

112TH CONGRESS
1ST SESSION

H. R. 471

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

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

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Parents are best equipped to make decisions
9 for their children, including the educational setting

1 that will best serve the interests and educational
2 needs of their child.

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

14 (3) While the per student cost for students in
15 the public schools of the District of Columbia is one
16 of the highest in the United States, test scores for
17 such students continue to be among the lowest in
18 the Nation. The National Assessment of Educational
19 Progress (NAEP), an annual report released by the
20 National Center for Education Statistics, reported in
21 its 2009 study that students in the District of Co-
22 lumbia were being outperformed by every State in
23 the Nation. On the 2009 NAEP, 56 percent of
24 fourth grade students scored “below basic” in read-
25 ing, and 44 percent scored “below basic” in mathe-

1 matics. Among eighth grade students, 49 percent
2 scored “below basic” in reading and 60 percent
3 scored “below basic” in mathematics. On the 2009
4 NAEP reading assessment, only 17 percent of the
5 District of Columbia fourth grade students could
6 read proficiently, while only 13 percent of the eighth
7 grade students scored at the proficient or advanced
8 level.

9 (4) In 2003, Congress passed the DC School
10 Choice Incentive Act of 2003 (Public Law 108–199;
11 118 Stat. 126), to provide opportunity scholarships
12 to parents of students in the District of Columbia to
13 enable them to pursue a high-quality education at a
14 public or private elementary or secondary school of
15 their choice. The DC Opportunity Scholarship Pro-
16 gram (DC OSP) under such Act was part of a com-
17 prehensive 3-part funding arrangement that also in-
18 cluded additional funds for the District of Columbia
19 public schools, and additional funds for public char-
20 ter schools of the District of Columbia. The intent
21 of the approach was to ensure that progress would
22 continue to be made to improve public schools and
23 public charter schools, and that funding for the op-
24 portunity scholarship program would not lead to a
25 reduction in funding for the District of Columbia

1 public and charter schools. Resources would be avail-
2 able for a variety of educational options that would
3 give families in the District of Columbia a range of
4 choices with regard to the education of their chil-
5 dren.

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

17 (6) Since the inception of the DC OSP, it has
18 consistently been oversubscribed. Parents express
19 strong support for the opportunity scholarship pro-
20 gram. Rigorous studies of the program by the Insti-
21 tute of Education Sciences have shown significant
22 improvements in parental satisfaction and in reading
23 scores that are more dramatic when only those stu-
24 dents consistently using the scholarships are consid-
25 ered. The program also was found to result in sig-

1 significantly higher graduation rates for DC OSP stu-
2 dents.

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

12 **SEC. 3. PURPOSE.**

13 The purpose of this Act is to provide low-income par-
14 ents residing in the District of Columbia, particularly par-
15 ents of students who attend elementary schools or sec-
16 ondary schools identified for improvement, corrective ac-
17 tion, or restructuring under section 1116 of the Elemen-
18 tary and Secondary Education Act of 1965 (20 U.S.C.
19 6316), with expanded opportunities for enrolling their
20 children in other schools in the District of Columbia, at
21 least until the public schools in the District of Columbia
22 have adequately addressed shortfalls in health, safety, and
23 security, and the students in the District of Columbia pub-
24 lic schools are testing in mathematics and reading at or
25 above the national average.

1 **SEC. 4. GENERAL AUTHORITY.**

2 (a) OPPORTUNITY SCHOLARSHIPS.—

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

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

15 (b) DC PUBLIC SCHOOLS AND CHARTER
16 SCHOOLS.—From funds appropriated under paragraphs
17 (2) and (3) of section 14(a), the Secretary shall provide
18 funds to the Mayor of the District of Columbia, if the
19 Mayor agrees to the requirements described in section
20 11(a), for—

21 (1) the District of Columbia public schools to
22 improve public education in the District of Colum-
23 bia; and

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

1 **SEC. 5. APPLICATIONS.**

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

6 (b) CONTENTS.—The Secretary may not approve the
7 request of an eligible entity for a grant under section 4(a)
8 unless the entity’s application includes a detailed descrip-
9 tion of—

10 (1) how the entity will address the priorities de-
11 scribed in section 6;

