



District of Columbia Opportunity Scholarship Program: Implementation Status and Policy Issues

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Summary

The Consolidated Appropriations Act for FY2004 (P.L. 108-199), which combined six appropriations bills—including the FY2004 District of Columbia Appropriations Act—authorized and appropriated funding for the Opportunity Scholarship program, a federally funded school voucher program, for the District of Columbia. It also provided funding for the District of Columbia Public Schools (DCPS) for the improvement of public education and the State Education Office for public charter schools. The provision of federal funds for DCPS, public charter schools, and vouchers is commonly referred to as the “three-prong approach” to supporting elementary and secondary education in the District of Columbia.

More specifically, the Opportunity Scholarship program was enacted under the DC School Choice Incentive Act of 2003, which was included in P.L. 108-199. The Opportunity Scholarship program provides scholarships (also known as vouchers) to students in the District of Columbia to attend participating private elementary and secondary schools, including religiously affiliated private schools. Appropriations for the program were authorized through FY2008. While the program is no longer authorized, the 111th Congress provided appropriations for the program in FY2009 under the Omnibus Appropriations Act, 2009 (P.L. 111-8) and in FY2010 under the Omnibus Appropriations Act, 2010 (P.L. 111-117).

P.L. 111-8 specified that the use of any funds *in any act* for Opportunity Scholarships after the 2009-2010 school year shall be available only upon reauthorization of the program and the adoption of legislation by the District of Columbia approving such reauthorization. P.L. 111-117 eliminated this restriction on funding and provided continued appropriations for the Opportunity Scholarship program, as well as school improvement funding for DCPS and public charter schools in the District of Columbia. It provided \$42.2 million to DCPS, \$20 million for public charter schools, and \$13.2 million for Opportunity Scholarships. The latter, however, could be used to provide private school vouchers *only to students who received scholarships in the 2009-2010 school year*.

The 112th Congress has introduced two bills that would reauthorize the DC Opportunity Scholarship Program: the Scholarships for Opportunity and Results Act of 2011 (S. 206) and the Scholarships for Opportunity and Results Act (H.R. 471). H.R. 471 was ordered reported (H.Rept. 112-36) by the House Committee on Oversight and Government Reform on March 17, 2011. On March 30, 2010, H.R. 471 was considered by the House. It passed without amendment by a vote of 225 to 195. S. 206 was referred to the Senate Committee on Homeland Security and Governmental Affairs. No further legislative action has occurred with respect to S. 206.

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Overview

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This report begins with a general overview of issues related to school choice and the provision of vouchers for elementary and secondary education students to attend private schools. This is followed by a discussion of the debate that surrounded the initial passage of the DC School Choice Incentive Act. The next section of the report examines the act, including eligibility requirements for students to receive a voucher and for private schools to participate. The next section of the report examines current research on the program's effectiveness with respect to student academic achievement and parental and student satisfaction with the program. This is followed by a summary of appropriations made available for the Opportunity Scholarship program and other school improvement initiatives in the District of Columbia. The report concludes with a discussion of actions taken with respect to the program during the FY2009 and

¹ For more information about changes these bills would make to P.L. 108-199, as amended, see CRS Report R41724, *Legislation to Reauthorize the DC Opportunity Scholarship Program in the 112th Congress*, by (name redacted) and (name redacted).

² House Roll no. 204.

FY2010 appropriations cycles and issues related to the continuation of the Opportunity Scholarship program.

School Choice and Vouchers for Elementary and Secondary Education

Many of the disputes involving public education and school choice stem from a fundamental question of whether education is a public or private good. While education has historically been considered a public good, it has characteristics of both a public and a private good. That is, the benefits of education are both private, accruing to individuals, and public in that they promote a stable and democratic society.³ However, the distinction between education as a private good and a public good may be blurred as others benefit from the work produced by an individual, and an individual benefits from living in a stable and democratic society. As researchers have argued, “schooling takes place at the intersection of two sets of rights, those of the family and those of the society.”⁴ Parents have the right to raise their children in the manner they deem most suitable, including making decisions about their education, while a democratic society uses education “as a means to reproduce its most essential political, economic, and social institutions through a common schooling experience.”⁵

Over the past several Congresses, many school choice proposals have been introduced and debated, but most have failed to be enacted. The most controversial issues regarding publicly funded school choice have been the provision of direct or indirect support to enable students to attend private schools, especially religiously affiliated private schools. The District of Columbia Opportunity Scholarship program is an example of a federal program that supports the enrollment of students in private elementary and secondary schools.⁶ Concerns about programs that provide public funds for students to enroll in private schools have centered on whether public funds should be used to provide support to private (especially religiously affiliated) schools and whether the existence of public funding for private school choice options effectively improves educational outcomes for participating students. The Supreme Court has ruled in *Aleman v. Simmons-Harris* that the Constitution permits public funding of school vouchers for attendance at religiously affiliated schools in instances where parents have the opportunity of selecting from a range of options that includes public and private secular schools. Nonetheless, objections are still raised regarding the use of public funds to pay tuition at religiously affiliated schools.⁷ Less controversial are school choice programs in which funding remains under public control, such as

³ Milton Friedman, “The Role of Government in Education,” in *Economics and the Public Interest*, ed. R.A. Solo (Rutgers University, 1955).

⁴ Henry M. Levin, “The Public-Private Nexus in Education,” National Center for the Study of Privatization in Education, Teachers College, Columbia University, NY, March 2000, p. 4.

⁵ See footnote 4.

⁶ Another example of a federal program that supports the enrollment of students in private schools is the Coverdell Education Savings Account program. For more information, see CRS Report RL32155, *Tax-Favored Higher Education Savings Benefits and Their Relationship to Traditional Federal Student Aid*, by (name redacted), or CRS Report RL31439, *Federal Tax Benefits for Families’ K-12 Education Expenses in the Context of School Choice*, by (name redacted) and (name redacted).

