

SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS  
 REAUTHORIZATION ACT

MARCH 27, 2017.—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. 1387]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom  
 was referred the bill (H.R. 1387) to reauthorize the Scholarships for  
 Opportunity and Results Act, and for other purposes, having con-  
 sidered the same, report favorably thereon without amendment and  
 recommend that the bill do pass.

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## COMMITTEE STATEMENT AND VIEWS

## PURPOSE AND SUMMARY

H.R. 1387, the Scholarships for Opportunity and Results Reauthorization Act, or SOAR Reauthorization Act, reauthorizes funding for grants to D.C. public schools and public charter schools. The Act also reauthorizes the Opportunity Scholarship Program (OSP), which provides grants to children of families that meet specific criteria to offset the costs of attending private schools. H.R. 1387 authorizes an appropriation of \$60 million each fiscal year through fiscal year 2022, distributed equally between D.C. public schools, public charter schools, and OSP. Reauthorization of SOAR will ensure that recent gains in academic achievement across the D.C. education triumvirate continue to improve.

## BACKGROUND AND NEED FOR LEGISLATION

The SOAR Act provides critical resources to all three of the education resources available to children in the District of Columbia (“District” or “D.C.”). D.C. public schools, public charter schools, and the Opportunity Scholarship Program all receive critical funds through SOAR. These funds in turn help to create an environment where local students are able to access successful schools, and have a pathway to future success.

*SOAR will help maintain and enhance educational improvements*

In recent years, academic achievement has increased in the District. The graduation rate for District public schools increased from 64 percent in the 2014–2015 school year to 69 percent in the 2015–2016 school year.<sup>1</sup> Although this gain is commendable and deserves recognition, the 69 percent underscores the need for continued improvement. SOAR is vital tool in ensuring that rates continue to rise, and more D.C. students have the opportunity to achieve academic success.

H.R. 1387 reauthorizes the SOAR Act for another five years, authorizing up to \$300 million in federal funding over this timeframe to help support education in the District. The \$300 million authorized by H.R. 1387 is divided equally among D.C. public schools, D.C. public charter schools, and the OSP. All three pillars of a strong education system for D.C. students benefit from this program, and OSP takes nothing away from public schools or public charter schools. D.C. public schools and D.C. public charter schools benefit from additional funding that would otherwise not be available to support education within the District. The dedicated funds appropriated under this authorization will help improve public schools and public charter schools. The District of Columbia benefits from a strong network of public charter schools that provide meaningful alternatives to families whose only other option would be low-performing public schools. H.R. 1387 ensures that D.C. pub-

<sup>1</sup>District of Columbia Office of the State Superintendent of Educ., *DC 2015 Adjusted Cohort 4-year Graduation Rate (2011-2012 9th Grade Class)*, available at <http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Adjusted%20Cohort%20Graduation%20Rate%20Overview%202014-15.pdf>; District of Columbia Office of the State Superintendent of Educ., *DC 2016 Adjusted Cohort 4-year Graduation Rate (9th Grade Class Entering for the First Time in 2012-2013 School Year)*, available at <http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Adjusted%20Cohort%20Graduation%20Rate%20Overview%202015-16.pdf>.

lic charter schools receive funding for continued improvement, strengthening educational options for D.C. children.

Similarly, the funds provided to D.C. public schools under SOAR will help to continue recent progress in academic achievement. This fact is clear to the District’s local elected officials. D.C. Mayor Muriel Bowser and members of the D.C. Council, in a March 2016 letter, stated, “These [SOAR Act] funds are critical to the gains that the District’s public education system has seen in recent years.”<sup>2</sup>

Evidence suggests the OSP has a positive impact on public schools. The OSP has prompted public school principals within the District to implement changes to retain students that 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.<sup>3</sup> This indicates that public schools are adapting and making themselves better in order to be more competitive with the private schools participating in the OSP. As the District continues to make gains in and through its public schools, H.R. 1387 further supports those efforts.

*The Opportunity Scholarship Program (OSP) is helping students and families*

The OSP provides grants to students who meet certain eligibility requirements. These grants are then used by the student and their families to help offset the costs of tuition at participating private schools. In 2003, when the OSP was first included as part of the D.C. Parental Choice Incentive Act of 2003, D.C. public school students had the lowest test scores in the nation.<sup>4</sup> In the decade since, D.C. public schools have shown improvement in many areas.<sup>5</sup> However, D.C. public school students continue to test well below national averages, with scores that remain at or near the bottom of the United States.<sup>6</sup> It is important to support the continued progress of D.C. public education. At the same time, children in the

<sup>2</sup>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).

<sup>3</sup>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”).

<sup>4</sup>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](https://nces.ed.gov/programs/digest/2013menu_tables.asp).

<sup>5</sup>See e.g. increased graduation rates of 69%. *DC 2016 Adjusted Cohort 4-year Graduation Rate (9th Grade Class Entering for the First Time in 2012–2013 School Year)*, available at <http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Adjusted%20Cohort%20Graduation%20Rate%20Overview%202015-16.pdf>.

