in the OSP in the event that Congress does not appropriate funding to the program in the future.[41] Historically, in the one period when Congress did not allow for new enrollment in the OSP, it still appropriated funding to the OSP so currently enrolled students could continue their education on a scholarship, as was done through appropriations for Fiscal Year 2009.[42] Thus, the Department's concerns are unfounded and H.R. 4901 ensures the administrator has access to the carryover funds to provide OSP scholarships to as many eligible students as possible.

All of these changes serve to enhance the OSP. H.R. 4901 provides greater oversight and transparency of the program while ensuring students are able to participate in the OSP and the program administrator has access to the resources which Congress has appropriated to it.

Reauthorizing SOAR

In October 2015, the House passed H.R. 10 in an effort to reauthorize the SOAR Act. Subsequently, the text of that legislation was used as the base text for negotiations between the House and the Senate, where a bipartisan, bicameral agreement was reached to make a handful of changes (as highlighted by this report) to the legislation. While these changes were not substantial, but rather served to further the intent of H.R. 10, the importance of this legislation merited its reconsideration before the Committee as a new bill, providing the opportunity for members to comment and vote on the legislation. For that reason, Chairman Jason Chaffetz (R–UT) introduced the revised text as H.R. 4901.

Just as H.R. 10 before it, H.R. 4901 reauthorizes the three-sector approach which means improved educational outcomes for District of Columbia students.

Educational choice is aimed at bringing about improvements across all schools. H.R. 4901 means a continued emphasis on educational quality across District of Columbia schools. Simply put, the SOAR Reauthorization Act brings opportunity to those most in need.

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[40] Letter from Nadya Chinoy Dabby, Asst. Deputy Sec. for Innovation and Improvement, U.S. Dep't. of Educ., to Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov't. Reform, (Mar. 2, 2016) (hereinafter "Letter from Nadya Chinoy Dabby"); *See also* Pub. L. No. 112–10, Division C, Sec. 3006 (2).

[41] Letter from Nadya Chinoy Dabby.

[42] Pub. L. No. 111–117, Division C, Title IV.

LEGISLATIVE HISTORY

The DC OSP was first created as part of H.R. 2556, the D.C. Parental Choice Incentive Act, sponsored by Rep. Tom Davis (R–VA), which was favorably reported by the Committee on Government Reform by a 22–21 vote on July 10, 2003. The legislation was subsequently incorporated into H.R. 2673, the Consolidated Appropriations Act, 2004 (P.L. 108–199). Appropriations for the program were authorized through FY2008.

The Omnibus Appropriation Act, 2009 (P.L. 111–8) specified that the use of any funds in any act for Opportunity Scholarships after the 2009–2010 school year be available only upon reauthorization of the program and the adoption of legislation by the District of Columbia approving such reauthorization. The Consolidated Appropriations Act, 2010 (P.L. 111–117) eliminated this restriction on funding, allocating $13.2 million for Opportunity Scholarships to students who received scholarships in the 2009–2010 school year.

During the 112th Congress, Speaker John Boehner (R–OH) introduced H.R. 471, the Scholarships for Opportunity and Results (SOAR) Act, on January 26, 2011 to reauthorize the DC OSP. The bill was referred to the Committee on Oversight and Government Reform. The companion bill, S.206, was introduced on January 26, 2011 by Senator Joseph Lieberman (D–CT). The bill was referred to the Senate Homeland Security and Governmental Affairs Committee, which held a hearing on February 16, 2011.

The Subcommittee on Health Care, D.C., Census, and National Archives of the Committee on Oversight and Government Reform held a hearing on the DC OSP and H.R. 471 on March 1, 2011. The Committee favorably reported the legislation by a 21–14 vote on March 10, 2011. H.R. 471 passed the House on March 30, 2011, by a record vote of 225–195. The legislation was subsequently incorporated into H.R. 1473, the Department of Defense and Full-Year Continuing Appropriations Act, 2011, (P.L. 112–10). Appropriations for the program were authorized through FY 2016.

Representative Trey Gowdy (R–SC) introduced H.R. 3237, the SOAR Technical Corrections Act on October 18, 2011. The bill was referred to the Committee on Oversight and Government Reform, and the Committee then reported the legislation favorably by voice vote on November 3, 2011. H.R. 3237 was signed into law on February 1, 2012 (P.L. 112–92).

On May 14, 2015, the Committee on Oversight and Government Reform held a field hearing at Archbishop Carroll High School, a participating DC OSP school, to examine the reauthorization of DC OSP.

After the field hearing, Speaker John Boehner (R–OH) introduced H.R. 10, the Scholarships for Opportunity and Results (SOAR) Reauthorization Act on October 5, 2015. Representatives Jason Chaffetz (R–UT), John Kline (R–MN), Daniel Lipinski (R–IL), Todd Rokita (R–IN), Rodney Frelinghuysen (R–NJ), and Luke Messer (R–IN) were original co-sponsors.

On October 9, 2015, the Committee on Oversight and Government Reform ordered H.R. 10 favorably reported, as amended, by a recorded vote of 16–14. Representative Rod Blum (R–IA), a co-sponsor of H.R.10, was detained voting in another Committee. Had Representative Blum been present for the vote, he would have

voted in favor of reporting the bill, as amended. H.R. 10 passed the House on October 21, 2015, by a record vote of 240–191.

Representative Jason Chaffetz (R–UT) introduced H.R. 4901, the Scholarships for Opportunity and Results (SOAR) Reauthorization Act on April 12, 2016. The bill was referred to the Committee on Oversight and Government Reform, and the Committee then favorably reported the legislation by voice vote on April 14, 2016.

SECTION-BY-SECTION

Section 1. Short title; References in act

Designates the short title of the bill as the "SOAR Reauthorization Act".

Makes clear any amendment or repeal cited within the Act is in reference to the Scholarships for Opportunity and Results Act (division C of Public Law 112–10; sec. 38–1853.01 et. Seq., D.C. Official Code).

Section 2. Repeal

Repeals section 817 of the Consolidated Appropriations Act, 2016 (P.L. 114–113). Any provision of law amended or repealed by such section is restored.

Section 3. Purposes

Strikes section 3002 (sec. 38–1853.02, D.C. Official Code). Amends sec. 3003 (sec. 38–1853.03, D.C. Official Code). The purpose of this bill is to continue to provide educational opportunities for the children of low-income parents within the District of Columbia.

