

Calendar No. 24

112TH CONGRESS
1ST SESSION**H. R. 471**

IN THE SENATE OF THE UNITED STATES

MARCH 31, 2011

Received; read the first time

APRIL 4, 2011

Read the second time and placed on the calendar

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,*

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—

9 (1) a detailed description of—

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

12 (B) how the entity will ensure that if more
13 eligible students seek admission in the program
14 of the entity than the program can accommo-
15 date, eligible students are selected for admission
16 through a random selection process which gives
17 weight to the priorities described in section 6;

18 (C) how the entity will ensure that if more
19 participating eligible students seek admission to
20 a participating school than the school can ac-
21 commodate, participating eligible students are
22 selected for admission through a random selec-
23 tion process;

24 (D) how the entity will notify parents of el-
25 igible students of the expanded choice opportu-

1 nities in order to allow the parents to make in-
2 formed decisions;

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

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

11 (G) how the entity will seek out private el-
12 elementary schools and secondary schools in the
13 District of Columbia to participate in the pro-
14 gram;

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

18 (I) how the entity will ensure that partici-
19 pating schools submit to site visits by the entity
20 as determined to be necessary by the entity, ex-
21 cept that a participating school may not be re-
22 quired to submit to more than 1 site visit per
23 school year;

24 (J) how the entity will ensure that partici-
25 pating schools are financially responsible and

1 will use the funds received under section 7 ef-
2 fectively;

3 (K) how the entity will address the renewal
4 of scholarships to participating eligible stu-
5 dents, including continued eligibility; and

6 (L) how the entity will ensure that a ma-
7 jority of its voting board members or governing
8 organization are residents of the District of Co-
9 lumbia; and

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

13 **SEC. 6. PRIORITIES.**

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

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

19 (A) eligible students who, in the school
20 year preceding the school year for which the eli-
21 gible students are seeking a scholarship, at-
22 tended an elementary school or secondary
23 school identified for improvement, corrective ac-
24 tion, or restructuring under section 1116 of the

1 Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 6316);

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

15 (C) students whose household includes a
16 sibling or other child who is already partici-
17 pating in the program of the eligible entity
18 under this Act, regardless of whether such stu-
19 dents have, in the past, been assigned as mem-
20 bers of a control study group for the purposes
21 of an evaluation under section 9(a);

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

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

3 **SEC. 7. USE OF FUNDS.**

4 (a) OPPORTUNITY SCHOLARSHIPS.—

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

20 (2) PAYMENTS TO PARENTS.—An eligible entity
21 receiving a grant under section 4(a) shall make
22 scholarship payments under the entity’s program
23 under this Act to the parent of the eligible student
24 participating in the program, in a manner which en-
25 sures that such payments will be used for the pay-

1 ment of tuition, fees, and transportation expenses (if
2 any), in accordance with this Act.

3 (3) AMOUNT OF ASSISTANCE.—

4 (A) VARYING AMOUNTS PERMITTED.—Sub-
5 ject to the other requirements of this section,
6 an eligible entity receiving a grant under sec-
7 tion 4(a) may award scholarships in larger
8 amounts to those eligible students with the
9 greatest need.

10 (B) ANNUAL LIMIT ON AMOUNT.—

11 (i) LIMIT FOR SCHOOL YEAR 2011–
12 2012.—The amount of assistance provided
13 to any eligible student by an eligible entity
14 under the entity’s program under this Act
15 for school year 2011–2012 may not ex-
16 ceed—

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

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

21 (ii) CUMULATIVE INFLATION ADJUST-
22 MENT.—Beginning the school year fol-
23 lowing the school year of the date of the
24 enactment of this Act, the Secretary shall
25 adjust the maximum amounts of assistance

1 described in clause (i) for inflation, as
2 measured by the percentage increase, if
3 any, from the preceding fiscal year in the
4 Consumer Price Index for All Urban Con-
5 sumers, published by the Bureau of Labor
6 Statistics of the Department of Labor.