<sup>6</sup>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> (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> (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> (hereafter “DC 8th 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> (hereafter “DC 8th grade 2015 Math State Snapshot Report.”).

District deserve every possible opportunity to achieve academic success. The OSP provides exactly that sort of opportunity.

In 2015, D.C. eighth graders had the lowest average math and reading scores of any state.<sup>7</sup> In math, 49 percent of students scored below basic, compared to the national average of 30 percent.<sup>8</sup> In reading, 44 percent of students scored at the below basic level, compared to the national average of 25 percent.<sup>9</sup> In 2015, D.C. fourth graders remained at or near the bottom of scores in the country.<sup>10</sup> Among D.C. fourth graders, 31 percent of students tested below a basic level in math, compared to the national average of 19 percent.<sup>11</sup> In reading, 44 percent of students tested below a basic level, compared to the national average of 32 percent.<sup>12</sup>

There is substantial evidence that 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.<sup>13</sup> This difference equated to roughly three or four months of additional instruction.<sup>14</sup> The final evaluation, conducted between 2004 and 2009, achieved only a 94 percent confidence level—one percent below the necessary 95 percent confidence level.<sup>15</sup> As a result, the report could not conclusively state it increased reading achievement.<sup>16</sup> However, Dr. Patrick Wolf, the leading researcher on the study, indicated that the lower confidence level was caused by the sample having changed.<sup>17</sup> As students naturally graduated, the researchers had a smaller, different group of students for the fourth year of the study.<sup>18</sup>

The OSP has resulted in a meaningful impact on graduation rates in D.C. OSP students graduate high school at a much higher rate than their counterparts at D.C. public schools. During the 2015–2016 school year, OSP students had a graduation rate of 95 percent, while D.C. public school students had a graduation rate of 69 percent.<sup>19</sup> OSP students graduated well above the national aver-

<sup>7</sup>DC 8th grade 2015 Reading State Snapshot Report, *supra* note 6; DC 8th grade 2015 Math State Snapshot Report, *supra* note 6.

<sup>8</sup>DC 8th grade 2015 Math State Snapshot Report, *supra* note 6.

<sup>9</sup>DC 8th grade 2015 Reading State Snapshot Report, *supra* note 6.

<sup>10</sup>DC 4th grade 2015 Math State Snapshot Report, *supra* note 6; DC 4th grade 2015 Reading State Snapshot Report, *supra* note 6.

<sup>11</sup>DC 4th grade 2015 Math State Snapshot Report, *supra* note 6.

<sup>12</sup>DC 4th grade 2015 Reading State Snapshot Report, *supra* note 6.

<sup>13</sup>Wolf et al., 2010, *supra* note 3, at 36-41.

<sup>14</sup>*Id.*

<sup>15</sup>*Id.*

<sup>16</sup>*Id.*, at 35–37, Table 3–2 and Figure 3–1 (June 2010) (NCEE 2010–4018).

<sup>17</sup>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 3, at 37, footnote 39.

<sup>18</sup>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 3, at 37, footnote 39.

<sup>19</sup>District of Columbia Office of the State Superintendent of Educ., *DC 2015 Adjusted Cohort 4-year Graduation Rate (2011–2012 9th Grade Class)*, available at <http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Adjusted%20Cohort%20Graduation%20Rate%20Overview%202014-15.pdf>; *Serving Our Children*, D.C. Opportunity Scholarship Program 2015–2016 Program Summary, available at <http://servingourchildrenc.org/blog/program-facts/>.

age of 82 percent.<sup>20</sup> Students 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 for an OSP scholarship but did not receive it.<sup>21</sup> Without an OSP grant, 87.4 percent of students attending an OSP participating school in the 2014–2015 school year, would have otherwise attended a school that had been designated as in need of improvement.<sup>22</sup> 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.<sup>23</sup>

The OSP is positioning students in the District for academic success that will continue to benefit them for the rest of their lives. According to the Bureau of Labor Statistics, in 2016, high school graduates with no college had a median weekly income that was \$185 higher than those without a diploma.<sup>24</sup> 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.<sup>25</sup> Additionally, in 2015, the unemployment rate was 33 percent lower for those with a high school diploma than for those without.<sup>26</sup> For those with a bachelor's degree, the unemployment rate was 65 percent lower than for those without a high school diploma.<sup>27</sup> 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.<sup>28</sup> Simply put, OSP is a cost-effective program.

OSP parents report the schools they are choosing for their children are safer than the alternative public school.<sup>29</sup> Parents also exhibited greater satisfaction with their child's school because of the OSP.<sup>30</sup> 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.<sup>31</sup> Parents were surveyed at the time of submitting their application for OSP about their satisfaction levels with their child's current school. That survey showed 93 percent of parents of private-school students gave their current school a grade of an A or B, while only

<sup>20</sup> 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.

<sup>21</sup> Wolf et al., 2010, *supra* note 3, at 41.

<sup>22</sup> Serving Our Children, D.C. Opportunity Scholarship Program 2014–2015 Program Summary, available at <http://servingourchildrendc.org/blog/program-facts/>.

