

112TH CONGRESS  
1ST SESSION

# S. 206

To reauthorize the DC Opportunity Scholarship Program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2011

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. ALEXANDER, and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## 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 of 2011” 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  
6 amended by the No Child Left Behind Act of 2001,  
7 as well as under other public school choice programs,  
8 is inadequate. More educational options are needed  
9 to ensure all families in the District of Columbia  
10 have access to a quality education. In particular,  
11 funds are needed to provide low-income parents with  
12 enhanced public opportunities and private edu-  
13 cational environments, regardless of whether such  
14 environments are secular or nonsecular.

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

1       ing, and 44 percent scored “below basic” in mathe-  
2       matics. Among eighth grade students, 49 percent  
3       scored “below basic” in reading and 60 percent  
4       scored “below basic” in mathematics. On the 2009  
5       NAEP reading assessment, only 17 percent of the  
6       District of Columbia fourth grade students could  
7       read proficiently, while only 13 percent of the eighth  
8       grade students scored at the proficient or advanced  
9       level.

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

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

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

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

1       ered. The program also was found to result in sig-  
2       nificantly higher graduation rates for DC OSP stu-  
3       dents.

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

13 **SEC. 3. PURPOSE.**

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

1 lie schools are testing in mathematics and reading at or  
2 above the national average.

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

4 (a) **AUTHORITY.**—From amounts made available to  
5 carry out this section in accordance with section 14(b)(1),  
6 the Secretary shall award grants on a competitive basis  
7 to eligible entities with approved applications under sec-  
8 tion 5 to carry out a program to provide eligible students  
9 with expanded school choice opportunities. The Secretary  
10 may award a single grant or multiple grants, depending  
11 on the quality of applications submitted and the priorities  
12 of this Act.

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

16 (c) **MEMORANDUM OF UNDERSTANDING.**—

17 (1) **IN GENERAL.**—The Secretary and the  
18 Mayor of the District of Columbia shall enter into  
19 a memorandum of understanding regarding the im-  
20 plementation of the program authorized under sub-  
21 section (a) and the funding described in paragraphs  
22 (2) and (3) of section 14(b).

23 (2) **CONTENTS.**—The memorandum of under-  
24 standing shall address how the Mayor of the District  
25 of Columbia will ensure that the public schools and

1 the public charter schools of the District of Colum-  
2 bia comply with all reasonable requests for informa-  
3 tion as necessary to fulfill the requirements for eval-  
4 uations conducted under section 9.

5 (d) SPECIAL RULES.—

6 (1) USE OF FUNDS.—Notwithstanding any  
7 other provision of law, funds appropriated for the  
8 DC opportunity scholarship program under the Om-  
9 nibus Appropriations Act, 2009 (Public Law 111–8,  
10 123 Stat. 654), the Consolidated Appropriations Act  
11 of 2010 (Public Law 111–117, 123 Stat. 3181), or  
12 any other Act, shall be available until expended and  
13 may be used to provide opportunity scholarships  
14 under section 7 to new applicants.

15 (2) REPEAL OF SITE INSPECTION AND REPORT-  
16 ING REQUIREMENTS.—The fourth and fifth provisos  
17 under the heading “Federal Payment for School Im-  
18 provement” of title IV of Division C of the Consoli-  
19 dated Appropriations Act of 2010 (Public Law 111–  
20 117, 123 Stat. 3182) are repealed. Any unobligated  
21 amounts reserved to carry out such provisos shall be  
22 made available to an eligible entity for administra-  
23 tive purposes or for opportunity scholarships under  
24 a grant under subsection (a), including for oppor-

1 tunity scholarships for new applicants for the 2011–  
2 2012 school year.

3 **SEC. 5. APPLICATIONS.**

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

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

11 (1) a detailed description of—

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

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

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



1 (D) how the entity will notify parents of el-  
2 igible students of the expanded choice opportu-  
3 nities in order to allow the parents to make in-  
4 formed decisions;

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

9 (F) how the entity will determine the  
10 amount that will be provided to parents for the  
11 tuition, fees, and transportation expenses, if  
12 any;

13 (G) how the entity will—

14 (i) seek out private elementary schools  
15 and secondary schools in the District of  
16 Columbia to participate in the program;  
17 and

18 (ii) ensure that participating schools  
19 will meet the reporting and other require-  
20 ments of this Act, and accommodate site  
21 visits in accordance with section  
22 7(a)(4)(D);

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

1 will use the funds received under a grant under  
2 section 4(a) effectively;

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

6 (J) 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.

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

24 (2) give priority to students whose household  
25 includes a sibling or other child who is already par-

1        participating in the program of the eligible entity under  
2        section 4(a), regardless of whether such students  
3        have, in the past, been assigned as members of a  
4        control study group for the purposes of an evalua-  
5        tion under section 9;

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

9            (4) provide students and families with the  
10        widest range of educational options.

