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HOUSE OF REPRESENTATIVES

REPORT
112–315

SOAR TECHNICAL CORRECTIONS ACT

DECEMBER 6, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ISSA, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 3237]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 3237) to amend the SOAR Act by clarifying the scope of coverage of the Act, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "SOAR Technical Corrections Act".

SEC. 2. USE OF FUNDS.

Section 3007(a)(4)(F) of the Scholarships for Opportunity and Results Act (Public Law 112–10; 125 Stat. 203) is amended to read as follows:

19–006

"(F) ensures that participating students are taught by core subject matter teachers who have a baccalaureate degree or equivalent degree, whether such degree was awarded in or outside of the United States.".

SEC. 3. NATIONALLY NORM-REFERENCED STANDARDIZED TESTS.

Section 3008(h) of the Scholarships for Opportunity and Results Act (Public Law 112–10; 125 Stat. 205) is amended by striking paragraph (2) and inserting the following:

"(2) ADMINISTRATION OF TESTS.—The Institute of Education Sciences shall administer nationally norm-referenced standardized tests, as described in paragraph (3)(A) of section 3009(a), to students participating in the evaluation under section 3009(a) for the purpose of conducting the evaluation under such section, except where a student is attending a participating school that is administering the same nationally norm-referenced standardized test.

"(3) TEST RESULTS.—Each participating school that administers the nationally norm-referenced standardized test described in paragraph (2) to an eligible student shall make the test results, with respect to such student, available to the Secretary as necessary for evaluation under section 3009(a).".

SEC. 4. EVALUATIONS.

Section 3009(a)(3) of the Scholarships for Opportunity and Results Act (Public Law 112–10; 125 Stat. 206) is amended—

(1) in subparagraph (A), by inserting before the semicolon the following: "in a manner consistent with section 3008(h)"; and

(2) in subparagraph (C), by inserting ", if requested by the Institute of Education Sciences," after "will participate".

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

Earlier this Congress, legislation to reauthorize and strengthen the DC Opportunity Scholarship Program was included as part of the Department of Defense and Full-Year Continuing Appropriations Act (P.L. 112–10). (See House Report 112–036 for details of the program.)

As with many significant bills enacted into law, there were a few small and technical modifications that were needed in order for the program to achieve its goal. H.R. 3237, the SOAR Technical Corrections Act, makes those changes.

BACKGROUND AND NEED FOR LEGISLATION

After the 2011–2012 school year began, it became clear that there were a few modifications that needed to be made to the law in order for the Opportunity Scholarship Program to be effective, and to ensure that unclear legislative language did not lead to unintended consequences upon enactment.

The ambiguity with the law lies in three areas: (1) the education requirements for teachers of scholarship students; (2) the manner in which the nationally-norm referenced test of the effectiveness of the program would be administered; and (3) which students would participate in the study. H.R. 3237 clarifies those three areas.

The legislation requires all students participating in the program have a core subject matter teacher who has a baccalaureate or equivalent degree. It also mandates that the Institute of Education Sciences (IES) administer a nationally norm-referenced test as long as the school does not administer the same test. In addition, the language ensures that the student does not have to take the test twice, and that participating schools using that same test will make the results available to IES. Finally, the bill clarifies that all students applying for a scholarship, including those not offered one, agree to participate in IES evaluations, if requested by IES.

LEGISLATIVE HISTORY

On October 18, 2011, Representative Trey Gowdy introduced H.R. 3237, the SOAR Technical Corrections Act. (See House Report 112–036 for details about the legislative history of the Opportunity Scholarship Program in general.)

The Oversight and Government Reform Committee considered the bill on November 3, 2011, and reported the legislation favorably by a unanimous voice vote.

SECTION-BY-SECTION

Section 1. Short title

This Act may be cited as the "SOAR Technical Corrections Act."

Section 2. Use of funds

In order to receive a grant, the school must ensure that students participating in the program are taught by core subject matter teachers who have a baccalaureate or equivalent degree.

Section 3. Nationally norm-referenced standardized tests

The language directs the Institute of Education Sciences (IES) to administer a nationally norm-referenced test to the participating student as long as the school doesn't already administer the same test. This will ensure there is no duplication with the testing procedures. Finally, in order to properly evaluate the students' progress, the school shall make the results of the tests available to the IES.