Section 4. Prohibiting imposition of limits on types of eligible students participating in the program

Amends section 3004(a) (sec. 38–1853.04(a), D.C. Official Code). Makes clear the U.S. Secretary of the Department of Education (Secretary) may not limit an otherwise eligible student from participating in the OSP based on the type of school the student previously attended, whether or not the student previously received a scholarship (including whether an eligible student was previously awarded a scholarship and did not use the scholarship), or whether the student was a member of the evaluation "control group" that previously prohibited them from participating in OSP.

If more students enter the OSP than the program can support, the program administrator must conduct a random selection process that gives weight to priorities in section 3006.

Section 5. Requiring eligible entities to utilize internal fiscal and quality controls

Amends section 3005(b)(1) (sec. 38–1853.05(b)(1), D.C. Official Code). Makes clear that a participating school may not be required to submit to more than one site visit per school year.

Requires the administering entity to ensure the financial viability of participating schools with an OSP population of 85 percent or greater. The entity administering the OSP must have proper fiscal and quality controls in place as a condition to managing the scholarship program.

Section 6. Clarification of priorities for awarding scholarships to eligible students

Amends Section 3006(1) (sec. 38–1853.06(1), D.C. Official Code) to remove the terminology "school identified for improvement, corrective action, or restructuring" and replaces it with "school identified as one of the lowest-performing schools under the District of Columbia's accountability system".

Section 7. Modification of requirements for participating schools and eligible entities

Amends section 3007(a)(4) (sec. 38–1853.07(a)(4), D.C. Official Code). Requires a teacher at an OSP participating school who teaches core subject matter to OSP participating students to have a baccalaureate or equivalent degree.

Requires school employees with direct, unsupervised interaction with students to have criminal background checks.

Requires participating schools to comply with requests for data pursuant to the statutory reporting requirements in Sec. 3010 of P.L. 112–10.

Further amends section 3007(a) (sec. 38–1853.07(a), D.C. Official Code). Requires all OSP participating schools to be accredited, or in the process of seeking accreditation. Current OSP participating, unaccredited schools have one year from the date of enactment of the Consolidated Appropriations Act, 2016 (Public Law 114–113) to begin seeking accreditation and five years from the date of enactment of Consolidated Appropriations Act, 2016 (Public Law 114–113) to become accredited. New schools may participate in the OSP if they are accredited before beginning participation. Within five years after the date of enactment of the SOAR Reauthorization Act, all participating schools must provide the OSP administrator with a certificate of full accreditation.

Requires the eligible entity to help parents of an OSP participating student find another participating school in the event that such student attends an OSP participating school that fails to meet the accreditation requirements.

Makes clear students who were previously awarded an opportunity scholarship in any previous year are to be treated as renewal students and not new applicants, regardless of when the scholarship was awarded and whether it was used.

Requires the Secretary to make any remaining available funds appropriated for the OSP available to the entity administering the OSP, including funds appropriated before the enactment of the SOAR Reauthorization Act and any funds appropriated on or after enactment of such act. If the eligible entity chooses to use these funds, the funds shall be used to award new scholarships to students, of which not more than five percent of unexpended funds may be used for administrative costs, parental assistance, and tutoring. The amount made available for administrative costs, parental assistance, and tutoring is in addition to funds already set aside for those purposes pursuant to the SOAR Reauthorization Act.

Section 3007 (sec. 38–1853.07, D.C. Official Code) is further amended by repealing the previous language on administrative expenses and parental assistance and replacing it with an authorization of $2 million annually in appropriated funds to carry out administrative functions and provide parental education and assist-

ance. These responsibilities include: conducting site visits to the schools; conducting a study on the barriers OSP participating students face in gaining admission to the school of their first choice; providing parents information on supplemental financial aid and funds to assist parents in meeting expenses that would otherwise preclude the student's participation; and streamlining the application.

Amends section 3007(c) (sec. 38–1853.07(c), D.C. Official Code) to conform to the changes made in Section 6 of this Act.

Section 8. Program evaluation

Amends section 3009(a) (sec. 38–1853.09(a), D.C. Official Code). Requires the Mayor of DC and Secretary to have the Institute of Education Sciences (IES), within the Department of Education, annually evaluate the OSP, and agree to monitor and evaluate D.C. public schools and public charter schools' use of funds. These evaluations are to be made public.

Requires the Secretary to ensure that the annual OSP evaluation uses a quasi-experimental research design that does not require a control group that would prohibit eligible students from entering the OSP and to disseminate information on the impact of the program.

Makes clear IES will assess participating students in grades 3 through 8 and one grade in high school and that the evaluation shall measures student achievement of participating students who use an opportunity scholarship. IES will work with eligible entities to ensure parents of participating students agree to participate in the evaluations.

Requires the following issues be evaluated by IES: a comparison of academic achievement of OSP participating students with similar backgrounds in D.C. public schools; the success of expanding choice options for parents and increasing satisfaction of parents and students with their choice; reasons for participating in the program; a comparison of retention, graduation, college admission, college persistence, and college graduation rates of OSP participating students with those in the D.C. public school comparison group (a similar comparison of college enrollment, persistence, and graduation rates for students who participated in the OSP in certain years compared to students who entered the OSP lottery but were not selected); school safety; an assessment of student achievement at OSP participating schools with 85 percent or greater enrollment of OSP participating students; and other issues the Secretary deems appropriate.

The bill provides protections for the personally identifiable information of students.

The evaluation conducted under the previous authorizations of the SOAR Act will be terminated, but the Secretary will continue to monitor and evaluate students who were evaluated under the most recent evaluation prior to the date of enactment of this Act.

Section 9. Funding for District of Columbia public schools and public charter schools

The Secretary may withhold funds from the Mayor if the Mayor fails to comply with any of the requirements, and reasonable notice was given as well as the opportunity for a hearing.

The Secretary may direct funds to the Office of the State Superintendent of Education of the District of Columbia (OSSE), and OSSE may transfer funds to subgrantees that are DC public charter schools, public charter school networks, nonprofits that support DC public charters, or networks of schools.

Requires the Mayor to make all necessary DC public and public charter school information available to IES for the purposes of carrying out the evaluation.

Section 10. Revision of current memorandum of understanding

The Mayor and Secretary will revise their memorandum of understanding to reflect the amendments within this Act, the need to ensure that participating schools meet fire code standards and maintain certificates of occupancy, and to ensure that DC public and public charter schools meet the requirements to provide information necessary to carry out evaluations.

Section 11. Definitions

Defines "core subject matter" and redesignates certain paragraphs.

