

(Original Signature of Member)

108TH CONGRESS
1ST SESSION

H. R. 2556

To provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary or secondary schools identified for improvement, corrective action, or restructuring under title I of the Elementary and Secondary Education Act of 1965, with expanded opportunities for enrolling their children in higher-performing schools in the District of Columbia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TOM DAVIS of Virginia (for himself, Mr. BOEHNER, Mr. WELDON of Florida, Mr. LIPINSKI, Mr. SHAYS, Mr. CARTER, Mr. WILSON of South Carolina, Mr. EHLERS, and Mr. DEMINT) introduced the following bill; which was referred to the Committee on _____

A BILL

To provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary or secondary schools identified for improvement, corrective action, or restructuring under title I of the Elementary and Secondary Education Act of 1965, with expanded opportunities for enrolling their children in higher-performing schools in the District of Columbia, 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 "DC Parental Choice
5 Incentive Act of 2003".

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Parents are best equipped to make decisions
9 for their children, including the educational setting
10 that will best serve the interests and educational
11 needs of their child.

12 (2) For many parents in the District of Colum-
13 bia, public school choice provided for under the No
14 Child Left Behind Act of 2001 is inadequate due to
15 capacity constraints within the public schools.
16 Therefore, in keeping with the spirit of the No Child
17 Left Behind Act of 2001, school choice options, in
18 addition to those already available to parents in the
19 District of Columbia (such as magnet and charter
20 schools and open enrollment schools) should be made
21 available to those parents.

22 (3) In the most recent mathematics assessment
23 on the National Assessment of Educational Progress
24 (NAEP), administered in 2000, a lower percentage
25 of 4th-grade students in DC demonstrated pro-



1 iciency than was the case for any State. Seventy-six
2 percent of DC fourth-graders scored at the "below
3 basic" level and of the 8th-grade students in the
4 District of Columbia, only 6 percent of the students
5 tested at the proficient or advanced levels, and 77
6 percent were below basic. In the most recent NAEP
7 reading assessment, in 1998, only 10 percent of DC
8 fourth-graders could read proficiently, while 72 per-
9 cent were below basic. At the 8th-grade level, 12
10 percent were proficient or advanced and 56 percent
11 were below basic.

12 (4) A program enacted for the valid secular
13 purpose of providing educational assistance to low-
14 income children in a demonstrably failing public
15 school system is constitutional under *Zelman v. Sim-*
16 *mons-Harris* if it is neutral with respect to religion
17 and provides assistance to a broad class of citizens
18 who direct government aid to schools solely as a re-
19 sult of their independent private choices.

20 **SEC. 3. PURPOSE.**

21 The purpose of this Act is to provide low-income par-
22 ents residing in the District of Columbia, particularly par-
23 ents of students who attend elementary or secondary
24 schools identified for improvement, corrective action, or
25 restructuring under section 1116 of the Elementary and



1 Secondary Education Act of 1965 (20 U.S.C. 6316), with
2 expanded opportunities for enrolling their children in high-
3 er-performing schools in the District of Columbia.

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

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

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

16 **SEC. 5. APPLICATIONS.**

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

21 (b) **CONTENTS.**—The Secretary may not approve the
22 request of an eligible entity for a grant under this Act
23 unless the entity's application includes—

24 (1) a detailed description of—



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

3 (B) how the entity will select eligible stu-
4 dents to participate in the program, including
5 how it will ensure that if more eligible students
6 participating in the program seek admission in
7 a participating school than the school can ac-
8 commodate, eligible students are selected for
9 admission through a random selection process;

10 (C) how the entity will notify parents of el-
11 igible students of the expanded choice opportu-
12 nities;

13 (D) the activities that the entity will carry
14 out to provide parents of eligible students with
15 expanded choice opportunities through the
16 awarding of scholarships under section 7(a);

17 (E) how the entity will determine the
18 amount that will be provided to parents for the
19 tuition, fees, and transportation expenses, if
20 any;

21 (F) how the entity will seek out private ele-
22 mentary and secondary schools in the District
23 of Columbia to participate in the program, and
24 will ensure that participating schools will meet
25 the applicable requirements of this Act and pro-



1 vide the information needed for the entity to
2 meet the reporting requirements of this Act;
3 and

4 (G) how the entity will ensure that partici-
5 pating schools are financially responsible; and

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

9 **SEC. 6. PRIORITIES.**

10 In awarding grants under this Act, the Secretary
11 shall give priority to applications from eligible entities who
12 will most effectively—

13 (1) give priority to eligible students who attend
14 an elementary or secondary school identified for im-
15 provement, corrective action, or restructuring under
16 section 1116 of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6316);

18 (2) target resources to students and families
19 that lack the financial resources to take advantage
20 of available educational options;

21 (3) provide students and families with the
22 widest range of educational options; and

23 (4) serve students of varying age and grade lev-
24 els.



