

111TH CONGRESS
1ST SESSION

H. R. 2556

To provide low-income parents residing in the District of Columbia with expanded opportunities for enrolling their children in high quality schools in the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

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

A BILL

To provide low-income parents residing in the District of Columbia with expanded opportunities for enrolling their children in high quality schools in the District of Columbia.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preserving DC Student
5 Scholarships Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Parents are best equipped to make decisions
2 for their children, including the educational setting
3 that will best serve the interests and educational
4 needs of their child.

5 (2) For many parents in the District of Colum-
6 bia, public school choice provided for under the Ele-
7 mentary and Secondary Education Act of 1965 (20
8 U.S.C. 6301 et seq.) as well as under other public
9 school choice programs, is inadequate due to capac-
10 ity constraints. Available educational alternatives to
11 the public schools are also insufficient and more
12 educational options are needed. In particular, funds
13 are needed to assist low-income parents with exer-
14 cising their right to choose among enhanced public
15 opportunities and private educational environments,
16 whether religious or nonreligious.

17 (3) In the most recent mathematics assessment
18 on the National Assessment of Educational Progress
19 (NAEP), administered in 2007, a lower percentage
20 of 4th-grade students in the District of Columbia
21 demonstrated proficiency than the national average
22 by 20 percent. Fifty-one percent of the District of
23 Columbia fourth-graders scored at the “below basic”
24 level and only 8 percent of the 8th-grade students in
25 the District of Columbia tested at the proficient or

1 advanced levels, and 66 percent were below basic. In
2 the most recent reading assessment administered by
3 NAEP, in 2007, only 14 percent of the District of
4 Columbia fourth-graders could read proficiently,
5 while 61 percent were below basic. At the 8th-grade
6 level, 12 percent were proficient or advanced and 52
7 percent were below basic.

8 (4) In 2003, Congress passed the DC School
9 Choice Incentive Act, to provide opportunity scholar-
10 ships to parents of students in the District of Co-
11 lumbia to enable them to pursue a high quality edu-
12 cation at a public or private elementary or secondary
13 school of their choice.

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

1 (6) Since the program's inception, it has en-
2 joyed broad bipartisan support by parents of stu-
3 dents in the District of Columbia who find that it
4 has dramatically improved student performance, the
5 Mayor of the District of Columbia, the members of
6 the City Council of the District of Columbia and the
7 Board of Education of the District of Columbia, and
8 the Chancellor of the District of Columbia Public
9 Schools.

10 (7) The program provides additional funding
11 for the District of Columbia Public Schools and,
12 therefore, money for these student scholarships is
13 not being taken out of money that would otherwise
14 go to the District of Columbia Public Schools.

15 (8) Congress must reauthorize the DC Oppor-
16 tunity Scholarship program, which has demonstrated
17 success in raising student achievement.

18 **SEC. 3. PURPOSE.**

19 The purpose of this Act is to provide low-income par-
20 ents residing in the District of Columbia, particularly par-
21 ents of students who attend elementary schools or sec-
22 ondary schools identified for improvement, corrective ac-
23 tion, or restructuring under section 1116 of the Elemen-
24 tary and Secondary Education Act of 1965 (20 U.S.C.
25 6316), with expanded opportunities for enrolling their

1 children in high quality schools in the District of Colum-
2 bia.

3 **SEC. 4. GENERAL AUTHORITY.**

4 (a) **AUTHORITY.**—From funds appropriated to carry
5 out this Act, the Secretary shall award grants on a com-
6 petitive basis to eligible entities with approved applications
7 under section 5 to carry out a program to provide eligible
8 students with expanded school choice opportunities. The
9 Secretary may award a single grant or multiple grants,
10 depending on the quality of applications submitted and the
11 priorities of this Act.

12 (b) **DURATION OF GRANTS.**—The Secretary shall
13 make grants under this section for a period of not more
14 than 5 years.

15 (c) **MEMORANDUM OF UNDERSTANDING.**—The Sec-
16 retary and the Mayor of the District of Columbia shall
17 enter into a memorandum of understanding regarding the
18 implementation of the program authorized under this Act.

