



## H.R. 4901: SOAR Reauthorization Act (Chaffetz, R-UT)

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### FLOOR SCHEDULE:

April 28, 2016 under a closed [rule](#) that provides one hour of debate equally divided.

### TOPLINE SUMMARY:

[H.R. 4901](#) would reauthorize the three-sector approach to education in the District of Columbia. This includes the Opportunity Scholarship Program that gives low-income children in failing schools access to scholarships to attend private schools.

### COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting H.R. 4901 would cost \$300 million over the 2017-2021 period, assuming appropriation of the authorized amounts.

H.R. 4901 would authorize the appropriation of \$60 million for each of fiscal years 2017 through 2021. The program is currently authorized through fiscal year 2016 at \$60 million annually. In fiscal year 2016, the Congress appropriated \$45 million for this program.

### CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

The [DC Opportunity Scholarship Program](#) (OSP) was first created as part of the DC Parental Choice Incentive Act and was subsequently incorporated into the Consolidated Appropriations Act, 2004 ([P.L. 108-199](#)) as the DC School Choice Incentive Act of 2003 and became law on January 23, 2004. This program is part of a three-sector approach that includes funding to improve the District's public and public charter schools, as well as provide scholarships for students to attend private schools. In 2011, Congress passed the [Scholarships for Opportunity and Results \(SOAR\) Act](#) which reauthorized the program for five additional years. The [Institute of Educational Sciences](#) has shown students who received an OSP scholarship graduated high school at higher rates and have had higher rates of parental satisfaction.

First, this bill would repeal section 817 of the Consolidated Appropriations Act, 2016 ([P.L. 114-113](#)). This section made changes to the 2011 passed SOAR Act by placing additional requirements on participating schools.

This bill would prevent the secretary from limiting the number of eligible students receiving scholarships. Further, the bill would provide that the secretary may not prevent students from participating in the program based on the type of schools the student previously attended, whether the student previously received a scholarship, or whether the student was a member of the evaluation “control group” that previously prohibited them from participating in OSP. In the event more students enter the OSP than the program can support, the entity carrying out the program must conduct a random selection process that gives weight to students who attend a low-performing school, students awarded a scholarship in the preceding year, and students whose household includes a sibling or other child already participating in the OSP.

In order to receive funding, the secretary would be required to ensure the financial viability of participating schools in which 85 percent or more of the total number of students enrolled receive and use opportunity scholarships. In addition, eligible entities would be required to ensure that internal fiscal and quality controls are used.

This bill would clarify the secretary would give priority to applicants who attend an elementary school or secondary school identified as one of the lowest-performing schools, as well as students who have a sibling participating in the program regardless of whether a the student has attended private school in the past.

Schools participating in the OSP would ensure teachers in core subjects have at least a baccalaureate degree and all school employees who have direct and unsupervised interaction with students have completed a background check. In addition, participating private schools must be fully accredited or pursuing accreditation.

Unobligated funds remaining from previous fiscal years would now be required to be used for additional scholarships for eligible students, and a limited amount (no more than 5 percent) could be used for administrative expenses. In addition, the secretary would make \$2,000,000 available for each fiscal year for administrative expenses and the expenses of educating parents about the program.

The secretary and the mayor are directed to enter into an agreement with the Institute of Education Sciences at the Department of Education to annually evaluate the OSP and the use of funds authorized and appropriated for the schools. The evaluation must be conducted using a quasi-experimental research design for determining the effectiveness of opportunity scholarships that does not use a control study group consisting of students who applied but did not receive a scholarship. The Institute of Education would evaluate: (1) a comparison of the academic achievement of students who use the opportunity scholarship and students with similar backgrounds in the District of Columbia public schools; (2) the success of expanding choice options and increasing the satisfaction of parents; (3) the reasons parents chose for their children to participate in the program; (4) a comparison of retention rates, high school graduation rates, and college admission rates of those who use an opportunity scholarship with those in the control group; and, (5) an assessment of academic achievement at schools in which 85 percent of the total number of students enrolled use an opportunity scholarship. The bill would also require the secretary and mayor to revise their Memorandum of Understanding, to reflect text of the bill, the need to comply with fire code standards, and to ensure DC public and public charter schools adhere to requirements for evaluation

District of Columbia public schools and public charter schools also benefit from additional funding provided in this legislation. However, this bill would allow the secretary to withhold funds in whole or in part from the mayor if the mayor fails to comply with the [conditions of receipt of funds](#). In addition, the secretary may direct funds to the Office of the State Superintendent of Education of the District of Columbia (OSSE), and OSSE may transfer funds to subgrantees that are DC public charter schools, public charter school networks, nonprofits that support DC public charters, or networks of schools.

This bill would extend the [authorization](#) for the OSP and the three-sector funding approach through fiscal year 2021. The amendments made by this legislation would apply beginning in the 2017-2018 school year.

A similar bill, H.R. 10, passed the House on October 21, 2015, by a vote of [240-191](#). Major changes from H.R. 10 include:

- Additional reporting requirements including barriers of entry into the OSP.
- Clarifies the language regarding OSP participating schools and accreditation.
- Allows the Department of Education to access carryover funds from previous years to expand the program to more eligible students.

You can read the RSC Legislative Bulletin for H.R. 10, [here](#).

#### **OUTSIDE GROUP SUPPORT:**

- [Americans for Prosperity](#)
- [National Coalition for Parental Choice](#)

#### **OUTSIDE GROUP OPPOSITION:**

- [National Education Association](#)
- [National Coalition for Public Education](#)

#### **COMMITTEE ACTION:**

This bill was introduced by Representative Chaffetz and referred to the House Committee on Oversight and Government Reform. The committee held a mark-up and the bill was reported out by a voice vote. REAs the committee report, [here](#).

#### **ADMINISTRATION POSITION:**

While the Administration continues to strongly oppose the private school vouchers program within this legislation, known as the D.C. Opportunity Scholarship Program, the Administration will continue to use available SOAR Act funds to support students returning to the program until they complete school, so that their education is not disrupted.

#### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Clause 1 and Clause 17 of Section 8 of Article 1 of the Constitution of the United States grants the Congress the power to enact this law.

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