1 **SEC. 7. USE OF FUNDS.**

2 (a) **SCHOLARSHIPS.—**

3 (1) **IN GENERAL.—**Subject to paragraph (2)
4 and (3), a grantee shall use the grant funds to pro-
5 vide eligible students with scholarships to pay the
6 tuition, fees, and transportation expenses, if any, to
7 enable them to attend the District of Columbia pri-
8 vate elementary or secondary school of their choice.
9 Each grantee shall ensure that the amount of any
10 tuition or fees charged by a school participating in
11 the grantee's program under this Act to an eligible
12 student participating in the program does not exceed
13 the amount of tuition or fees that the school custom-
14 arily charges to students who do not participate in
15 the program.

16 (2) **PAYMENTS TO PARENTS.—**A grantee shall
17 make scholarship payments under the program
18 under this Act to the parent of the eligible student
19 participating in the program, in a manner which en-
20 sures that such payments will be used for the pay-
21 ment of tuition, fees, and transportation expenses (if
22 any), in accordance with this Act.

23 (3) **AMOUNT OF ASSISTANCE.—**

24 (A) **VARYING AMOUNTS PERMITTED.—**Sub-
25 ject to the other requirements of this sub-
26 section, a grantee may award scholarships in



1 larger amounts to those eligible students with
2 the greatest need.

3 (B) ANNUAL LIMIT ON AMOUNT.—The
4 amount of assistance provided to any eligible
5 student by a grantee under a program under
6 this Act may not exceed \$7,500 for any aca-
7 demic year.

8 (b) ADMINISTRATIVE EXPENSES.—A grantee may
9 use not more than 3 percent of the amount provided under
10 the grant each year for the administrative expenses of ear-
11 nying out its program under this Act during the year,
12 including—

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

15 (2) providing information about the program
16 and the schools involved to parents of eligible stu-
17 dents;

18 (3) selecting students to receive support;

19 (4) determining the amount of scholarships and
20 issuing them to eligible students;

21 (5) compiling and maintaining financial and
22 programmatic records; and

23 (6) providing funds to assist parents in meeting
24 expenses that might otherwise preclude the partici-
25 pation of their child in the program.



1 **SEC. 8. NONDISCRIMINATION.**

2 (a) **IN GENERAL.**—A school participating in any pro-
3 gram under this Act shall not discriminate on the basis
4 of race, color, national origin, or sex in participating in
5 the program.

6 (b) **APPLICABILITY AND CONSTRUCTION WITH RE-**
7 **SPECT TO DISCRIMINATION ON THE BASIS OF SEX.**—

8 (1) **APPLICABILITY.**—Notwithstanding sub-
9 section (a) or any other provision of law, it shall not
10 be considered discrimination on the basis of sex for
11 a school that is operated by, supervised by, con-
12 trolled by, or connected to a religious organization to
13 take sex into account to the extent that failing to do
14 so would be inconsistent with the religious tenets or
15 beliefs of the school.

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

20 (c) **CHILDREN WITH DISABILITIES.**—Nothing in this
21 Act may be construed to alter or modify the provisions
22 of the Individuals with Disabilities Education Act.

23 (d) **RELIGIOUSLY AFFILIATED SCHOOLS.**—

24 (1) **IN GENERAL.**—Notwithstanding any other
25 provision of law, a school participating in any pro-
26 gram under this Act which is operated by, super-



1 vised by, controlled by, or connected to, a religious
2 organization may employ, ~~admit, or give preference~~
3 ~~to~~, persons of the same religion to the extent deter-
4 mined by that school to promote the religious pur-
5 pose for which the school is established or main-
6 tained.

7 (2) RELIGIOUS PURPOSES.—Notwithstanding
8 any other provision of law, funds made available
9 under this Act may be used for religious educational
10 purposes, and no participating school shall be re-
11 quired to remove religious art, icons, scriptures, or
12 other symbols. A participating school may retain re-
13 ligious terms in its name, select its board members
14 on a religious basis, and include religious references
15 in its mission statements and other chartering or
16 governing documents.