19 **SEC. 5. APPLICATIONS.**

20 (a) **IN GENERAL.**—In order to receive a grant under
21 this Act, an eligible entity shall submit an application to
22 the Secretary at such time, in such manner, and accom-
23 panied by such information as the Secretary may require.

1 (b) CONTENTS.—The Secretary may not approve the
2 request of an eligible entity for a grant under this Act
3 unless the entity’s application includes—

4 (1) a detailed description of—

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

7 (B) how the entity will ensure that if more
8 eligible students seek admission in the program
9 than the program can accommodate, eligible
10 students are selected for admission through a
11 random selection process which gives weight to
12 the priorities described in section 6;

13 (C) how the entity will ensure that if more
14 participating eligible students seek admission to
15 a participating school than the school can ac-
16 commodate, participating eligible students are
17 selected for admission through a random selec-
18 tion process;

19 (D) how the entity will notify parents of el-
20 igible students of the expanded choice opportu-
21 nities and how the entity will ensure that par-
22 ents receive sufficient information about their
23 options to allow the parents to make informed
24 decisions;

1 (E) the activities that the entity will carry
2 out to provide parents of eligible students with
3 expanded choice opportunities through the
4 awarding of scholarships under section 7(a);

5 (F) how the entity will determine the
6 amount that will be provided to parents for the
7 tuition, fees, and transportation expenses (if
8 any);

9 (G) how the entity will seek out private el-
10 elementary schools and secondary schools in the
11 District of Columbia to participate in the pro-
12 gram, and will ensure that participating schools
13 will meet the applicable requirements of this
14 Act and provide the information needed for the
15 entity to meet the reporting requirements of
16 this Act;

17 (H) how the entity will ensure that partici-
18 pating schools are financially responsible and
19 will use the funds received under this Act effec-
20 tively;

21 (I) how the entity will address the renewal
22 of scholarships to participating eligible stu-
23 dents, including continued eligibility;

24 (J) how the entity will ensure that a ma-
25 jority of its voting board members or governing

1 organization are residents of the District of Co-
2 lumbia; and

3 (K) how the entity will have financial sys-
4 tems, controls, policies, and procedures to en-
5 sure that grant funds are used in accordance
6 with this Act, and how the entity will have a
7 manual documenting such controls, policies, and
8 procedures; and

9 (2) an assurance that the entity will comply
10 with all requests regarding any evaluation carried
11 out under section 9.

12 **SEC. 6. PRIORITIES.**

13 In awarding grants under this Act, the Secretary
14 shall give priority to applications from eligible entities who
15 will most effectively—

16 (1) give priority to eligible students who, in the
17 school year preceding the school year for which the
18 eligible student is seeking a scholarship, attended an
19 elementary school or secondary school identified for
20 improvement, corrective action, or restructuring
21 under section 1116 of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C. 6316);

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

1 (3) provide students and families with the
2 widest range of educational options and support sys-
3 tems to empower them to make informed choices.

4 **SEC. 7. USE OF FUNDS.**

5 (a) OPPORTUNITY SCHOLARSHIPS.—

6 (1) IN GENERAL.—Subject to paragraphs (2)
7 and (3), an eligible entity receiving a grant under
8 this Act shall use the grant funds to carry out a pro-
9 gram to provide eligible students with opportunity
10 scholarships to pay the tuition, fees, and transpor-
11 tation expenses (if any) to enable such students to
12 attend the District of Columbia private elementary
13 school or secondary school of their choice beginning
14 in school year 2010–2011. Each such eligible entity
15 shall ensure that the amount of any tuition or fees
16 charged by a school participating in such eligible en-
17 tity’s program to an eligible student participating in
18 the program does not exceed the amount of tuition
19 or fees that the school customarily charges to stu-
20 dents who do not participate in the program.

