

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

# H. R. 471

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## AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Scholarships for Op-  
3 portunity and Results Act” or the “SOAR Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

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

21 (3) While the per student cost for students in  
22 the public schools of the District of Columbia is one  
23 of the highest in the United States, test scores for  
24 such students continue to be among the lowest in  
25 the Nation. The National Assessment of Educational  
26 Progress (NAEP), an annual report released by the

1 National Center for Education Statistics, reported in  
2 its 2009 study that students in the District of Co-  
3 lumbia were being outperformed by every State in  
4 the Nation. On the 2009 NAEP, 56 percent of  
5 fourth grade students scored “below basic” in read-  
6 ing, and 44 percent scored “below basic” in mathe-  
7 matics. Among eighth grade students, 49 percent  
8 scored “below basic” in reading and 60 percent  
9 scored “below basic” in mathematics. On the 2009  
10 NAEP reading assessment, only 17 percent of the  
11 District of Columbia fourth grade students could  
12 read proficiently, while only 13 percent of the eighth  
13 grade students scored at the proficient or advanced  
14 level.

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

1 ter schools of the District of Columbia. The intent  
2 of the approach was to ensure that progress would  
3 continue to be made to improve public schools and  
4 public charter schools, and that funding for the op-  
5 portunity scholarship program would not lead to a  
6 reduction in funding for the District of Columbia  
7 public and charter schools. Resources would be avail-  
8 able for a variety of educational options that would  
9 give families in the District of Columbia a range of  
10 choices with regard to the education of their chil-  
11 dren.

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

23 (6) Since the inception of the DC OSP, it has  
24 consistently been oversubscribed. Parents express  
25 strong support for the opportunity scholarship pro-

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

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

18 **SEC. 3. PURPOSE.**

19       The purpose of this Act is to provide low-income par-  
20       ents residing in the District of Columbia, particularly par-  
21       ents of students who attend elementary schools or 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 other schools in the District of Columbia, at  
2 least until the public schools in the District of Columbia  
3 have adequately addressed shortfalls in health, safety, and  
4 security, and the students in the District of Columbia pub-  
5 lic schools are testing in mathematics and reading at or  
6 above the national average.

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

8 (a) OPPORTUNITY SCHOLARSHIPS.—

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

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

21 (b) DC PUBLIC SCHOOLS AND CHARTER  
22 SCHOOLS.—From funds appropriated under paragraphs  
23 (2) and (3) of section 14(a), the Secretary shall provide  
24 funds to the Mayor of the District of Columbia, if the

1 Mayor agrees to the requirements described in section  
2 11(a), for—

3 (1) the District of Columbia public schools to  
4 improve public education in the District of Colum-  
5 bia; and

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

9 **SEC. 5. APPLICATIONS.**

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

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

17 (1) a detailed description of—

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

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

1 (C) how the entity will ensure that if more  
2 participating eligible students seek admission to  
3 a participating school than the school can ac-  
4 commodate, participating eligible students are  
5 selected for admission through a random selec-  
6 tion process;

7 (D) how the entity will notify parents of el-  
8 igible students of the expanded choice opportu-  
9 nities in order to allow the parents to make in-  
10 formed decisions;

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

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

19 (G) how the entity will seek out private el-  
20 elementary schools and secondary schools in the  
21 District of Columbia to participate in the pro-  
22 gram;

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



1 (I) how the entity will ensure that partici-  
2 pating schools submit to site visits by the entity  
3 as determined to be necessary by the entity, ex-  
4 cept that a participating school may not be re-  
5 quired to submit to more than 1 site visit per  
6 school year;

7 (J) how the entity will ensure that partici-  
8 pating schools are financially responsible and  
9 will use the funds received under section 7 ef-  
10 fectively;

11 (K) how the entity will address the renewal  
12 of scholarships to participating eligible stu-  
13 dents, including continued eligibility; and

14 (L) how the entity will ensure that a ma-  
15 jority of its voting board members or governing  
16 organization are residents of the District of Co-  
17 lumbia; and