⁷ For a discussion of church-state constitutional issues regarding vouchers, see CRS Report RL30165, *Education Vouchers: Constitutional Issues and Cases*, by Angie A. Welborn.

public charter schools and the implementation of school choice provisions under Title I-A of the Elementary and Secondary Education Act (ESEA).⁸

Those who support school choice proposals that include the choice of attending private schools have argued that in view of the apparent resistance to change in many public schools, the most effective way in which the federal government can help to improve academic performance, especially for students from low-income families, is to enhance students' opportunities to select from a broader range of schools, including private sectarian and non-sectarian schools. Choice proponents argue that assisting at least some students from low-income families to leave their current, often low-performing public schools, provides immediate benefits to those students. In addition, choice proponents argue that it also provides these students with a degree of educational choice and opportunity that already exists for students from more affluent families. Another major argument made in support of choice is that competition through choice would be a catalyst for major improvements in the performance of public school systems, including those serving large numbers of low-income students. At the same time, choice supporters recognize that providing public funding to private schools may be accompanied by new forms of government regulation. They argue, however, that federal regulations could be limited through statutory prohibitions, especially if the aid was provided indirectly to the private school via vouchers provided directly to individual students.

Opponents of federal school choice proposals that include private schools tend to focus on the limitations of the proposed choice options and the potentially negative effects on public schools and their students, particularly the shifting of attention and resources away from the goal of public school system reform. Choice proposals involving private schools generally involve only a portion of the potentially eligible student population (e.g., opportunities would be available in a limited number of localities or be made available only to a limited number of low-income families nationwide). In addition, choice proposals are often limited or capped in terms of the proportion or amount of private school tuition or fee costs that may be covered by vouchers or scholarships. While these amounts may cover a substantial share of the costs of attending some private schools, they are often sufficient to pay the full costs of attending only the least expensive private schools. Some opponents also argue against the creation of federal school choice programs based on concerns about the substantial governmental regulation of private schools that could ensue, regardless of whether funds are provided directly or indirectly to the schools. Further, some opponents argue that the effects of competition on public school systems are more likely to be negative than constructive, including a reduction in funds that are provided based on student enrollment levels, loss of students whose families are best informed about their education options, and unequal constraints on public schools. The last issue focuses on concerns that public schools may have to serve numerous hard-to-educate students whose parents did not exercise the opportunity to choose a private school or students who were not accepted to private schools, potentially based on their academic performance.

Enactment of the Opportunity Scholarship Program

In the Bush Administration's FY2004 budget submission, the Administration requested \$75 million for a Choice Incentive Fund that would have provided competitive grants to states, local

⁸ For more information about these provisions, see CRS Report RL33371, *K-12 Education: Implementation Status of the No Child Left Behind Act of 2001 (P.L. 107-110)*, coordinated by (name redacted).

educational agencies (LEAs), and community-based organizations that expanded opportunities for parents of children who attend low-performing schools to attend higher-performing schools, including charter schools and private schools.⁹ Under the Administration's proposal, a portion of the funds would have been reserved for school choice programs in the District of Columbia. Both the mayor of the District of Columbia, Anthony Williams, and the President of the District of Columbia Board of Education, Peggy Cooper Cafritz, endorsed the concept of private school vouchers as a means of improving education options for DC public school students and as a means for transforming the city's faltering public school system.¹⁰ Local supporters of a voucher program insisted that the program had to be federally funded and could not result in a reduction of funds to the city's traditional public schools and public charter schools. Eleanor Holmes Norton, the District of Columbia's Delegate to Congress, subsequently criticized the mayor's support for a federally funded voucher program, noting that the proposal was an affront to home rule.¹¹ Other opponents of the voucher program argued that the program would reduce needed funding for public education and be of minimal benefit to most of the city's students.

The establishment of a federally supported voucher program met with both support and resistance in Congress. In July 2003, the House Committee on Government Reform passed H.R. 2556, the DC Parental Choice Incentive Act of 2003, by a vote of 22 to 21. The act would have created a federally funded scholarship program to serve low-income students in the District of Columbia. The program would have established a competitive grant program under which the Secretary of Education would award grants to eligible entities for the operation of one or more scholarship programs. Grantees would have awarded scholarships (also known as vouchers) of up to \$7,500 per academic year to students who are residents of the District of Columbia and whose family income does not exceed 185% of the poverty level to enable them to attend private elementary and secondary schools located in the District of Columbia. The program would have been authorized at \$15 million for FY2004 and at such sums as may be necessary through FY2008.

Later that month, the House Committee on Appropriations reported H.R. 2765, which would have provided \$10 million for a school choice program in the District of Columbia in the FY2004 appropriations bill for the District of Columbia. The program was substantively similar to the program proposed under H.R. 2556. During floor debate on H.R. 2765 two voucher-related amendments were offered. The first, offered by Delegate Norton, would have eliminated the proposed voucher program. The amendment failed to pass by a vote of 203 to 203. A second amendment was offered by Representative Tom Davis that would have established eligibility criteria for students to receive a voucher and cap the maximum amount of funding a voucher could provide for any given school year. The amendment passed by a vote of 209 to 206.

The Senate's version of the FY2004 District of Columbia appropriations bill (S. 1583) included the DC Student Opportunity Scholarship Act of 2003. This bill was substantively similar to H.R. 2556, and contained the framework on which the final provisions for the DC School Choice Incentive Act were based. It was placed on the Senate calendar but was never considered on the Senate floor. The Senate-passed version of H.R. 2765, however, did not include funding to

⁹ This was not the first attempt by Congress to establish a voucher program in the District of Columbia. In 1998, President Clinton vetoed the District of Columbia Student Opportunity Scholarship Act of 1997 (S. 1502), which would have created a federally funded scholarship program in the District of Columbia for purposes of awarding scholarships to enable children from low-income families to attend schools of choice in the Washington, DC, metropolitan area.

¹⁰ Peggy Cooper Cafritz, "Making the Most of Vouchers," *Washington Post*, March 3, 2003, p. 17.

¹¹ Craig Timberg and Justin Blum, "Mayor Endorses Vouchers in D.C.; Norton Criticizes Statement as 'Selling Out' Home Rule," *Washington Post*, May 2, 2003, p. A1.

establish a scholarship program for low-income students. It did include funding for school improvement for traditional public schools and public charter schools in the District of Columbia.¹² The House-passed version of H.R. 2765 did not include funding for these specific purposes.