12 (2) how the entity will ensure that if more eligi-
13 ble students seek admission in the program of the
14 entity than the program can accommodate, eligible
15 students are selected for admission through a ran-
16 dom selection process which gives weight to the pri-
17 orities described in section 6;

18 (3) how the entity will ensure that if more par-
19 ticipating eligible students seek admission to a par-
20 ticipating school than the school can accommodate,
21 participating eligible students are selected for admis-
22 sion through a random selection process;

23 (4) how the entity will notify parents of eligible
24 students of the expanded choice opportunities in
25 order to allow the parents to make informed deci-
26 sions;

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

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

8 (7) how the entity will seek out private elemen-
9 tary schools and secondary schools in the District of
10 Columbia to participate in the program;

11 (8) how the entity will ensure that each partici-
12 pating school will meet the reporting and other pro-
13 gram requirements under this Act;

14 (9) how the entity will ensure that participating
15 schools submit to site visits by the entity as deter-
16 mined to be necessary by the entity, except that a
17 participating school may not be required to submit
18 to more than 1 site visit per school year;

19 (10) how the entity will ensure that partici-
20 pating schools are financially responsible and will
21 use the funds received under section 7 effectively;

22 (11) how the entity will address the renewal of
23 scholarships to participating eligible students, in-
24 cluding continued eligibility;

1 (12) how the entity will ensure that a majority
2 of its voting board members or governing organiza-
3 tion are residents of the District of Columbia; and

4 (13) an assurance that the entity will comply
5 with all requests regarding any evaluation carried
6 out under section 9(a).

7 **SEC. 6. PRIORITIES.**

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

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

13 (A) eligible students who, in the school
14 year preceding the school year for which the eli-
15 gible student is seeking a scholarship, attended
16 an elementary school or secondary school identi-
17 fied for improvement, corrective action, or re-
18 structuring under section 1116 of the Elemen-
19 tary and Secondary Education Act of 1965 (20
20 U.S.C. 6316);

21 (B) students who have been awarded a
22 scholarship in a preceding year under this Act
23 or the DC School Choice Incentive Act of 2003
24 (sec. 38–1851.01 et seq., D.C. Official Code),
25 as such Act was in effect on the day before the

1 date of the enactment of this Act, but who have
2 not used the scholarship; and

3 (C) students whose household includes a
4 sibling or other child who is already partici-
5 pating in the program of the eligible entity
6 under this Act, regardless of whether such stu-
7 dents have, in the past, been assigned as mem-
8 bers of a control study group for the purposes
9 of an evaluation under section 9(a);

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

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

15 **SEC. 7. USE OF FUNDS.**

16 (a) OPPORTUNITY SCHOLARSHIPS.—

17 (1) IN GENERAL.—Subject to paragraphs (2)
18 and (3), an eligible entity receiving a grant under
19 section 4(a) shall use the grant funds to provide eli-
20 gible students with scholarships to pay the tuition,
21 fees, and transportation expenses, if any, to enable
22 the eligible students to attend the District of Colum-
23 bia private elementary school or secondary school of
24 their choice beginning in school year 2011–2012.
25 Each such eligible entity shall ensure that the

1 amount of any tuition or fees charged by a school
2 participating in such entity's program under this Act
3 to an eligible student participating in the program
4 does not exceed the amount of tuition or fees that
5 the school charges to students who do not partici-
6 pate in the program.

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

15 (3) AMOUNT OF ASSISTANCE.—

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

22 (B) ANNUAL LIMIT ON AMOUNT.—

23 (i) LIMIT FOR SCHOOL YEAR 2011–
24 2012.—The amount of assistance provided
25 to any eligible student by an eligible entity

1 under the entity's program under this Act
2 for school year 2011–2012 may not ex-
3 ceed—

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

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

8 (ii) CUMULATIVE INFLATION ADJUST-
9 MENT.—Beginning the school year fol-
10 lowing the year of the date of the enact-
11 ment of this Act, the Secretary shall adjust
12 the maximum amounts of assistance de-
13 scribed in clause (i) for inflation, as meas-
14 ured by the percentage increase, if any,
15 from the preceding fiscal year in the Con-
16 sumer Price Index for All Urban Con-
17 sumers, published by the Bureau of Labor
18 Statistics of the Department of Labor.