11 **SEC. 7. USE OF FUNDS.**

12        (a) OPPORTUNITY SCHOLARSHIPS.—

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

1 or fees that the school charges to students who do  
2 not participate in the program.

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

11 (3) AMOUNT OF ASSISTANCE.—

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

18 (B) ANNUAL LIMIT ON AMOUNT.—

19 (i) LIMIT FOR SCHOOL YEAR 2011–  
20 2012.—The amount of assistance provided  
21 to any eligible student by an eligible entity  
22 under a program under section 4(a) for  
23 school year 2011–2012 may not exceed—

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

1 (II) \$12,000 for attendance in  
2 grades 9 through 12.

3 (ii) CUMULATIVE INFLATION ADJUST-  
4 MENT.—The limits described in clause (i)  
5 shall apply for each school year following  
6 school year 2011–2012, except that the  
7 Secretary shall adjust the maximum  
8 amounts of assistance (as described in  
9 clause (i) and adjusted under this clause  
10 for the preceding year) for inflation, as  
11 measured by the percentage increase, if  
12 any, from the preceding fiscal year in the  
13 Consumer Price Index for All Urban Con-  
14 sumers, published by the Bureau of Labor  
15 Statistics of the Department of Labor.

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

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

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

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

8 (D) agrees to submit to site visits as deter-  
9 mined to be necessary by the eligible entity, ex-  
10 cept that a participating school shall not be re-  
11 quired to submit to more than one site visit per  
12 year;

13 (E) has financial systems, controls, poli-  
14 cies, and procedures to ensure that funds are  
15 used in accordance with the requirements of  
16 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 such section during the year, includ-  
25 ing—

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 pro-  
13   gram under this Act and assisting parents through the  
14   application process under this Act during the year, 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 in the students' new schools. If there are  
 7 insufficient funds to pay for these costs for all such stu-  
 8 dents, the eligible entity shall give priority to students who  
 9 previously attended an elementary school or secondary  
 10 school that was identified for improvement, corrective ac-  
 11 tion, or restructuring under section 1116 of the Elemen-  
 12 tary and Secondary Education Act of 1965 (20 U.S.C.  
 13 6316) as of the time the student attended the school.

14 **SEC. 8. NONDISCRIMINATION.**

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 section 7(a) to eligible students,  
6 which are used at a participating school as a result  
7 of their parents’ choice, shall not, consistent with  
8 the first amendment of the United States Constitu-  
9 tion, necessitate any change in the participating  
10 school’s teaching mission, require any participating  
11 school to remove religious art, icons, scriptures, or  
12 other symbols, or preclude any participating school  
13 from retaining religious terms in its name, selecting  
14 its board members on a religious basis, or including  
15 religious references in its mission statements and  
16 other chartering or governing documents.

17 (e) RULE OF CONSTRUCTION.—A scholarship (or any  
18 other form of support provided to parents of eligible stu-  
19 dents) provided under section 7(a) shall be considered as-  
20 sistance to the student and shall not be considered assist-  
21 ance to the school that enrolls the eligible student. The  
22 amount of any such scholarship (or other form of support  
23 provided to parents of an eligible student) shall not be  
24 treated as income of the parents for purposes of Federal

1 tax laws or for determining eligibility for any other Fed-  
2 eral program.

3 **SEC. 9. EVALUATIONS.**

4 (a) IN GENERAL.—

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

8 (A) jointly enter into an agreement with  
9 the Institute of Education Sciences of the De-  
10 partment of Education to evaluate annually the  
11 performance of students who received scholar-  
12 ships under the 5-year program under section  
13 4(a), and the Mayor shall ensure that, for the  
14 purposes of this evaluation, all public and pub-  
15 lic charter schools of the District of Columbia  
16 comply with all reasonable requests for informa-  
17 tion;

18 (B) jointly enter into an agreement to  
19 monitor and evaluate the use of funds author-  
20 ized and appropriated under paragraphs (2)  
21 and (3) of section 14(b) for the public schools  
22 and public charter schools of the District of Co-  
23 lumbia; 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) is conducted using the strongest  
6                   possible research design for determining the ef-  
7                   fectiveness of the program funded under section  
8                   4(a) that addresses the issues described in  
9                   paragraph (4); and

10                   (B) disseminate information on the impact  
11                   of the program in increasing the academic  
12                   growth and achievement of participating stu-  
13                   dents, and on the impact of the program on  
14                   students and schools in the District of Colum-  
15                   bia.