The DC School Choice Incentive Act, which created the Opportunity Scholarship program, was authorized and funded by the Consolidated Appropriations Act, 2004 (H.R. 2673; P.L. 108-199), which included the FY2004 District of Columbia appropriations bill. Specific funding for the Opportunity Scholarship program was provided under the header “Federal Payment for School Improvement,” which also included funding for the District of Columbia Public Schools (DCPS) for the improvement of public education and the State Education Office (SEO) for the expansion of public charter schools. This approach, commonly known as the three-prong approach to funding elementary and secondary education in the District of Columbia, was initially suggested by Mayor Williams when he asked for federal assistance for public education in the District of Columbia.¹³ The proposal was supported by the Administration¹⁴ and many Members of Congress. While concerns were raised during consideration of the bill that only the Opportunity Scholarship program—not school improvement funding for DCPS or public charter schools—was authorized for five years, each year the Opportunity Scholarship program has been funded, the federal government has also provided funds to support school improvement in the city’s traditional public schools and public charter schools.

DC School Choice Incentive Act

The DC School Choice Incentive Act (P.L. 108-199, Title III) authorized a scholarship or voucher program to provide the families of low-income students, particularly students attending elementary or secondary schools identified for improvement, corrective action, or restructuring under the ESEA, as amended by the No Child Left Behind Act (NCLB; P.L. 107-110), with expanded opportunities to enroll their children in schools of choice located in the District of Columbia. The program was authorized for FY2004 through FY2008. An appropriation of \$14 million was specified for FY2004; appropriations for the subsequent fiscal years were for “such sums as may be necessary.”

Under the Opportunity Scholarship program, the Secretary of Education (hereinafter referred to as the Secretary) may award grants to eligible entities for a period of not more than five years to make opportunity scholarships to eligible individuals. Eligible entities were defined as an educational entity of the DC government, a nonprofit organization, or a consortium of nonprofit

¹² When H.R. 2765 was initially considered on the Senate floor, it contained \$10 million for a school voucher program in the District of Columbia but did not contain funding for traditional public schools or public charter schools. S.Amdt. 1783 would have amended the bill to provide \$40 million for these purposes with traditional public schools, public charter schools, and a school voucher program each receiving \$13 million and \$1 million provided for evaluation. Prior to voting on S.Amdt. 1783, the amendment was modified by S.Amdt. 2201, which eliminated funding for the school voucher program. S.Amdt. 1783 was then passed by unanimous consent.

¹³ For more information, see letter from Mayor Anthony Williams inserted into the *Congressional Record*, Senator Mike DeWine, “District of Columbia Appropriations Act, 2004,” Remarks in Senate, *Congressional Record*, September 25, 2003, pp. S11954-S11955.

¹⁴ For more information, see letter from Secretary of Education Rod Paige, inserted into the *Congressional Record*, Senator Mary Landrieu, “District of Columbia Appropriations Act, 2004,” Remarks in the Senate, *Congressional Record*, September 26, 2003, p. S12044.

organizations. In selecting one or more eligible entities to operate the program, the Department of Education (ED) was required to give priority to eligible entities who would most effectively give priority to eligible students who, in the school year preceding the school year for which the student is seeking a scholarship, were attending a school that was identified for improvement, corrective action, or restructuring under the ESEA. In addition, ED was required to give priority to eligible applicants that would target available resources to students and families who lacked the financial resources to take advantage of school choice options and that would provide students and families with the widest range of school options. The Washington Scholarship Fund (WSF) was the sole program administrator since the program's inception in 2004 through May 13, 2010. On May 14, 2010, The DC Children and Youth Investment Trust Corporation assumed the role of program administrator.¹⁵ The program administrator is permitted to use up to 3% of the funds it receives from ED for administrative expenses.

Student eligibility for the program is open to children from families with incomes not exceeding 185% of the poverty line who are entering kindergarten through 12th grade or who turn five years old by September 30 of the school year for which scholarships are awarded.¹⁶ Eligible students may apply to receive an Opportunity Scholarship valued at up to \$7,500 to cover the costs of tuition, fees, and transportation expenses associated with attending participating private elementary and secondary schools located in the District of Columbia.¹⁷ Scholarships provided to students are considered assistance to the student (as opposed to the school) but are not treated as income of the parents for federal tax purposes or for determining eligibility for other federal programs. Students must reapply each year to participate in the program. Scholarship recipients remain eligible to continue to participate in the scholarship program, as long as their family income does not exceed 300% of the poverty level.¹⁸

Student Participation

From the program's inception through the 2008-2009 school year, 8,480 students applied for scholarships.¹⁹ Of these students, 5,547 were deemed eligible to participate, and 3,738 were awarded scholarships.²⁰ In fall 2009, the first school year for which the program no longer accepted new applicants, 1,322 students received continuing scholarships. **Table 1** provides information on the number of students who received a scholarship by program year and grade level from the 2004-2005 school year through the 2008-2009 school year. Overall, from the program's inception through the 2010-2011 school year, a total of 3,023 individual students have participated in the program.²¹

¹⁵ For more information, see <http://www.cyitc.org/youth/OSP.asp>.

¹⁶ Information on student eligibility by age or grade level is available online at <http://www.washingtonscholarshipfund.org/programs/opportunity/index.html>.

¹⁷ The School Choice Incentive Act permits the program administrator to award larger scholarships to eligible students with the greatest need, but no scholarship may exceed \$7,500 for any given school year.

¹⁸ The original threshold for continuation in the program was 200% of the poverty level.

¹⁹ Unless otherwise noted, data on student participation in the scholarship program was taken from the U.S. Department of Education, *Evaluation of the DC Opportunity Scholarship Program: Final Report*, available online at <http://ies.ed.gov/ncee/pubs/20104018/index.asp>.

²⁰ Of the students who were awarded scholarships, 2,881 used their scholarships within a year of receiving them.

²¹ Unpublished information provided by the Washington Scholarship Fund, March 25, 2011.

Table I. Student Enrollment by Grade in the DC Opportunity Scholarship Fund for Various School Years

Grade	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
Pre-K	11	11	12	2	6
K	155	170	155	123	116
1	128	228	189	192	144
2	123	214	249	219	198
3	109	186	197	262	172
4	110	194	489	207	218
5	119	156	191	201	176
6	74	162	159	204	171
7	80	155	138	163	163
8	60	120	134	128	121
9	23	61	90	86	78
10	18	32	50	78	65
11	10	15	26	43	56
12	2	7	16	22	37
Total	1,022	1,711	1,795	1,930	1,721

Source: Table prepared by CRS, January 22, 2010, based on unpublished data provided by the Washington Scholarship Fund.