7 (4) PARTICIPATING SCHOOL REQUIREMENTS.—
8 None of the funds provided under this Act for op-
9 portunity scholarships may be used by an eligible
10 student to enroll in a participating private school
11 unless the participating school—

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

14 (B) makes readily available to all prospec-
15 tive students information on its school accredi-
16 tation;

17 (C) in the case of a school that has been
18 operating for 5 years or less, submits to the eli-
19 gible entity administering the program proof of
20 adequate financial resources reflecting the fi-
21 nancial sustainability of the school and the
22 school's ability to be in operation through the
23 school year;

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

4 (E) has financial systems, controls, poli-
5 cies, and procedures to ensure that funds are
6 used according to this Act; and

7 (F) ensures that each teacher of core sub-
8 ject matter in the school has a baccalaureate
9 degree or equivalent degree, whether such de-
10 gree was awarded in or outside of the United
11 States.

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

17 (1) determining the eligibility of students to
18 participate;

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

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

23 (4) compiling and maintaining financial and
24 programmatic records; and

1 (5) conducting site visits as described in section
2 5(b)(1)(I).

3 (c) PARENTAL ASSISTANCE.—An eligible entity re-
4 ceiving a grant under section 4(a) may use not more than
5 2 percent of the amount provided under the grant each
6 year for the expenses of educating parents about the enti-
7 ty’s program under this Act, and assisting parents
8 through the application process, under this Act, includ-
9 ing—

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

13 (2) providing funds to assist parents of stu-
14 dents in meeting expenses that might otherwise pre-
15 clude the participation of eligible students in the
16 program; and

17 (3) streamlining the application process for par-
18 ents.

19 (d) STUDENT ACADEMIC ASSISTANCE.—An eligible
20 entity receiving a grant under section 4(a) may use not
21 more than 1 percent of the amount provided under the
22 grant each year for expenses to provide tutoring services
23 to participating eligible students that need additional aca-
24 demic assistance. If there are insufficient funds to provide
25 tutoring services to all such students in a year, the eligible

1 entity shall give priority in such year to students who pre-
2 viously attended an elementary school or secondary school
3 that was identified for improvement, corrective action, or
4 restructuring under section 1116 of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C. 6316).

6 **SEC. 8. NONDISCRIMINATION AND OTHER REQUIREMENTS**
7 **FOR PARTICIPATING SCHOOLS.**

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

12 (b) APPLICABILITY AND SINGLE SEX SCHOOLS,
13 CLASSES, OR ACTIVITIES.—

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

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

1 (3) APPLICABILITY.—For purposes of this Act,
2 the provisions of section 909 of the Education
3 Amendments of 1972 (20 U.S.C. 1688) shall apply
4 to this Act as if section 909 of the Education
5 Amendments of 1972 (20 U.S.C. 1688) were part of
6 this Act.

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

11 (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law, a school participating in any pro-
14 gram under this Act that is operated by, supervised
15 by, controlled by, or connected to, a religious organi-
16 zation may exercise its right in matters of employ-
17 ment consistent with title VII of the Civil Rights Act
18 of 1964 (42 U.S.C. 2000e–1 et seq.), including the
19 exemptions in such title.

20 (2) MAINTENANCE OF PURPOSE.—Notwith-
21 standing any other provision of law, funds made
22 available under this Act to eligible students, which
23 are used at a participating school as a result of their
24 parents' choice, shall not, consistent with the first
25 amendment of the Constitution, necessitate any

1 change in the participating school's teaching mis-
2 sion, require any participating school to remove reli-
3 gious art, icons, scriptures, or other symbols, or pre-
4 clude any participating school from retaining reli-
5 gious terms in its name, selecting its board members
6 on a religious basis, or including religious references
7 in its mission statements and other chartering or
8 governing documents.

9 (e) **RULE OF CONSTRUCTION.**—A scholarship (or any
10 other form of support provided to parents of eligible stu-
11 dents) under this Act shall be considered assistance to the
12 student and shall not be considered assistance to the
13 school that enrolls the eligible student. The amount of any
14 scholarship (or other form of support provided to parents
15 of an eligible student) under this Act shall not be treated
16 as income of the parents for purposes of Federal tax laws
17 or for determining eligibility for any other Federal pro-
18 gram.

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

23 (g) **RULES OF CONDUCT AND OTHER SCHOOL POLI-**
24 **CIES.**—A participating school, including the schools de-
25 scribed in subsection (d), may require eligible students to

1 abide by any rules of conduct and other requirements ap-
2 plicable to all other students at the school.

3 (h) **NATIONALLY NORM-REFERENCED STANDARD-**
4 **IZED TESTS.**—

5 (1) **IN GENERAL.**—Each participating school
6 shall comply with any testing requirements deter-
7 mined to be necessary for evaluation under section
8 9(a)(2)(A)(i).

