

114TH CONGRESS
1ST SESSION

S. 2171

To reauthorize the Scholarships for Opportunity and Results Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2015

Mrs. FEINSTEIN (for herself, Mr. SCOTT, Mr. JOHNSON, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To reauthorize the Scholarships for Opportunity and Results Act, 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; REFERENCES IN ACT.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Scholarships for Opportunity and Results Reauthoriza-
6 tion Act” or the “SOAR Reauthorization Act”.

7 (b) **REFERENCES IN ACT.**—Whenever in this Act an
8 amendment is expressed in terms of an amendment to or
9 repeal of a section or other provision, the reference shall
10 be considered to be made to that section or other provision

1 of the Scholarships for Opportunity and Results Act (divi-
2 sion C of Public Law 112–10; sec. 38–1853.01 et seq.,
3 D.C. Official Code).

4 **SEC. 2. FINDINGS; PURPOSE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) In 1995, Congress passed the DC School
7 Reform Act, which granted the District of Columbia
8 the authority to create public charter schools and
9 gave parents greater educational options for their
10 children.

11 (2) In 2003, in partnership with the Mayor of
12 the District of Columbia, the chairman of the DC
13 Council Education Committee, and community activ-
14 ists, Congress passed the DC School Choice Incen-
15 tive Act of 2003 (Public Law 108–199; 118 Stat.
16 126), to provide opportunity scholarships to parents
17 of students in the District of Columbia to enable
18 them to pursue a high-quality education at a private
19 elementary or secondary school of their choice.

20 (3) The DC Opportunity Scholarship Program
21 (DC OSP) was part of a comprehensive three-part
22 funding arrangement that provided additional funds
23 for both the District of Columbia public schools and
24 public charter schools of the District of Columbia.
25 The intent behind the additional resources was to

1 ensure both District of Columbia public and charter
2 schools continued to improve.

3 (4) In 2011, Congress enacted the three-part
4 funding arrangement when it reauthorized the DC
5 OSP and passed the Scholarships for Opportunity
6 and Results (SOAR) Act (division C of Public Law
7 112–10) with bipartisan support.

8 (5) While the National Center for Education
9 Statistics indicates that per pupil expenditure for
10 public schools in the District of Columbia is the
11 highest in the United States, performance on the
12 National Assessment of Educational Progress
13 (NAEP) continues to be near the bottom of the
14 country when examining scores in mathematics and
15 reading for fourth and eighth grades. When Con-
16 gress passed the DC School Choice Incentive Act of
17 2003, students in the District of Columbia ranked
18 52 out of 52 States (including the Department of
19 Defense schools). Since that time, the District of Co-
20 lumbia has made significant gains in mathematics
21 and reading. However, students in the District of
22 Columbia still rank in the bottom three States out
23 of 52 States. According to the 2013 fourth grade
24 math NAEP results, 34 percent of students are
25 below basic, 38 percent are at basic, and 28 percent

1 are at proficient or advanced. The 2013 fourth
2 grade reading results found that 50 percent of
3 fourth grade students in the District of Columbia
4 are at or below basic, 27 percent are at basic, and
5 23 percent are proficient or advanced.

6 (6) Since the inception of the DC OSP, there
7 has been strong demand for the program by parents
8 and the citizens of the District of Columbia. In fact,
9 74 percent of District of Columbia residents support
10 continuing the program (based on the Lester & As-
11 sociates February 2011 Poll).

12 (7) Since the program's inception, parental sat-
13 isfaction has remained high. The program has also
14 been found to result in significantly higher gradua-
15 tion rates for those students who have received and
16 used their opportunity scholarships.

17 (8) The DC OSP offers low-income families in
18 the District of Columbia important educational al-
19 ternatives while public schools are improved. The
20 program should continue to be reauthorized as part
21 of a three-part comprehensive funding strategy for
22 the District of Columbia school system providing
23 equal funding for public schools, public charter
24 schools, and opportunity scholarships for students to
25 attend private schools.