<sup>23</sup> D.C. Children and Youth Investment Trust Corporation, *D.C. Opportunity Scholarship Program 2013–2014 Program Summary*, available at [http://descholarships.org/elements/file/OSP/SY%2016-17%20Documents/2014\\_06\\_03%20DC%20OSP%20Program%20Summary.](http://descholarships.org/elements/file/OSP/SY%2016-17%20Documents/2014_06_03%20DC%20OSP%20Program%20Summary.); See also OSP 2014–2015 Program Summary, *supra* note 17.

<sup>24</sup> U.S. Bureau of Labor Statistics, *Employment Projections 2015*, available at [http://www.bls.gov/emp/ep\\_chart\\_001.htm](http://www.bls.gov/emp/ep_chart_001.htm).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> 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 (2013), 8(1), at 74–99.

<sup>29</sup> Wolf et al., 2010, *supra* note 3, at 43–46.

<sup>30</sup> *Id.*

<sup>31</sup> 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").

55 percent of public school parents did the same.<sup>32</sup> 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 8 percent of private school parents rated their child's current school as a C or lower.<sup>33</sup> The strong satisfaction with private schools helps explain the strong support for the OSP within the District. Seventy-four percent of OSP parents and the community support the continuation of the program.<sup>34</sup>

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.<sup>35</sup> In each category, the dissatisfaction with public schools was at least 15 percentage points greater than the dissatisfaction with private schools.<sup>36</sup> 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 6 percent registered by parents of private school students.<sup>37</sup>

#### *The SOAR Act enhances OSP*

The OSP is contributing to the success of students in the District and parents' satisfaction with their child's education. As a result of the demonstrated success of the OSP, H.R. 1387 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 be evaluated using the strongest possible research design. To fulfill this requirement, the 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.<sup>38</sup> The current method of evaluation limits participation in the program and excludes students from receiving a scholarship.<sup>39</sup> Given the documented success of the program, H.R. 1387 shifts the OSP evaluation to a new standard that will still rigorously measure student achievement, but not deny scholarships to certain students placed into a control group.

In order to ensure the new evaluation method is rigorous, H.R. 1387 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 D.C. public schools. The study is to continue evaluating students who received a scholarship and were previously studied under the former evaluation. The evalua-

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* The percentages do not sum to 100 due to rounding.

<sup>34</sup> Lester & Associates, *The District of Columbia Citywide Survey, Feb. 2011, Question 25.*

<sup>35</sup> NCEE Evaluation Brief, April 2016, *supra* note 31, at 8.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*, at 8 and 10.

<sup>38</sup> See National Center for Education Evaluation & Regional Assistance, *Evaluation of the DC Opportunity Scholarship Program: Mandated Evaluation of the OSP*, available at [https://ies.ed.gov/ncee/pubs/20094050/summ\\_2.asp](https://ies.ed.gov/ncee/pubs/20094050/summ_2.asp).

<sup>39</sup> The use of a control group limits students from participating by requiring a group of students that has not had access to the OSP in order to compare to OSP students. By nature of being a control group, these students must not be subject to the experimental factor, in this case attending a private school through the OSP program and instead attending a public school or public charter school, in order to determine what effect OSP participation has on academic achievement.

tion is not a descriptive analysis, nor does it compare OSP students to their own performance over time. Rather, it is an evaluation of OSP student achievement compared to D.C. public school student achievement, comparing students from similar backgrounds.

Instead of requiring students be excluded from OSP, the study should be designed to meet the U.S. Department of Education's *The What Works Clearinghouse* standards for a "qualified quasi-experimental design." A study conducted according to these standards permits evaluators to draw causal conclusions about the program, with the reservations typical of such non-experimental analyses.<sup>40</sup>

The legislation also addresses prior concerns with the administration of OSP. Two previously published Government Accountability Office reports cited concerns with the OSP administrator's internal controls, including policies and procedures for financial management.<sup>41</sup> An investigation by *The Washington Post* conducted in 2012 highlighted similar concerns.<sup>42</sup> 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.<sup>43</sup> H.R. 1387 addresses the concerns raised in the reports by requiring the OSP administrator utilize internal fiscal and quality controls, and by requiring OSP participating schools to become accredited.

The new controls required by the SOAR Reauthorization Act mandate the administrator of the OSP report on how he or she will ensure the financial viability of participating schools where 85 percent or more of the student body are OSP participants. The bill also requires that all schools be accredited within four years of enactment.<sup>44</sup> These changes help address quality control concerns and ensure students in the District 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.

<sup>40</sup>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](http://ies.ed.gov/ncee/wwc/multimedia/qedwebinar/wwc_webinar_qed_030315.pdf).

<sup>41</sup>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).

<sup>42</sup>Lyndsey Layton and Emma Brown, *Quality Controls Lacking for D.C. Schools Accepting Federal Vouchers*, WASH. POST, Nov. 17, 2012.

<sup>43</sup>*Id.*; 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).

<sup>44</sup>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. 1387 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. 1387 is tied to this original enactment date to maintain the five year accreditation timeline originally envisioned and enacted through the Consolidated Appropriations Act, 2016.