9 (2) **MAKE-UP SESSION.**—If a participating
10 school does not administer a nationally norm-ref-
11 erenced standardized test or the Institute of Edu-
12 cation Sciences does not receive data on a student
13 who is receiving an opportunity scholarship, then the
14 Secretary (through the Institute of Education
15 Sciences of the Department of Education) shall ad-
16 minister such test at least one time during a school
17 year for each student receiving an opportunity schol-
18 arship.

19 **SEC. 9. EVALUATIONS.**

20 (a) **IN GENERAL.**—

21 (1) **DUTIES OF THE SECRETARY AND THE**
22 **MAYOR.**—The Secretary and the Mayor of the Dis-
23 trict of Columbia shall—

24 (A) jointly enter into an agreement with
25 the Institute of Education Sciences of the De-

1 department of Education to evaluate annually the
2 performance of students who received scholar-
3 ships under the 5-year program under this Act;

4 (B) jointly enter into an agreement to
5 monitor and evaluate the use of funds author-
6 ized and appropriated for the District of Co-
7 lumbia public schools and the District of Co-
8 lumbia public charter schools under this Act;
9 and

10 (C) make the evaluations described in sub-
11 paragraphs (A) and (B) public in accordance
12 with subsection (c).

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

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

18 (i) is conducted using the strongest
19 possible research design for determining
20 the effectiveness of the opportunity schol-
21 arship program under this Act; and

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

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

1 (i) in increasing the academic growth
2 and achievement of participating eligible
3 students; and

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

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

9 (A) use a grade appropriate, nationally
10 norm-referenced standardized test each school
11 year to assess participating eligible students;

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

14 (C) work with the eligible entities to en-
15 sure that the parents of each student who ap-
16 plies for a scholarship under this Act (regard-
17 less of whether the student receives the scholar-
18 ship) and the parents of each student partici-
19 pating in the scholarship program under this
20 Act, agree that the student will participate in
21 the measurements given annually by the Insti-
22 tute of Educational Sciences for the period for
23 which the student applied for or received the
24 scholarship, respectively, except that nothing in
25 this subparagraph shall affect a student's pri-

1 ority for an opportunity scholarship as provided
2 under section 6.

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

6 (A) A comparison of the academic growth
7 and achievement of participating eligible stu-
8 dents in the measurements described in para-
9 graph (3) to the academic growth and achieve-
10 ment of the eligible students in the same grades
11 who sought to participate in the scholarship
12 program under this Act but were not selected.

13 (B) The success of the program in expand-
14 ing choice options for parents of participating
15 eligible students, improving parental and stu-
16 dent satisfaction of such parents and students,
17 respectively, and increasing parental involve-
18 ment of such parents in the education of their
19 children.

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

24 (D) A comparison of the retention rates,
25 high school graduation rates, and college admis-

1 sion rates of participating eligible students with
2 the retention rates, high school graduation
3 rates, and college admission rates of students of
4 similar backgrounds who do not participate in
5 such program.

6 (E) A comparison of the safety of the
7 schools attended by participating eligible stu-
8 dents and the schools in the District of Colum-
9 bia attended by students who do not participate
10 in the program, based on the perceptions of the
11 students and parents.

12 (F) Such other issues with respect to par-
13 ticipating eligible students as the Secretary con-
14 siders appropriate for inclusion in the evalua-
15 tion, such as the impact of the program on pub-
16 lic elementary schools and secondary schools in
17 the District of Columbia.

18 (G) An analysis of the issues described in
19 subparagraphs (A) through (F) by applying
20 such subparagraphs by substituting “the sub-
21 group of participating eligible students who
22 have used each opportunity scholarship awarded
23 to such students under this Act to attend a par-
24 ticipating school” for “participating eligible stu-
25 dents” each place such term appears.

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

6 (b) REPORTS.—The Secretary shall submit to the
7 Committees on Appropriations, Education and the Work-
8 force, and Oversight and Government Reform of the
9 House of Representatives and the Committees on Appro-
10 priations, Health, Education, Labor, and Pensions, and
11 Homeland Security and Governmental Affairs of the Sen-
12 ate—

13 (1) annual interim reports, not later than April
14 1 of the year following the year of the date of enact-
15 ment of this Act, and each subsequent year through
16 the year in which the final report is submitted under
17 paragraph (2), on the progress and preliminary re-
18 sults of the evaluation of the opportunity scholarship
19 program funded under this Act; and

20 (2) a final report, not later than 1 year after
21 the final year for which a grant is made under sec-
22 tion 4(a), on the results of the evaluation of the pro-
23 gram.