1 (b) PURPOSE.—It is the purpose of this Act to amend
2 the Scholarships for Opportunity and Results Act to pro-
3 vide low-income parents residing in the District of Colum-
4 bia with expanded educational opportunities for enrolling
5 their children in other schools in the District of Columbia,
6 and provide resources to support educational reforms for
7 District of Columbia Public Schools and District of Co-
8 lumbia public charter schools.

9 **SEC. 3. PROHIBITING IMPOSITION OF LIMITS ON TYPES OF**
10 **ELIGIBLE STUDENTS PARTICIPATING IN THE**
11 **PROGRAM.**

12 Section 3004(a) (sec. 38–1853.04(a), D.C. Official
13 Code) is amended by adding at the end the following new
14 paragraph:

15 “(3) PROHIBITING IMPOSITION OF LIMITS ON
16 ELIGIBLE STUDENTS PARTICIPATING IN THE PRO-
17 GRAM.—

18 “(A) IN GENERAL.—In carrying out the
19 program under this division, the Secretary may
20 not limit the number of eligible students receiv-
21 ing scholarships under section 3007(a), and
22 may not prevent otherwise eligible students
23 from participating in the program under this
24 Act, on any of the following grounds:

1 “(i) Whether or not the student at-
 2 tended a private school for pre-elementary
 3 education in the previous school year.

4 “(ii) Whether or not the student pre-
 5 viously received a scholarship or partici-
 6 pated in the program.

7 “(iii) Whether or not the student was
 8 a member of the control group used by In-
 9 stitute of Education Sciences to carry out
 10 previous evaluations of the program under
 11 section 3009.

12 “(B) RULE OF CONSTRUCTION.—Nothing
 13 in subparagraph (A) may be construed to waive
 14 the requirement under section 3005(b)(1)(B)
 15 that the entity carrying out the program under
 16 this Act must carry out a random selection
 17 process which gives weight to the priorities de-
 18 scribed in section 3006 if more eligible students
 19 seek admission in the program than the pro-
 20 gram can accommodate.”.

21 **SEC. 4. REQUIRING ELIGIBLE ENTITIES TO UTILIZE INTER-**
 22 **NAL FISCAL AND QUALITY CONTROLS.**

23 Section 3005(b)(1) (sec. 38–1853.05(b)(1)), D.C. Of-
 24 ficial Code) is amended—

1 (1) by striking “and” at the end of subpara-
2 graph (K); and

3 (2) by adding at the end the following new sub-
4 paragraph:

5 “(M) how the entity will ensure that it uti-
6 lizes internal fiscal and quality controls; and”.

7 **SEC. 5. CLARIFICATION OF PRIORITIES FOR AWARDING**
8 **SCHOLARSHIPS TO ELIGIBLE STUDENTS.**

9 Section 3006(1)(A) (sec. 38–1853.06(1)(A), D.C. Of-
10 ficial Code) is amended by striking “for improvement, cor-
11 rective action, or restructuring under section 1116 of the
12 Elementary and Secondary Education Act of 1965 (20
13 U.S.C. 6316)” and inserting “as a low-achieving school
14 according to the Office of the State Superintendent of
15 Education of the District of Columbia.”.

16 **SEC. 6. MODIFICATION OF REQUIREMENTS FOR PARTICI-**
17 **PATING SCHOOLS AND ELIGIBLE ENTITIES.**

18 (a) **CRIMINAL BACKGROUND CHECKS; COMPLIANCE**
19 **WITH REPORTING REQUIREMENTS.**—Section 3007(a)(4)
20 (sec. 38–1853.07(a)(4), D.C. Official Code) is amended—

21 (1) by striking “and” at the end of subpara-
22 graph (E);

23 (2) by striking the period at the end of sub-
24 paragraph (F) and inserting a semicolon; and

1 (3) by adding at the end the following new sub-
2 paragraphs:

3 “(G) conducts criminal background checks
4 on school employees who have direct and unsu-
5 pervised interaction with students; and

6 “(H) complies with all requests for data
7 and information regarding the reporting re-
8 quirements described in section 3010.”.