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

21 **SEC. 6. PRIORITIES.**

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

1 (1) in awarding scholarships under section 7(a),  
2 give priority to—

3 (A) eligible students who, in the school  
4 year preceding the school year for which the eli-  
5 gible students are seeking a scholarship, at-  
6 tended an elementary school or secondary  
7 school identified for improvement, corrective ac-  
8 tion, or restructuring under section 1116 of the  
9 Elementary and Secondary Education Act of  
10 1965 (20 U.S.C. 6316);

11 (B) students who have been awarded a  
12 scholarship in a preceding year under this Act  
13 or the DC School Choice Incentive Act of 2003  
14 (sec. 38–1851.01 et seq., D.C. Official Code),  
15 as such Act was in effect on the day before the  
16 date of the enactment of this Act, but who have  
17 not used the scholarship, including eligible stu-  
18 dents who were provided notification of selec-  
19 tion for a scholarship for school year 2009-  
20 2010, which was later rescinded in accordance  
21 with direction from the Secretary of Education;  
22 and

23 (C) students whose household includes a  
24 sibling or other child who is already partici-  
25 pating in the program of the eligible entity

1 under this Act, regardless of whether such stu-  
2 dents have, in the past, been assigned as mem-  
3 bers of a control study group for the purposes  
4 of an evaluation under section 9(a);

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

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

10 **SEC. 7. USE OF FUNDS.**

11 (a) OPPORTUNITY SCHOLARSHIPS.—

12 (1) IN GENERAL.—Subject to paragraphs (2)  
13 and (3), an eligible entity receiving a grant under  
14 section 4(a) shall use the grant funds to provide eli-  
15 gible students with scholarships to pay the tuition,  
16 fees, and transportation expenses, if any, to enable  
17 the eligible students to attend the District of Colum-  
18 bia private elementary school or secondary school of  
19 their choice beginning in school year 2011–2012.  
20 Each such eligible entity shall ensure that the  
21 amount of any tuition or fees charged by a school  
22 participating in such entity’s program under this Act  
23 to an eligible student participating in the program  
24 does not exceed the amount of tuition or fees that

1 the school charges to students who do not partici-  
2 pate in the program.

3 (2) PAYMENTS TO PARENTS.—An eligible entity  
4 receiving a grant under section 4(a) shall make  
5 scholarship payments under the entity’s program  
6 under this Act to the parent of the eligible student  
7 participating in the program, in a manner which en-  
8 sures that such payments will be used for the pay-  
9 ment of tuition, fees, and transportation expenses (if  
10 any), in accordance with this Act.

11 (3) AMOUNT OF ASSISTANCE.—

12 (A) VARYING AMOUNTS PERMITTED.—Sub-  
13 ject to the other requirements of this section,  
14 an eligible entity receiving a grant under sec-  
15 tion 4(a) may award scholarships in larger  
16 amounts to those eligible students with the  
17 greatest need.

18 (B) ANNUAL LIMIT ON AMOUNT.—

19 (i) LIMIT FOR SCHOOL YEAR 2011–  
20 2012.—The amount of assistance provided  
21 to any eligible student by an eligible entity  
22 under the entity’s program under this Act  
23 for school year 2011–2012 may not ex-  
24 ceed—

1 (I) \$8,000 for attendance in kin-  
2 dergarten through grade 8; and

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

5 (ii) CUMULATIVE INFLATION ADJUST-  
6 MENT.—Beginning the school year fol-  
7 lowing the school year of the date of the  
8 enactment of this Act, the Secretary shall  
9 adjust the maximum amounts of assistance  
10 described in clause (i) for inflation, as  
11 measured by the percentage increase, if  
12 any, from the preceding fiscal year in the  
13 Consumer Price Index for All Urban Con-  
14 sumers, published by the Bureau of Labor  
15 Statistics of the Department of Labor.

16 (4) PARTICIPATING SCHOOL REQUIREMENTS.—  
17 None of the funds provided under this Act for op-  
18 portunity scholarships may be used by an eligible  
19 student to enroll in a participating private school  
20 unless the participating school—

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

23 (B) makes readily available to all prospec-  
24 tive students information on its school accredi-  
25 tation;

1 (C) in the case of a school that has been  
2 operating for 5 years or less, submits to the eli-  
3 gible entity administering the program proof of  
4 adequate financial resources reflecting the fi-  
5 nancial sustainability of the school and the  
6 school's ability to be in operation through the  
7 school year;

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

11 (E) has financial systems, controls, poli-  
12 cies, and procedures to ensure that funds are  
13 used according to this Act; and

14 (F) ensures that each teacher of core sub-  
15 ject matter in the school has a baccalaureate  
16 degree or equivalent degree, whether such de-  
17 gree was awarded in or outside of the United  
18 States.