Section 12. Extension of authorization of appropriations

Amends section 3014 (sec. 38–1853.14, D.C. Official Code) to extend the authorization through September 30, 2021. Makes clear that amounts appropriated, including amounts appropriated before the date of enactment of this Act, are to remain available until expended.

Section 12. Effective date

The amendments in the Act apply beginning the 2017–2018 school year and each succeeding school year.

EXPLANATION OF AMENDMENTS

No amendments to H.R. 4901 were offered or adopted during Full Committee consideration of the bill.

COMMITTEE CONSIDERATION

On March 14, 2016, the Committee met in open session and ordered reported favorably the bill, H.R. 4901, by voice vote, a quorum being present.

ROLL CALL VOTES

No roll call votes were requested or conducted during Full Committee consideration of H.R. 4901.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill reauthorizes the Scholarships for Opportunity and Results Act. As such this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to reauthorize the Scholarships for Opportunity and Results Act.

DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does not direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Direc-

tor of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of Congressional Budget Office:

APRIL 21, 2016.

Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4901, the Scholarships for Opportunity and Results Reauthorization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Leah Koestner.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 4901—Scholarships for Opportunity and Results Reauthorization Act

Summary: H.R. 4901 would amend and reauthorize the Scholarships for Opportunity and Results Act and would authorize the appropriation of $60 million for each of fiscal years 2017 through 2021. CBO estimates that enacting H.R. 4901 would cost $300 million over the 2017–2021 period, assuming appropriation of the authorized amounts.

Enacting H.R. 4901 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply to this legislation.

CBO estimates that enacting H.R. 4901 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 4901 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs to the District of Columbia would be incurred voluntarily and would result from complying with conditions of assistance.

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 4901 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—					
	2017	2018	2019	2020	2021	2017–2021
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	60	60	60	60	60	300
Estimated Outlays	60	60	60	60	60	300

Basis of estimate: H.R. 4901 would authorize the appropriation of $60 million for each of fiscal years 2017 through 2021. The program is currently authorized through fiscal year 2016 at $60 million annually. In fiscal year 2016, the Congress appropriated $45 million for this program.

The bill would direct the funds to be divided equally for the following three purposes:

- To provide scholarships for private-school tuition to parents of students who reside in the District of Columbia and to meet certain criteria under the D.C. Opportunity Scholarship Program;
- To improve public education in the District of Columbia; and
- To improve and expand quality public charter schools in the District of Columbia.

Based on historical spending patterns for this program and assuming appropriation of the authorized amounts, CBO projects that enacting the bill would cost $300 million over the 2017–2021 period.

Pay-as-you-go considerations: None.

Increase in long-term net direct spending and deficits: CBO estimates that enacting H.R. 4901 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Intergovernmental and private-sector impact: H.R. 4901 contains no intergovernmental or private-sector mandates as defined in UMRA. An educational entity of the District of Columbia may voluntarily choose to apply to the Department of Education to distribute grants through the School Choice Program, but any associated costs to the District would be incurred voluntarily and would result from complying with conditions of assistance. If low-income students choose to attend private schools, the District of Columbia school system could lose federal grants based on the number of low-income students in the system.

Previous CBO estimates: On October 16, 2015, CBO transmitted an estimate for H.R. 10, the Scholarships for Opportunity and Results Reauthorization Act, as ordered reported by the House Committee on Oversight and Government Reform on October 9, 2015. The two pieces of legislation are similar but CBO's estimate of the budgetary effects of H.R. 4901 includes an additional year.

Estimate prepared by: Federal Costs: Leah Koestner; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

SECTION 817 OF THE CONSOLIDATED APPROPRIATIONS ACT, 2016

[SEC. 817. (a) This section may be cited as the "D.C. Opportunity Scholarship Program School Certification Requirements Act".

[(b) Section 3007(a) of the Scholarships for Opportunity and Results Act (Public Law 112–10; 125 Stat. 203) is amended—

[(1) in paragraph (4)—

[(A) in subparagraph (E), by striking "and" after the semicolon;

[(B) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

[(C) by adding at the end the following:

["(G)(i) is provisionally or fully accredited by a national or regional accrediting agency that is recognized in the District of Columbia School Reform Act of 1995 (sec. 38–1802.02(16)(A)–(G), D.C. Official Code) or any other accrediting body deemed appropriate by the Office of the State Superintendent for Schools for the purposes of accrediting an elementary or secondary school; or

["(ii) in the case of a school that is a participating school as of the day before the date of enactment of the D.C. Opportunity Scholarship Program School Certification Requirements Act and, as of such day, does not meet the requirements of clause (i)—

["(I) by not later than 1 year after such date of enactment, is pursuing accreditation by a national or regional accrediting agency recognized in the District of Columbia School Reform Act of 1995 (sec. 38–1802.02(16)(A)–(G), D.C. Official Code) or any other accrediting body deemed appropriate by the Office of the State Superintendent for Schools for the purposes of accrediting an elementary or secondary school; and

["(II) by not later than 5 years after such date of enactment, is provisionally or fully accredited by such accrediting agency, except that an eligible entity may grant not more than one 1-year extension to meet this requirement for each participating school that provides evidence to the eligible entity from such accrediting agency that the school's application for accreditation is in process and the school will be awarded accreditation before the end of the 1-year extension period;

["(H) conducts criminal background checks on school employees who have direct and unsupervised interaction with students; and

["(I) complies with all requests for data and information regarding the reporting requirements described in section 3010."; and

[(2) by adding at the end the following:

["(5) NEW PARTICIPATING SCHOOLS.—If a school is not a participating school as of the date of enactment of the D.C. Opportunity Scholarship Program School Certification Requirements Act, the school shall not become a participating school and

none of the funds provided under this division for opportunity scholarships may be used by an eligible student to enroll in that school unless the school—

[“(A) is actively pursuing provisional or full accreditation by a national or regional accrediting agency that is recognized in the District of Columbia School Reform Act of 1995 (sec. 38–1802.02(16)(A)–(G), D.C. Official Code) or any other accrediting body deemed appropriate by the Office of the State Superintendent for Schools for the purposes of accrediting an elementary or secondary school; and

[“(B) meets all of the other requirements for participating schools under this Act.

[“(6) ENROLLING IN ANOTHER SCHOOL.—An eligible entity shall assist the parents of a participating eligible student in identifying, applying to, and enrolling in an another participating school for which opportunity scholarship funds may be used, if—

[“(A) such student is enrolled in a participating private school and may no longer use opportunity scholarship funds for enrollment in that participating private school because such school fails to meet a requirement under paragraph 4, or any other requirement of this Act; or

[“(B) a participating eligible student is enrolled in a school that ceases to be a participating school.”.