9 (b) ACCREDITATION.—Section 3007(a) (sec. 38-
10 1853.07(a), D.C. Official Code) is amended—

11 (1) in paragraph (1), by striking “paragraphs
12 (2) and (3)” and inserting “paragraphs (2), (3), and
13 (5)”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(5) ACCREDITATION REQUIREMENTS.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), none of the funds provided under
19 this division for opportunity scholarships may
20 be used by an eligible student to enroll in a par-
21 ticipating private school unless the school, as of
22 the date of enactment of the SOAR Reauthor-
23 ization Act, is provisionally or fully accredited
24 by—

1 “(i) an accrediting body described in
2 subparagraphs (A) through (G) of section
3 2202(16) of the District of Columbia
4 School Reform Act of 1995 (sec. 38–
5 1802.02(16)(A)–(G), D.C. Official Code);
6 or

7 “(ii) any other accrediting body deter-
8 mined appropriate by the District of Co-
9 lumbia Office of the State Superintendent
10 for Schools for the purposes of accrediting
11 an elementary or secondary school.

12 “(B) EXCEPTION.—Notwithstanding sub-
13 paragraph (A), in the case of a student who, on
14 the date of the enactment of the SOAR Reau-
15 thorization Act, is attending a participating
16 school that does not meet the requirement de-
17 scribed in subparagraph (A) but is a school
18 pursuing full accreditation by an accrediting
19 body described in subparagraph (A), such stu-
20 dent, and any siblings of such student, shall
21 have the option to enroll, or remain enrolled, at
22 such school.

23 “(C) TIME TO MEET REQUIREMENTS.—
24 The exception described in subparagraph (B)
25 shall no longer apply on the date that is 5 years

1 after the date of enactment of the SOAR Reau-
2 thorization Act.

3 “(D) REPORTS TO ELIGIBLE ENTITY.—
4 Not later than 5 years after the date of enact-
5 ment of the SOAR Reauthorization Act, each
6 participating school shall submit to the eligible
7 entity a certification that the school has been
8 fully or provisionally accredited in accordance
9 with subparagraph (A).

10 “(E) ASSISTING STUDENTS IN ENROLLING
11 IN OTHER SCHOOLS.—If a participating school
12 fails to meet the requirements of this para-
13 graph, the eligible entity shall assist the parents
14 of the eligible students who attend the school in
15 identifying, applying to, and enrolling in an-
16 other participating school under this Act.”.

17 (c) USE OF FUNDS FOR ADMINISTRATIVE EXPENSES
18 AND PARENTAL ASSISTANCE.—Section 3007 (sec. 38-
19 1853.07, D.C. Official Code) is amended—

20 (1) by striking subsections (b) and (c) and in-
21 serting the following:

22 “(b) ADMINISTRATIVE EXPENSES AND PARENTAL
23 ASSISTANCE.—The Secretary shall make \$2,000,000 of
24 the amount provided under the grant each year available

1 to an eligible entity receiving a grant under section
2 3004(a) to cover the following expenses:

3 “(1) The administrative expenses of carrying
4 out its program under this Act during the year, in-
5 cluding—

6 “(A) determining the eligibility of students
7 to participate;

8 “(B) selecting the eligible students to re-
9 ceive scholarships;

10 “(C) determining the amount of the schol-
11 arships and issuing the scholarships to eligible
12 students;

13 “(D) compiling and maintaining financial
14 and programmatic records; and

15 “(E) conducting site visits as described in
16 section 3005(b)(1)(I).

17 “(2) The expenses of educating parents about
18 the entity’s program under this Act, and assisting
19 parents through the application process under this
20 Act, including—

21 “(A) providing information about the pro-
22 gram and the participating schools to parents
23 of eligible students;

24 “(B) providing funds to assist parents of
25 students in meeting expenses that might other-

1 wise preclude the participation of eligible stu-
2 dents in the program; and

3 “(C) streamlining the application process
4 for parents.”; and

5 (2) by redesignating subsection (d) as sub-
6 section (c).