H.R. 1387 ensures that all eligible students are permitted access to the OSP. The Department of Education asserted that students may 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 whether the student was a member of the previous control group used in the Institute of Education Sciences study.<sup>45</sup> The Department interpreted the SOAR Act's direction to the Department to "target resources to students and families that lack the financial resources to take advantage of available educational options" as allowing it to exclude these eligible students from participating in the program.<sup>46</sup> H.R. 1387 prevents the Department from continuing this practice of shutting eligible students out of the program.

All of these changes serve to enhance the OSP. H.R. 1387 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 that Congress appropriates.

#### LEGISLATIVE HISTORY

On March 7, 2017, Chairman Jason Chaffetz introduced H.R. 1387, the Scholarships for Opportunity and Results Act, with Representatives Mark Meadows, Virginia Foxx, Luke Messer, Rodney Frelinghuysen, Tim Walberg, Todd Rokita, Andy Harris, Ron DeSantis are original cosponsors. Representatives Dan Lipinski and Steve Russell subsequently cosponsored the bill. H.R. 1387 was referred to the House Committee on Oversight and Government Reform. The Committee considered H.R. 194 at a business meeting on March 10, 2017 and ordered the bill reported favorably, without amendment, by voice vote.

Two similar bills were introduced in the 114th Congress. The first, H.R. 10, was introduced by then-Speaker of the House John Boehner on October 5, 2015. H.R. 10 was referred to the Committee on Oversight and Government, and ordered favorably reported, as amended, on October 9, 2015 by a recorded vote of 16–14. The Act passed the House of Representatives on October 21, 2015 by a vote of 240–191. A Senate companion to H.R. 10, numbered S. 2171, was introduced by Senator Dianne Feinstein on October 8, 2015. S. 2171 was referred to the Senate Committee on Homeland Security and Governmental Affairs. The Committee held a hearing on the bill on November 4, 2015.

The second similar bill in the 114th Congress was H.R. 4901, which was introduced by Representative Jason Chaffetz on April 12, 2016. The bill was referred to the Committee on Oversight and Government Reform. The Committee held a business meeting on April 14, 2016, where the bill was reported favorably by voice vote. H.R. 4901 passed the House on April 29, 2016 by a vote of 224–181. Language similar to H.R. 4901 was included in the House Financial Services and General Government Appropriations Act of 2017, H.R. 5485. A portion of this language, the release of carry-

<sup>45</sup> 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").

<sup>46</sup> *Id.* See also Pub. L. No. 112–10, Division C, Sec. 3006 (2).



over funds withheld by the Department of Education, was included in H.R. 2028, the FY 2017 Continuing Resolution.

#### SECTION-BY-SECTION

##### *Section 1. Short title; References in Act*

Section 1 designates the short title as the “Scholarship for Opportunity and Results Reauthorization Act,” or “SOAR Reauthorization Act.”

##### *Section 2. Repeal*

Section 2 repeals all provisions, and revives and restores those provisions repealed by the Consolidated Appropriations Act, 2016.

##### *Section 3. Purposes*

Section 3 amends section 3003 of by Public Law 112–10 by clarifying that the purpose of the act is to provide particularly for 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”.

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

This section amends section 3004(a) (sec. 38–1853.04(a), D.C. Official Code) by making clear the Secretary of the Department of Education (Secretary) shall not limit otherwise eligible students from participating in the Opportunity Scholarship Program (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.

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

This section amends section 3005(b)(1) of Public Law 112–10 by making clear that participating schools may not be required to submit to more than one site visit per school year.

The section requires the OSP administrator to ensure the financial viability of all participating schools where 85 percent or more of the students received and use scholarships. The section requires the eligible entity to ensure that it uses internal fiscal and quality controls and complies with applicable reporting requirements.

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

This section amends section 3006(1) of Public Law 112–10 by clarifying that priorities for awarding scholarships shall be based on attendance at an elementary school or secondary school identified as one of the lowest-performing schools under the District of Columbia accountability system.

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

This section amends section 3007(a)(4) of Public Law 112–10 by requiring that entities ensure that core subject matter classes are taught by teachers holding a baccalaureate or equivalent degree. The section also requires the entity conduct criminal background checks on employees with direct unsupervised access to children and complies with requests for data and information regarding reporting requirements listed in section 3010.

This section further amends section 3007(a) of Public Law 112–10 by clarifying that no funds may be used to enroll in a school unless that school is fully accredited or is pursuing full accreditation within one year of the enactment of the Consolidated Appropriations Act, 2016, and is fully accredited within five years of the date which the school began the accreditation process. The section further requires that, not later than five years after enactment of the SOAR act, each participating school shall submit a certification of full accreditation. Failure to submit the certification will require the school to assist students in identifying and applying to another participating school. Students that have been awarded a scholarship in the past, but have not used the scholarship, are to be treated as renewal students and not new applicants.

