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(Original Signature of Member)

111TH CONGRESS  
1ST SESSION

**H. R.**

To provide low-income parents residing in the District of Columbia with expanded opportunities for enrolling their children in high quality schools in the District of Columbia.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BOEHNER (for himself, Mr. ISSA, and Mr. MCKEON) introduced the following bill; which was referred to the Committee on

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**A BILL**

To provide low-income parents residing in the District of Columbia with expanded opportunities for enrolling their children in high quality schools in the District of Columbia.

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 “Preserving DC Student  
5 Scholarships Act of 2009”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Parents are best equipped to make decisions  
4 for their children, including the educational setting  
5 that will best serve the interests and educational  
6 needs of their child.

7 (2) For many parents in the District of Colum-  
8 bia, public school choice provided for under the Ele-  
9 mentary and Secondary Education Act of 1965 (20  
10 U.S.C. 6301 et seq.) as well as under other public  
11 school choice programs, is inadequate due to capac-  
12 ity constraints. Available educational alternatives to  
13 the public schools are also insufficient and more  
14 educational options are needed. In particular, funds  
15 are needed to assist low-income parents with exer-  
16 cising their right to choose among enhanced public  
17 opportunities and private educational environments,  
18 whether religious or nonreligious.

19 (3) In the most recent mathematics assessment  
20 on the National Assessment of Educational Progress  
21 (NAEP), administered in 2007, a lower percentage  
22 of 4th-grade students in the District of Columbia  
23 demonstrated proficiency than the national average  
24 by 20 percent. Fifty-one percent of the District of  
25 Columbia fourth-graders scored at the “below basic”  
26 level and only 8 percent of the 8th-grade students in

1 the District of Columbia tested at the proficient or  
2 advanced levels, and 66 percent were below basic. In  
3 the most recent reading assessment administered by  
4 NAEP, in 2007, only 14 percent of the District of  
5 Columbia fourth-graders could read proficiently,  
6 while 61 percent were below basic. At the 8th-grade  
7 level, 12 percent were proficient or advanced and 52  
8 percent were below basic.

9 (4) In 2003, Congress passed the DC School  
10 Choice Incentive Act, to provide opportunity scholar-  
11 ships to parents of students in the District of Co-  
12 lumbia to enable them to pursue a high quality edu-  
13 cation at a public or private elementary or secondary  
14 school of their choice.

15 (5) The program was established in accordance  
16 with the U.S. Supreme Court decision reached under  
17 *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002),  
18 which found that a program enacted for the valid  
19 secular purpose of providing educational assistance  
20 to low-income children in a demonstrably failing  
21 public school system is constitutional if it is neutral  
22 with respect to religion and provides assistance to a  
23 broad class of citizens who direct government aid to  
24 religious and secular schools solely as a result of  
25 their genuine and independent private choices.

1           (6) Since the program's inception, it has en-  
2           joyed broad bipartisan support by parents of stu-  
3           dents in the District of Columbia who find that it  
4           has dramatically improved student performance, the  
5           Mayor of the District of Columbia, the members of  
6           the City Council of the District of Columbia and the  
7           Board of Education of the District of Columbia, and  
8           the Chancellor of the District of Columbia Public  
9           Schools.

10           (7) The program provides additional funding  
11           for the District of Columbia Public Schools and,  
12           therefore, money for these student scholarships is  
13           not being taken out of money that would otherwise  
14           go to the District of Columbia Public Schools.

15           (8) Congress must reauthorize the DC Oppor-  
16           tunity Scholarship program, which has demonstrated  
17           success in raising student achievement.

18 **SEC. 3. PURPOSE.**

19           The purpose of this Act is to provide low-income par-  
20           ents residing in the District of Columbia, particularly par-  
21           ents of students who attend elementary schools or sec-  
22           ondary schools identified for improvement, corrective ac-  
23           tion, or restructuring under section 1116 of the Elemen-  
24           tary and Secondary Education Act of 1965 (20 U.S.C.  
25           6316), with expanded opportunities for enrolling their

1 children in high quality schools in the District of Colum-  
2 bia.

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

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

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

15 (c) **MEMORANDUM OF UNDERSTANDING.**—The Sec-  
16 retary and the Mayor of the District of Columbia shall  
17 enter into a memorandum of understanding regarding the  
18 implementation of the program authorized under this Act.

19 **SEC. 5. APPLICATIONS.**

20 (a) **IN GENERAL.**—In order to receive a grant under  
21 this Act, an eligible entity shall submit an application to  
22 the Secretary at such time, in such manner, and accom-  
23 panied by such information as the Secretary may require.