7 (d) CLARIFICATION OF USE OF FUNDS FOR STU-
8 DENT ACADEMIC ASSISTANCE.—Section 3007(c) (sec. 38-
9 1853.07(c), D.C. Official Code), as redesignated by sub-
10 section (c)(2), is amended by striking “identified for im-
11 provement, corrective action, or restructuring under sec-
12 tion 1116 of the Elementary and Secondary Education
13 Act of 1965 (20 U.S.C. 6316)” and inserting “identified
14 as a low-achieving school according to the Office of the
15 State Superintendent of Education of the District of Co-
16 lumbia”.

17 (e) PERMITTING USE OF FUNDS REMAINING UNOB-
18 LIGATED FROM PREVIOUS FISCAL YEARS.—Section 3007
19 (sec. 38-1853.07, D.C. Official Code), as amended by this
20 section, is amended by adding at the end the following
21 new subsection:

22 “(d) PERMITTING USE OF FUNDS REMAINING UN-
23 OBLIGATED FROM PREVIOUS FISCAL YEARS.—To the ex-
24 tent that any funds appropriated for the opportunity
25 scholarship program under this Act for a fiscal year re-

1 main unobligated at the end of the fiscal year, the Sec-
 2 retary shall make such funds available during subsequent
 3 fiscal years for scholarships for eligible students, except
 4 that an eligible entity may use not more than 5 percent
 5 of the funds for administrative expenses, parental assist-
 6 ance, and tutoring, in addition to the amounts appro-
 7 priated for such purposes under section 3007(b) and (c).”.

8 **SEC. 7. PROGRAM EVALUATION.**

9 (a) REVISION OF EVALUATION PROCEDURES AND
 10 REQUIREMENTS.—

11 (1) IN GENERAL.—Section 3009(a) (sec. 38–
 12 1853.09(a), D.C. Official Code) is amended to read
 13 as follows:

14 “(a) IN GENERAL.—

15 “(1) DUTIES OF THE SECRETARY AND THE
 16 MAYOR.—The Secretary and the Mayor of the Dis-
 17 trict of Columbia shall—

18 “(A) jointly enter into an agreement with
 19 the Institute of Education Sciences of the De-
 20 partment of Education to evaluate annually the
 21 opportunity scholarship program under this
 22 Act;

23 “(B) jointly enter into an agreement to
 24 monitor and evaluate the use of funds author-
 25 ized and appropriated for the District of Co-

1 lumbia Public Schools and the District of Co-
2 lumbia public charter schools under this Act;
3 and

4 “(C) make the evaluations described in
5 subparagraphs (A) and (B) public in accord-
6 ance with subsection (c).

7 “(2) DUTIES OF THE SECRETARY.—The Sec-
8 retary, through a grant, contract, or cooperative
9 agreement, shall—

10 “(A) ensure that the evaluation under
11 paragraph (1)(A)—

12 “(i) is conducted using an acceptable
13 quasi-experimental research design for de-
14 termining the effectiveness of the oppor-
15 tunity scholarship program under this Act
16 which does not use a control study group
17 consisting of students who applied for but
18 who did not receive opportunity scholar-
19 ships, and

20 “(ii) addresses the issues described in
21 paragraph (4); and

22 “(B) disseminate information on the im-
23 pact of the program—

1 “(i) in increasing academic achieve-
2 ment and educational attainment of par-
3 ticipating eligible students, and

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

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

9 “(A) assess participating eligible students
10 in each of the grades 3 through 8, as well as
11 one of the grades in the high school level, by su-
12 pervising the administration of the same read-
13 ing and math assessment used by the District
14 of Columbia Public Schools to comply with sec-
15 tion 1111(b) of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 6311(b));

17 “(B) measure the academic achievement of
18 all participating students in the grades de-
19 scribed in subparagraph (A); and

20 “(C) work with the eligible entities to en-
21 sure that the parents of each student who re-
22 ceives a scholarship under this Act agree to per-
23 mit the student to participate in the evaluations
24 and assessments carried out by the Institute
25 under this subsection.