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

19                   (A) use a grade appropriate measurement  
20                   each school year to assess participating eligible  
21                   students;

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

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

1           plies for an opportunity scholarship under a  
2           program under section 4(a) (regardless of  
3           whether the student receives the scholarship)  
4           and the parents of each student participating in  
5           the scholarship program under section 4(a),  
6           agree that the student will participate in the  
7           measurements given annually by the Institute  
8           of Education Sciences for the period for which  
9           the student applied for or received the scholar-  
10          ship, respectively, except that nothing in this  
11          subparagraph shall affect a student's priority  
12          for an opportunity scholarship as provided  
13          under section 6(2).

14           (4) ISSUES TO BE EVALUATED.—The issues to  
15          be evaluated include—

16                   (A) a comparison of the academic growth  
17                   and achievement of participating eligible stu-  
18                   dents in the measurements described in this  
19                   section with the academic growth and achieve-  
20                   ment of eligible students in the same grades in  
21                   the public schools and public charter schools of  
22                   the District of Columbia, who sought to partici-  
23                   pate in the scholarship program but were not  
24                   selected;

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

6 (C) the reasons parents choose for their  
7 children to participate in the program;

8 (D) a comparison of the retention rates,  
9 dropout rates, and (if appropriate) graduation  
10 and college admission rates of students who  
11 participate in the program funded under section  
12 4(a), as compared to the retention rates, drop-  
13 out rates, and (if appropriate) graduation and  
14 college admission rates of students of similar  
15 backgrounds who do not participate in such  
16 program;

17 (E) the impact of the program on stu-  
18 dents, and public elementary schools and sec-  
19 ondary schools, in the District of Columbia;

20 (F) a comparison of the safety of the  
21 schools attended by students who participate in  
22 the program funded under section 4(a) and the  
23 schools attended by students who do not par-  
24 ticipate in the program, based on the percep-

1           tions of the students and parents and on objec-  
2           tive measures of safety;

3           (G) such other issues as the Secretary con-  
4           siders appropriate for inclusion in the evalua-  
5           tion; and

6           (H) an analysis of the issues described in  
7           subparagraphs (A) through (G) with respect to  
8           the subgroup of eligible students participating  
9           in the program funded under section 4(a) who  
10          consistently use the opportunity scholarships to  
11          attend a participating school.

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

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

24                  (1) annual interim reports, not later than De-  
25          cember 1 of each year for which a grant is made

1 under section 4(a), on the progress and preliminary  
2 results of the evaluation of the program funded  
3 under such section; and

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

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

14 (d) LIMIT ON AMOUNT EXPENDED.—The amount ex-  
15 pended by the Secretary to carry out this section for any  
16 fiscal year may not exceed 5 percent of the total amount  
17 appropriated to carry out section 4(a) for the fiscal year.

18 **SEC. 10. REPORTING REQUIREMENTS.**

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

24 (b) ACHIEVEMENT REPORTS.—



1           (1) IN GENERAL.—In addition to the reports  
2 required under subsection (a), each grantee receiving  
3 funds under section 4(a) shall, not later than Sep-  
4 tember 1 of the year during which the second aca-  
5 demic year of the grantee’s program is completed  
6 and each of the next 2 years thereafter, submit to  
7 the Secretary a report, including any pertinent data  
8 collected in the preceding 2 academic years, con-  
9 cerning—

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

12                   (B) the graduation and college admission  
13 rates of students who participate in the pro-  
14 gram, where appropriate; and

15                   (C) parental satisfaction with the program.

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

19           (c) REPORTS TO PARENT.—

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

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

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

12 (C) the accreditation status of the school.

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

18 (d) REPORT TO CONGRESS.—

19 (1) REPORTS BY SECRETARY.—The Secretary  
20 shall submit to the Committees on Appropriations,  
21 Education and the Workforce, and Oversight and  
22 Government Reform of the House of Representa-  
23 tives, and the Committees on Appropriations,  
24 Health, Education, Labor, and Pensions, and Home-  
25 land Security and Governmental Affairs of the Sen-

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

3           (2) REPORTS BY MAYOR.—In order for funds  
4       under paragraphs (2) and (3) of section 14(b) to be  
5       made available to the District of Columbia, the  
6       Mayor of the District of Columbia shall submit to  
7       the Committees on Appropriations, the Committee  
8       on Education and the Workforce, and the Com-  
9       mittee on Oversight and Government Reform, of the  
10      House of Representatives, and the Committee on  
11      Appropriations, the Committee on Health, Edu-  
12      cation, Labor, and Pensions, and the Committee on  
13      Homeland Security and Governmental Affairs of the  
14      Senate, information on—

15           (A) how the funds authorized and appro-  
16           priated under paragraphs (2) and (3) of section  
17           14(b) for the public schools and public charter  
18           schools of the District of Columbia were uti-  
19           lized; and

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

22 **SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING**  
23 **SCHOOLS.**

24           (a) REQUESTS FOR DATA AND INFORMATION.—Each  
25      school participating in a program funded under section

1 4(a) shall comply with all requests for data and informa-  
2 tion regarding evaluations conducted under section 9(a).