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

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

1 (B) makes readily available to all prospec-
2 tive students information on its school accredi-
3 tation;

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

11 (D) agrees to submit to site visits as deter-
12 mined to be necessary by the eligible entity pur-
13 suant to section 5(b)(9);

14 (E) has financial systems, controls, poli-
15 cies, and procedures to ensure that funds are
16 used according to this Act; and

17 (F) ensures that each teacher of core sub-
18 ject matter in the school has a baccalaureate
19 degree or equivalent degree.

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

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

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

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

7 (4) compiling and maintaining financial and
8 programmatic records.

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 administer a nationally norm-referenced stand-
16 ardized test in reading and math to each student en-
17 rolled in the school who is receiving an opportunity
18 scholarship. The results of such test shall be re-
19 ported to the student's parents or legal guardians
20 and the Secretary (through the Institute of Edu-
21 cation Sciences of the Department of Education) for
22 the purposes of conducting the evaluation under sec-
23 tion 9(a).

24 (2) MAKE-UP SESSION.—If a participating
25 school does not administer a nationally norm-ref-

1 erenced standardized test or the Institute of Edu-
2 cation Sciences does not receive data on a student
3 who is receiving an opportunity scholarship, then the
4 Secretary (through the Institute of Education
5 Sciences of the Department of Education) shall ad-
6 minister such test at least one time during a school
7 year for each student receiving an opportunity schol-
8 arship.

9 **SEC. 9. EVALUATIONS.**

10 (a) IN GENERAL.—

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

14 (A) jointly enter into an agreement with
15 the Institute of Education Sciences of the De-
16 partment of Education to evaluate annually the
17 performance of students who received scholar-
18 ships under the 5-year program under this Act;

19 (B) jointly enter into an agreement to
20 monitor and evaluate the use of funds author-
21 ized and appropriated for the District of Co-
22 lumbia public schools and the District of Co-
23 lumbia public charter schools; and

24 (C) make the evaluations public in accord-
25 ance with subsection (c).

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

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

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

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

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

14 (i) in increasing the academic growth
15 and achievement of participating eligible
16 students; and

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

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

22 (A) use a grade appropriate measurement
23 each school year to assess participating eligible
24 students;

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

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

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

20 (A) A comparison of the academic growth
21 and achievement of participating eligible stu-
22 dents in the measurements described in para-
23 graph (3) to the academic growth and achieve-
24 ment of the eligible students in the same grades
25 in the District of Columbia public schools and

1 the District of Columbia public charter schools
2 who sought to participate in the scholarship
3 program under this Act but were not selected.

4 (B) The success of the program in expand-
5 ing choice options for parents of participating
6 eligible students, improving parental and stu-
7 dent satisfaction of such parents and students,
8 respectively, and increasing parental involve-
9 ment of such parents in the education of their
10 children.

11 (C) The reasons parents of participating
12 eligible students choose for their children to
13 participate in the program.

14 (D) A comparison of the retention rates,
15 drop out rates, and (if appropriate) graduation
16 and college admission rates, of participating eli-
17 gible students with the retention rates, dropout
18 rates, and (if appropriate) graduation and col-
19 lege admission rates of students of similar
20 backgrounds who do not participate in such
21 program.

22 (E) The impact of the program on stu-
23 dents, and public elementary schools and sec-
24 ondary schools, in the District of Columbia.

1 (F) A comparison of the safety of the
2 schools attended by participating eligible stu-
3 dents and the schools in the District of Colum-
4 bia attended by students who do not participate
5 in the program, based on the perceptions of the
6 students and parents and on objective measures
7 of safety.

8 (G) Such other issues with respect to par-
9 ticipating eligible students as the Secretary con-
10 siders appropriate for inclusion in the evalua-
11 tion.

12 (H) Carrying out an analysis of the issues
13 described in subparagraphs (A) through (G) by
14 substituting “the subgroup of participating eli-
15 gible students who have used each opportunity
16 scholarship awarded to such students under this
17 Act to attend a participating school” for “par-
18 ticipating eligible students”.

19 (5) PROHIBITION.—Personally identifiable in-
20 formation regarding the results of the measurements
21 used for the evaluations may not be disclosed, except
22 to the parents of the student to whom the informa-
23 tion relates.