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

4 “(A) A comparison of the academic
5 achievement of participating eligible students in
6 the measurements described in paragraph (3) to
7 the academic achievement of a comparison
8 group of students with similar backgrounds in
9 the District of Columbia Public Schools.

10 “(B) The success of the program under
11 this Act in expanding choice options for parents
12 of participating eligible students and increasing
13 their satisfaction with their child’s school.

14 “(C) The reasons parents of participating
15 eligible students choose for their children to
16 participate in the program, including important
17 characteristics for selecting schools.

18 “(D) A comparison of the retention rates,
19 high school graduation rates, college admission
20 rates, college persistence rates, and college
21 graduation rates of participating eligible stu-
22 dents with the rates of students in the compari-
23 son group described in subparagraph (A).

24 “(E) A comparison of the college admis-
25 sion rates, college persistence rates, and college

1 graduation rates of students who participated
2 in the program in 2004, 2005, 2011, 2012,
3 2013, 2014, and 2015 as the result of winning
4 the Opportunity Scholarship Program lottery
5 with the rates of students who entered but did
6 not win such lottery in those years and who, as
7 a result, served as the control group for pre-
8 vious evaluations of the program under this
9 Act.

10 “(F) A comparison of the safety of the
11 schools attended by participating eligible stu-
12 dents and the schools in the District of Colum-
13 bia attended by students in the comparison
14 group described in subparagraph (A), based on
15 the perceptions of the students and parents.

16 “(G) Such other issues with respect to par-
17 ticipating eligible students as the Secretary con-
18 siders appropriate for inclusion in the evalua-
19 tion, such as the impact of the program on pub-
20 lic elementary schools and secondary schools in
21 the District of Columbia.

22 “(5) PROHIBITING DISCLOSURE OF PERSONAL
23 INFORMATION.—

24 “(A) IN GENERAL.—Any disclosure of per-
25 sonally identifiable information shall be in com-

1 pliance with section 444 of the General Edu-
2 cation Provisions Act (commonly known as the
3 ‘Family Educational Rights and Privacy Act of
4 1974’) (20 U.S.C. 1232g).

5 “(B) STUDENTS NOT ATTENDING PUBLIC
6 SCHOOLS.—With respect to any student who is
7 not attending a public elementary school or sec-
8 ondary school, personally identifiable informa-
9 tion may not be disclosed outside of the group
10 of individuals carrying out the evaluation for
11 such student, other than to the parents of such
12 student.”.

13 (2) TRANSITION FROM CURRENT EVALUA-
14 TION.—The Secretary of Education shall terminate
15 the current evaluations conducted under section
16 3009(a) of the Scholarships for Opportunity and Re-
17 sults Act (sec. 38–1853.09, D.C. Official Code), as
18 in effect prior to the date of enactment of this Act,
19 after obtaining data for the 2015–2016 school year,
20 and shall submit the reports required with respect to
21 the evaluations in accordance with section 3009(b)
22 of such Act. Effective with respect to the 2016–2017
23 school year, the Secretary shall conduct new evalua-
24 tions in accordance with the provisions of section
25 3009(a) of such Act as amended by this Act.

1 (b) DUTY OF MAYOR TO ENSURE INSTITUTE HAS
 2 ALL INFORMATION NECESSARY TO CARRY OUT EVALUA-
 3 TIONS.—Section 3011(a)(1) (sec. 38–1853.11(a)(1), D.C.
 4 Official Code) is amended to read as follows:

5 “(1) INFORMATION NECESSARY TO CARRY OUT
 6 EVALUATIONS.—Ensure that all District of Colum-
 7 bia public schools and District of Columbia public
 8 charter schools make available to the Institute of
 9 Education Sciences of the Department of Education
 10 all of the information the Institute requires to carry
 11 out the assessments and perform the evaluations re-
 12 quired under section 3009(a).”