21 (2) PAYMENTS TO PARENTS.—An eligible entity
22 receiving a grant under this Act shall make oppor-
23 tunity scholarship payments under a program under
24 this Act to the parents or legal guardians of an eligi-
25 ble student participating in the program, in a man-

1 ner which ensures that such payments will be used
2 for the payment of tuition, fees, and transportation
3 expenses (if any), in accordance with this Act.

4 (3) ANNUAL LIMIT ON AMOUNT OF ASSIST-
5 ANCE.—

6 (A) IN GENERAL.—The amount of assist-
7 ance provided to any eligible student by an eli-
8 gible entity receiving a grant under this Act
9 under a program under this Act for school year
10 2010-2011 may not exceed—

11 (i) \$8,000 for attendance in kinder-
12 garten through grade 8; and

13 (ii) \$12,000 for attendance in grades
14 9 through 12.

15 (B) CUMULATIVE INFLATION ADJUST-
16 MENT.—For each succeeding school year, the
17 Secretary shall adjust the amounts described in
18 subparagraph (A), as adjusted under this
19 clause, by the rate of inflation as measured by
20 the percentage increase (if any) from the pre-
21 ceding fiscal year in the Consumer Price Index
22 for All Urban Consumers, published by the Bu-
23 reau of Labor Statistics of the Department of
24 Labor.

1 (4) CONTINUATION OF SCHOLARSHIPS.—An eli-
2 gible entity receiving a grant under this Act may
3 award an opportunity scholarship to any partici-
4 pating student for the second or any succeeding year
5 of the student’s participation in a program under
6 this Act, as long as the student resides in the Dis-
7 trict of Columbia.

8 (5) ASSURANCES.—None of the funds provided
9 under this Act for opportunity scholarships may be
10 used by an eligible student to enroll in a partici-
11 pating school unless—

12 (A) the participating school has and main-
13 tains a valid certificate of occupancy issued by
14 the District of Columbia;

15 (B) the core subject matter teachers of the
16 eligible student hold a 4-year bachelor degree;

17 (C) in the case of a participating school
18 that has been in existence for not more than 5
19 years, the school submits proof of financial sta-
20 bility for at least the next 3 years, such as a
21 surety bond or letter of credit equal to the
22 amount of the scholarship for each eligible stu-
23 dent enrolled in the school; and

24 (D) the eligible entity has performed a
25 school site visit, in the case of a school partici-

1 pating in the program for the first time, prior
2 to the enrollment of the student at the school,
3 and, in the case of a school that has previously
4 participated in the program, at least once with-
5 in the last 2 years, and has maintained a writ-
6 ten record of such visit.

7 (b) ADMINISTRATIVE EXPENSES.—An eligible entity
8 receiving a grant under this Act may use not more than
9 3 percent of the amount provided under the grant each
10 fiscal year for the administrative expenses of carrying out
11 its program under this Act during the year, including—

12 (1) determining the eligibility of students to
13 participate;

14 (2) selecting students to receive scholarships;

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

17 (4) compiling and maintaining financial and
18 programmatic records.

19 (c) PARENTAL ASSISTANCE.—An eligible entity re-
20 ceiving a grant under this Act may use not more than
21 2 percent of the amount provided under the grant each
22 fiscal year for expenses used to educate parents about the
23 program and to assist parents through the application
24 process under this Act during the year, including—

1 (1) providing information about the program,
2 including the schools participating in the program;

3 (2) providing funds to assist parents in meeting
4 expenses that might otherwise preclude the partici-
5 pation of their child in the program; and

6 (3) using funds to streamline the application
7 process for parents.

8 (d) STUDENT ACADEMIC ASSISTANCE.—

9 (1) IN GENERAL.—An eligible entity receiving a
10 grant under this Act may use not more than 1 per-
11 cent of the amount provided under the grant each
12 fiscal year for expenses to pay for tutoring services
13 to participating eligible students that need additional
14 academic assistance.