19 (b) ADMINISTRATIVE EXPENSES.—An eligible entity  
20 receiving a grant under section 4(a) may use not more  
21 than 3 percent of the amount provided under the grant  
22 each year for the administrative expenses of carrying out  
23 its program under this Act during the year, including—

24 (1) determining the eligibility of students to  
25 participate;

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

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

5           (4) compiling and maintaining financial and  
6           programmatic records; and

7           (5) conducting site visits as described in section  
8           5(b)(1)(I).

9           (c) PARENTAL ASSISTANCE.—An eligible entity re-  
10          ceiving a grant under section 4(a) may use not more than  
11          2 percent of the amount provided under the grant each  
12          year for the expenses of educating parents about the enti-  
13          ty’s program under this Act, and assisting parents  
14          through the application process, under this Act, includ-  
15          ing—

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

19               (2) providing funds to assist parents of stu-  
20               dents in meeting expenses that might otherwise pre-  
21               clude the participation of eligible students in the  
22               program; and

23               (3) streamlining the application process for par-  
24               ents.

1 (d) STUDENT ACADEMIC ASSISTANCE.—An eligible  
2 entity receiving a grant under section 4(a) may use not  
3 more than 1 percent of the amount provided under the  
4 grant each year for expenses to provide tutoring services  
5 to participating eligible students that need additional aca-  
6 demic assistance. If there are insufficient funds to provide  
7 tutoring services to all such students in a year, the eligible  
8 entity shall give priority in such year to students who pre-  
9 viously attended an elementary school or secondary school  
10 that was identified for improvement, corrective action, or  
11 restructuring under section 1116 of the Elementary and  
12 Secondary Education Act of 1965 (20 U.S.C. 6316).

13 **SEC. 8. NONDISCRIMINATION AND OTHER REQUIREMENTS**  
14 **FOR PARTICIPATING SCHOOLS.**

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

19 (b) APPLICABILITY AND SINGLE SEX SCHOOLS,  
20 CLASSES, OR ACTIVITIES.—

21 (1) IN GENERAL.—Notwithstanding any other  
22 provision of law, the prohibition of sex discrimina-  
23 tion in subsection (a) shall not apply to a partici-  
24 pating school that is operated by, supervised by, con-  
25 trolled by, or connected to a religious organization to



1 the extent that the application of subsection (a) is  
2 inconsistent with the religious tenets or beliefs of the  
3 school.

4 (2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding subsection (a) or any other  
5 provision of law, a parent may choose and a school  
6 may offer a single sex school, class, or activity.  
7

8 (3) APPLICABILITY.—For purposes of this Act,  
9 the provisions of section 909 of the Education  
10 Amendments of 1972 (20 U.S.C. 1688) shall apply  
11 to this Act as if section 909 of the Education  
12 Amendments of 1972 (20 U.S.C. 1688) were part of  
13 this Act.

14 (c) CHILDREN WITH DISABILITIES.—Nothing in this  
15 Act may be construed to alter or modify the provisions  
16 of the Individuals with Disabilities Education Act (20  
17 U.S.C. 1400 et seq.).

18 (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

19 (1) IN GENERAL.—Notwithstanding any other  
20 provision of law, a school participating in any pro-  
21 gram under this Act that is operated by, supervised  
22 by, controlled by, or connected to, a religious organi-  
23 zation may exercise its right in matters of employ-  
24 ment consistent with title VII of the Civil Rights Act

1 of 1964 (42 U.S.C. 2000e–1 et seq.), including the  
2 exemptions in such title.