[(c) REPORT TO ELIGIBLE ENTITIES.—Section 3010 of the Scholarships for Opportunity and Results Act (Public Law 112–10; 125 Stat. 203) is further amended—

[(1) by redesignating subsection (d) as subsection (e); and

[(2) by inserting after subsection (c) the following:

[“(d) REPORTS TO ELIGIBLE ENTITIES.—The eligible entity receiving funds under section 3004(a) shall ensure that each participating school under this division submits to the eligible entity beginning not later than 5 years after the date of the enactment of the D.C. Opportunity Scholarship Program School Certification Requirements Act, a certification that the school has been awarded provisional or full accreditation, or has been granted an extension by the eligible entity in accordance with section 3007(a)(4)(G).”.

[(d) Unless specifically provided otherwise, this section, and the amendments made by this section, shall take effect 1 year after the date of enactment of this Act.]

SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT

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DIVISION C—SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT

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SEC. 3003. PURPOSE.

The purpose of this division is to provide low-income parents residing in the District of Columbia, [particularly parents of students

who attend elementary schools or secondary schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965, with] *particularly parents of students who attend an elementary school or secondary school identified as one of the lowest-performing schools under the District of Columbia's accountability system, with* expanded opportunities for enrolling their children in other schools in the District of Columbia, at least until the public schools in the District of Columbia have adequately addressed shortfalls in health, safety, and security, and the students in the District of Columbia public schools are testing in mathematics and reading at or above the national average.

SEC. 3004. GENERAL AUTHORITY.

(a) OPPORTUNITY SCHOLARSHIPS.—

(1) IN GENERAL.—From funds appropriated under section 3014(a)(1), the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 3005 to carry out a program to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this division.

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

(3) PROHIBITING IMPOSITION OF LIMITS ON ELIGIBLE STUDENTS PARTICIPATING IN THE PROGRAM.—

(A) IN GENERAL.—In carrying out the program under this division, the Secretary may not limit the number of eligible students receiving scholarships under section 3007(a), and may not prevent otherwise eligible students from participating in the program under this division, based on any of the following:

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

(ii) Whether or not the student previously received a scholarship or participated in the program, including whether an eligible student was awarded a scholarship in any previous year but has not used the scholarship, regardless of the number of years of nonuse.

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

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to waive the requirement under section 3005(b)(1)(B) that the eligible entity carrying out the program under this Act must carry out a random selection process, which gives weight to the priorities described in section 3006, if more eligible students seek admission in the program than the program can accommodate.

(b) DC PUBLIC SCHOOLS AND CHARTER SCHOOLS.—From funds appropriated under paragraphs (2) and (3) of section 3014(a), the Secretary shall provide funds to the Mayor of the District of Columbia, if the Mayor agrees to the requirements described in section 3011(a), for—

(1) the District of Columbia public schools to improve public education in the District of Columbia; and

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

SEC. 3005. APPLICATIONS.

(a) IN GENERAL.—In order to receive a grant under section 3004(a), an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—The Secretary may not approve the request of an eligible entity for a grant under section 3004(a) unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 3006;

(B) how the entity will ensure that if more eligible students seek admission in the program of the entity than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 3006;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities in order to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 3007(a);

(F) how the entity will determine the amount that will be provided to parents under section 3007(a)(2) for the payment of tuition, fees, and transportation expenses, if any;

(G) how the entity will seek out private elementary schools and secondary schools in the District of Columbia to participate in the program;

(H) how the entity will ensure that each participating school will meet the reporting and other program requirements under this division;

(I) how the entity will ensure that participating schools submit to site visits by the entity as determined to be necessary by the entity**[**, except that a participating school may not be required to submit to more than 1 site visit per school year**]**;

(J) how the entity will ensure that participating schools are financially responsible and will use the funds received under section 3007 effectively;

(K) how the entity will ensure the financial viability of participating schools in which 85 percent or more of the total number of students enrolled at the school are partici-

pating eligible students that receive and use an opportunity scholarship;

[(K)] *(L)* how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; [and]

[(L)] *(M)* how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(N) how the eligible entity will ensure that it—

(i) utilizes internal fiscal and quality controls; and

(ii) complies with applicable financial reporting requirements and the requirements of this division; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 3009(a).

SEC. 3006. PRIORITIES.

In awarding grants under section 3004(a), the Secretary shall give priority to applications from eligible entities that will most effectively—

(1) in awarding scholarships under section 3007(a), give priority to—

(A) eligible students who, in the school year preceding the school year for which the eligible students are seeking a scholarship, [attended an elementary school or secondary school implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965;] *attended an elementary school or secondary school identified as one of the lowest-performing schools under the District of Columbia's accountability system; and*

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

[(C)] *(B)* students whose household includes a sibling or other child who is already participating in the program of the eligible entity under this division, regardless of whether such students have, in the past, been assigned as members of a control study group for the purposes of an evaluation under section 3009(a)[;] *or whether such students have, in the past, attended a private school;*

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

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

SEC. 3007. USE OF FUNDS.

(a) OPPORTUNITY SCHOLARSHIPS.—

(1) IN GENERAL.—Subject to [paragraphs (2) and (3)] *paragraphs (2), (3), and (5)*, an eligible entity receiving a grant under section 3004(a) shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable the eligible students to attend the District of Columbia private elementary school or secondary school of their choice beginning in school year 2011-2012. Each such eligible entity shall ensure that the amount of any tuition or fees charged by a school participating in such entity's program under this division to an eligible student participating in the program does not exceed the amount of tuition or fees that the school charges to students who do not participate in the program.

(2) PAYMENTS TO PARENTS.—An eligible entity receiving a grant under section 3004(a) shall make scholarship payments under the entity's program under this division to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this division.

(3) AMOUNT OF ASSISTANCE.—

(A) VARYING AMOUNTS PERMITTED.—Subject to the other requirements of this section, an eligible entity receiving a grant under section 3004(a) may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.—

(i) LIMIT FOR SCHOOL YEAR 2011-2012.—The amount of assistance provided to any eligible student by an eligible entity under the entity's program under this division for school year 2011-2012 may not exceed—

(I) $8,000 for attendance in kindergarten through grade 8; and

(II) $12,000 for attendance in grades 9 through 12.