This section further amends section 3007 of Public Law 112–10 by clarifying that the Secretary shall make \$2 million of the amount appropriated each fiscal year available to the eligible entities to cover administrative expenses, such as determining eligibility, selecting students to receive scholarships, maintaining records, conducting site visits, and conducting a study on barriers faced by participating eligible students in gaining admission or attending participating schools. Funds shall also be dispensed to cover the expense of educating parents and providing information and funds to parents of eligible students for purposes related to attendance at the participating school.

The section also clarifies that funds for student academic assistance shall be based on the student previously attending an elementary school or secondary school identified as one of the lowest performing schools.

*Section 8. Program evaluation*

This section amends section 3009(a) of Public Law 112–10 (sec. 38–1853.09(a), D.C. Official Code). The section requires the Mayor of D.C. 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.

This section requires the Secretary to ensure 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 will disseminate information on the impact of the program.

This section makes clear that IES will assess participating students in grades three through eight and one grade in high school and that the evaluation shall measure 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.

The section 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 section 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*

This section amends section 3011(b) of Public Law 112–10 by clarifying that in the event, after reasonable notice and opportunity for a hearing, the Secretary determines the Mayor has failed to comply with any reporting requirements in subsection (a), the Secretary may withhold, in part or in whole, funds authorized to be appropriated under section 3014(a)(2), 3014(a)(3), or 3014(a)(2) or (3) of D.C. Official Code, as the circumstances of the failure to report dictate.

The section also clarifies the rules for how funds shall be provided to support public charter schools by permitting the Secretary to direct funds provided in any fiscal year, or portion thereof, to the State Superintendent of Education for the District. The State Superintendent may transfer funds to a specific public charter school or network of schools, or a District-based non-profit with experience in successfully supporting District public charter schools or networks of schools.

*Section 10. Revision of current memorandum of understanding*

This section requires that the Secretary of Education and the Mayor revise the memorandum of understanding to address the amendments made by this act, the need to ensure participating schools meet fire code standards and maintain certificates of occupancy, and that public schools and public charter schools meet the requirements for complying with reasonable requests for information to carry out evaluations.

*Section 11. Definitions*

This section amends section 3013 of Public Law 112–10 to define core subject matter courses, such as mathematics, science, and English, reading, or language arts.

*Section 12. Extension of authorization of appropriations*

This section authorizes the OSP program through fiscal year 2022, effective September 30, 2016.

*Section 13. Effective date*

This section clarifies that the act shall take effect with respect to the 2018–2019 school year and each succeeding year.

## EXPLANATION OF AMENDMENTS

During Full Committee consideration of the bill, three amendments were offered to H.R. 1387.

Representative Connolly (D–VA) offered an amendment to require the evaluation of the program be conducted using the strongest possible research design standards and practices. The amendment required the use of control groups in the evaluation process, thereby depriving groups of students from access to the OSP. The amendment was not adopted by a roll call vote of 17 to 23.

Representative Watson-Coleman (D–NJ) offered an amendment that added the categories of sexual orientation and gender to the list of protected classes under the nondiscrimination clause in Section 3008(a) of the SOAR Act. The amendment was not adopted by a roll call vote of 17 to 22.

Representative DeSaulnier (D–CA) offered an amendment that applied the Individuals with Disabilities Education Act to students participating in the OSP. The amendment was not adopted by a roll call vote of 18 to 23.

## COMMITTEE CONSIDERATION

On March 10, 2017, the Committee met in open session and ordered reported favorably the bill, H.R. 1387, by voice vote, a quorum being present.

## ROLL CALL VOTES

There were three recorded votes during consideration of H.R. 1387:

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
 115TH CONGRESS  
 RATIO 24-18  
 ROLL CALL