3 (2) MAINTENANCE OF PURPOSE.—Notwith-  
4 standing any other provision of law, funds made  
5 available under this Act to eligible students, which  
6 are used at a participating school as a result of their  
7 parents' choice, shall not, consistent with the first  
8 amendment of the Constitution, necessitate any  
9 change in the participating school's teaching mis-  
10 sion, require any participating school to remove reli-  
11 gious art, icons, scriptures, or other symbols, or pre-  
12 clude any participating school from retaining reli-  
13 gious terms in its name, selecting its board members  
14 on a religious basis, or including religious references  
15 in its mission statements and other chartering or  
16 governing documents.

17 (e) RULE OF CONSTRUCTION.—A scholarship (or any  
18 other form of support provided to parents of eligible stu-  
19 dents) under this Act shall be considered assistance to the  
20 student and shall not be considered assistance to the  
21 school that enrolls the eligible student. The amount of any  
22 scholarship (or other form of support provided to parents  
23 of an eligible student) under this Act shall not be treated  
24 as income of the parents for purposes of Federal tax laws

1 or for determining eligibility for any other Federal pro-  
2 gram.

3 (f) REQUESTS FOR DATA AND INFORMATION.—Each  
4 school participating in a program funded under this Act  
5 shall comply with all requests for data and information  
6 regarding evaluations conducted under section 9(a).

7 (g) RULES OF CONDUCT AND OTHER SCHOOL POLI-  
8 CIES.—A participating school, including the schools de-  
9 scribed in subsection (d), may require eligible students to  
10 abide by any rules of conduct and other requirements ap-  
11 plicable to all other students at the school.

12 (h) NATIONALLY NORM-REFERENCED STANDARD-  
13 IZED TESTS.—

14 (1) IN GENERAL.—Each participating school  
15 shall comply with any testing requirements deter-  
16 mined to be necessary for evaluation under section  
17 9(a)(2)(A)(i).

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. 9. EVALUATIONS.**

4 (a) IN GENERAL.—

5 (1) DUTIES OF THE SECRETARY AND THE  
6 MAYOR.—The Secretary and the Mayor of the Dis-  
7 trict of Columbia shall—

8 (A) jointly enter into an agreement with  
9 the Institute of Education Sciences of the De-  
10 partment of Education to evaluate annually the  
11 performance of students who received scholar-  
12 ships under the 5-year program under this Act;

13 (B) jointly enter into an agreement to  
14 monitor and evaluate the use of funds author-  
15 ized and appropriated for the District of Co-  
16 lumbia public schools and the District of Co-  
17 lumbia public charter schools under this Act;  
18 and

19 (C) make the evaluations described in sub-  
20 paragraphs (A) and (B) public in accordance  
21 with subsection (e).

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

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

3 (i) is conducted using the strongest  
4 possible research design for determining  
5 the effectiveness of the opportunity schol-  
6 arship program under this Act; and

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

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

11 (i) in increasing the academic growth  
12 and achievement of participating eligible  
13 students; and

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

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

19 (A) use a grade appropriate, nationally  
20 norm-referenced standardized test each school  
21 year to assess participating eligible students;

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

24 (C) work with the eligible entities to en-  
25 sure that the parents of each student who ap-

1           plies for a scholarship under this Act (regard-  
2           less of whether the student receives the scholar-  
3           ship) and the parents of each student partici-  
4           pating in the scholarship program under this  
5           Act, agree that the student will participate in  
6           the measurements given annually by the Insti-  
7           tute of Educational Sciences for the period for  
8           which the student applied for or received the  
9           scholarship, respectively, except that nothing in  
10          this subparagraph shall affect a student's pri-  
11          ority for an opportunity scholarship as provided  
12          under section 6.

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

16                   (A) A comparison of the academic growth  
17                   and achievement of participating eligible stu-  
18                   dents in the measurements described in para-  
19                   graph (3) to the academic growth and achieve-  
20                   ment of the eligible students in the same grades  
21                   who sought to participate in the scholarship  
22                   program under this Act but were not selected.

23                   (B) The success of the program in expand-  
24                   ing choice options for parents of participating  
25                   eligible students, improving parental and stu-

1           dent satisfaction of such parents and students,  
2           respectively, and increasing parental involve-  
3           ment of such parents in the education of their  
4           children.