24 (b) REPORTS.—The Secretary shall submit to the
25 Committees on Appropriations, Education, and the Work-

1 force, and Oversight and Government Reform, of the
2 House of Representatives and the Committees on Appro-
3 priations, Health, Education, Labor, and Pensions, and
4 Homeland Security and Governmental Affairs, of the Sen-
5 ate—

6 (1) annual interim reports, not later than De-
7 cember 1 of each year for which a grant is made
8 under section 4(a), on the progress and preliminary
9 results of the evaluation of the opportunity scholar-
10 ship program funded under this Act; and

11 (2) a final report, not later than 1 year after
12 the final year for which a grant is made under sec-
13 tion 4(a), on the results of the evaluation of the pro-
14 gram.

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

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

1 **SEC. 10. REPORTING REQUIREMENTS.**

2 (a) **ACTIVITIES REPORTS.**—Each eligible entity re-
3 ceiving funds under section 4(a) during a year shall sub-
4 mit a report to the Secretary not later than July 30 of
5 the following year regarding the activities carried out with
6 the funds during the preceding year.

7 (b) **ACHIEVEMENT REPORTS.**—

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

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

18 (B) the graduation and college admission
19 rates of students who participate in the pro-
20 gram, where appropriate; and

21 (C) parental satisfaction with the program.

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

25 (c) **REPORTS TO PARENT.**—

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

7 (A) the student’s academic achievement, as
8 measured by a comparison with the aggregate
9 academic achievement of other participating
10 students at the student’s school in the same
11 grade or level, as appropriate, and the aggre-
12 gate academic achievement of the student’s
13 peers at the student’s school in the same grade
14 or level, as appropriate;

15 (B) the safety of the school, including the
16 incidence of school violence, student suspen-
17 sions, and student expulsions; and

18 (C) the accreditation status of the school.

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

24 (d) REPORT TO CONGRESS.—Not later than 6
25 months after the first appropriation of funds under section

1 14, and each succeeding year thereafter, the Secretary
2 shall submit to the Committees on Appropriations, Edu-
3 cation and the Workforce, and Oversight and Government
4 Reform, of the House of Representatives and the Commit-
5 tees on Appropriations, Health, Education, Labor, and
6 Pensions, and Homeland Security and Governmental Af-
7 fairs, of the Senate, an annual report on the findings of
8 the reports submitted under subsections (a) and (b).

9 **SEC. 11. DC PUBLIC SCHOOLS AND DC PUBLIC CHARTER**
10 **SCHOOLS.**

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

16 (1) **INFORMATION REQUESTS.**—Ensure that all
17 the District of Columbia public schools and the Dis-
18 trict of Columbia public charter schools comply with
19 all reasonable requests for information for purposes
20 of the evaluation under section 9(a).

21 (2) **AGREEMENT WITH THE SECRETARY.**—
22 Enter into the agreement described in section
23 9(a)(1)(B) to monitor and evaluate the use of funds
24 authorized and appropriated for the District of Co-

1 lumbia public schools and the District of Columbia
2 public charter schools.

3 (3) SUBMISSION OF REPORT.—Not later than 6
4 months after the first appropriation of funds under
5 section 14, and each succeeding year thereafter, sub-
6 mit to the Committee on Appropriations, the Com-
7 mittee on Education and the Workforce, and the
8 Committee on Oversight and Government Reform, of
9 the House of Representatives, and the Committee on
10 Appropriations, the Committee on Health, Edu-
11 cation, Labor, and Pensions, and the Committee on
12 Homeland Security and Governmental Affairs, of the
13 Senate, information on—

14 (A) how the funds authorized and appro-
15 priated under this Act for the District of Co-
16 lumbia public schools and the District of Co-
17 lumbia public charter schools were used in the
18 preceding school year; and

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

21 (b) ENFORCEMENT.—If, after reasonable notice and
22 an opportunity for a hearing for the Mayor, the Secretary
23 determines that the Mayor has not been in compliance
24 with 1 or more of the requirements described in subsection
25 (a), the Secretary may withhold from the Mayor, in whole

1 or in part, further funds under this Act for the District
2 of Columbia public schools and the District of Columbia
3 public charter schools.

4 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
5 tion shall be construed to reduce, or otherwise affect,
6 funding provided under this Act for the opportunity schol-
7 arship program under this Act.