Vote on: Connolly amendment #1 to H.R. 1387

Vote # 11

Date: Friday, March 10, 2017

| Republicans                         | Aye | No | Present | Democrats                          | Aye | No | Present |
|-------------------------------------|-----|----|---------|------------------------------------|-----|----|---------|
| MR. CHAFFETZ (UT) <i>(Chairman)</i> |     | X  |         | MR. CUMMINGS (MD) <i>(Ranking)</i> | X   |    |         |
| MR. DUNCAN (TN)                     |     | X  |         | MRS. MALONEY (NY)                  | X   |    |         |
| MR. ISSA (CA)                       |     | X  |         | MS. NORTON (DC)                    | X   |    |         |
| MR. JORDAN (OH)                     |     | X  |         | MR. CLAY (MO)                      | X   |    |         |
| MR. SANFORD (SC)                    |     | X  |         | MR. LYNCH (MA)                     | X   |    |         |
| MR. AMASH (MI)                      |     | X  |         | MR. COOPER (TN)                    | X   |    |         |
| MR. GOSAR (AZ)                      |     | X  |         | MR. CONNOLLY (VA)                  |     |    |         |
| MR. DesJARLAIS (TN)                 |     | X  |         | MS. KELLY (IL)                     | X   |    |         |
| MR. GOWDY (SC)                      |     | X  |         | MS. LAWRENCE (MD)                  | X   |    |         |
| MR. FARENTHOLD (TX)                 |     | X  |         | MS. WATSON-COLEMAN (NJ)            | X   |    |         |
| MS. FOXY (NC)                       |     | X  |         | MS. FLASKETT (VI)                  | X   |    |         |
| MR. MASSIE (KY)                     |     | X  |         | MS. DEMINGS (FL)                   | X   |    |         |
| MR. MEADOWS (NC)                    |     | X  |         | MR. KRISHNAMOORTHY (IL)            | X   |    |         |
| MR. DeSANTIS (FL)                   |     | X  |         | MR. RASKIN (MD)                    | X   |    |         |
| MR. ROSS (FL)                       |     | X  |         | MR. WELCH (VT)                     | X   |    |         |
| MR. WALKER (NC)                     |     | X  |         | MR. CARTWRIGHT (PA)                | X   |    |         |
| MR. BLUM (IA)                       |     | X  |         | MR. DeSAULNIER (CA)                | X   |    |         |
| MR. HICE (GA)                       |     | X  |         | MR. SARBANES (MD)                  | X   |    |         |
| MR. RUSSELL (OK)                    |     | X  |         |                                    |     |    |         |
| MR. GROTHMAN (WI)                   |     | X  |         |                                    |     |    |         |
| MR. HURD (TX)                       |     |    |         |                                    |     |    |         |
| MR. PALMER (AL)                     |     | X  |         |                                    |     |    |         |
| MR. COMER (KY)                      |     | X  |         |                                    |     |    |         |
| MR. MITCHELL (MI)                   |     | X  |         |                                    |     |    |         |

Roll Call Totals: Ayes: 17 Noes: 23 Present:

Passed \_\_\_\_\_ Failed: X

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
 115TH CONGRESS  
 RATIO 24-18  
 ROLL CALL

Vote on: Watson Coleman amendment #2 to H.R. 1387

Vote # 12

Date: Friday, March 10, 2017

| Republicans                         | Aye | No | Present | Democrats                          | Aye | No | Present |
|-------------------------------------|-----|----|---------|------------------------------------|-----|----|---------|
| MR. CHAFFETZ (UT) <i>(Chairman)</i> |     | X  |         | MR. CUMMINGS (MD) <i>(Ranking)</i> | X   |    |         |
| MR. DUNCAN (TN)                     |     | X  |         | MRS. MALONEY (NY)                  | X   |    |         |
| MR. ISSA (CA)                       |     | X  |         | MS. NORTON (DC)                    | X   |    |         |
| MR. JORDAN (OH)                     |     | X  |         | MR. CLAY (MO)                      | X   |    |         |
| MR. SANFORD (SC)                    |     | X  |         | MR. LYNCH (MA)                     | X   |    |         |
| MR. AMASH (MI)                      |     | X  |         | MR. COOPER (TN)                    | X   |    |         |
| MR. GOSAR (AZ)                      |     | X  |         | MR. CONNOLLY (VA)                  |     |    |         |
| MR. DesJARLAIS (TN)                 |     | X  |         | MS. KELLY (IL)                     | X   |    |         |
| MR. GOWDY (SC)                      |     | X  |         | MS. LAWRENCE (MD)                  | X   |    |         |
| MR. FARENTHOLD (TX)                 |     | X  |         | MS. WATSON-COLEMAN (NJ)            | X   |    |         |
| MS. FOXY (NC)                       |     | X  |         | MS. FLASKETT (VI)                  | X   |    |         |
| MR. MASSIE (KY)                     |     |    |         | MS. DEMINGS (FL)                   | X   |    |         |
| MR. MEADOWS (NC)                    |     | X  |         | MR. KRISHNAMOORTHY (IL)            | X   |    |         |
| MR. DeSANTIS (FL)                   |     | X  |         | MR. RASKIN (MD)                    | X   |    |         |
| MR. ROSS (FL)                       |     | X  |         | MR. WELCH (VT)                     | X   |    |         |
| MR. WALKER (NC)                     |     | X  |         | MR. CARTWRIGHT (PA)                | X   |    |         |
| MR. BLUM (IA)                       |     | X  |         | MR. DeSAULNIER (CA)                | X   |    |         |
| MR. HICE (GA)                       |     | X  |         | MR. SARBANES (MD)                  | X   |    |         |
| MR. RUSSELL (OK)                    |     | X  |         |                                    |     |    |         |
| MR. GROTHMAN (WI)                   |     | X  |         |                                    |     |    |         |
| MR. HURD (TX)                       |     |    |         |                                    |     |    |         |
| MR. PALMER (AL)                     |     | X  |         |                                    |     |    |         |
| MR. COMER (KY)                      |     | X  |         |                                    |     |    |         |
| MR. MITCHELL (MI)                   |     | X  |         |                                    |     |    |         |

Roll Call Totals: Ayes: 17 Noes: 22 Present:

Passed \_\_\_\_\_ Failed:  X

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
 115TH CONGRESS  
 RATIO 24-18  
 ROLL CALL