1 (b) CONTENTS.—The Secretary may not approve the  
2 request of an eligible entity for a grant under this Act  
3 unless the entity’s application includes—

4 (1) a detailed description of—

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

7 (B) how the entity will ensure that if more  
8 eligible students seek admission in the program  
9 than the program can accommodate, eligible  
10 students are selected for admission through a  
11 random selection process which gives weight to  
12 the priorities described in section 6;

13 (C) how the entity will ensure that if more  
14 participating eligible students seek admission to  
15 a participating school than the school can ac-  
16 commodate, participating eligible students are  
17 selected for admission through a random selec-  
18 tion process;

19 (D) how the entity will notify parents of el-  
20 igible students of the expanded choice opportu-  
21 nities and how the entity will ensure that par-  
22 ents receive sufficient information about their  
23 options to allow the parents to make informed  
24 decisions;

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

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

9 (G) how the entity will seek out private el-  
10 elementary schools and secondary schools in the  
11 District of Columbia to participate in the pro-  
12 gram, and will ensure that participating schools  
13 will meet the applicable requirements of this  
14 Act and provide the information needed for the  
15 entity to meet the reporting requirements of  
16 this Act;

17 (H) how the entity will ensure that partici-  
18 pating schools are financially responsible and  
19 will use the funds received under this Act effec-  
20 tively;

21 (I) how the entity will address the renewal  
22 of scholarships to participating eligible stu-  
23 dents, including continued eligibility;

24 (J) how the entity will ensure that a ma-  
25 jority of its voting board members or governing

1 organization are residents of the District of Co-  
2 lumbia; and

3 (K) how the entity will have financial sys-  
4 tems, controls, policies, and procedures to en-  
5 sure that grant funds are used in accordance  
6 with this Act, and how the entity will have a  
7 manual documenting such controls, policies, and  
8 procedures; and

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

12 **SEC. 6. PRIORITIES.**

13 In awarding grants under this Act, the Secretary  
14 shall give priority to applications from eligible entities who  
15 will most effectively—

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

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



1           (3) provide students and families with the  
2           widest range of educational options and support sys-  
3           tems to empower them to make informed choices.

4 **SEC. 7. USE OF FUNDS.**

5           (a) OPPORTUNITY SCHOLARSHIPS.—

6           (1) IN GENERAL.—Subject to paragraphs (2)  
7           and (3), an eligible entity receiving a grant under  
8           this Act shall use the grant funds to carry out a pro-  
9           gram to provide eligible students with opportunity  
10          scholarships to pay the tuition, fees, and transpor-  
11          tation expenses, if any, to enable such students to  
12          attend the District of Columbia private elementary  
13          school or secondary school of their choice beginning  
14          in school year 2010-2011. Each such eligible entity  
15          shall ensure that the amount of any tuition or fees  
16          charged by a school participating in such eligible en-  
17          tity's program to an eligible student participating in  
18          the program does not exceed the amount of tuition  
19          or fees that the school customarily charges to stu-  
20          dents who do not participate in the program.

21          (2) PAYMENTS TO PARENTS.—An eligible entity  
22          receiving a grant under this Act shall make oppor-  
23          tunity scholarship payments under a program under  
24          this Act to the parents or legal guardians of an eligi-  
25          ble student participating in the program, in a man-

1           ner which ensures that such payments will be used  
2           for the payment of tuition, fees, and transportation  
3           expenses (if any), in accordance with this Act.

4           (3) ANNUAL LIMIT ON AMOUNT OF ASSIST-  
5           ANCE.—

6           (A) IN GENERAL.—The amount of assist-  
7           ance provided to any eligible student by an eli-  
8           gible entity receiving a grant under this Act  
9           under a program under this Act for school year  
10          2010-2011 may not exceed—

11                   (i) \$8,000 for attendance in kinder-  
12                   garten through grade 8; and

13                   (ii) \$12,000 for attendance in grades  
14                   9 through 12.

15           (B) CUMULATIVE INFLATION ADJUST-  
16           MENT.—For each succeeding school year, the  
17           Secretary shall adjust the amounts described in  
18           subparagraph (A), as adjusted under this  
19           clause, by the rate of inflation as measured by  
20           the percentage increase, if any, from the pre-  
21           ceding fiscal year in the Consumer Price Index  
22           for All Urban Consumers, published by the Bu-  
23           reau of Labor Statistics of the Department of  
24           Labor.

1           (4) CONTINUATION OF SCHOLARSHIPS.—An eli-  
2           gible entity receiving a grant under this Act may  
3           award an opportunity scholarship to any partici-  
4           pating student for the second or any succeeding year  
5           of the student’s participation in a program under  
6           this Act, as long as the student resides in the Dis-  
7           trict of Columbia.