15 (2) PRIORITY.—In a fiscal year where there are
16 insufficient funds to provide the services described in
17 paragraph (1) to all participating eligible students
18 that need additional academic assistance, an eligible
19 entity shall give priority to the participating eligible
20 students who previously attended elementary schools
21 or secondary schools identified for improvement, cor-
22 rective action, or restructuring under section 1116
23 of the Elementary and Secondary Education Act of
24 1965 (20 U.S.C. 76316).

1 **SEC. 8. NONDISCRIMINATION.**

2 (a) IN GENERAL.—An eligible entity carrying out, or
3 a school participating in, any program under this Act shall
4 not discriminate against program participants or appli-
5 cants on the basis of race, color, national origin, religion,
6 or sex.

7 (b) APPLICABILITY TO SINGLE SEX SCHOOLS,
8 CLASSES, OR ACTIVITIES.—

9 (1) IN GENERAL.—Notwithstanding any other
10 provision of law, the prohibition of sex discrimina-
11 tion in subsection (a) shall not apply to a partici-
12 pating school that is operated by, supervised by, con-
13 trolled by, or connected to a religious organization to
14 the extent that the application of subsection (a) is
15 inconsistent with the religious tenets or beliefs of the
16 school.

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

21 (3) APPLICABILITY.—For purposes of this Act,
22 the provisions of section 909 of the Education
23 Amendments of 1972 (20 U.S.C. 1688) shall apply
24 to this Act as if such section were part of this Act.

25 (c) CHILDREN WITH DISABILITIES.—Nothing in this
26 Act may be construed to alter or modify the provisions

1 of the Individuals with Disabilities Education Act (20
2 U.S.C. 1400).

3 (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

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

12 (2) MAINTENANCE OF PURPOSE.—Notwith-
13 standing any other provision of law, funds made
14 available under this Act to eligible students that are
15 received by a participating school, as a result of the
16 choice of the parents of such students, shall not,
17 consistent with the first amendment to the Constitu-
18 tion, necessitate any change in the participating
19 school’s teaching mission, require any participating
20 school to remove religious art, icons, scriptures, or
21 other symbols, or preclude any participating school
22 from retaining religious terms in its name, selecting
23 its board members on a religious basis, or including
24 religious references in its mission statements and
25 other chartering or governing documents.

1 (e) RULE OF CONSTRUCTION.—A scholarship (or any
2 other form of support provided to parents of eligible stu-
3 dents) under this Act shall be considered assistance to the
4 student and shall not be considered assistance to the
5 school that enrolls the eligible student. The amount of any
6 scholarship (or other form of support provided to parents
7 of an eligible student) under this Act shall not be treated
8 as income of the parents for purposes of Federal tax laws
9 or for determining eligibility for any other Federal pro-
10 gram.

11 **SEC. 9. EVALUATION.**

12 (a) IN GENERAL.—

13 (1) AGREEMENT WITH INSTITUTE OF EDU-
14 CATION SCIENCES.—The Secretary shall enter into
15 an agreement with the Institute of Education
16 Sciences of the Department of Education to annu-
17 ally evaluate the performance of students who used
18 opportunity scholarships under this Act, and shall
19 make the evaluation public in accordance with sub-
20 section (c).

21 (2) DUTIES OF THE SECRETARY.—The Sec-
22 retary, through a grant, contract, or cooperative
23 agreement, shall—

24 (A) ensure that the evaluation is conducted
25 using an appropriate research design for deter-

1 mining the effectiveness of the programs funded
2 under this Act and addresses the issues de-
3 scribed in paragraph (4); and

4 (B) disseminate information on the impact
5 of the programs in increasing the student aca-
6 demic achievement of participating students,
7 and on the impact of the program on students
8 and schools in the District of Columbia.

9 (3) DUTIES OF THE INSTITUTE OF EDUCATION
10 SCIENCES.—The Institute of Education Sciences
11 shall—

12 (A) measure the academic achievement of
13 all participating eligible students;

14 (B) use a grade appropriate measurement
15 each school year to assess participating eligible
16 students; and

17 (C) cooperate with the participating
18 schools and the District of Columbia Public
19 Schools to conduct the evaluation.

