

Congress of the United States
Washington, DC 20515

March 22, 2012

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Mr. Secretary:

Last Spring, the President signed into law the SOAR Act which reauthorized, for five years, the highly successful Opportunity Scholarship Program (OSP).¹ The program, created in response to years of a crisis with respect to the quality of education in the nation's capital, provides low-income District families with scholarships to attend private scholastic institutions in the District of Columbia. This law, consistent with the "three-sector" approach to educational improvement in the District, authorized an annual appropriation of \$60 million for the next five fiscal years, to be equally divided among the OSP, DC public schools, and DC public charter schools.

Since its inception, the OSP has proven to be both popular and successful. As of March 7, 2012, nearly 1,000 applications had been submitted for the 2012-13 school year.² Furthermore, at a Senate hearing on the topic last year, the lead investigator of a 2010 Department of Education study stated, "the research evidence and testimonials of parents confirm that the District of Columbia is a better place because of the Opportunity Scholarship Program."³ Congress is committed to ensuring the program's continued success, including fully funding the scholarship program.

In order for the program to operate optimally, it is imperative that the program administrator and the Department of Education work in close collaboration. As the end of the current school year approaches, serious concerns have arisen about the state of this working relationship, as well as the Department's implementation of the law.

We are disappointed that the President's FY13 budget request zeroes out funding for the OSP. It states that "...the program has sufficient funds to provide private school vouchers to currently enrolled students through the 2013-2014 school year as well as to make new awards available through attrition during the time frame."⁴ The appropriation provided in FY12 was not limited to funding the currently enrolled students in the 2012-2013 school year and future years. It was intended to meet the expected demand for the program in the 2012-2013 school year. The President's budget justification implies that there is a cap on the number of students who may participate in the program. The SOAR Act does not cap participation to the number of students currently enrolled in the program. The five-year authorization recently signed into law

¹ The FY11 Department of Defense and Full-Year Continuing Appropriations Act, Public Law 112-10

² Information provided by the DC Children and Youth Investment Trust Corporation

³ Dr. Patrick Wolf, written testimony before the Senate Homeland Security and Government Affairs Committee, February 16th, 2011

⁴ The Budget for Fiscal Year 2013

as part of an agreement between the Administration and Congress was intended to instill confidence in parents and schools alike about the longevity of this program. Undermining the funding levels only projects uncertainly and threatens the overall success of the OSP. The three-sector approach in the law mandates equal funding for school improvement measures in the District, and we will work to ensure that there will not be a disproportionate funding disbursement.

Congress expects the participation in the program to be as robust as possible, and any additional funding should be used to help grant new scholarships to eligible students.

Congress expects a thorough evaluation consistent with the statute so the full merits of the scholarship program can be determined. The previous study concluded the program's greatest impact was on educational attainment, as measured by the rate of high school graduation, which showed those students who used their scholarship were 21 percent more likely to graduate than those who applied for a scholarship but did not receive one.⁵ The evaluation also examined student achievement through reading and math scores. The analysis of the data suggests that students' reading scores likely improved because of the program.⁶ The evaluation is vital to understanding the full impact this program has had on improving the quality of education received within the District. Having a robust pool of new applicants will contribute to the success of the evaluation.

Finally, in relation to the search for an evaluator, we are extremely concerned with an amendment the Department posted to the initial request for proposal (RFP) on March 19.⁷ The amendment underscores our concerns with the Department's attempts to limit the size and scope of the program, and is not consistent with the law or congressional intent. It states:

"Because the program was fully enrolled in spring 2010, there are program resources in spring 2011 and in each subsequent year to award scholarships only to fill in for annual attrition from the program.

"Finally, students who are unsuccessful in a lottery are not eligible to re-apply the following year, in order to allow more families to participate and to ensure the integrity of the congressionally-mandated evaluation."

We believe that under no circumstances should otherwise-eligible students be limited in their ability to apply for, or receive, an Opportunity Scholarship for reasons outside the scope of what the law prescribes, especially for something as arbitrary as failure to be selected in a lottery.