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



1 or for determining eligibility for any other Federal pro-
2 gram.

3 **SEC. 9. EVALUATIONS.**

4 (a) IN GENERAL.—

5 (1) DUTIES OF SECRETARY.—The Secretary
6 shall—

7 (A) conduct an evaluation using the
8 strongest possible research design for deter-
9 mining the effectiveness of the programs funded
10 under this Act that addresses the issues de-
11 scribed in paragraph (2); and

12 (B) disseminate information on the impact
13 of the programs in increasing the student aca-
14 demic achievement of participating students, as
15 well as other appropriate measures of student
16 success, and on the impact of the programs on
17 students and schools in the District of Colum-
18 bia.

19 (2) ISSUES TO BE EVALUATED.—The issues de-
20 scribed in this paragraph include the following:

21 (A) A comparison of the academic achieve-
22 ment of students who participate in the pro-
23 grams funded under this Act with the academic
24 achievement of students of similar backgrounds
25 who do not participate in such programs.



1 (B) The success of the programs in ex-
2 panding choice options for parents.

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

5 (D) A comparison of the retention rates,
6 dropout rates, and (if appropriate) graduation
7 and college admission rates of students who
8 participate in the programs funded under this
9 Act with the retention rates, dropout rates, and
10 (if appropriate) graduation and college admis-
11 sion rates of students of similar backgrounds
12 who do not participate in such programs.

13 (E) The effects of the programs on public
14 elementary and secondary schools.

15 (F) A comparison of the safety of the
16 schools attended by students who participate in
17 the programs and the schools attended by stu-
18 dents who do not participate in the programs.

19 (G) The impact of the program on stu-
20 dents and schools in the District of Columbia.

21 (H) Such other issues as the Secretary
22 considers appropriate for inclusion in the eval-
23 uation.

24 (b) REPORTS.—The Secretary shall submit to the
25 Committees on Appropriations, Education and the Work-



1 force, and Government Reform of the House of Represent-
2 atives and the Committees on Appropriations, Health,
3 Education, Labor and Pensions, and Governmental Af-
4 fairs of the Senate—

5 (1) annual interim reports not later than De-
6 cember 1 of each year for which a grant is made
7 under this Act on the progress and preliminary re-
8 sults of the evaluation of the programs funded under
9 this Act; and

10 (2) a final report not later than 1 year after the
11 final year for which a grant is made under this Act
12 on the results of the evaluation of the programs
13 funded under this Act.

14 (c) PUBLIC AVAILABILITY.—All reports and under-
15 lying data gathered pursuant to this section shall be made
16 available to the public upon request, in a timely manner
17 following submission of the applicable report under sub-
18 section (b), except that personally identifiable information
19 shall not be disclosed or made available to the public.

20 (d) LIMIT ON AMOUNT EXPENDED.—The amount ex-
21 pended by the Secretary to carry out this section for any
22 fiscal year may not exceed 3 percent of the total amount
23 appropriated to carry out this Act for the year.



1 **SEC. 10. REPORTING REQUIREMENTS.**

2 (a) **ACTIVITIES REPORTS.**—Each grantee receiving
3 funds under this Act during a year shall submit a report
4 to the Secretary not later than July 30 of the following
5 year regarding the activities carried out with the funds
6 during the preceding year.

7 (b) **ACHIEVEMENT REPORTS.**—

8 (1) **IN GENERAL.**—In addition to the reports
9 required under subsection (a), each grantee shall,
10 not later than September 1 of the year during which
11 the second academic year of the grantee's program
12 is completed and each of the next 2 years thereafter,
13 submit a report to the Secretary regarding the data
14 collected in the previous 2 academic years
15 concerning—

16 (A) the academic achievement of students
17 participating in the program;

18 (B) the graduation and college admission
19 rates of students who participate in the pro-
20 gram, where appropriate; and

21 (C) parental satisfaction with the program.

22 (2) **PROHIBITING DISCLOSURE OF PERSONAL**
23 **INFORMATION.**—No report under this subsection
24 may contain any personally identifiable information.

25 (c) **REPORTS TO PARENT.**—



1 (1) IN GENERAL.—Each grantee shall ensure
2 that each school participating in the grantee's pro-
3 gram under this Act during a year reports at least
4 once during the year to the parents of each of the
5 school's students who are participating in the pro-
6 gram on—

7 (A) the student's academic achievement, as
8 measured by a comparison with the aggregate
9 academic achievement of other participating
10 students at the student's school in the same
11 grade or level, as appropriate, and the aggre-
12 gate academic achievement of the student's
13 peers at the student's school in the same grade
14 or level, as appropriate; and

15 (B) the safety of the school, including the
16 incidence of school violence, student suspen-
17 sions, and student expulsions.