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

9           (D) A comparison of the retention rates,  
10          high school graduation rates, and college admis-  
11          sion rates of participating eligible students with  
12          the retention rates, high school graduation  
13          rates, and college admission rates of students of  
14          similar backgrounds who do not participate in  
15          such program.

16          (E) A comparison of the safety of the  
17          schools attended by participating eligible stu-  
18          dents and the schools in the District of Colum-  
19          bia attended by students who do not participate  
20          in the program, based on the perceptions of the  
21          students and parents.

22          (F) Such other issues with respect to par-  
23          ticipating eligible students as the Secretary con-  
24          siders appropriate for inclusion in the evalua-  
25          tion, such as the impact of the program on pub-

1           lic elementary schools and secondary schools in  
2           the District of Columbia.

3                   (G) An analysis of the issues described in  
4           subparagraphs (A) through (F) by applying  
5           such subparagraphs by substituting “the sub-  
6           group of participating eligible students who  
7           have used each opportunity scholarship awarded  
8           to such students under this Act to attend a par-  
9           ticipating school” for “participating eligible stu-  
10          dents” each place such term appears.

11                   (5) PROHIBITION.—Personally identifiable in-  
12          formation regarding the results of the measurements  
13          used for the evaluations may not be disclosed, except  
14          to the parents of the student to whom the informa-  
15          tion relates.

16                   (b) REPORTS.—The Secretary shall submit to the  
17          Committees on Appropriations, Education and the Work-  
18          force, and Oversight and Government Reform of the  
19          House of Representatives and the Committees on Appro-  
20          priations, Health, Education, Labor, and Pensions, and  
21          Homeland Security and Governmental Affairs of the Sen-  
22          ate—

23                           (1) annual interim reports, not later than April  
24                   1 of the year following the year of the date of enact-  
25                   ment of this Act, and each subsequent year through



1 the year in which the final report is submitted under  
2 paragraph (2), on the progress and preliminary re-  
3 sults of the evaluation of the opportunity scholarship  
4 program funded under this Act; and

5 (2) a final report, not later than 1 year after  
6 the final year for which a grant is made under sec-  
7 tion 4(a), on the results of the evaluation of the pro-  
8 gram.

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

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

19 **SEC. 10. REPORTING REQUIREMENTS.**

20 (a) ACTIVITIES REPORTS.—Each eligible entity re-  
21 ceiving funds under section 4(a) during a year shall sub-  
22 mit a report to the Secretary not later than July 30 of  
23 the following year regarding the activities carried out with  
24 the funds during the preceding year.

25 (b) ACHIEVEMENT REPORTS.—

1           (1) IN GENERAL.—In addition to the reports  
2 required under subsection (a), each eligible entity re-  
3 ceiving funds under section 4(a) shall, not later than  
4 September 1 of the year during which the second  
5 school year of the entity’s program is completed and  
6 each of the next 2 years thereafter, submit to the  
7 Secretary a report, including any pertinent data col-  
8 lected in the preceding 2 school years, concerning—

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

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

14           (C) parental satisfaction with the program.

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

18           (c) REPORTS TO PARENTS.—

19           (1) IN GENERAL.—Each eligible entity receiving  
20 funds under section 4(a) shall ensure that each  
21 school participating in the entity’s program under  
22 this Act during a school year reports at least once  
23 during the year to the parents of each of the school’s  
24 students who are participating in the program on—

1 (A) the student's academic achievement, as  
2 measured by a comparison with the aggregate  
3 academic achievement of other participating  
4 students at the student's school in the same  
5 grade or level, as appropriate, and the aggre-  
6 gate academic achievement of the student's  
7 peers at the student's school in the same grade  
8 or level, as appropriate;

9 (B) the safety of the school, including the  
10 incidence of school violence, student suspen-  
11 sions, and student expulsions; and

12 (C) the accreditation status of the school.

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

18 (d) REPORT TO CONGRESS.—Not later than 6  
19 months after the first appropriation of funds under section  
20 14, and each succeeding year thereafter, the Secretary  
21 shall submit to the Committees on Appropriations, Edu-  
22 cation and the Workforce, and Oversight and Government  
23 Reform of the House of Representatives and the Commit-  
24 tees on Appropriations, Health, Education, Labor, and  
25 Pensions, and Homeland Security and Governmental Af-

1 fairs of the Senate, an annual report on the findings of  
2 the reports submitted under subsections (a) and (b).