20 (4) ISSUES TO BE EVALUATED.—The issues to
21 be evaluated include the following:

22 (A) A comparison of the academic achieve-
23 ment of students who used the opportunity
24 scholarships in the measurements described in
25 this section to the achievement of students in

1 the same grades in the District of Columbia
2 Public Schools.

3 (B) The success of the program in expand-
4 ing choice options for parents, improving paren-
5 tal and student satisfaction, and increasing pa-
6 rental involvement in the education of their
7 children.

8 (C) The reasons parents choose for their
9 children to participate in the programs.

10 (D) A comparison of the retention rates,
11 dropout rates, and (if appropriate) graduation
12 and college admission rates, of students who
13 used the scholarships provided under this Act
14 with the retention rates, dropout rates, and (if
15 appropriate) graduation and college admission
16 rates of students of similar backgrounds who
17 attend District of Columbia Public Schools.

18 (E) A comparison of the safety of the
19 schools attended by students who used the
20 scholarships and the District of Columbia Pub-
21 lic Schools.

22 (F) The success of the program in increas-
23 ing parental and student involvement in the
24 local community.

1 (G) Such other issues as the Secretary
2 considers appropriate for inclusion in the eval-
3 uation.

4 (5) PROHIBITION.—Personally identifiable in-
5 formation regarding the results of the measurements
6 used for the evaluation may not be disclosed, except
7 to the parents of the student to whom the informa-
8 tion relates.

9 (b) REPORTS.—The Secretary shall submit to the
10 Committee on Appropriations, the Committee on Edu-
11 cation and Labor, and the Committee on Oversight and
12 Government Reform, of the House of Representatives, and
13 the Committee on Appropriations, the Committee on
14 Health, Education, Labor, and Pensions, and the Com-
15 mittee on Homeland Security and Governmental Affairs,
16 of the Senate—

17 (1) an annual interim report, not later than De-
18 cember 1 of each year for which a grant is made
19 under this Act, on the progress and preliminary re-
20 sults of the evaluation described in subsection (a);
21 and

22 (2) a final report, not later than 1 year after
23 the final year for which a grant is made under this
24 Act, on the results of the evaluation described in
25 subsection (a).

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

7 (d) LIMIT ON AMOUNT EXPENDED.—The amount ex-
8 pended by the Secretary to carry out this section for any
9 fiscal year may not exceed 5 percent of the total amount
10 appropriated to carry out this Act for the fiscal year.

11 **SEC. 10. REPORTING REQUIREMENTS.**

12 (a) ACTIVITIES REPORTS.—Each eligible entity re-
13 ceiving funds under this Act during a year shall submit
14 a report to the Secretary not later than July 30 of the
15 following year regarding the activities carried out with the
16 funds during the preceding year.

17 (b) ACHIEVEMENT REPORTS.—

18 (1) IN GENERAL.—In addition to the report re-
19 quired under subsection (a), each eligible entity
20 shall, not later than September 1 of the year during
21 which the second academic year of the eligible enti-
22 ty's program is completed and each of the next 2
23 years thereafter, submit a report to the Secretary re-
24 garding the data collected in the previous 2 aca-
25 demic years concerning—

1 (A) the academic achievement of students
2 participating in the program;

3 (B) the graduation and college admission
4 rates of students who participate in the pro-
5 gram, if appropriate; and

6 (C) parental satisfaction with the program.

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

10 (c) REPORTS TO PARENT.—

11 (1) IN GENERAL.—Each eligible entity shall en-
12 sure that each school participating in the eligible en-
13 tity’s program under this Act during a school year
14 reports at least once during the school year to the
15 parents of each student attending such school who
16 is participating in the program—

17 (A) the student’s academic achievement, as
18 measured by a comparison with the aggregate
19 academic achievement of other participating
20 students at the student’s school in the same
21 grade or level, as appropriate, and the aggre-
22 gate academic achievement of the student’s
23 peers at the student’s school in the same grade
24 or level, as appropriate;

1 (B) the safety of the school, including the
2 incidence of school violence, student suspen-
3 sions, and student expulsions; and

4 (C) the accreditation status of the school.