(ii) CUMULATIVE INFLATION ADJUSTMENT.—Beginning with school year 2012-2013, the Secretary shall adjust the maximum amounts of assistance described in clause (i) for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

(4) PARTICIPATING SCHOOL REQUIREMENTS.—None of the funds provided under this division for opportunity scholarships may be used by an eligible student to enroll in a participating private school unless the participating school—

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

(B) makes readily available to all prospective students information on its school accreditation;

(C) in the case of a school that has been operating for 5 years or less, submits to the eligible entity administering the program proof of adequate financial resources reflect-

ing the financial sustainability of the school and the school's ability to be in operation through the school year;

(D) agrees to submit to site visits as determined to be necessary by the eligible entity pursuant to section 3005(b)(1)(I);

(E) has financial systems, controls, policies, and procedures to ensure that funds are used according to this division; [and]

[(F) ensures that, with respect to core academic subjects (as such term was defined in section 9101(11) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(11)) on the day before the date of enactment of the Every Student Succeeds Act), participating students are taught by a teacher who has a baccalaureate degree or equivalent degree, whether such degree was awarded in or outside of the United States.]

(F) ensures that, with respect to core subject matter, participating students are taught by a teacher who has a baccalaureate degree or equivalent degree, whether such degree was awarded in or outside of the United States;

(G) conducts criminal background checks on school employees who have direct and unsupervised interaction with students; and

(H) complies with all requests for data and information regarding the reporting requirements described in section 3010.

(5) ACCREDITATION REQUIREMENTS.—

(A) IN GENERAL.—None of the funds provided under this division for opportunity scholarships may be used by a participating eligible student to enroll in a participating private school unless the school—

(i) in the case of a school that is a participating school as of the date of enactment of the SOAR Reauthorization Act—

(I) is fully accredited by an accrediting body described in any of subparagraphs (A) through (G) of section 2202(16) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; sec. 38–1802.02(16)(A)–(G), D.C. Official Code); or

(II) if such participating school does not meet the requirements of subclause (I)—

(aa) not later than 1 year after the date of enactment of the Consolidated Appropriations Act, 2016 (Public Law 114–113), the school is pursuing full accreditation by an accrediting body described in subclause (I); and

(bb) is fully accredited by such an accrediting body not later than 5 years after the date on which that school began the process of pursuing full accreditation in accordance with item (aa); and

(ii) in the case of a school that is not a participating school as of the date of enactment of the SOAR Reauthorization Act, is fully accredited by an accrediting

body described in clause (i)(I) before becoming a participating school under this division.

(B) REPORTS TO ELIGIBLE ENTITY.—Not later than 5 years after the date of enactment of the SOAR Reauthorization Act, each participating school shall submit to the eligible entity a certification that the school has been fully accredited in accordance with subparagraph (A).

(C) ASSISTING STUDENTS IN ENROLLING IN OTHER SCHOOLS.—If a participating school fails to meet the requirements of this paragraph, the eligible entity shall assist the parents of the participating eligible students who attend the school in identifying, applying to, and enrolling in another participating school under this division.

(6) TREATMENT OF STUDENTS AWARDED A SCHOLARSHIP IN A PREVIOUS YEAR.—An eligible entity shall treat a participating eligible student who was awarded an opportunity scholarship in any previous year and who has not used the scholarship as a renewal student and not as a new applicant, without regard as to—

(A) whether the eligible student has used the scholarship; and

(B) the year in which the scholarship was previously awarded.

[(b) ADMINISTRATIVE EXPENSES.—An eligible entity receiving a grant under section 3004(a) may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this division during the year, including—

[(1) determining the eligibility of students to participate;

[(2) selecting eligible students to receive scholarships;

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

[(4) compiling and maintaining financial and programmatic records; and

[(5) conducting site visits as described in section 3005(b)(1)(I).

[(c) PARENTAL ASSISTANCE.—An eligible entity receiving a grant under section 3004(a) may use not more than 2 percent of the amount provided under the grant each year for the expenses of educating parents about the entity's program under this division, and assisting parents through the application process, under this division, including—

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

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

[(3) streamlining the application process for parents.**]**

(b) ADMINISTRATIVE EXPENSES AND PARENTAL ASSISTANCE.—The Secretary shall make $2,000,000 of the amount made available under section 3014(a)(1) for each fiscal year available to eligible entities receiving a grant under section 3004(a) to cover the following expenses:

(1) The administrative expenses of carrying out its program under this division during the year, including—

(A) determining the eligibility of students to participate;

(B) selecting the eligible students to receive scholarships;

(C) determining the amount of the scholarships and issuing the scholarships to eligible students;

(D) compiling and maintaining financial and programmatic records;

(E) conducting site visits as described in section 3005(b)(1)(I); and

(F)(i) conducting a study, including a survey of participating parents, on any barriers for participating eligible students in gaining admission to, or attending, the participating school that is their first choice; and

(ii) not later than the end of the first full fiscal year after the date of enactment of the SOAR Reauthorization Act, submitting a report to Congress that contains the results of such study.

(2) The expenses of educating parents about the eligible entity's program under this division, and assisting parents through the application process under this division, including—

(A) providing information about the program and the participating schools to parents of eligible students, including information on supplemental financial aid that may be available at participating schools;

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

(C) streamlining the application process for parents.

[(d)**]** *(c)* STUDENT ACADEMIC ASSISTANCE.—An eligible entity receiving a grant under section 3004(a) may use not more than 1 percent of the amount provided under the grant each year for expenses to provide tutoring services to participating eligible students that need additional academic assistance. If there are insufficient funds to provide tutoring services to all such students in a year, the eligible entity shall give priority in such year to students who **[**previously attended an elementary school or secondary school that was implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965.**]** *previously attended an elementary school or secondary school identified as one of the lowest-performing schools under the District of Columbia's accountability system.*

(d) REQUIRING USE OF FUNDS REMAINING UNOBLIGATED FROM PREVIOUS FISCAL YEARS.—

(1) IN GENERAL.—To the extent that any funds appropriated for the opportunity scholarship program under this division for any fiscal year remain available for subsequent fiscal years under section 3014(c), the Secretary shall make such funds available to eligible entities receiving grants under section 3004(a) for the uses described in paragraph (2)—

(A) in the case of any remaining funds that were appropriated before the date of enactment of the SOAR Reauthorization Act, beginning on the date of enactment of such Act; and

(B) in the case of any remaining funds appropriated on or after the date of enactment of such Act, by the first day of the first subsequent fiscal year.

