

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1812 be amended to read as follows:

- 1 Page 4, between lines 21 and 22, begin a new paragraph and insert:
- 2 "SECTION 2. IC 20-8.1-6.1-14 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: **Sec. 14. (a) As used in this section,**
- 5 **"ADM" has the meaning set forth in IC 21-3-1.6-1.1. The term**
- 6 **includes adjusted ADM.**
- 7 **(b) As used in this section, "eligible student" means a student**
- 8 **who meets the requirements of subsection (f).**
- 9 **(c) As used in this section, "school of choice" means a nonpublic**
- 10 **school (as defined in IC 20-10.1-1-3) or a public school (as defined**
- 11 **in IC 20-10.1-1-2) in which a dependent is enrolled but that is not**
- 12 **the dependent's school of legal settlement for purposes of the**
- 13 **general school tuition support formula, if the school:**
- 14 **(1) is accredited by the state of Indiana or a national**
- 15 **accrediting body;**
- 16 **(2) complies with all health and safety laws that apply to**
- 17 **public or nonpublic schools, respectively;**
- 18 **(3) holds a valid occupancy permit if required; and**
- 19 **(4) certifies that it will not discriminate in admissions on the**
- 20 **basis of race, color, or national origin.**
- 21 **(d) As used in this section, "scholarship" refers to a scholarship**
- 22 **provided under the scholarship program established by subsection**
- 23 **(e).**
- 24 **(e) There is established the freedom to choose scholarship**
- 25 **program to assist parents and guardians to pay the costs of their**

- 1 child attending a school of choice.
- 2 (f) A student who meets the following requirements is eligible for
3 a scholarship for a school year:
- 4 (1) The student was enrolled in a public school during the
5 school year preceding the first school year for which a
6 scholarship is sought.
- 7 (2) The public school attended by the student under
8 subdivision (1) has an Indiana statewide testing for
9 educational progress test (ISTEP) school corporation passing
10 percentage below fifty percent (50%) using the students who
11 had ISTEP tests administered by the school corporation
12 during the school year and the percentage who scored below
13 the academic standards set for the test.
- 14 (3) The student has legal settlement in a school corporation
15 located in Indiana.
- 16 (4) The student is enrolled in a school of choice for the school
17 year for which a scholarship is sought.
- 18 (5) The student is a member of a household with an annual
19 household income that is not more than three hundred fifty
20 percent (350%) of the federal income poverty level as
21 determined annually by the federal Office of Management and
22 Budget under 42 U.S.C. 9902.
- 23 (g) The parent or guardian of an eligible student seeking a
24 scholarship must apply to the department. The department shall
25 prescribe the form of the application. The application must be filed
26 after June 15 and before July 15 for a scholarship for the upcoming
27 school year. The department shall make a determination whether
28 an applicant has an eligible student within thirty (30) days after the
29 application is filed. The amount of the scholarship for each eligible
30 student who is enrolled in a nonpublic school of choice is the lesser
31 of:
- 32 (1) the cost of tuition, textbooks, and other mandatory fees,
33 not including fees for extracurricular activities, charged by
34 the school of choice for the eligible student; or
- 35 (2) the sum of the average amount per ADM with respect to
36 the public school in which the dependent is eligible for
37 enrollment for:
- 38 (A) all components of state tuition support and categorical
39 grants, except special education grants; plus
- 40 (B) the ad valorem property taxes for the school
41 corporation's general fund;
- 42 for the school year for which the scholarship applies. The
43 department shall provide the full scholarship amount by
44 paying equal installments to the school of choice at the same
45 times the department makes a tuition support distribution to
46 the public school in which the eligible student has legal

- 1 settlement. If an eligible student withdraws from a school of
2 choice, the school of choice shall notify the department within
3 ten (10) days. The department shall thereafter terminate
4 payments to the school of choice for that student.
- 5 **(h) To receive a scholarship distribution, a school of choice must**
6 **agree with the department to do the following:**
- 7 **(1) Determine before enrolling any potential scholarship**
8 **students the specific number of scholarship students that will**
9 **be admitted, and, if applicants under the program exceed the**
10 **determined number of spaces available at any particular**
11 **grade level, conduct a random selection process to determine**
12 **those students that are admitted to that grade level.**
13 **Exceptions to this random selection may be made to**
14 **accommodate siblings of students who are already enrolled or**
15 **selected for enrollment in the school.**
- 16 **(2) Not charge any tuition or other fees in excess of the**
17 **scholarship amount.**
- 18 **(3) Not charge any tuition or other fees under the scholarship**
19 **program that exceed the standard rates charged to other**
20 **students who pay tuition to enroll in the school.**
- 21 **(4) Not refund, rebate, or share a student's scholarship with**
22 **a parent or the student in any manner.**
- 23 **(5) Use a student's scholarship only for educational purposes.**
24 **(6) Provide regular academic progress reports to the parents**
25 **of students enrolled under the scholarship program.**
- 26 **(i) Notwithstanding the state tuition support formula and laws**
27 **governing the counting of pupils in ADM, an eligible student who:**
28 **(1) is enrolled in a school of choice that is a public school; and**
29 **(2) is not already being counted in ADM of the school**
30 **corporation in which the student has legal settlement;**
31 **shall, for purposes of calculating tuition support distributions, be**
32 **counted as a full additional ADM of the school corporation in**
33 **which the public school of choice is located after otherwise**
34 **computing the ADM of that school corporation under the state**
35 **tuition support formula. This subsection applies to a school**
36 **corporation for purposes of calculating tuition support**
37 **distributions regardless of how the scholarship student might**
38 **otherwise be treated under the school funding formula.**

- 1 **(j) An amount sufficient to provide scholarships and grants**
- 2 **under this chapter shall be paid from the state general fund."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1812 as printed February 9, 2005.)

Representative Behning