18 (2) PROHIBITING DISCLOSURE OF PERSONAL
19 INFORMATION.—No report under this subsection
20 may contain any personally identifiable information,
21 except as to the student who is the subject of the
22 report to that student's parent.

23 (d) REPORT TO CONGRESS.—The Secretary shall
24 submit to the Committees on Appropriations, Education
25 and the Workforce, and Government Reform of the House



1 of Representatives and the Committees on Appropriations,
2 Health, Education, Labor and Pensions, and Govern-
3 mental Affairs of the Senate an annual report on the find-
4 ings of the reports submitted under subsections (a) and
5 (b).

6 **SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING**
7 **SCHOOLS.**

8 (a) **ADMISSION OF ELIGIBLE STUDENTS.**—Each
9 school choosing to participate in a program funded under
10 this Act shall accept participating eligible students on a
11 first-come, first-served basis, except that if more eligible
12 students participating in the program seek admission in
13 a participating school than the school can accommodate,
14 participating eligible students shall be selected for admis-
15 sion through a random selection process.

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

20 (c) **RULES OF CONDUCT AND OTHER SCHOOL POLI-**
21 **CIES.**—Subject to section 8, a participating school may re-
22 quire eligible students to abide by any rules of conduct
23 and other requirements applicable to all other students at
24 the school.

1 SEC. 12. DEFINITIONS.

2 As used in this Act:

3 (1) ELEMENTARY SCHOOL.—The term “elemen-
4 tary school” has the meaning given that term in sec-
5 tion 9101 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 7801).

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

9 (A) An educational entity of the District of
10 Columbia Government.

11 (B) A nonprofit organization.

12 (C) A consortium of nonprofit organiza-
13 tions.

14 (3) ELIGIBLE STUDENT.—The term “eligible
15 student” means a student who is a resident of the
16 District of Columbia and who comes from a house-
17 hold whose income does not exceed 185 percent of
18 the poverty line applicable to a family of the size in-
19 volved.

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

24 (5) POVERTY LINE.—The term “poverty line”
25 has the meaning given that term in section 9101 of



1 the Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 7801).

3 (6) SECONDARY SCHOOL.—The term “sec-
4 ondary school” has the meaning given that term in
5 section 9101 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 7801).

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

9 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to carry out
11 this Act \$15,000,000 for fiscal year 2004 and such sums
12 as may be necessary for each of the 4 succeeding fiscal
13 years.



Summary of H.R. 2556, the DC Parental Choice Incentive Act of 2003

- The bill expands educational opportunities to DC students in under-performing elementary and secondary schools. Priority will be given to low-income students.
- The program will be administered by the US Department of Education. Eligible entities will apply to the Secretary to receive grants. Complete applications will discuss how the applicant will recruit students and participating schools to the program, explain how it will give priority to low-income students and families, and meet the various other requirements of the Act. The Secretary will give priority consideration to those applicants that assign priority to students in under-performing schools, target grant resources to low-income students, and provide the broadest range of educational choices to students of various ages and grade levels. As currently drafted, the program will span five years. The Secretary will choose grantees through a competitive process.
- A grantee will use the funds to provide scholarships to eligible students that cover the cost of tuition, fees, and transportation expenses, if any. The parent of the student will receive the scholarship and the grantee must ensure that the funds are not misused.
- The maximum amount that a student may receive per academic year is \$7,500. However, the scholarships will be awarded based on financial need, therefore, not every child participating in the program will receive the maximum amount. A total of \$15,000,000 is authorized to carry out this program during the first year and such sums as may be necessary for the four fiscal years thereafter.
- The Act does not permit participating schools to discriminate on the basis of race, color, national origin, or sex. Neither does it require a participating religiously affiliated school to make any changes to its administrative or academic operation that would violate its religious tenets or beliefs.
- The Secretary is required to conduct annual interim evaluations of the program's progress and submit them to Congress.
- Each grantee must submit an annual activities report to the Secretary regarding the academic achievement of the students in the program. Also, the grantee must submit reports assessing the students' academic achievement. The Secretary will then prepare for Congress a report based on the information gathered from the grantees.
- Each grantee must ensure that the participating schools meet at least once a year with the parents to discuss their children's academic achievements.

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