13 **SEC. 8. FUNDING FOR DISTRICT OF COLUMBIA PUBLIC**
 14 **SCHOOLS AND PUBLIC CHARTER SCHOOLS.**

15 (a) MANDATORY WITHHOLDING OF FUNDS FOR
 16 FAILURE TO COMPLY WITH CONDITIONS.—Section
 17 3011(b) (sec. 38–1853.11(b), D.C. Official Code) is
 18 amended to read as follows:

19 “(b) ENFORCEMENT.—If, after reasonable notice and
 20 an opportunity for a hearing, the Secretary determines
 21 that the Mayor has failed to comply with any of the re-
 22 quirements of subsection (a), the Secretary may withhold
 23 from the Mayor, in whole or in part—

24 “(1) the funds otherwise authorized to be ap-
 25 propriated under section 3014(a)(2), if the failure to

1 comply relates to the District of Columbia public
2 schools;

3 “(2) the funds otherwise authorized to be ap-
4 propriated under section 3014(a)(3), if the failure to
5 comply relates to the District of Columbia public
6 charter schools; or

7 “(3) the funds otherwise authorized to be ap-
8 propriated under both section 3014(a)(2) and sec-
9 tion 3014(a)(3), if the failure relates to both the
10 District of Columbia public schools and the District
11 of Columbia public charter schools.”.

12 (b) RULES FOR USE OF FUNDS PROVIDED FOR SUP-
13 PORT OF PUBLIC CHARTER SCHOOLS.—Section 3011
14 (sec. 38–1853.11, D.C. Official Code) is amended—

15 (1) by redesignating subsection (c) as sub-
16 section (d); and

17 (2) by inserting after subsection (b) the fol-
18 lowing new subsection:

19 “(c) SPECIFIC RULES REGARDING FUNDS PROVIDED
20 FOR SUPPORT OF PUBLIC CHARTER SCHOOLS.—The fol-
21 lowing rules shall apply with respect to the funds provided
22 under this Act for the support of District of Columbia
23 public charter schools:

24 “(1) The Secretary may direct the funds pro-
25 vided for any fiscal year, or any portion thereof, to

1 the Office of the State Superintendent of Education
2 of the District of Columbia (OSSE).

3 “(2) The OSSE may transfer the funds to sub-
4 grantees who are specific District of Columbia public
5 charter schools or networks of such schools or who
6 are District of Columbia-based non-profit organiza-
7 tions with experience in successfully providing sup-
8 port or assistance to District of Columbia public
9 charter schools or networks of schools.

10 “(3) The funds shall be available to any Dis-
11 trict of Columbia public charter school in good
12 standing with the District of Columbia Charter
13 School Board (Board), and the OSSE and Board
14 may not restrict the availability of the funds to cer-
15 tain types of schools on the basis of the school’s lo-
16 cation, governing body, or any other characteristic.”.

17 **SEC. 9. REVISION OF CURRENT MEMORANDUM OF UNDER-**
18 **STANDING.**

19 The Secretary of Education and the Mayor of the
20 District of Columbia shall revise the memorandum of un-
21 derstanding which is in effect under section 3012(d) of
22 the Scholarships for Opportunity and Results Act (the
23 SOAR Act) as of the day before the date of the enactment
24 of this Act to address the following:

25 (1) The amendments made by this Act.

1 (2) The need to ensure that participating
2 schools under such Act meet fire code standards and
3 maintain certificates of occupancy.

4 (3) The need to ensure that District of Colum-
5 bia public schools and District of Columbia public
6 charter schools meet the requirements under such
7 Act to comply with all reasonable requests for infor-
8 mation necessary to carry out the evaluations re-
9 quired under section 3009(a) of such Act.

10 **SEC. 10. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
11 **TIONS.**

12 Section 3014(a) (sec. 38–1853.14(a), D.C. Official
13 Code) is amended by striking “each of the 4 succeeding
14 fiscal years” and inserting “each of the 9 succeeding fiscal
15 years”.

16 **SEC. 11. EFFECTIVE DATE.**

17 The amendments made by this Act shall apply with
18 respect to school year 2016–2017 and each succeeding
19 school year.

○