24 (c) PUBLIC AVAILABILITY.—All reports and under-
25 lying data gathered pursuant to this section shall be made

1 available to the public upon request, in a timely manner
2 following submission of the applicable report under sub-
3 section (b), except that personally identifiable information
4 shall not be disclosed or made available to the public.

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

9 **SEC. 10. REPORTING REQUIREMENTS.**

10 (a) ACTIVITIES REPORTS.—Each eligible entity re-
11 ceiving funds under section 4(a) during a year shall sub-
12 mit a report to the Secretary not later than July 30 of
13 the following year regarding the activities carried out with
14 the funds during the preceding year.

15 (b) ACHIEVEMENT REPORTS.—

16 (1) IN GENERAL.—In addition to the reports
17 required under subsection (a), each eligible entity re-
18 ceiving funds under section 4(a) shall, not later than
19 September 1 of the year during which the second
20 school year of the entity's program is completed and
21 each of the next 2 years thereafter, submit to the
22 Secretary a report, including any pertinent data col-
23 lected in the preceding 2 school years, concerning—

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

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

4 (C) parental satisfaction with the program.

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

8 (c) REPORTS TO PARENTS.—

9 (1) IN GENERAL.—Each eligible entity receiving
10 funds under section 4(a) shall ensure that each
11 school participating in the entity's program under
12 this Act during a school year reports at least once
13 during the year to the parents of each of the school's
14 students who are participating in the program on—

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

23 (B) the safety of the school, including the
24 incidence of school violence, student suspen-
25 sions, and student expulsions; and

1 (C) the accreditation status of the school.

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

7 (d) REPORT TO CONGRESS.—Not later than 6
8 months after the first appropriation of funds under section
9 14, and each succeeding year thereafter, the Secretary
10 shall submit to the Committees on Appropriations, Edu-
11 cation and the Workforce, and Oversight and Government
12 Reform of the House of Representatives and the Commit-
13 tees on Appropriations, Health, Education, Labor, and
14 Pensions, and Homeland Security and Governmental Af-
15 fairs of the Senate, an annual report on the findings of
16 the reports submitted under subsections (a) and (b).

17 **SEC. 11. DC PUBLIC SCHOOLS AND DC PUBLIC CHARTER**
18 **SCHOOLS.**

19 (a) CONDITION OF RECEIPT OF FUNDS.—As a condi-
20 tion of receiving funds under this Act on behalf of the
21 District of Columbia public schools and the District of Co-
22 lumbia public charter schools, the Mayor shall agree to
23 carry out the following:

24 (1) INFORMATION REQUESTS.—Ensure that all
25 the District of Columbia public schools and the Dis-

1 trict of Columbia public charter schools comply with
2 all reasonable requests for information for purposes
3 of the evaluation under section 9(a).

4 (2) AGREEMENT WITH THE SECRETARY.—

5 Enter into the agreement described in section
6 9(a)(1)(B) to monitor and evaluate the use of funds
7 authorized and appropriated for the District of Co-
8 lumbia public schools and the District of Columbia
9 public charter schools under this Act.

10 (3) SUBMISSION OF REPORT.—Not later than 6

11 months after the first appropriation of funds under
12 section 14, and each succeeding year thereafter, sub-
13 mit to the Committee on Appropriations, the Com-
14 mittee on Education and the Workforce, and the
15 Committee on Oversight and Government Reform of
16 the House of Representatives, and the Committee on
17 Appropriations, the Committee on Health, Edu-
18 cation, Labor, and Pensions, and the Committee on
19 Homeland Security and Governmental Affairs of the
20 Senate, information on—

21 (A) how the funds authorized and appro-

22 priated under this Act for the District of Co-
23 lumbia public schools and the District of Co-
24 lumbia public charter schools were used in the
25 preceding school year; and

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

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

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

15 **SEC. 12. TRANSITION PROVISIONS.**

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

19 (b) SPECIAL RULES.—Notwithstanding any other
20 provision of law—

21 (1) funding appropriated to provide opportunity
22 scholarships for students in the District of Columbia
23 under the heading “Federal Payment for School Im-
24 provement” in title IV of division D of the Omnibus
25 Appropriations Act, 2009 (Public Law 111–8; 123