8           (5) ASSURANCES.—None of the funds provided  
9           under this Act for opportunity scholarships may be  
10          used by an eligible student to enroll in a partici-  
11          pating school unless—

12                   (A) the participating school has and main-  
13                   tains a valid certificate of occupancy issued by  
14                   the District of Columbia;

15                   (B) the core subject matter teachers of the  
16                   eligible student hold a 4-year bachelor degree;

17                   (C) in the case of a participating school  
18                   that has been in existence for not more than 5  
19                   years, the school submits proof of financial sta-  
20                   bility for at least the next 3 years, such as a  
21                   surety bond or letter of credit equal to the  
22                   amount of the scholarship for each eligible stu-  
23                   dent enrolled in the school; and

24                   (D) the eligible entity has performed a  
25                   school site visit, in the case of a school partici-

1           pating in the program for the first time, prior  
2           to the enrollment of the student at the school,  
3           and, in the case of a school that has previously  
4           participated in the program, at least once with-  
5           in the last 2 years, and has maintained a writ-  
6           ten record of such visit.

7           (b) ADMINISTRATIVE EXPENSES.—An eligible entity  
8           receiving a grant under this Act may use not more than  
9           3 percent of the amount provided under the grant each  
10          fiscal year for the administrative expenses of carrying out  
11          its program under this Act during the year, including—

12           (1) determining the eligibility of students to  
13          participate;

14           (2) selecting students to receive scholarships;

15           (3) determining the amount of scholarships and  
16          issuing the scholarships to eligible students; and

17           (4) compiling and maintaining financial and  
18          programmatic records.

19          (c) PARENTAL ASSISTANCE.—An eligible entity re-  
20          ceiving a grant under this Act may use not more than  
21          2 percent of the amount provided under the grant each  
22          fiscal year for expenses used to educate parents about the  
23          program and to assist parents through the application  
24          process under this Act during the year, including—

1           (1) providing information about the program,  
2 including the schools participating in the program;

3           (2) providing funds to assist parents in meeting  
4 expenses that might otherwise preclude the partici-  
5 pation of their child in the program; and

6           (3) using funds to streamline the application  
7 process for parents.

8 (d) STUDENT ACADEMIC ASSISTANCE.—

9           (1) IN GENERAL.—An eligible entity receiving a  
10 grant under this Act may use not more than 1 per-  
11 cent of the amount provided under the grant each  
12 fiscal year for expenses to pay for tutoring services  
13 to participating eligible students that need additional  
14 academic assistance.

15           (2) PRIORITY.—In a fiscal year where there are  
16 insufficient funds to provide the services described in  
17 paragraph (1) to all participating eligible students  
18 that need additional academic assistance, an eligible  
19 entity shall give priority to the participating eligible  
20 students who previously attended elementary schools  
21 or secondary schools identified for improvement, cor-  
22 rective action, or restructuring under section 1116  
23 of the Elementary and Secondary Education Act of  
24 1965 (20 U.S.C.7 6316).

1 **SEC. 8. NONDISCRIMINATION.**

2 (a) IN GENERAL.—An eligible entity carrying out, or  
3 a school participating in, any program under this Act shall  
4 not discriminate against program participants or appli-  
5 cants on the basis of race, color, national origin, religion,  
6 or sex.

7 (b) APPLICABILITY TO SINGLE SEX SCHOOLS,  
8 CLASSES, OR ACTIVITIES.—

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

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

21 (3) APPLICABILITY.—For purposes of this Act,  
22 the provisions of section 909 of the Education  
23 Amendments of 1972 (20 U.S.C. 1688) shall apply  
24 to this Act as if such section were part of this Act.

25 (c) CHILDREN WITH DISABILITIES.—Nothing in this  
26 Act may be construed to alter or modify the provisions

1 of the Individuals with Disabilities Education Act (20  
2 U.S.C. 1400).

3 (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

4 (1) IN GENERAL.—Notwithstanding any other  
5 provision of law, a school participating in any pro-  
6 gram under this Act that is operated by, supervised  
7 by, controlled by, or connected to, a religious organi-  
8 zation may exercise its right in matters of employ-  
9 ment consistent with title VII of the Civil Rights Act  
10 of 1964 (42 U.S.C. 2000e-1 et seq.), including the  
11 exemptions in such title.