(2) USE OF FUNDS.—If an eligible entity to which the Secretary provided additional funds under paragraph (1) elects to use such funds during a fiscal year, the eligible entity shall use—

(A) not less than 95 percent of such additional funds to provide additional scholarships for eligible students under section 3007(a), or to increase the amount of the scholarships, during such year; and

(B) not more than a total of 5 percent of such additional funds for administrative expenses, parental assistance, or tutoring, as described in subsections (b) and (c), during such year.

(3) SPECIAL RULE.—Any amounts made available for administrative expenses, parental assistance, or tutoring under paragraph (2)(B) shall be in addition to any other amounts made available for such purposes in accordance with subsections (b) and (c).

* * * * * * *

SEC. 3009. EVALUATIONS.

[(a) IN GENERAL.—

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

[(A) jointly enter into an agreement with the Institute of Education Sciences of the Department of Education to evaluate annually the performance of students who received scholarships under the 5-year program under this division;

[(B) jointly enter into an agreement to monitor and evaluate the use of funds authorized and appropriated for the District of Columbia public schools and the District of Columbia public charter schools under this division; and

[(C) make the evaluations described in subparagraphs (A) and (B) public in accordance with subsection (c).

[(2) DUTIES OF THE SECRETARY.—The Secretary, through a grant, contract, or cooperative agreement, shall—

[(A) ensure that the evaluation under paragraph (1)(A)—

[(i) is conducted using the strongest possible research design for determining the effectiveness of the opportunity scholarship program under this division; and

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

[(B) disseminate information on the impact of the program—

[(i) in increasing the academic growth and achievement of participating eligible students; and

[(ii) on students and schools in the District of Columbia.

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

[(A) use a grade appropriate, nationally norm-referenced standardized test each school year to assess participating eligible students in a manner consistent with section 3008(h);

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

[(C) work with the eligible entities to ensure that the parents of each student who applies for a scholarship under this division (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under this division, agree that the student will participate, if requested by the Institute of Education Sciences, in the measurements given annually by the Institute of Educational Sciences for the period for which the student applied for or received the scholarship, respectively, except that nothing in this subparagraph shall affect a student's priority for an opportunity scholarship as provided under section 3006.

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

[(A) A comparison of the academic growth and achievement of participating eligible students in the measurements described in paragraph (3) to the academic growth and achievement of the eligible students in the same grades who sought to participate in the scholarship program under this division but were not selected.

[(B) The success of the program in expanding choice options for parents of participating eligible students, improving parental and student satisfaction of such parents and students, respectively, and increasing parental involvement of such parents in the education of their children.

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

[(D) A comparison of the retention rates, high school graduation rates, and college admission rates of participating eligible students with the retention rates, high school graduation rates, and college admission rates of students of similar backgrounds who do not participate in such program.

[(E) A comparison of the safety of the schools attended by participating eligible students and the schools in the District of Columbia attended by students who do not participate in the program, based on the perceptions of the students and parents.

[(F) Such other issues with respect to participating eligible students as the Secretary considers appropriate for inclusion in the evaluation, such as the impact of the program on public elementary schools and secondary schools in the District of Columbia.

[(G) An analysis of the issues described in subparagraphs (A) through (F) by applying such subparagraphs by substituting "the subgroup of participating eligible students who have used each opportunity scholarship awarded to such students under this division to attend a participating school" for "participating eligible students" each place such term appears.

[(5) PROHIBITION.—Personally identifiable information regarding the results of the measurements used for the evaluations may not be disclosed, except to the parents of the student to whom the information relates.]

(a) IN GENERAL.—

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

(A) jointly enter into an agreement with the Institute of Education Sciences of the Department of Education to evaluate annually the opportunity scholarship program under this division;

(B) jointly enter into an agreement to monitor and evaluate the use of funds authorized and appropriated for the District of Columbia public schools and the District of Columbia public charter schools under this division; and

(C) make the evaluations described in subparagraphs (A) and (B) public in accordance with subsection (c).

(2) DUTIES OF THE SECRETARY.—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation under paragraph (1)(A)—

(i) is conducted using an acceptable quasi-experimental research design for determining the effectiveness of the opportunity scholarship program under this division that does not use a control study group consisting of students who applied for but did not receive opportunity scholarships; and

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

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

(i) in increasing academic achievement and educational attainment of participating eligible students who use an opportunity scholarship; and

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

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

(A) assess participating eligible students who use an opportunity scholarship in each of grades 3 through 8, as well as one of the grades at the high school level, by supervising the administration of the same reading and mathematics assessment used by the District of Columbia public schools to comply with section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

(B) measure the academic achievement of all participating eligible students who use an opportunity scholarship in the grades described in subparagraph (A); and

(C) work with eligible entities receiving a grant under this division to ensure that the parents of each student who is a participating eligible student that uses an opportunity scholarship agrees to permit their child to participate in the evaluations and assessments carried out by the Institute of Education Sciences under this subsection.

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

(A) A comparison of the academic achievement of participating eligible students who use an opportunity scholarship on the measurements described in paragraph (3)(B) to the academic achievement of a comparison group of students with similar backgrounds in the District of Columbia public schools.

(B) The success of the program under this division in expanding choice options for parents of participating eligible students and increasing the satisfaction of such parents and students with their choice.

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

(D) A comparison of the retention rates, high school graduation rates, college enrollment rates, college persistence rates, and college graduation rates of participating eligible students who use an opportunity scholarship with the rates of students in the comparison group described in subparagraph (A).

(E) A comparison of the college enrollment rates, college persistence rates, and college graduation rates of students who participated in the program in 2004, 2005, 2011, 2012, 2013, 2014, and 2015 as the result of winning the Opportunity Scholarship Program lottery with such enrollment, persistence, and graduation rates for students who entered but did not win such lottery in those years and who, as a result, served as the control group for previous evaluations of the program under this division. Nothing in this subparagraph may be construed to waive section 3004(a)(3)(A)(iii) with respect to any such student.

(F) A comparison of the safety of the schools attended by participating eligible students who use an opportunity scholarship and the schools in the District of Columbia attended by students in the comparison group described in subparagraph (A), based on the perceptions of the students and parents.

(G) An assessment of student academic achievement at participating schools in which 85 percent of the total number of students enrolled at the school are participating eligible students who receive and use an opportunity scholarship.

(H) Such other issues with respect to participating eligible students who use an opportunity scholarship as the Secretary considers appropriate for inclusion in the evaluation, such as the impact of the program on public elementary schools and secondary schools in the District of Columbia.

(5) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—

(A) IN GENERAL.—Any disclosure of personally identifiable information obtained under this division shall be in compliance with section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974") (20 U.S.C. 1232g).