1 Stat. 653), the heading “Federal Payment for
2 School Improvement” in title IV of division C of the
3 Consolidated Appropriations Act, 2010 (Public Law
4 111–117; 123 Stat. 3181), or any other Act, may be
5 used to provide opportunity scholarships under sec-
6 tion 7(a) for the 2011–2012 school year to students
7 who have not previously received such scholarships;

8 (2) the fourth and fifth provisos under the
9 heading “Federal Payment for School Improvement”
10 of title IV of Division C of the Consolidated Appro-
11 priations Act, 2010 (Public Law 111–117; 123 Stat.
12 3181) shall not apply; and

13 (3) any unobligated amounts reserved to carry
14 out the provisos described in paragraph (2) shall be
15 made available to an eligible entity receiving a grant
16 under section 4(a)—

17 (A) for administrative expenses described
18 in section 7(b); or

19 (B) to provide opportunity scholarships
20 under section 7(a), including to provide such
21 scholarships for the 2011–2012 school year to
22 students who have not previously received such
23 scholarships.

24 (c) MULTIYEAR AWARDS.—The recipient of a grant
25 or contract under the DC School Choice Incentive Act of

1 2003 (sec. 38–1851.01 et seq., D.C. Official Code), as
2 such Act was in effect on the day before the date of the
3 enactment of this Act, shall continue to receive funds in
4 accordance with the terms and conditions of such grant
5 or contract, except that—

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

9 (2) the memorandum of understanding de-
10 scribed in subsection (d), including any revision
11 made under such subsection, shall apply.

12 (d) MEMORANDUM OF UNDERSTANDING.—The Sec-
13 retary and the Mayor of the District of Columbia shall
14 revise the memorandum of understanding entered into
15 under the DC School Choice Incentive Act of 2003 (sec.
16 38–1851.01 et seq., D.C. Official Code), as such Act was
17 in effect on the day before the date of the enactment of
18 this Act, to address—

19 (1) the implementation of the opportunity
20 scholarship program under this Act; and

21 (2) how the Mayor will ensure that the District
22 of Columbia public schools and the District of Co-
23 lumbia public charter schools comply with all the
24 reasonable requests for information as necessary to

1 fulfill the requirements for evaluations conducted
2 under section 9(a).

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

11 **SEC. 13. DEFINITIONS.**

12 As used in this Act:

13 (1) ELEMENTARY SCHOOL.—The term “elemen-
14 tary school” means an institutional day or residen-
15 tial school, including a public elementary charter
16 school, that provides elementary education, as deter-
17 mined under District of Columbia law.

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

20 (A) A nonprofit organization.

21 (B) A consortium of nonprofit organiza-
22 tions.

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

1 (A) receiving assistance under the supple-
2 mental nutrition assistance program established
3 under the Food and Nutrition Act of 2008 (7
4 U.S.C. 2011 et seq.); or

5 (B) whose income does not exceed—

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

7 (ii) in the case of a student partici-
8 pating in the opportunity scholarship pro-
9 gram in the preceding year under this Act
10 or the DC School Choice Incentive Act of
11 2003 (sec. 38–1851.01 et seq., D.C. Offi-
12 cial Code), as such Act was in effect on the
13 day before the date of enactment of this
14 Act, 300 percent of the poverty line.

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

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

21 (6) PARTICIPATING ELIGIBLE STUDENT.—The
22 term “participating eligible student” means an eligi-
23 ble student awarded an opportunity scholarship
24 under this Act, without regard to whether the stu-

1 dent uses the scholarship to attend a participating
2 school.

3 (7) PARTICIPATING SCHOOL.—The term “par-
4 ticipating school” means a private elementary school
5 or secondary school participating in the opportunity
6 scholarship program of an eligible entity under this
7 Act.

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

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

19 (10) SECRETARY.—The term “Secretary”
20 means the Secretary of Education.

21 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

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

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

Passed the House of Representatives March 30,
2011.

Attest:

KAREN L. HAAS,

Clerk.

Calendar No. 24

112TH CONGRESS
1ST Session

H. R. 471

AN ACT

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

APRIL 4, 2011

Read the second time and placed on the calendar