While maintaining their autonomy in administering their own tests, schools shall comply with reasonable requests from the Secretary in regard to the Congressionally mandated evaluation to maintain integrity of the evaluation.

Section 4. Evaluations

Requires all students applying for an OSP scholarship, including those not offered a scholarship, agree to participate in IES evaluations if requested by IES.

EXPLANATION OF AMENDMENTS

Rep. Issa offered an amendment which made very minor technical corrections to the legislation.

COMMITTEE CONSIDERATION

On November 3, 2011, the Committee met in open session and ordered reported favorably the bill, H.R. 3237, as amended, by voice vote, a quorum being present.

ROLL CALL VOTES

There were no roll call votes during consideration of H.R. 3237.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill makes technical correc-

tions to the DC Opportunity Scholarship Program, which was included as part of the Department of Defense and Full-Year Continuing Appropriations Act (P.L. 112–10). As such this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

H.R. 3237 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 3237. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Rep-

resentatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3237 from the Director of Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 8, 2011.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3237, the SOAR Technical Corrections Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Justin Humphrey.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 3237—SOAR Technical Corrections Act

H.R. 3237 would amend the Scholarships for Opportunity and Results Act, which provides funding to cover the costs of tuition, fees, and transportation for District of Columbia residents attending private elementary and secondary schools. The bill would amend the requirements for teachers and for testing of students at schools with scholarship recipients.

CBO estimates that implementing H.R. 3237 would have no effect on discretionary spending. In addition, enacting the bill would have no impact on direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 3237 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Justin Humphrey. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT

* * * * * * *

DIVISION C—SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT

* * * * * * *

SEC. 3007. USE OF FUNDS.

(a) OPPORTUNITY SCHOLARSHIPS.—

(1) * * *

* * * * * * *

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

(A) * * *

* * * * * * *

[(F) ensures that each teacher of core subject matter in the school has a baccalaureate degree or equivalent degree, whether such degree was awarded in or outside of the United States.]

(F) ensures that participating students are taught by core subject matter teachers who have a baccalaureate degree or equivalent degree, whether such degree was awarded in or outside of the United States.

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SEC. 3008. NONDISCRIMINATION AND OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) * * *

* * * * * * *

(h) NATIONALLY NORM-REFERENCED STANDARDIZED TESTS.—

(1) * * *

[(2) MAKE-UP SESSION.—If a participating school does not administer a nationally norm-referenced standardized test or the Institute of Education Sciences does not receive data on a student who is receiving an opportunity scholarship, then the Secretary (through the Institute of Education Sciences of the Department of Education) shall administer such test at least one time during a school year for each student receiving an opportunity scholarship.]

(2) ADMINISTRATION OF TESTS.—The Institute of Education Sciences shall administer nationally norm-referenced standardized tests, as described in paragraph (3)(A) of section 3009(a), to students participating in the evaluation under section 3009(a) for the purpose of conducting the evaluation under such section, except where a student is attending a participating school that is administering the same nationally norm-referenced standardized test.

(3) TEST RESULTS.—Each participating school that administers the nationally norm-referenced standardized test described in paragraph (2) to an eligible student shall make the test results, with respect to such student, available to the Secretary as necessary for evaluation under section 3009(a).

SEC. 3009. EVALUATIONS.

(a) IN GENERAL.—

(1) * * *

* * * * * * *

(3) DUTIES OF THE INSTITUTE OF EDUCATION SCIENCES.—The Institute of Education Sciences of the Department of Education shall—

(A) use a grade appropriate, nationally norm-referenced standardized test each school year to assess participating eligible students *in a manner consistent with section 3008(h)*;

* * * * * * *

(C) work with the eligible entities to ensure that the parents of each student who applies for a scholarship under this division (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under this division, agree that the student will participate*, if requested by the Institute of Education Sciences,* in the measurements given annually by the Institute of Educational Sciences for the period for which the student applied for or received the scholarship, respectively, except that nothing in this subparagraph shall affect a student's priority for an opportunity scholarship as provided under section 3006.

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