Vote on: DeSaulnier amendment #3 to H.R. 1387

Vote # 13

Date: Friday, March 10, 2017

| Republicans                         | Aye | No | Present | Democrats                          | Aye | No | Present |
|-------------------------------------|-----|----|---------|------------------------------------|-----|----|---------|
| MR. CHAFFETZ (UT) <i>(Chairman)</i> |     | X  |         | MR. CUMMINGS (MD) <i>(Ranking)</i> | X   |    |         |
| MR. DUNCAN (TN)                     |     | X  |         | MRS. MALONEY (NY)                  | X   |    |         |
| MR. ISSA (CA)                       |     | X  |         | MS. NORTON (DC)                    | X   |    |         |
| MR. JORDAN (OH)                     |     | X  |         | MR. CLAY (MO)                      | X   |    |         |
| MR. SANFORD (SC)                    |     | X  |         | MR. LYNCH (MA)                     | X   |    |         |
| MR. AMASH (MI)                      |     | X  |         | MR. COOPER (TN)                    | X   |    |         |
| MR. GOSAR (AZ)                      |     | X  |         | MR. CONNOLLY (VA)                  | X   |    |         |
| MR. DesJARLAIS (TN)                 |     | X  |         | MS. KELLY (IL)                     | X   |    |         |
| MR. GOWDY (SC)                      |     | X  |         | MS. LAWRENCE (MD)                  | X   |    |         |
| MR. FARENTHOLD (TX)                 |     | X  |         | MS. WATSON-COLEMAN (NJ)            | X   |    |         |
| MS. FOXX (NC)                       |     | X  |         | MS. FLASKETT (VI)                  | X   |    |         |
| MR. MASSIE (KY)                     |     | X  |         | MS. DEMINGS (FL)                   | X   |    |         |
| MR. MEADOWS (NC)                    |     | X  |         | MR. KRISHNAMOORTHY (IL)            | X   |    |         |
| MR. DeSANTIS (FL)                   |     | X  |         | MR. RASKIN (MD)                    | X   |    |         |
| MR. ROSS (FL)                       |     | X  |         | MR. WELCH (VT)                     | X   |    |         |
| MR. WALKER (NC)                     |     | X  |         | MR. CARTWRIGHT (PA)                | X   |    |         |
| MR. BLUM (IA)                       |     | X  |         | MR. DeSAULNIER (CA)                | X   |    |         |
| MR. HICE (GA)                       |     | X  |         | MR. SARBANES (MD)                  | X   |    |         |
| MR. RUSSELL (OK)                    |     | X  |         |                                    |     |    |         |
| MR. GROTHMAN (WI)                   |     | X  |         |                                    |     |    |         |
| MR. HURD (TX)                       |     |    |         |                                    |     |    |         |
| MR. PALMER (AL)                     |     | X  |         |                                    |     |    |         |
| MR. COMER (KY)                      |     | X  |         |                                    |     |    |         |
| MR. MITCHELL (MI)                   |     | X  |         |                                    |     |    |         |

Roll Call Totals: Ayes: 18 Noes: 23 Present:

Passed \_\_\_\_\_ Failed: X \_\_\_\_\_

## 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 authority to appropriate funding for D.C. public schools and public charter schools. 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, and for other purposes.

## 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 section 551 or title 5, United States Code.

## 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 Section 5(b) of the appendix to title 5, United States Code.

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates 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 included below a letter received from the Congressional Budget Office.



## 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 Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974, which the Committee has included below.

## 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:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 27, 2017.*

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. 1387, 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. 1387—Scholarships for Opportunity and Results Reauthorization Act*

Summary: H.R. 1387 would amend and reauthorize the Scholarships for Opportunity and Results Act and would authorize the appropriation of \$60 million annually through fiscal year 2022. CBO estimates that enacting H.R. 1387 would cost \$315 million over the 2017–2022 period, assuming appropriation of the authorized amounts.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 1387 would not increase net direct spending or

on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1387 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 1387 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 | 2022 | 2017–2022 |
| INCREASES IN SPENDING SUBJECT TO APPROPRIATION |   |      |      |      |      |      |           |
| Authorization Level .....                      | 15                                      | 60   | 60   | 60   | 60   | 60   | 315       |
| Estimated Outlays .....                        | 15                                      | 60   | 60   | 60   | 60   | 60   | 315       |

Basis of estimate: CBO assumes H.R. 1387 will be enacted late in fiscal year 2017, that the authorized amounts will be appropriated each year, and that outlays will follow historical spending patterns. The Congress previously authorized annual appropriations of \$60 million through fiscal year 2016 and appropriated \$45 million for the program in 2016. Under the continuing resolution that level of funding was extended (on an annualized basis) for 2017.

H.R. 1387 would authorize the appropriation of \$60 million annually through fiscal year 2022, and 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.

CBO estimates that implementing the bill would cost \$315 million over the 2017–2022 period.

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 1387 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

Intergovernmental and private-sector impact: H.R. 1387 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.

