

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5051
Minority (202) 225-5074

April 29, 2009

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20002

Dear Secretary Duncan,

As you know, a study released April 4, 2009 by the Department of Education's National Center for Education Evaluation and Regional Assistance Institute of Education Sciences (IES) found that students participating in the District of Columbia Opportunity Scholarship Program (OSP) outperformed those not in the program with regard to reading tests and other key measurements. Students in the OSP were over three months more advanced. The OSP also had a positive effect on parental satisfaction, including safety.

The Senate Committee on Homeland Security and Government Affairs will hold a hearing on the OSP in May and as Ranking Member, I have called on Chairman Towns to hold a hearing before the House Oversight and Government Reform Committee as well. In the meantime, I reiterate the urgent request I joined with others in conveying to you on April 2, 2009 not to withhold funds.

Prior to the release of the OSP evaluation, the Omnibus Spending Bill was passed by Congress and signed by the President on March 11, 2009. The bill contained a thinly disguised "poison pill" which had the effect of terminating the OSP, threatening to force those students with these scholarships back into dangerous, academically-underperforming schools, and preventing others from being offered such scholarships in the future.

I am puzzled by the timing of the release of the positive OSP evaluation; just three weeks after Congress de facto killed the program on March 11. It is highly possible that Congress might not have terminated the OSP if my colleagues, not to mention the White House, had known that this positive evaluation was about to be issued.

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I realize that IES does not make recommendations or conclusions with regard to actions policymakers should take, but we have credible information that indicates the Department may have been aware of the positive evaluation prior to congressional consideration of the amendment which essentially terminated the program.

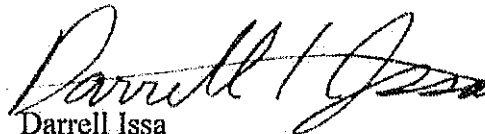
Accordingly, I would like you to provide the Committee with the following information concerning the IES report on students participating in the OSP.

1. A timeline concerning the completion of the IES report, including the dates and names of those individuals in the Department who were given drafts of the report or provided with the data contained in the report.
2. All records of communications within the Department, with the White House, Congress, or the District of Columbia officials referring or relating to the public release of the IES report.
3. All records of communications between the Department and any non-governmental entity or individual referring or relating to the public release of the IES report.

Given that we may have a hearing on this matter, I request you provide the information no later than May 13, 2009. Please note that, for purposes of responding to this request, the terms "records," "communications," and "referring or relating" should be interpreted consistently with the attached Definitions of Terms.

If you or your staff has any questions, please contact Howie Denis, Senior Counsel at (202) 225-5074.

Sincerely



Darrell Issa
Ranking Member

cc: Edolphus Towns
Chairman

Attachment

DEFINITIONS OF TERMS

1. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.
2. The term "communications" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
3. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.