3 **SEC. 11. DC PUBLIC SCHOOLS AND DC PUBLIC CHARTER**  
4 **SCHOOLS.**

5 (a) **CONDITION OF RECEIPT OF FUNDS.**—As a condi-  
6 tion of receiving funds under this Act on behalf of the  
7 District of Columbia public schools and the District of Co-  
8 lumbia public charter schools, the Mayor shall agree to  
9 carry out the following:

10 (1) **INFORMATION REQUESTS.**—Ensure that all  
11 the District of Columbia public schools and the Dis-  
12 trict of Columbia public charter schools comply with  
13 all reasonable requests for information for purposes  
14 of the evaluation under section 9(a).

15 (2) **AGREEMENT WITH THE SECRETARY.**—  
16 Enter into the agreement described in section  
17 9(a)(1)(B) to monitor and evaluate the use of funds  
18 authorized and appropriated for the District of Co-  
19 lumbia public schools and the District of Columbia  
20 public charter schools under this Act.

21 (3) **SUBMISSION OF REPORT.**—Not later than 6  
22 months after the first appropriation of funds under  
23 section 14, and each succeeding year thereafter, sub-  
24 mit to the Committee on Appropriations, the Com-  
25 mittee on Education and the Workforce, and the

1 Committee on Oversight and Government Reform of  
2 the House of Representatives, and the Committee on  
3 Appropriations, the Committee on Health, Edu-  
4 cation, Labor, and Pensions, and the Committee on  
5 Homeland Security and Governmental Affairs of the  
6 Senate, information on—

7 (A) how the funds authorized and appro-  
8 priated under this Act for the District of Co-  
9 lumbia public schools and the District of Co-  
10 lumbia public charter schools were used in the  
11 preceding school year; and

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

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

22 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion shall be construed to reduce, or otherwise affect,  
24 funding provided under this Act for the opportunity schol-  
25 arship program under this Act.

1 **SEC. 12. TRANSITION PROVISIONS.**

2 (a) REPEAL.—The DC School Choice Incentive Act  
3 of 2003 (sec. 38–1851.01 et seq., D.C. Official Code) is  
4 repealed.

5 (b) SPECIAL RULES.—Notwithstanding any other  
6 provision of law—

7 (1) funding appropriated to provide opportunity  
8 scholarships for students in the District of Columbia  
9 under the heading “Federal Payment for School Im-  
10 provement” in title IV of division D of the Omnibus  
11 Appropriations Act, 2009 (Public Law 111–8; 123  
12 Stat. 653), the heading “Federal Payment for  
13 School Improvement” in title IV of division C of the  
14 Consolidated Appropriations Act, 2010 (Public Law  
15 111–117; 123 Stat. 3181), or any other Act, may be  
16 used to provide opportunity scholarships under sec-  
17 tion 7(a) for the 2011–2012 school year to students  
18 who have not previously received such scholarships;

19 (2) the fourth and fifth provisos under the  
20 heading “Federal Payment for School Improvement”  
21 of title IV of Division C of the Consolidated Appro-  
22 priations Act, 2010 (Public Law 111–117; 123 Stat.  
23 3181) shall not apply; and

24 (3) any unobligated amounts reserved to carry  
25 out the provisos described in paragraph (2) shall be

1 made available to an eligible entity receiving a grant  
2 under section 4(a)—

3 (A) for administrative expenses described  
4 in section 7(b); or

5 (B) to provide opportunity scholarships  
6 under section 7(a), including to provide such  
7 scholarships for the 2011–2012 school year to  
8 students who have not previously received such  
9 scholarships.

10 (c) MULTIYEAR AWARDS.—The recipient of a grant  
11 or contract under the DC School Choice Incentive Act of  
12 2003 (sec. 38–1851.01 et seq., D.C. Official Code), as  
13 such Act was in effect on the day before the date of the  
14 enactment of this Act, shall continue to receive funds in  
15 accordance with the terms and conditions of such grant  
16 or contract, except that—

17 (1) the provisos relating to opportunity scholar-  
18 ships in the Acts described in subsection (b)(1) shall  
19 not apply; and

20 (2) the memorandum of understanding de-  
21 scribed in subsection (d), including any revision  
22 made under such subsection, shall apply.