Notes: Enrollment numbers are based on the number of students who received scholarship payments for educational services rendered at a participating school. These figures are currently undergoing a final audit in conjunction with the Washington Scholarship Fund's report to the U.S. Department of Education covering the multi-year grant period.

Not all of the students who were offered scholarships chose to enroll in a participating private school. Among students offered scholarships who had four or five years of potential participation in the program, 282 out of 1,293 (22%) never used the scholarships. The most common reasons cited by parents for not using the available scholarship was a lack of space at their preferred private school (30.7%), a lack of special needs services (21.6%), and that their child gained admission to a preferred public charter school (16.3%).

In addition, some students who initially used scholarships left the program over time. The most common reasons cited for leaving the program mirror those for never using the available scholarship. That is, parents indicated that their child left the scholarship program to attend a preferred public charter school (21.8%) or due to a lack of space at their preferred private school (18.5%). The next most common responses cited for leaving the program included moving out of the District of Columbia (15.2%), transportation issues (13.7%), and lack of special needs services (12.3%).

Private School Involvement in the Program

In general, private schools accepting scholarships through the Opportunity Scholarship program are prohibited from discriminating against program participants or applicants on the basis of race,

color, national origin, religion, or gender. The last prohibition does not apply, however, to single sex schools that are operated by, supervised by, controlled by, or connected to a religious organization to the extent that nondiscrimination based on gender would be inconsistent with the religious beliefs of the school. In addition, nothing in the School Choice Incentive Act allows participating schools to alter or modify the provisions of the Individuals with Disabilities Education Act (IDEA). With respect to sectarian private schools that accept scholarship students, nothing in the School Choice Incentive Act prohibits the school from hiring in a manner consistent with the school's religious beliefs or requires the school to alter its mission or remove religious symbols from its building. All participating private schools are required to comply with requests for data and information with respect to program evaluations required by the School Choice Incentive Act.

Based on the most recent evaluation of the Opportunity Scholarship program, 52 of 90 private elementary and secondary schools in the District of Columbia participated in the program during the 2008-2009 school year.²² The majority of the participating schools (54%) were faith-based schools, primarily the parochial schools of the Catholic Archdiocese of Washington. Of the participating schools, 50% charged an average tuition above the voucher cap of \$7,500.

The Omnibus Appropriations Act, 2009 (P.L. 111-8), added additional requirements for participating schools. First, the participating school must have and maintain a valid certificate of occupancy issued by the District of Columbia. Second, the core subject matter teachers of the scholarship recipient must hold four-year bachelor's degrees.²³

In addition, given that P.L. 111-8 extends the Opportunity Scholarship program beyond its original authorization period, ED had to hold a competition to select a new program administrator.²⁴ The Washington Scholarship Fund's contract to administer the program was for the five-year period that corresponded with the original program application. As previously mentioned, the DC Children and Youth Investment Trust Corporation was selected as the new program administrator.

P.L. 111-117 also added additional requirements for participating schools. Participating schools must be in compliance with accreditation and other standards under the District of Columbia compulsory school attendance laws that apply to educational institutions that are not affiliated with the District of Columbia Public Schools (DCPS). In addition, the Secretary of Education was required to submit a report to Congress by June 15, 2010, that provided information on the academic rigor and quality of each participating school.²⁵ To obtain comparable data for the report, the Secretary was required to ensure that all eligible voucher recipients participated in the same academic performance assessments as students enrolled in DCPS during the 2009-2010

²² U.S. Department of Education, *Evaluation of the DC Opportunity Scholarship Program: Final Report*, available online at <http://ies.ed.gov/ncee/pubs/20104018/index.asp>.

²³ Issues related to certificate of occupancy and teachers holding a bachelor's degree were mentioned in GAO's report on the implementation of the DC Opportunity Scholarship Program. For more information, see U.S. Government Accountability Office, *District of Columbia Opportunity Scholarship Program*, GAO-08-9, November 2007, pp. 1-98, <http://www.gao.gov/new.items/d089.pdf>.

²⁴ For more information on the request for applicants, see <http://www.ed.gov/legislation/FedRegister/announcements/2009-2/042309b.html>. Due to an error in how applications were to be submitted, ED had to reopen the competition. For more information on the second competition, see <http://www2.ed.gov/legislation/FedRegister/announcements/2009-3/070609a.html>.

²⁵ It does not appear that this report has been submitted to Congress.

school year. The Secretary must also ensure that at least two site inspections are conducted at each participating school on an annual basis.

The **Appendix** provides a list of schools participating in the Opportunity Scholarship Program in school year 2009-2010, and includes their religious affiliation, where applicable.

Evaluations of the Opportunity Scholarship Program

The School Choice Incentive Act required the scholarship program to be evaluated annually.²⁶ The Secretary and Mayor of the District of Columbia were required to jointly select an independent entity to conduct these evaluations. The evaluations were conducted by Westat, a social science research firm in Maryland, that worked with two subcontractors—the University of Arkansas Department of Education Reform and Chesapeake Research Associates.²⁷ Up to 3% of the total annual appropriation for the School Choice Incentive Act could be used for program evaluation purposes.²⁸ The National Center for Education Evaluation and Regional Assistance (NCEE) at the Institute of Education Sciences (IES) oversees the contract.²⁹

The independent entity evaluating the program was required to measure the academic achievement of participating students, use the same measurement to assess participating students as is used to assess students in DCPS, and work with the Washington Scholarship Fund to ensure that the parents of all students who apply for a scholarship, regardless of whether a scholarship is received, agree that the student will participate in measurements conducted by the independent evaluator for the period for which the student applied for or received a scholarship.³⁰ The evaluation was required to compare the academic achievement of scholarship recipients with students in the same grades attending DC public schools and the eligible students who applied for but did not receive a scholarship. The evaluation must also examine the extent to which the program expanded choice options for parents; the reasons parents chose to participate in the program; retention rates, dropout rates, graduation rates, and college admissions rates for participating students with students of similar backgrounds who did not participate in the scholarship program; the impact of the program on students and public elementary and secondary schools in the District of Columbia; the safety of the participating schools versus schools attended by non-scholarship recipients; and other issues as designated by the Secretary.