(B) STUDENTS NOT ATTENDING PUBLIC SCHOOLS.—With respect to any student who is not attending a public elementary school or secondary school, personally identifiable information obtained under this division shall only be disclosed to—

(i) individuals carrying out the evaluation described in paragraph (1)(A) for such student;

(ii) the group of individuals providing information for carrying out the evaluation of such student; and

(iii) the parents of such student.

(b) REPORTS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate—

(1) annual interim reports, not later than April 1 of the year following the year of the date of enactment of this division, and each subsequent year through the year in which the final report is submitted under paragraph (2), on the progress and preliminary results of the evaluation of the opportunity scholarship program funded under this division; and

(2) a final report, not later than 1 year after the final year for which a grant is made under section 3004(a), on the results of the evaluation of the program.

(c) PUBLIC AVAILABILITY.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 5 percent of the total amount appropriated under section 3014(a)(1) for the fiscal year.

SEC. 3010. REPORTING REQUIREMENTS.

(a) ACTIVITIES REPORTS.—Each eligible entity receiving funds under section 3004(a) during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) ACHIEVEMENT REPORTS.—

(1) IN GENERAL.—In addition to the reports required under subsection (a), each eligible entity receiving funds under section 3004(a) shall, not later than September 1 of the year during which the second school year of the entity's program is completed and each of the next 2 years thereafter, submit to the Secretary a report, including any pertinent data collected in the preceding 2 school years, concerning—

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

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

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENTS.—

(1) IN GENERAL.—Each eligible entity receiving funds under section 3004(a) shall ensure that each school participating in the entity's program under this division during a school year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate;

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

(C) the accreditation status of the school.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

[(d) REPORTS TO ELIGIBLE ENTITIES.—The eligible entity receiving funds under section 3004(a) shall ensure that each participating school under this division submits to the eligible entity beginning not later than 5 years after the date of the enactment of the D.C. Opportunity Scholarship Program School Certification Requirements Act, a certification that the school has been awarded provisional or full accreditation, or has been granted an extension by the eligible entity in accordance with section 3007(a)(4)(G).]

[(e)] *(d)* REPORT TO CONGRESS.—Not later than 6 months after the first appropriation of funds under section 3014, and each succeeding year thereafter, the Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate, an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 3011. DC PUBLIC SCHOOLS AND DC PUBLIC CHARTER SCHOOLS.

(a) CONDITION OF RECEIPT OF FUNDS.—As a condition of receiving funds under this division on behalf of the District of Columbia public schools and the District of Columbia public charter schools, the Mayor shall agree to carry out the following:

[(1) INFORMATION REQUESTS.—Ensure that all the District of Columbia public schools and the District of Columbia public charter schools comply with all reasonable requests for information for purposes of the evaluation under section 3009(a).]

(1) INFORMATION NECESSARY TO CARRY OUT EVALUATIONS.—Ensure that all District of Columbia public schools and District of Columbia public charter schools make available to the Institute of Education Sciences of the Department of Education all of the information the Institute requires to carry out the assessments and perform the evaluations required under section 3009(a).

(2) AGREEMENT WITH THE SECRETARY.—Enter into the agreement described in section 3009(a)(1)(B) to monitor and evaluate the use of funds authorized and appropriated for the District of Columbia public schools and the District of Columbia public charter schools under this division.

(3) SUBMISSION OF REPORT.—Not later than 6 months after the first appropriation of funds under section 3014, and each succeeding year thereafter, submit to the Committee on Appropriations, the Committee on Education and the Workforce, and the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Appropriations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate, information on—

(A) how the funds authorized and appropriated under this division for the District of Columbia public schools and the District of Columbia public charter schools were used in the preceding school year; and

(B) how such funds are contributing to student achievement.

[(b) ENFORCEMENT.—If, after reasonable notice and an opportunity for a hearing for the Mayor, the Secretary determines that the Mayor has not been in compliance with 1 or more of the requirements described in subsection (a), the Secretary may withhold from the Mayor, in whole or in part, further funds under this division for the District of Columbia public schools and the District of Columbia public charter schools.]

(b) ENFORCEMENT.—If, after reasonable notice and an opportunity for a hearing, the Secretary determines that the Mayor has failed to comply with any of the requirements of subsection (a), the Secretary may withhold from the Mayor, in whole or in part—

(1) the funds otherwise authorized to be appropriated under section 3014(a)(2), if the failure to comply relates to the District of Columbia public schools;

(2) the funds otherwise authorized to be appropriated under section 3014(a)(3), if the failure to comply relates to the District of Columbia public charter schools; or

(3) the funds otherwise authorized to be appropriated under both paragraphs (2) and (3) of section 3014(a), if the failure relates to both the District of Columbia public schools and the District of Columbia public charter schools.

(c) SPECIFIC RULES REGARDING FUNDS PROVIDED FOR SUPPORT OF PUBLIC CHARTER SCHOOLS.—The following rules shall apply with respect to the funds provided under this division for the support of District of Columbia public charter schools:

(1) The Secretary may direct the funds provided for any fiscal year, or any portion thereof, to the Office of the State Superintendent of Education of the District of Columbia.

(2) The Office of the State Superintendent of Education of the District of Columbia may transfer the funds to subgrantees that are—

(A) specific District of Columbia public charter schools or networks of such schools; or

(B) District of Columbia-based nonprofit organizations with experience in successfully providing support or assistance to District of Columbia public charter schools or networks of such schools.

(3) The funds provided under this division for the support of District of Columbia public charter schools shall be available to any District of Columbia public charter school in good standing with the District of Columbia Charter School Board, and the Office of the State Superintendent of Education of the District of Columbia and the District of Columbia Charter School Board may not restrict the availability of such funds to certain types of schools on the basis of the school's location, governing body, or the school's facilities.

[(c)**]** *(d)* RULE OF CONSTRUCTION.—Nothing in this section shall be construed to reduce, or otherwise affect, funding provided under this division for the opportunity scholarship program under this division.

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SEC. 3013. DEFINITIONS.

As used in this division:

(1) CORE SUBJECT MATTER.—The term "core subject matter" means—

(A) mathematics;

(B) science; and

(C) English, reading, or language arts.

[(1)**]** *(2)* ELEMENTARY SCHOOL.—The term "elementary school" means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

[(2)**]** *(3)* ELIGIBLE ENTITY.—The term "eligible entity" means any of the following:

(A) A nonprofit organization.

(B) A consortium of nonprofit organizations.