In light of the aforementioned concerns, we request a response to the questions below no later than April 6, 2012:

⁵ "Evaluation of the DC Opportunity Scholarship Program," Dr. Wolf, et al. June 2010; and Dr. Wolf

⁶ *Id*

⁷ Draft User's Guide for the DC Choice Program Lottery, accessed at:
<https://www.fbo.gov/index?id=8574ec31c578fafabaa469113893e0f7>

1. Please explain the rationale for suggesting prospective scholarship awardees would not be eligible to receive a scholarship based solely on their failure to win a lottery for the preceding school year.
2. Why does the RFP state there are only program resources available for the number of currently enrolled students when the President's budget estimates that current year funds will carry over into fiscal year 2013? Please explain the assumptions included in the President's request, including the estimated demand for scholarships in the 2012-2013 school year, the demand for scholarships in 2013-2014 school year, the level of funds available in fiscal year 2012, and estimated obligations for scholarships, administration and evaluation in fiscal years 2012 and 2013.
3. Has the Department communicated, either formally or informally, to the Administrator of the program, to cap scholarships annually? Has the Department proposed limiting scholarships based on grade level?
4. We are pleased that a request for proposal has been issued. Please advise us what other specific steps the Department is taking to carry out the evaluation? In answering this question, please include a timeline of when the Department will have an evaluator in place. Please also indicate whether the interim report that is due by April 1, 2012, will be issued on time.
5. Please list specific steps the Department has taken to assist the DC Children and Youth Investment Trust Corporation ("the Trust") to administer the program. Specifically, what guidance has the Department offered the Trust to ensure the program is significantly publicized to DC parents and schools so the Trust can enroll as many eligible students as possible to receive a scholarship?
6. Please provide a copy of all correspondence between the Trust and the Department since the date of the last enrollment of students receiving a scholarship for the 2011-2012 school year (August 15, 2011) to present, including all letters and emails sent. In addition, please provide a copy of all internal Department documents, including emails, relating to the implementation of the Opportunity Scholarship Program as prescribed in Public Law 112-10.
7. Please indicate the status of reimbursements and disbursements of administrative funds for the scholarship program, and the rationale for these amounts.
8. Under Section 3012 of the law, unobligated funds are to be made available to the Administrator of the program for "administrative expenses" or "to provide opportunity scholarships."⁸ We understand this amount to be \$1 million. What is the current balance of unobligated funds? What are the planned expenditures for this account? Would the Trust have access to this account for additional administrative costs, including expenditures necessary to scale up the program?

⁸ P.L. 112-10

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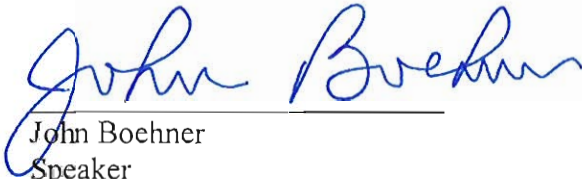
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9. What is the timeline for awarding new scholarships for the upcoming school year?
10. Under Sec. 3009 and Sec. 3011 of the law, the Department is to enter into an agreement with the DC public schools and DC public charter schools to monitor and evaluate the use of funds authorized and appropriated under the SOAR Act, as well as how funds are contributing to student achievement. What is the status of the monitoring and evaluation?

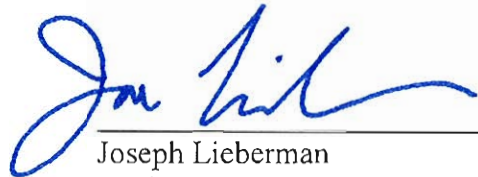
In addition, we request that you immediately assign someone to contact the staff listed below for a briefing concerning this request, including an explanation of the documents and information provided, on or before April 6, 2012.

Thank you for your attention to this matter. If you have any questions, please contact Rachel Sotsky at (202) 224-4815, or James Robertson at (202) 225-5074.

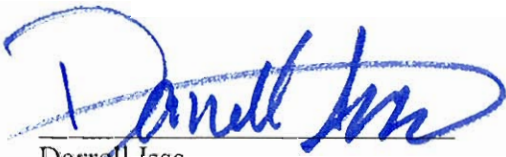
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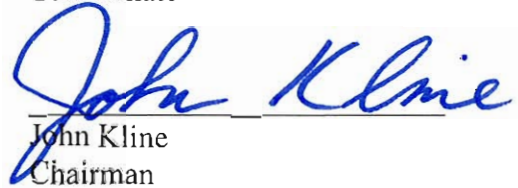
John Boehner
Speaker
U.S. House of Representatives



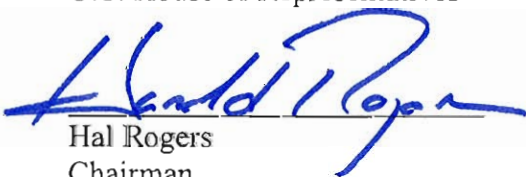
Joseph Lieberman
Chairman
Homeland Security and
Governmental Affairs
U.S. Senate



Darrell Issa
Chairman
Committee on Oversight and
Government Reform
U.S. House of Representatives



John Kline
Chairman
Committee on Education and the
Workforce
U.S. House of Representatives



Hal Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives

cc: The Honorable Vincent Gray, Mayor of the District of Columbia