²⁶ The evaluation of the DC Opportunity Scholarship program has ended. The final data collection was during the spring of 2009.

²⁷ Information on the evaluators is based on the most recent evaluation conducted of the Opportunity Scholarship program. For more information, see U.S. Department of Education, *Evaluation of the DC Opportunity Scholarship Program: Final Report*, available online at <http://ies.ed.gov/ncee/pubs/20104018/index.asp>.

²⁸ Funds have been provided each year for program administration. The annual appropriations bills, however, may have specified that something other than 3% of the appropriation be provided for evaluation. For example, FY2009 appropriations provided that up to \$1 million of the \$14 million appropriated for the program could be used to administer and fund assessments.

²⁹ IES is the research arm of the U.S. Department of Education. For more information on IES, see <http://ies.ed.gov/>.

³⁰ The independent evaluator is required to administer the assessments. Schools participating in the voucher program are not required to administer the assessments. For more information, see <http://www.ed.gov/programs/dcchoice/faq.html>.

In June 2010, NCEE released the final report on the DC Opportunity Scholarship program, which evaluated the impact of the program after at least four years.³¹ The evaluation used a randomized control trial to compare the results of two groups: (1) students who applied for the scholarship program and were randomly selected by the lottery to receive a scholarship, and (2) students who applied for the scholarship program and were eligible to receive a scholarship, but were not selected. In the discussion below, results of this analysis represent comparisons of students who were *offered* a scholarship versus those who were not. A second analysis made statistical adjustments to the group of students who received a scholarship and compared two different groups: (1) students who were offered a scholarship and used the scholarship and (2) students who were offered a scholarship but did not use the scholarship. In the discussion below, results of this analysis represent comparisons of students who *used* a scholarship versus those who did not.

Impact of Scholarship Offer

The analysis of the impact of a scholarship *offer*³² was conducted on the total sample of students participating in the DC Opportunity Scholarship program. Follow-up analyses were conducted on the following subgroups: (1) students from schools in need of improvement (SINI), (2) students from schools not identified for improvement, (3) students who were higher academic performers at the onset of the program, (4) students who were lower academic performers at the onset of the program, (5) male students, and (6) female students.

The primary analysis of the impact study measured student achievement in reading and mathematics. After at least four years of the DC Opportunity Scholarship program, there were no statistically significant effects on reading or mathematics performance for the total sample of students who were offered scholarships.³³ That is, students who were offered a scholarship did not perform significantly differently in reading or mathematics than students who were not offered a scholarship. Subgroup analyses revealed some significant effects of the program in reading performance. Students from schools not identified for improvement who were offered a scholarship significantly outscored students from schools not identified for improvement who were not offered a scholarship; students who were higher performers at the onset of the program who were offered a scholarship significantly outscored high performers who were not offered a scholarship; and females who were offered a scholarship outscored females who were not offered a scholarship. There were no subgroup effects in mathematics performance.

The impact study also investigated the effect of the DC Opportunity Scholarship program on educational attainment, which was measured by high school graduation rate. The program had a

³¹ The DC Opportunity Scholarship program was available to students for five years (i.e., 2004-2009). For the purpose of the impact analysis, however, two cohorts of students were combined due to the small sample size of the first cohort of students that applied for the scholarship in 2004. Evaluating the impact of the program “after at least four years” includes students who had the opportunity to use their scholarship for five years (14% of the sample) and students who had the opportunity to use their scholarship for four years (86% of the sample).

³² As discussed earlier, the impact of a scholarship offer compared the following groups: (1) students who applied for the scholarship program and were randomly selected by the lottery to receive a scholarship, and (2) students who applied for the scholarship program and were eligible to receive a scholarship, but were not selected.

³³ A previous impact study had reported that students who were offered a DC Opportunity Scholarship scored significantly higher on tests of reading achievement after three years. The results reported herein represent cumulative effects of the DC Opportunity Scholarship program. The significant effects seen after three years of program implementation were not observed after at least four years of program implementation. To see the previous impact study that reported significant effects, see <http://ies.ed.gov/ncee/pubs/20094050/index.asp>.

significantly positive impact on students who were offered a scholarship. The graduation rate of students who were offered a scholarship was 82%, compared to 70% for students who were not offered a scholarship. Further analyses demonstrated significant effects of educational attainment across several subgroups. Students from SINI who were offered a scholarship were more likely to graduate from high school than students from SINI who were not offered a scholarship (79% vs. 66%). Higher performers at the onset of the program who were offered a scholarship were more likely to graduate from high school than higher performers who were not offered a scholarship (93% vs. 79%). Females who were offered a scholarship were more likely to graduate from high school than females who were not offered a scholarship (95% vs. 75%). There were no significant effects of educational attainment on students from schools not identified for improvement, students who were lower performers at the onset of the program, and male students.

Finally, the impact study investigated parent and student reports of school safety and overall satisfaction. Overall, parents of children who were offered a scholarship rated their child's school as significantly safer than parents of children who were not offered a scholarship.³⁴ Similarly, parents of students who were offered a scholarship were more satisfied with their child's school than parents of students who were not offered a scholarship.³⁵ Students who were offered a scholarship did not rate their school as significantly safer than students who were not offered a scholarship, nor did they report significantly increased satisfaction with their school than students who were not offered a scholarship.

Impact of Scholarship Use

The analysis of the impact of scholarship *use*³⁶ was conducted on the group of students who were offered a scholarship. Some students who were offered a scholarship chose to use it to enroll in a participating private school whereas others chose not to use it to enroll in a participating private school. Follow-up analyses were conducted on the subgroups described in the previous section (see "Impact of Scholarship Offer").

The impact of scholarship *use* mirrored that of a scholarship *offer*. After at least four years of the DC Opportunity Scholarship program, there were no statistically significant effects on the reading or mathematics performance of students who used a scholarship. Subgroup analyses revealed significant effects of the program in reading performance for the same subgroups as the previous analysis of those *offered* a scholarship.³⁷

Similar to the results of educational attainment for students who were offered a scholarship, the program had a significantly positive impact on high school graduation rates of students who used

³⁴ Note that this result was driven by the subgroup of "parents of students from schools not identified for improvement."