3 (b) RULES OF CONDUCT AND OTHER SCHOOL POLI-  
4 CIES.—Each school participating in a program funded  
5 under section 4(a), including each participating school de-  
6 scribed in section 8(d), may require eligible students to  
7 abide by any rules of conduct and other requirements ap-  
8 plicable to all other students at the school.

9 (c) NATIONALLY NORM-REFERENCED STANDARD-  
10 IZED TESTS.—

11 (1) IN GENERAL.—Each school participating in  
12 a program funded under section 4(a) shall admin-  
13 ister a nationally norm-referenced standardized test  
14 in reading and mathematics to each student enrolled  
15 in the school who is receiving an opportunity schol-  
16 arship. The results of such test shall be reported to  
17 the student's parents or legal guardians and to the  
18 Secretary, through the Institute of Education  
19 Sciences of the Department of Education, for the  
20 purposes of conducting the evaluation under section  
21 9.

22 (2) MAKE-UP SESSION.—If a school partici-  
23 pating in a program funded under section 4(a) does  
24 not administer a nationally norm-referenced stand-  
25 ardized test or the Institute of Education Sciences

1 does not receive data regarding the results of such  
2 test for a student who is receiving an opportunity  
3 scholarship, then the Secretary, acting through the  
4 Institute of Education Sciences, shall administer  
5 such test not less than once during each school year  
6 to each student receiving an opportunity scholarship.

7 **SEC. 12. DEFINITIONS.**

8 In this Act:

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

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

16 (A) A nonprofit organization.

17 (B) A consortium of nonprofit organiza-  
18 tions.

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

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

1 (B) whose income does not exceed—  
2 (i) 185 percent of the poverty line; or  
3 (ii) in the case of a student partici-  
4 pating in the program under this Act in  
5 the preceding year, 300 percent of the pov-  
6 erty line.

7 (4) 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 (5) 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 (6) 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 (7) SECRETARY.—The term “Secretary” means  
23 the Secretary of Education.

1 **SEC. 13. TRANSITION PROVISIONS.**

2 (a) **REPEAL.**—The DC School Choice Incentive Act  
3 of 2003 (title III of division C of the Consolidated Appro-  
4 priations Act, 2004 (Public Law 108–199; 118 Stat. 126))  
5 is repealed.

6 (b) **REAUTHORIZATION OF PROGRAM.**—This Act  
7 shall be deemed to be the reauthorization of the District  
8 of Columbia opportunity scholarship program under the  
9 DC School Choice Incentive Act of 2003.

10 (c) **ORDERLY TRANSITION.**—Subject to sub-  
11 sections(d) and (e), the Secretary shall take such steps  
12 as the Secretary determines to be appropriate to provide  
13 for the orderly transition to the authority of this Act from  
14 any authority under the provisions of the DC School  
15 Choice Incentive Act of 2003 (Public Law 108–199; 118  
16 Stat. 126), as the DC School Choice Incentive Act of 2003  
17 was in effect on the day before the date of enactment of  
18 this Act.

19 (d) **RULE OF CONSTRUCTION.**—Nothing in this Act  
20 or a repeal made by this Act shall be construed to alter  
21 or affect the memorandum of understanding entered into  
22 with the District of Columbia, or any grant or contract  
23 awarded, under the DC School Choice Incentive Act of  
24 2003 (Public Law 108–199; 118 Stat. 126), as the DC  
25 School Choice Incentive Act of 2003 was in effect on the  
26 day before the date of enactment of this Act.

1 (e) MULTI-YEAR AWARDS.—The recipient of a multi-  
 2 year grant or contract award under the DC School Choice  
 3 Incentive Act of 2003 (Public Law 108–199; 118 Stat.  
 4 126), as the DC School Choice Incentive Act of 2003 was  
 5 in effect on the day before the date of enactment of this  
 6 Act, shall continue to receive funds in accordance with the  
 7 terms and conditions of such award.

8 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
 10 are authorized to be appropriated to carry out this Act,  
 11 for the uses described in subsection (b), \$60,000,000 for  
 12 fiscal year 2012 and each of the 4 succeeding fiscal years.

13 (b) USE OF FUNDS AUTHORIZED UNDER THIS  
 14 ACT.—For each fiscal year, any amount appropriated to  
 15 carry out this Act shall be equally divided among—

16 (1) the Secretary, in order to carry out the Dis-  
 17 trict of Columbia opportunity scholarship program  
 18 established under section 4(a);

19 (2) the District of Columbia Public Schools, in  
 20 order to improve public school education in the Dis-  
 21 trict of Columbia; and

22 (3) the State Education Office of the District  
 23 of Columbia, in order to expand quality public char-  
 24 ter schools in the District of Columbia.

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