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

10 (d) REPORT TO CONGRESS.—The Secretary shall
11 submit to the Committee on Appropriations, the Com-
12 mittee on Education and Labor, and the Committee on
13 Oversight and Government Reform, of the House of Rep-
14 resentatives, and the Committee on Appropriations, the
15 Committee on Health, Education, Labor, and Pensions,
16 and the Committee on Homeland Security and Govern-
17 mental Affairs, of the Senate an annual report on the find-
18 ings of the reports submitted under subsections (a) and
19 (b).

20 **SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING**
21 **SCHOOLS.**

22 (a) REQUESTS FOR DATA AND INFORMATION.—Each
23 school participating in a program funded under this Act
24 shall comply with all requests for data and information
25 regarding evaluations conducted under section 9(a).

1 (b) RULES OF CONDUCT AND OTHER SCHOOL POLI-
2 CIES.—A participating school, including the schools de-
3 scribed in section 8(d), may require eligible students to
4 abide by any rules of conduct and other requirements ap-
5 plicable to all other students at the school.

6 (c) NATIONALLY NORM-REFERENCED STANDARD-
7 IZED TESTS.—

8 (1) IN GENERAL.—Each participating school
9 shall administer a nationally norm-referenced stand-
10 ardized test in reading and math to each student en-
11 rolled in the school who is receiving an opportunity
12 scholarship. The results of such test shall be re-
13 ported to the student's parents or legal guardians
14 and the Secretary (through the Institute of Edu-
15 cation Sciences of the Department of Education) for
16 the purposes of conducting the evaluation under sec-
17 tion 9.

18 (2) MAKE-UP SESSION.—If a participating
19 school does not administer a nationally norm-ref-
20 erenced standardized test or the Institute of Edu-
21 cation Sciences does not receive data on a student
22 who is receiving an opportunity scholarship, then the
23 Secretary (through the Institute of Education
24 Sciences of the Department of Education) shall ad-
25 minister such test at least one time during a school

1 year for each student receiving an opportunity schol-
2 arship.

3 **SEC. 12. DEFINITIONS.**

4 As used in this Act:

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

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

12 (A) An educational entity of the District of
13 Columbia Government.

14 (B) A nonprofit organization.

15 (C) A consortium of nonprofit organiza-
16 tions.

17 (3) **ELIGIBLE STUDENT.**—The term “eligible
18 student” means a student who—

19 (A) is a resident of the District of Colum-
20 bia;

21 (B) comes from a household whose income
22 does not exceed 300 percent of the poverty line;
23 and

24 (C) was enrolled in a District of Columbia
25 Public School (such as a charter school) in the

1 previous school year, or is eligible to enter kin-
2 dergarten or first grade.

3 (4) PARENT.—The term “parent” has the
4 meaning given that term in section 9101 of the Ele-
5 mentary and Secondary Education Act of 1965 (20
6 U.S.C. 7801).

7 (5) POVERTY LINE.—The term “poverty line”
8 has the meaning given that term in section 9101 of
9 the Elementary and Secondary Education Act of
10 1965 (20 U.S.C. 7801).

11 (6) SECONDARY SCHOOL.—The term “sec-
12 ondary school” means an institutional day or resi-
13 dential school, including a public secondary charter
14 school, as determined under District of Columbia
15 law, except that the term does not include any edu-
16 cation beyond grade 12.

17 (7) SECRETARY.—The term “Secretary” means
18 the Secretary of Education.

19 **SEC. 13. REPEAL.**

20 Effective beginning with school year 2010-2011, the
21 DC School Choice Incentive Act of 2003 (title III of divi-
22 sion C of the Consolidated Appropriations Act, 2004 (Pub-
23 lic Law 108–199; 118; Stat. 126 et seq.)) is repealed.

1 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this Act \$14,000,000 for fiscal year 2010 and such sums
4 as may be necessary for each of the 4 succeeding fiscal
5 years.

○