³⁵ Parents from the following subgroups were more likely to report satisfaction with their child's school: parents of students from schools not in need of improvement, parents of students who were lower performers at the onset of the program, parents of students who were higher performers at the onset of the study, and parents of females. With the exception of the "parents of students from schools not in need of improvement," however, authors of the evaluation concluded that the effects may be false discoveries. When researchers applied a statistical procedure to correct for multiple comparisons, the effects of some subgroups were no longer significant.

³⁶ As discussed earlier, the impact of scholarship use compared the following groups: (1) students who were offered a scholarship and used the scholarship, and (2) students who were offered a scholarship but did not use the scholarship.

³⁷ Significant effects were found for students from schools not identified for improvement, students who were higher performers at the onset of the program, and female students.

a scholarship. The subgroup analyses revealed that the impact on high school graduation for students who used the scholarship was greater than the impact on high school graduation for students who were offered the scholarship. *Using* a scholarship increased the graduation rate of students from SINI by 20%, whereas the offer of a scholarship increased high school graduation rates of students from SINI by 13%.³⁸ Similarly, *using* a scholarship increased the graduation rate of students who were higher performers at the onset of the program and female students (25% and 28%, respectively) more than students who were higher performers at the onset of the study and female students who were *offered* a scholarship (14% and 20%, respectively).³⁹

There were no differences between parent and student reports of school safety and overall satisfaction between the group offered a scholarship and the group that used a scholarship.

Government Accountability Office Report

A Government Accountability Office (GAO) report on the DC Opportunity Scholarship Program did not seek to evaluate student outcomes of the program; however, it provided information on reasons that parents chose to participate (or not participate) in the program.⁴⁰ The reasons cited in the GAO report may highlight some of the potential differences between the group of students who were offered scholarships and those who used scholarships.

GAO reported that the information provided to parents about the program may not have been complete or correct. Some parents may have been misinformed that participation in the program may reduce other social service benefits, and other parents believed the offer may be “too good to be true.” Parents declined to participate in the scholarship program for a variety of reasons, including family issues, personal problems, moving, special education needs of their child, transportation problems, convenience, and before- and after-care services.⁴¹

The impact evaluation and the GAO report did not directly address the extent to which the program expanded choice options for parents, and the college admission rates for students who participate in the program.

³⁸ The “increase” mentioned here refers to the increased graduation rate of students from SINI who used a scholarship versus students who were not offered a scholarship (20%), and the increased graduation rate of students from SINI who were offered a scholarship versus students who were not offered a scholarship (13%).

³⁹ See footnote 38 for an explanation of the “increase” in high school graduation rates.

⁴⁰ U.S. Government Accountability Office, *District of Columbia Opportunity Scholarship Program*, GAO-08-9, November 2007, pp. 1-98, <http://www.gao.gov/new.items/d089.pdf>.

⁴¹ As a result of the study, GAO recommends that the Secretary of Education should direct the Washington Scholarship Fund to improve internal controls, continue to integrate its financial systems, improve monitoring, and provide accurate information to parents. The report also recommends that the Secretary and the Mayor of the District of Columbia take action to ensure that participating schools are in compliance with District requirements and that the programs are implemented in accordance with any required evaluation.

Appropriations Provided for DC School Improvement

Funding for the Opportunity Scholarship Program has been included with more general funding provided by the federal government to the District of Columbia for school improvement since the program’s inception. The FY2004 Consolidated Appropriations Act, which authorized the School Choice Incentive Act, provided funding specifically for school improvement in the District of Columbia that is allocated among three entities: (1) the District of Columbia Public Schools for the improvement of public education; (2) the State Education Office for the expansion of public charter schools; and (3) ED for the DC School Choice Incentive program. Appropriations for school improvement have been provided to these three recipients for FY2004 through FY2010.⁴² **Table 2** details funding allocations for the program’s three funding recipients.

Table 2. Appropriations for the District of Columbia Provided Specifically for School Improvement Activities

Fiscal Year	District of Columbia Public Schools (DCPS)	Public Charter Schools (State Education Office)	Opportunity Scholarships Program (including funds for administering and assessing the program)	Total for School Improvement
2004	\$12,923,000	\$12,923,000	\$12,923,000	\$38,769,000
2005	12,896,000	12,896,000	13,888,000	39,680,000
2006	12,870,000	12,870,000	13,860,000	39,600,000
2007	12,800,000	12,800,000	14,000,000	39,600,000
2008	13,000,000	13,000,000	14,800,000	40,800,000
2009	20,000,000 ^a	20,000,000	14,000,000	54,000,000
2010	42,000,000	20,000,000	13,200,000	75,400,000

Source: Table prepared by CRS, based on prior CRS analyses of appropriations acts containing funding for the District of Columbia (see CRS Report RL31813, *Appropriations for FY2004: District of Columbia*, by (name redacted); CRS Report RL32313, *Appropriations for FY2005: District of Columbia*, by (name redacted) and (name redacted); CRS Report RL32994, *District of Columbia: FY2006 Appropriations*, coordinated by (name redacted); CRS Report RL33563, *District of Columbia: Appropriations for 2007*, by (name redacted) and (name redacted); CRS Report RL33798, *Financial Services and General Government (FSGG): FY2008 Appropriations*, by (name redacted); and CRS Report RL34523, *Financial Services and General Government (FSGG): FY2009 Appropriations*, coordinated by (name redacted)); data available from the U.S. Department of Education, Office of Innovation and Improvement, available online at <http://www.ed.gov/programs/dcchoice/funding.html>; and CRS analysis of P.L. 111-8 and P.L. 111-117.

a. For FY2009, an additional federal payment of \$20 million was provided to the District of Columbia to “jump start” the reform of public education.