23 (d) MEMORANDUM OF UNDERSTANDING.—The Sec-  
24 retary and the Mayor of the District of Columbia shall  
25 revise the memorandum of understanding entered into

1 under the DC School Choice Incentive Act of 2003 (sec.  
2 38–1851.01 et seq., D.C. Official Code), as such Act was  
3 in effect on the day before the date of the enactment of  
4 this Act, to address—

5 (1) the implementation of the opportunity  
6 scholarship program under this Act; and

7 (2) how the Mayor will ensure that the District  
8 of Columbia public schools and the District of Co-  
9 lumbia public charter schools comply with all the  
10 reasonable requests for information as necessary to  
11 fulfill the requirements for evaluations conducted  
12 under section 9(a).

13 (e) ORDERLY TRANSITION.—Subject to subsections  
14 (c) and (d), the Secretary shall take such steps as the Sec-  
15 retary determines to be appropriate to provide for the or-  
16 derly transition to the authority of this Act from any au-  
17 thority under the provisions of the DC School Choice In-  
18 centive Act of 2003 (sec. 38–1851.01 et seq., D.C. Official  
19 Code), as such Act was in effect on the day before the  
20 date of enactment of this Act.

21 **SEC. 13. DEFINITIONS.**

22 As used in this Act:

23 (1) ELEMENTARY SCHOOL.—The term “elemen-  
24 tary school” means an institutional day or residen-  
25 tial school, including a public elementary charter



1 school, that provides elementary education, as deter-  
2 mined under District of Columbia law.

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

5 (A) A nonprofit organization.

6 (B) A consortium of nonprofit organiza-  
7 tions.

8 (3) ELIGIBLE STUDENT.—The term “eligible  
9 student” means a student who is a resident of the  
10 District of Columbia and comes from a household—

11 (A) receiving assistance under the supple-  
12 mental nutrition assistance program established  
13 under the Food and Nutrition Act of 2008 (7  
14 U.S.C. 2011 et seq.); or

15 (B) whose income does not exceed—

16 (i) 185 percent of the poverty line; or

17 (ii) in the case of a student partici-  
18 pating in the opportunity scholarship pro-  
19 gram in the preceding year under this Act  
20 or the DC School Choice Incentive Act of  
21 2003 (sec. 38–1851.01 et seq., D.C. Offi-  
22 cial Code), as such Act was in effect on the  
23 day before the date of enactment of this  
24 Act, 300 percent of the poverty line.

1           (4) MAYOR.—The term “Mayor” means the  
2 Mayor of the District of Columbia.

3           (5) 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           (6) PARTICIPATING ELIGIBLE STUDENT.—The  
8 term “participating eligible student” means an eligi-  
9 ble student awarded an opportunity scholarship  
10 under this Act, without regard to whether the stu-  
11 dent uses the scholarship to attend a participating  
12 school.

13           (7) PARTICIPATING SCHOOL.—The term “par-  
14 ticipating school” means a private elementary school  
15 or secondary school participating in the opportunity  
16 scholarship program of an eligible entity under this  
17 Act.

18           (8) POVERTY LINE.—The term “poverty line”  
19 has the meaning given that term in section 9101 of  
20 the Elementary and Secondary Education Act of  
21 1965 (20 U.S.C. 7801).

22           (9) SECONDARY SCHOOL.—The term “sec-  
23 ondary school” means an institutional day or resi-  
24 dential school, including a public secondary charter  
25 school, that provides secondary education, as deter-

1       mined under District of Columbia law, except that  
2       the term does not include any education beyond  
3       grade 12.

4           (10) SECRETARY.—The term “Secretary”  
5       means the Secretary of Education.

6       **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

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

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

1 the manner described in subsection (a) for such fiscal  
2 year.

Passed the House of Representatives March 30,  
2011.

Attest:

*Clerk.*



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

**H. R. 471**

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**AN ACT**

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