8 **SEC. 12. TRANSITION PROVISIONS.**

9 (a) **REPEAL.**—The DC School Choice Incentive Act
10 of 2003 (sec. 38–1851.01 et seq., D.C. Official Code) is
11 repealed.

12 (b) **SPECIAL RULES.**—Notwithstanding any other
13 provision of law—

14 (1) funding appropriated to provide opportunity
15 scholarships for students in the District of Columbia
16 under the heading “Federal Payment for School Im-
17 provement” in title IV of division D of the Omnibus
18 Appropriations Act, 2009 (Public Law 111–8; 123
19 Stat. 653), the heading “Federal Payment for
20 School Improvement” in title IV of division C of the
21 Consolidated Appropriations Act, 2010 (Public Law
22 111–117; 123 Stat. 3181), or any other Act, may be
23 used to provide opportunity scholarships under sec-
24 tion 7(a) for the 2011–2012 school year to students
25 who have not previously received such scholarships;

1 (2) the fourth and fifth provisos under the
2 heading “Federal Payment for School Improvement”
3 of title IV of Division C of the Consolidated Appro-
4 priations Act of 2010 (Public Law 111–117; 123
5 Stat. 3181) are repealed; and

6 (3) any unobligated amounts reserved to carry
7 out the provisos described in paragraph (2) shall be
8 made available to an eligible entity receiving a grant
9 under section 4(a)—

10 (A) for administrative expenses described
11 in section 7(b); or

12 (B) to provide opportunity scholarships
13 under section 7(a), including to provide such
14 scholarships for the 2011–2012 school year to
15 students who have not previously received such
16 scholarships.

17 (c) **MULTIYEAR AWARDS.**—The recipient of a grant
18 or contract under the DC School Choice Incentive Act of
19 2003 (sec. 38–1851.01 et seq., D.C. Official Code), as
20 such Act was in effect on the day before the date of the
21 enactment of this Act, shall continue to receive funds in
22 accordance with the terms and conditions of such grant
23 or contract, except that—

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

4 (2) the memorandum of understanding de-
5 scribed in subsection (d), including any revision
6 made under such subsection, shall apply.

7 (d) MEMORANDUM OF UNDERSTANDING.—The Sec-
8 retary and the Mayor of the District of Columbia shall
9 revise the memorandum of understanding entered into
10 under the DC School Choice Incentive Act of 2003 (sec.
11 38–1851.01 et seq., D.C. Official Code), as such Act was
12 in effect on the day before the date of the enactment of
13 this Act, to address—

14 (1) the implementation of the opportunity
15 scholarship program under this Act; and

16 (2) how the Mayor will ensure that the District
17 of Columbia public schools and the District of Co-
18 lumbia public charter schools comply with all the
19 reasonable requests for information as necessary to
20 fulfill the requirements for evaluations conducted
21 under section 9(a).

22 (e) ORDERLY TRANSITION.—Subject to subsections
23 (c) and (d), the Secretary shall take such steps as the Sec-
24 retary determines to be appropriate to provide for the or-
25 derly transition to the authority of this Act from any au-

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

5 **SEC. 13. DEFINITIONS.**

6 As used in this Act:

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

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

14 (A) A nonprofit organization.

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

17 (3) **ELIGIBLE STUDENT.**—The term “eligible
18 student” means a student who is a resident of the
19 District of Columbia and comes from a household—

20 (A) receiving assistance under the supple-
21 mental nutrition assistance program established
22 under the Food and Nutrition Act of 2008 (7
23 U.S.C. 2011 et seq.); or

24 (B) whose income does not exceed—

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

1 (ii) in the case of a student partici-
2 pating in the opportunity scholarship pro-
3 gram in the preceding year, 300 percent of
4 the poverty line.

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

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

11 (6) POVERTY LINE.—The term “poverty line”
12 has the meaning given that term in section 9101 of
13 the Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 7801).

15 (7) SECONDARY SCHOOL.—The term “sec-
16 ondary school” means an institutional day or resi-
17 dential school, including a public secondary charter
18 school, that provides secondary education, as deter-
19 mined under District of Columbia law, except that
20 the term does not include any education beyond
21 grade 12.

22 (8) SECRETARY.—The term “Secretary” means
23 the Secretary of Education.

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

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

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

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

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

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

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