Estimate prepared by: Federal costs: Leah Koestner; Impact on state, local, and tribal governments: Zachary Byrum; 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):

**CONSOLIDATED APPROPRIATIONS ACT, 2016**

\* \* \* \* \*

**DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2016**

\* \* \* \* \*

**TITLE VIII**

**GENERAL PROVISIONS—DISTRICT OF COLUMBIA**

**(INCLUDING TRANSFERS OF FUNDS)**

\* \* \* \* \*

【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 partici-

pating 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**

\* \* \* \* \*

**DIVISION C—SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT**

\* \* \* \* \*

**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 participating 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.

[The version below of subsection (a) of section 3007 of the Scholarships for Opportunity and Results Act reflects law as it existed prior to the enactment of section 817 of the Consolidated Appropriations Act, 2016 (Public Law 114-113; December 18, 2015) pursuant to the amendment provided for in section 2 of H.R. 1387 (as reported) along with other amendments made to this section as so proposed by such bill.]

**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 reflecting 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.*

[(e)] (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 Funding Availability 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 subsection (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), (c), and (d)] *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), (c), and (d)] *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) on 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 ON 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 and the District of Columbia public charter 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 SCHOOL.—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. 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) *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) *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)】 (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.*

\* \* \* \* \*

#### **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 2022*, 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 Funding Availability Act, shall remain available until expended.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

## MINORITY VIEWS

We oppose H.R. 1387, the Scholarships for Opportunity and Results Reauthorization Act, which would reauthorize the District of Columbia's private school voucher program. The voucher program has not improved student achievement, lacks accountability and transparency, and denies students the full protection of federal civil rights laws. The District also has robust public school choice.

A professed intent of the voucher program is to improve student achievement. However, according to a U.S. Department of Education study mandated by statute, the program has not improved student achievement, as measured by math and reading tests, and has had "no significant impacts" on the achievement of students from the lowest performing public schools.<sup>1</sup>

To evaluate the program's effectiveness, the prior authorizations required "the strongest possible research design." The evaluation utilized the gold standard of scientific research, a randomized controlled trial.

H.R. 1387 would weaken the rigor of the evaluation. It would require "an acceptable quasi-experimental research design," and expressly prohibit 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."<sup>2</sup> We are disappointed that the majority rejected an amendment restoring the evaluation required by the prior authorizations.

The program was the first federal elementary and secondary private school voucher program in the country, and it remains the only such program. Congress has rejected efforts to create a national voucher program. In the 114th Congress, the House and Senate considered several national voucher amendments during reauthorization of the Elementary and Secondary Education Act, but none was adopted. We oppose Congress imposing any policy on the District, but particularly those that it has failed to impose nationally.

Congress has never authorized the program through regular order. The program was authorized in 2004 and reauthorized in 2011 through legislative provisions included in appropriations bills.<sup>3</sup> The Senate has never passed a stand-alone bill authorizing the program.

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<sup>1</sup>Institute of Education Sciences, Department of Education, *Evaluation of the DC Opportunity Scholarship Program: Final Report* (June 2010).

<sup>2</sup>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).

<sup>3</sup>Consolidated Appropriations Act, Pub. L. No. 108-199 (2004), and Department of Defense and Full-Year Continuing Appropriations Act, Pub. L. No. 112-10 (2011).

Under the Home Rule Act of 1973, the D.C. Council has authority to establish a voucher program, but has never done so. In a letter to Chairman Jason Chaffetz on March 7, 2017, a majority of the D.C. Council opposed admitting new students into the program and requested that any funding go to D.C. public and charter schools.<sup>4</sup> During creation of the program, Congresswoman Eleanor Holmes Norton, with the assistance of the Archbishop of Washington, successfully insisted that public and charter school funding be provided in conjunction with voucher funding.

The program denies students the full protection of federal civil rights laws that apply to public schools or federally funded programs or activities, including the Civil Rights Act of 1964; the Education Amendments of 1972; the Equal Educational Opportunities Act of 1974; the Individuals with Disabilities Education Act; the Americans with Disabilities Act of 1990; and the Rehabilitation Act of 1973. Under the program, federal funding is considered assistance to the student and not to the school enrolling the student. We are disappointed that the majority rejected two amendments to protect students from discrimination. Students should not have to give up the protection of federal civil rights laws to participate in a federal program.

The District has a robust public school choice system in which 46% of public school students attend charter schools<sup>5</sup> and 75% of public school students attend out-of-boundary public schools.<sup>6</sup> Unlike the private schools participating in the voucher program, D.C. public and charter schools are accountable to the public for their use of taxpayer funds.

ELIJAH E. CUMMINGS,  
*Ranking Member.*  
 ELEANOR HOLMES NORTON.  
 GERALD E. CONNOLLY.

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<sup>4</sup>Letter from Councilmember David Grosso, District of Columbia, et al. to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform (Mar. 7, 2017).

<sup>5</sup>Office of the State Superintendent of Education, *Public School Enrollment in the District of Columbia Increases for Eighth Consecutive Year* (Mar. 6, 2017) (online at <http://osse.dc.gov/release/public-school-enrollment-district-columbia-increases-eighth-consecutive-year>).

<sup>6</sup>*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/](http://www.washingtonpost.com/blogs/local/wp/2014/02/19/very-few-d-c-students-attend-assigned-schools-data-show/)).