12 (2) MAINTENANCE OF PURPOSE.—Notwith-  
13 standing any other provision of law, funds made  
14 available under this Act to eligible students that are  
15 received by a participating school, as a result of the  
16 choice of the parents of such students, shall not,  
17 consistent with the first amendment to the Constitu-  
18 tion, necessitate any change in the participating  
19 school's teaching mission, require any participating  
20 school to remove religious art, icons, scriptures, or  
21 other symbols, or preclude any participating school  
22 from retaining religious terms in its name, selecting  
23 its board members on a religious basis, or including  
24 religious references in its mission statements and  
25 other chartering or governing documents.

1 (e) RULE OF CONSTRUCTION.—A scholarship (or any  
2 other form of support provided to parents of eligible stu-  
3 dents) under this Act shall be considered assistance to the  
4 student and shall not be considered assistance to the  
5 school that enrolls the eligible student. The amount of any  
6 scholarship (or other form of support provided to parents  
7 of an eligible student) under this Act shall not be treated  
8 as income of the parents for purposes of Federal tax laws  
9 or for determining eligibility for any other Federal pro-  
10 gram.

11 **SEC. 9. EVALUATION.**

12 (a) IN GENERAL.—

13 (1) AGREEMENT WITH INSTITUTE OF EDU-  
14 CATION SCIENCES.—The Secretary shall enter into  
15 an agreement with the Institute of Education  
16 Sciences of the Department of Education to annu-  
17 ally evaluate the performance of students who used  
18 opportunity scholarships under this Act, and shall  
19 make the evaluation public in accordance with sub-  
20 section (c).

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

24 (A) ensure that the evaluation is conducted  
25 using an appropriate research design for deter-



1 mining the effectiveness of the programs funded  
2 under this Act and addresses the issues de-  
3 scribed in paragraph (4); and

4 (B) disseminate information on the impact  
5 of the programs in increasing the student aca-  
6 demic achievement of participating students,  
7 and on the impact of the program on students  
8 and schools in the District of Columbia.

9 (3) DUTIES OF THE INSTITUTE OF EDUCATION  
10 SCIENCES.—The Institute of Education Sciences  
11 shall—

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

14 (B) use a grade appropriate measurement  
15 each school year to assess participating eligible  
16 students; and

17 (C) cooperate with the participating  
18 schools and the District of Columbia Public  
19 Schools to conduct the evaluation.

20 (4) ISSUES TO BE EVALUATED.—The issues to  
21 be evaluated include the following:

22 (A) A comparison of the academic achieve-  
23 ment of students who used the opportunity  
24 scholarships in the measurements described in  
25 this section to the achievement of students in

1 the same grades in the District of Columbia  
2 Public Schools.

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

8 (C) The reasons parents choose for their  
9 children to participate in the programs.

10 (D) A comparison of the retention rates,  
11 dropout rates, and (if appropriate) graduation  
12 and college admission rates, of students who  
13 used the scholarships provided under this Act  
14 with the retention rates, dropout rates, and (if  
15 appropriate) graduation and college admission  
16 rates of students of similar backgrounds who  
17 attend District of Columbia Public Schools.

18 (E) A comparison of the safety of the  
19 schools attended by students who used the  
20 scholarships and the District of Columbia Pub-  
21 lic Schools.

22 (F) The success of the program in increas-  
23 ing parental and student involvement in the  
24 local community.

1           (G) Such other issues as the Secretary  
2           considers appropriate for inclusion in the eval-  
3           uation.

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

9           (b) REPORTS.—The Secretary shall submit to the  
10          Committee on Appropriations, the Committee on Edu-  
11          cation and Labor, and the Committee on Oversight and  
12          Government Reform, of the House of Representatives, and  
13          the Committee on Appropriations, the Committee on  
14          Health, Education, Labor, and Pensions, and the Com-  
15          mittee on Homeland Security and Governmental Affairs,  
16          of the Senate—

17               (1) an annual interim report, not later than De-  
18               cember 1 of each year for which a grant is made  
19               under this Act, on the progress and preliminary re-  
20               sults of the evaluation described in subsection (a);  
21               and

22               (2) a final report, not later than 1 year after  
23               the final year for which a grant is made under this  
24               Act, on the results of the evaluation described in  
25               subsection (a).

1 (c) PUBLIC AVAILABILITY.—All reports and under-  
2 lying data gathered pursuant to this section shall be made  
3 available to the public upon request, in a timely manner  
4 following submission of the applicable report under sub-  
5 section (b), except that personally identifiable information  
6 shall not be disclosed or made available to the public.

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

11 **SEC. 10. REPORTING REQUIREMENTS.**

12 (a) ACTIVITIES REPORTS.—Each eligible entity re-  
13 ceiving funds under this Act during a year shall submit  
14 a report to the Secretary not later than July 30 of the  
15 following year regarding the activities carried out with the  
16 funds during the preceding year.