[(3) **]** *(4)* ELIGIBLE STUDENT.—The term "eligible student" means a student who is a resident of the District of Columbia and comes from a household—

(A) receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

(B) whose income does not exceed—

(i) 185 percent of the poverty line; or

(ii) in the case of a *household with a* student participating in the opportunity scholarship program in the preceding year under this division or the DC School Choice Incentive Act of 2003 (sec. 38-1851.01 et seq., D.C. Official Code), as such Act was in effect on the day before the date of enactment of this division, 300 percent of the poverty line.

[(4)] *(5)* MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

[(5)] *(6)* PARENT.—The term "parent" has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965.

[(6)] *(7)* PARTICIPATING ELIGIBLE STUDENT.—The term "participating eligible student" means an eligible student awarded an opportunity scholarship under this division, without regard to whether the student uses the scholarship to attend a participating school.

[(7)] *(8)* PARTICIPATING SCHOOL.—The term "participating school" means a private elementary school or secondary school participating in the opportunity scholarship program of an eligible entity under this division.

[(8)] *(9)* POVERTY LINE.—The term "poverty line" has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965.

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

[(10)] *(11)* SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 3014. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $60,000,000 for fiscal year 2012 [and for each of the 4 succeeding fiscal years] *and for each fiscal year through fiscal year 2021*, of which—

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

(2) one-third shall be made available to carry out section 3004(b)(1) for each fiscal year; and

(3) one-third shall be made available to carry out section 3004(b)(2) for each fiscal year.

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

(c) AVAILABILITY.—Amounts appropriated under subsection (a)(1), including amounts appropriated and available under such subsection before the date of enactment of the SOAR Reauthorization Act, shall remain available until expended.

MINORITY VIEWS

The Committee's consideration of H.R. 4901 may be unprecedented. In October 2015, the Committee and the House passed H.R. 10, which was substantially similar to H.R. 4901. The Senate has not acted on H.R. 10 or the Senate companion bill, S. 2171. We have never seen the Committee take action a second time in the same Congress on a bill that the House has already passed, but that has received no action in the Senate.

We are particularly perplexed by the Committee's consideration of the bill in light of the Majority's effort to include it in a House fiscal year 2017 appropriations bill.[1] Legislating on an appropriations bill violates House rules and cedes this Committee's authorizing jurisdiction.[2] We object to this request and urge regular order, which in this case would be to await Senate action, if any, on H.R. 10 or S. 2171.

We oppose H.R. 4901 for the same reasons we opposed H.R. 10: the District of Columbia voucher program has failed to improve academic achievement; D.C. has a robust public school choice system; and the program exempts students from the protection of federal civil rights laws.

According to a Department of Education study mandated by statute, the program has not improved academic achievement, as measured by math and reading test scores, and has had "no significant impacts" on the academic achievement of students from the lowest performing public schools.[3]

Previous authorizations of the program mandated an evaluation of its effectiveness. The authorizations required "the strongest possible research design for determining the effectiveness of the . . . program," and the evaluation utilized the gold standard of scientific research, a randomized controlled trial.

H.R. 4901 abandons this commitment to rigorous evaluation. It requires that an evaluation be "conducted using an acceptable quasi-experimental research design," and it expressly prohibits a randomized controlled trial. According to evaluators of the program, a randomized controlled trial "is especially important in the context of school choice because families wanting to apply for a choice program may have educational goals and aspirations that differ from the average family."[4]

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[1] Letter from Chairman Jason Chaffetz, House Committee on Oversight and Government Reform, and 19 other Members to the House Appropriations Committee (Mar. 17, 2016).

[2] Rule XXI, Clause 2.

[3] Institute of Education Sciences, Department of Education, *Evaluation of the DC Opportunity Scholarship Program: Final Report* (June 2010).

[4] Institute of Education Sciences, Department of Education, *Evaluation of the DC Opportunity Scholarship Program: An Early Look at Applicants and Participating Schools Under the SOAR Act* (Oct. 2014).

The District has a robust public school choice system in which 45% of public school students attend charter schools,[5] and 75% of public school students attends out-of-boundary public schools.[6]

The D.C. voucher program was the first federal elementary and secondary private school voucher program in the country, and it remains the only such program. Congress has repeatedly rejected efforts to create a national voucher program. Last year, both the House and Senate considered several national voucher amendments during reauthorization of the Elementary and Secondary Education Act, but none passed.

The D.C. voucher program has never been authorized through regular order. When Congress first created the program in 2004, and then reauthorized it in 2011, it did so by adding voucher bills as riders to appropriations bills.[7] The Senate has never passed a stand-alone D.C. voucher bill.

In a letter to Congress on March 7, 2016, D.C. Mayor Muriel Bowser and 8 of 13 D.C. Council Members did not support the voucher program itself, but rather supported the bill because it reauthorizes D.C. public and charter school funding.[8] These officials recognize that Republicans have conditioned reauthorization of public and charter school funding on reauthorization of the voucher program funding.

We acknowledge the D.C. government's concern about losing public and charter school funding, which has been part of D.C.'s education budget for a decade. During creation of the voucher program, Congresswoman Eleanor Holmes Norton, with the assistance of the Archbishop of Washington, insisted that public and charter school funding be provided in conjunction with voucher program funding.

Finally, the program exempts students from the protection of federal civil rights laws that apply to public schools and federally funded programs, including Title IV and VI of the Civil Rights Act of 1964; Title IX of the Education Amendments Act of 1972; the Equal Educational Opportunities Act of 1974; the Individuals with Disabilities Education Act; and the Rehabilitation Act of 1973. Under the program, the federal funding is considered assistance to the student and not to the school. Students should not have to give up the protection of federal civil rights laws to participate in a federal program.

ELIJAH E. CUMMINGS.
ELEANOR HOLMES NORTON.
GERALD E. CONNOLLY.

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[5] D.C. Public Charter School Board, *Facts and Figures:* Market Share (online at *www.depcsb.org/facts-and-figures-market-share*) accessed April 19, 2016).

[6] *Very Few D.C. Students Attend Assigned Schools, Data Show*, Washington Post (Feb. 19, 2014) (online at *www.washingtonpost.com/blogs/local/wp/2014/02/19/very-few-d-c-students-attend-assigned-schools-data-show*).

[7] Department of Defense and Full-Year Continuing Appropriations Act, 2011, Pub. L. No. 112–10, and Consolidated Appropriations Act, 2004, Pub. L. No. 108–199.

[8] Letter from Mayor Muriel Bowser, District of Columbia, et al. to House and Senate Leadership (Mar. 7, 2016).