FY2009 Appropriations

While the Omnibus Appropriations Act, 2009 (P.L. 111-8) provided funding for Opportunity Scholarships, it added additional requirements for schools to be eligible to participate in the

⁴² Appropriations continue to be provided to these three recipients through March 4, 2011, at the FY2010 level through the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (P.L. 111-322).

program and included language limiting the appropriation of funds for the program beyond FY2010. P.L. 111-8 added two requirements that schools participating in the voucher program must meet. First, participating schools must have and maintain a valid certificate of occupancy issued by the District of Columbia. Second, a core subject matter teacher of voucher recipients is required to hold a four-year bachelor's degree. Statutory language does not require that the bachelor's degree be held in the subject area of instruction. That is, it does not require, for example, that only a teacher with a four-year bachelor's degree in English can provide English classes for voucher recipients.

P.L. 111-8 further specified that the use of any funds *in any act* for Opportunity Scholarships after the 2009-2010 school year shall be available only upon reauthorization of the program and the adoption of legislation by the District of Columbia approving such reauthorization. Senator Ensign (NV) offered an amendment (S.Amdt. 615) to strike the requirement that additional funding could only be provided to the program if the program was reauthorized by Congress and subsequently approved by the District of Columbia. He noted that other federal education programs, including the Higher Education Act, continued to receive federal funding despite having expired authorizations. Further he argued that the final program evaluation had not been completed and ending the program after the 2009-2010 school year would force students, including those who had been Opportunity Scholarship participants for several years, to find new schools. The amendment failed to pass by a vote of 39-58.⁴³

The explanatory statement accompanying P.L. 111-8 specified that appropriations provided for Opportunity Scholarships in the FY2009 Omnibus Appropriations Act could only be used to provide scholarships for *students currently participating in the program*. That is, the funds could not be used to expand program participation. The explanatory statement also directed the Chancellor of DCPS to take steps to minimize the potential disruption and ensure the smooth transition for any voucher recipients seeking to enroll in the public school system as a result of changes made to the Opportunity Scholarship program after the 2009-2010 school year.

FY2010 Appropriations

The Omnibus Appropriations Act, 2010 (P.L. 111-117), eliminated the provision in P.L. 111-8 that required that Opportunity Scholarship funds be available only upon reauthorization of the program and the adoption of legislation by the District of Columbia. It provided \$42.2 million to DCPS to improve public school education in the District of Columbia, \$20 million to the State Education Office to expand quality public charter schools in the District of Columbia, and \$13.2 million for ED to provide Opportunity Scholarships. Consistent with the previous year's appropriations language, P.L. 111-117 maintained that the \$13.2 million could only be used to provide Opportunity Scholarships to students who received scholarships in the 2009-2010 school year. In addition to the requirements for participating schools included in P.L. 111-8 (i.e., participating schools must maintain a valid certificate of occupancy issued by the District of Columbia and core subject matter teachers of voucher recipients are required to hold a four-year bachelor's degree), P.L. 111-117 added additional requirements. Participating schools are now required to be in compliance with the accreditation and other standards prescribed under the District of Columbia compulsory school attendance laws that apply to elementary and secondary educational institutions not affiliated with public schools in the District of Columbia. P.L. 111-117

⁴³ For more information, see Senate Record Vote Number: 94.

required the Secretary to submit a report to Congress by June 15, 2010, that provided information on the academic rigor and quality of each participating school.⁴⁴ It also requires the Secretary to ensure that at least two site inspections are conducted at each participating school on an annual basis.

FY2011 Appropriations and H.R. 1

On February 19, 2011, the House passed H.R. 1, the Full-Year Continuing Appropriations Act, 2011. Subsequently, on March 9, 2011, the Senate voted against the passage of the bill. H.R. 1 would have provided appropriations to federal agencies for the remainder of FY2011.

H.R. 1 would have made several changes to the Opportunity Scholarship program. It would have prohibited the use of up to \$1 million for the administration of testing of students to determine and compare the academic performance of the schools enrolling students receiving scholarships. It would no longer have restricted the use of funds to provide scholarships only to students who received scholarships in the 2009-2010 school year. Further, it would have specifically stated that funds could be used to provide scholarships to students regardless of whether a student had received a scholarship in a prior year. H.R. 1 would have eliminated the requirement that the Secretary submit a report to Congress by June 15, 2010, that provided information on the academic rigor and quality of each participating school and that the Secretary administer to eligible students participating in the program the same academic performance assessments as were administered to students enrolled in DCPS during the 2009-2010 school year. It also would have modified the requirement that the Secretary ensure that at least two site inspections are conducted at each participating school on an annual basis to require the Secretary to ensure that site inspections were conducted annually, with no number of inspections specified.

Policy Issues Related to the Continuation of the Opportunity Scholarship Program

While the future of the Opportunity Scholarship program remains in question, there are several issues that may arise based on the most recent requirements added to the program and as a result of the program's possible sunset following the 2009-2010 school year. Several potential issues are discussed briefly below.

As previously discussed, P.L. 111-8 added new requirements for participating schools with respect to a certificate of occupancy and teacher education requirements. It is unclear whether these new requirements will result in any participating schools having to leave the program. If this does occur, it is also unclear whether voucher recipients attending these schools will be able to find another participating school to attend for the upcoming school year.

If voucher recipients return to the city's traditional public schools or public charter schools, this may have a budgetary impact on the DC government. The DC government does not provide funding to support the education of students receiving vouchers through the Opportunity Scholarship program. While it is unknown how many students currently receiving vouchers

⁴⁴ It does not appear that this report has been submitted to Congress.

would remain in their private schools (e.g., either by the family paying tuition or the private school providing additional financial assistance to the student), if all of the students were to return to DC public schools, the costs to the city could be substantial.

While there are several ways these costs could be estimated, two have been selected for the purposes of this report. The first is the foundation level for the District's Uniform Per Student Funding Formula, which is the District's basis for funding the public school system. The funding level is subsequently adjusted for various factors. For example, the level may be higher for students at certain grade levels (e.g., grades 9-12). In addition, the foundation level does not include the additional costs that may be associated with educating students with special needs, educating English language learners, or providing summer school. The second measure is the current per pupil expenditure for the District of Columbia as reported by ED. The most recent year for which data are available is FY2008. Current expenditures include instruction, instruction-related support services, general administration, school administration, operations and maintenance, student transportation, other support services, and food services. Current expenditures do not include items such as capital outlay or interest on long-term debt. Given the composition of current per pupil expenditures, this number will be higher than the foundation level payment as it includes different types of expenditures. The two measures are included to provide a sense of the potential range of costs associated with students leaving the scholarship program and returning to DC public schools.