17 (b) ACHIEVEMENT REPORTS.—

18 (1) IN GENERAL.—In addition to the report re-  
19 quired under subsection (a), each eligible entity  
20 shall, not later than September 1 of the year during  
21 which the second academic year of the eligible enti-  
22 ty's program is completed and each of the next 2  
23 years thereafter, submit a report to the Secretary re-  
24 garding the data collected in the previous 2 aca-  
25 demic years concerning—

1 (A) the academic achievement of students  
2 participating in the program;

3 (B) the graduation and college admission  
4 rates of students who participate in the pro-  
5 gram, if appropriate; and

6 (C) parental satisfaction with the program.

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

10 (c) REPORTS TO PARENT.—

11 (1) IN GENERAL.—Each eligible entity shall en-  
12 sure that each school participating in the eligible en-  
13 tity's program under this Act during a school year  
14 reports at least once during the school year to the  
15 parents of each student attending such school who  
16 is participating in the program—

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

1 (B) the safety of the school, including the  
2 incidence of school violence, student suspen-  
3 sions, and student expulsions; and

4 (C) the accreditation status of the school.

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

10 (d) REPORT TO CONGRESS.—The Secretary shall  
11 submit to the Committee on Appropriations, the Com-  
12 mittee on Education and Labor, and the Committee on  
13 Oversight and Government Reform, of the House of Rep-  
14 resentatives, and the Committee on Appropriations, the  
15 Committee on Health, Education, Labor, and Pensions,  
16 and the Committee on Homeland Security and Govern-  
17 mental Affairs, of the Senate an annual report on the find-  
18 ings of the reports submitted under subsections (a) and  
19 (b).

20 **SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING**  
21 **SCHOOLS.**

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

1 (b) RULES OF CONDUCT AND OTHER SCHOOL POLI-  
2 CIES.—A participating school, including the schools de-  
3 scribed in section 8(d), may require eligible students to  
4 abide by any rules of conduct and other requirements ap-  
5 plicable to all other students at the school.

6 (c) NATIONALLY NORM-REFERENCED STANDARD-  
7 IZED TESTS.—

8 (1) IN GENERAL.—Each participating school  
9 shall administer a nationally norm-referenced stand-  
10 ardized test in reading and math to each student en-  
11 rolled in the school who is receiving an opportunity  
12 scholarship. The results of such test shall be re-  
13 ported to the student's parents or legal guardians  
14 and the Secretary (through the Institute of Edu-  
15 cation Sciences of the Department of Education) for  
16 the purposes of conducting the evaluation under sec-  
17 tion 9.

18 (2) MAKE-UP SESSION.—If a participating  
19 school does not administer a nationally norm-ref-  
20 erenced standardized test or the Institute of Edu-  
21 cation Sciences does not receive data on a student  
22 who is receiving an opportunity scholarship, then the  
23 Secretary (through the Institute of Education  
24 Sciences of the Department of Education) shall ad-  
25 minister such test at least one time during a school

1 year for each student receiving an opportunity schol-  
2 arship..

3 **SEC. 12. DEFINITIONS.**

4 As used in this Act:

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

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

12 (A) An educational entity of the District of  
13 Columbia Government.

14 (B) A nonprofit organization.

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

17 (3) **ELIGIBLE STUDENT.**—The term “eligible  
18 student” means a student who—

19 (A) is a resident of the District of Colum-  
20 bia;

21 (B) comes from a household whose income  
22 does not exceed 300 percent of the poverty line;  
23 and

24 (C) was enrolled in a District of Columbia  
25 Public School (such as a charter school) in the



1           previous school year, or is eligible to enter kin-  
2           dergarten or first grade.

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

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

11          (6) SECONDARY SCHOOL.—The term “sec-  
12          ondary school” means an institutional day or resi-  
13          dential school, including a public secondary charter  
14          school, as determined under District of Columbia  
15          law, except that the term does not include any edu-  
16          cation beyond grade 12.

17          (7) SECRETARY.—The term “Secretary” means  
18          the Secretary of Education.

19   **SEC. 13. REPEAL.**

20          Effective beginning with school year 2010-2011, the  
21   DC School Choice Incentive Act of 2003 (title III of divi-  
22   sion C of the Consolidated Appropriations Act, 2004 (Pub-  
23   lic Law 108–199; 118; Stat. 126 et seq.)) is repealed.

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

2       There are authorized to be appropriated to carry out  
3 this Act \$14,000,000 for fiscal year 2010 and such sums  
4 as may be necessary for each of the 4 succeeding fiscal  
5 years.