Under the first measure, for FY2011, the foundation level for the District's Uniform Per Student Funding Formula is \$8,945 per student.⁴⁵ Using the foundation level as an estimate for the cost per student, if the 1,322 students who received continuing scholarships during the 2009-2010 school year transferred back into the city's public schools in FY2011, it would cost the city about \$11.8 million to provide an education for these students. Under the second measure, the current expenditures per student for FY2008 were \$16,353.⁴⁶ If this figure is multiplied by the 1,322 students who received continuation scholarships during the 2009-2010 school year, it would cost the city about \$21.6 million to provide an education for these students.⁴⁷

Another issue that may arise if the Opportunity Scholarship program is discontinued is that some of the private schools, particularly those that may have been more heavily dependent on the voucher funding to operate, may seek to convert to public charter schools. As noted in the GAO report on the Opportunity Scholarship program, voucher recipients are clustered in a small subset of schools. In addition, during the 2006-2007 school year, voucher recipients constituted at least 60% of total enrollment in three participating schools.⁴⁸ During the 2008-2009 school year, seven formerly Catholic schools in the District of Columbia reopened as public charter schools.⁴⁹ It may be that other private elementary and secondary schools, including those that are religiously

⁴⁵ Government of the District of Columbia, *FY2011 Proposed Budget and Financial Plan*, Volume 1 – Executive Summary, Washington, DC, September 27, 2009, pp. 1-4, http://www.cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/budget/fy2011/council/volume_1_executive_summary_web.pdf

⁴⁶ U.S. Department of Education, National Center for Education Statistics, *Revenues and Expenditures for Public Elementary and Secondary Education: School Year 2007-08 (Fiscal Year 2008)*, NCES 2010-326, May 2010, Table 3, <http://nces.ed.gov/pubs2010/2010326.pdf>.

⁴⁷ As the expenditure data are from FY2008, it is possible that the total cost of educating these students in FY2011 (school year 2010-2011) may differ.

⁴⁸ See footnote 40.

⁴⁹ As a result of their conversion to public charter schools, the last year that these schools participated in the Opportunity Scholarship program was the 2007-2008 school year.

affiliated, may also apply to become public charter schools, especially if financially they are unable to remain open otherwise. This could result in increased public costs for education.

Finally, funding for the Opportunity Scholarship program has been provided under the larger umbrella of school improvement funding for the District of Columbia. Prior to the enactment of the Opportunity Scholarship program, the federal government did not provide specific funding to the District of Columbia for the three purposes for which school improvement funds were provided from FY2004 through FY2010. Since the introduction of the three-prong approach to school improvement in the District of Columbia, FY2009 was the first time school improvement funding for each of DCPS and public charter schools exceeded the funding provided for Opportunity Scholarships. This trend in funding continued with FY2010 appropriations. Thus, if the Opportunity Scholarship program were to be discontinued entirely, the loss of funding for public education could be substantial, especially as the District of Columbia faces a budget shortfall.

Appendix. Participating Schools

Table A-1. Private Schools Participating in the DC Opportunity Scholarship Fund, by School Type (2009-2010 School Year)

School Name	School Type ^a
Academia De La Recta Porta Intl. Christian Day School*	Other Faith-Based
Adventureland School	Non-Faith-Based
Annunciation Catholic School*	ADW
Archbishop Carroll High School*	ADW
Beauvoir–National Cathedral Elementary School*	AISGW
The Bishop John T. Walker School	Other Faith-Based
Blessed Sacrament School*	ADW
The Bridges Academy*	Non-Faith-Based
Calvary Christian Academy*	Other Faith-Based
Capitol Hill Day School	AISGW
Clara Muhammad School*	Other Faith-Based
Cornerstone School*	Other Faith-Based
Dupont Park Adventist School*	Other Faith-Based
Edmund Burke School*	AISGW
Emerson Preparatory School*	Non-Faith-Based
Episcopal Center for Children*	Non-Faith-Based
Georgetown Day School*	AISGW
Georgetown Visitation Preparatory School*	AISGW
Gonzaga College High School	AISGW
Holy Redeemer Catholic School*	ADW
Holy Trinity School*	ADW
Howard University Early Learning Programs	Non-Faith-Based
Kingsbury Day School*	Non-Faith-Based
Kuumba Learning Center (MLK Campus)*	Non-Faith-Based
Little Flower Montessori School	Non-Faith-Based
Lowell School	AISGW
Metropolitan Day School*	Other Faith-Based
The Monroe School*	Non-Faith-Based
Muhammed University of Islam*	Other Faith-Based
Nannie Helen Burroughs School*	AISGW
National Cathedral School*	AISGW
National Presbyterian School*	AISGW
Naylor Road School*	Non-Faith-Based

School Name	School Type ^a
The New Macedonia Christian Academy*	Other Faith-Based
Our Lady of Victory School*	ADW
Preparatory School of DC*	Non-Faith-Based
Randall Hyland Private School of DC	Non-Faith-Based
Roots Activity Learning Center*	Non-Faith-Based
Sacred Heart School*	ADW
San Miguel School*	Other Faith-Based
Sheridan School*	AISGW
Sidwell Friends School*	AISGW
St. Albans School	AISGW
St. Ann's Academy*	ADW
St. Anselm's Abby School*	AISGW
St. Anthony School*	ADW
St. Augustine School*	ADW
St. Francis Xavier Academy*	ADW
St Johns College High School	AISGW
St. Peter's Interparish School*	ADW
St. Thomas More Academy*	ADW
Washington International School	AISGW
Washington Jesuit Academy*	Other Faith-Based
Washington Middle School for Girls*	Other Faith-Based

Source: Table prepared by CRS, January 22, 2010, based on unpublished data provided by the Washington Scholarship Fund.

Notes: Schools marked with an asterisk (*) had enrolled students participating in the DC Opportunity Scholarship Program as of December 2, 2009.

- a. School Type abbreviations: ADW = Archdiocese of Washington (faith-based); AISGW = Association of Independent Schools of Greater Washington (faith-based, other faith-based, or non-faith-based).

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