

# HOUSE BILL No. 1005

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 21-3-13.

**Synopsis:** Autism scholarships. Provides scholarships to the parents of eligible autistic children who attend a school of choice. Makes an appropriation.

**Effective:** July 1, 2006.

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January 12, 2006, read first time and referred to Committee on Education.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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## HOUSE BILL No. 1005



A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 21-3-13 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2006]:

- 4 **Chapter 13. Autism Scholarships**
- 5 **Sec. 1.** As used in this chapter, "adjusted ADM" refers to the
- 6 **adjusted pupil count determined under IC 21-3-1.7-6.6.**
- 7 **Sec. 2.** As used in this chapter, "eligible student" means a
- 8 **student who meets the requirements of section 8 of this chapter.**
- 9 **Sec. 3.** As used in this chapter, "individualized education
- 10 **program" has the meaning set forth in IC 20-18-2-9.**
- 11 **Sec. 4.** As used in this chapter, "legal settlement" has the
- 12 **meaning set forth in IC 20-18-2-11.**
- 13 **Sec. 5.** As used in this chapter, "scholarship" refers to a
- 14 **scholarship provided under the autism scholarship program**
- 15 **established by section 7 of this chapter.**
- 16 **Sec. 6.** As used in this chapter, "school of choice" means a
- 17 **nonpublic school (as defined in IC 20-18-2-12) located in Indiana,**



1 a public school (as defined in IC 20-18-2-15) in which an eligible  
2 student is not entitled to enroll without the payment of tuition or  
3 transfer tuition under IC 20-26-11, or a program or service of  
4 another provider located in Indiana that:

5 (1) is accredited either:

6 (A) under IC 20-31-4-2; or

7 (B) if IC 20-31-4-2 does not apply, by a national or regional  
8 accreditation agency that is recommended by the  
9 education roundtable and approved by the Indiana state  
10 board of education; and

11 (2) certifies to the department of education that it will not  
12 discriminate in admissions on the basis of race, color, or  
13 national origin.

14 Sec. 7. There is established the autism scholarship program to  
15 assist parents and guardians in paying the costs for their child that  
16 the child or the parents or guardians would otherwise be obligated  
17 to pay to enroll the child in a school of choice for the purpose of  
18 receiving services covered by an individualized education program.

19 The amount of the scholarship is the following:

20 (1) If the school of choice is not a school corporation, the total  
21 allowable scholarship amount is the amount determined  
22 under section 9 of this chapter.

23 (2) If the school of choice is a school corporation, the total  
24 allowable scholarship amount is the amount determined  
25 under section 11 of this chapter.

26 In any school year the eligible student and the eligible student's  
27 parents or guardians are eligible to receive only the scholarship  
28 under subdivision (1) or the scholarship under subdivision (2).

29 Sec. 8. A student who meets the following requirements is  
30 eligible for a scholarship for a school year:

31 (1) The student is a child with a disability (as defined in  
32 IC 20-35-1-2).

33 (2) The student has legal settlement in a school corporation  
34 located in Indiana and is eligible to enroll in the school  
35 corporation where the student has legal settlement in any of  
36 the following:

37 (A) A preschool established to implement IC 20-35-4-9 and  
38 IC 20-26-5-1.

39 (B) An elementary school.

40 (C) A high school.

41 (3) The school corporation in which the student resides or is  
42 attending school has identified the student as autistic and has

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in effect for the student an individualized education program.

(4) The student:

(A) was enrolled in public school in the school year before the school year in which a scholarship is first sought for the student; or

(B) is eligible to enter a public school in the school year in which a scholarship is first sought for the student.

Sec. 9. (a) The parent or guardian of an eligible student who enrolls in a school of choice that is not a public school and seeks a scholarship must apply to the department of education for each school of choice the eligible student attends. The department of education shall prescribe the form of the application. The application must be filed after June 15 and before July 15 for a scholarship for the upcoming school year. The department of education shall determine within thirty (30) days after an application is filed whether the applicant's child is an eligible student. The total amount of the scholarship for each eligible student who is enrolled in a nonpublic school of choice for a school year is the lesser of:

(1) the cost of tuition, textbooks, and other mandatory fees, not including fees for extracurricular activities, charged by the school of choice for the eligible student for the school year for which the scholarship applies; or

(2) the sum of:

(A) the result of:

(i) the sum of the state distributions to the school corporation in which the eligible student has legal settlement would be entitled if the eligible student were enrolled in the school corporation for basic tuition support under IC 21-3-1.7-8.2, primetime distributions under IC 21-1-30, and vocational education grants under IC 21-3-12 for the calendar year in which the school year for which the scholarship applies begins; divided by

(ii) the adjusted ADM of the school corporation in which the eligible student has legal settlement for the calendar year in which the school year for which the scholarship applies begins;

(B) the special education grant under IC 21-3-2.1 to which the school corporation in which the eligible student has legal settlement would be entitled if the eligible student was enrolled in the school corporation for the calendar year in which the school year for which the scholarship applies

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begins if the eligible student were enrolled in the public school and included in the pupil count for the distribution; (C) preschool distribution under IC 21-2-17-3 to which the school corporation in which the eligible student has legal settlement would be entitled if the eligible student was enrolled in the school corporation for the calendar year in which the school year for which the scholarship applies begins if the eligible student were enrolled in the public school and included in the pupil count for the distribution; and

(D) the excess costs of educating the eligible student that would otherwise be payable under IC 20-35-6-2.

(b) The department of education shall provide the full scholarship amount by paying to the school of choice:

- (1) twelve (12) equal monthly installments; or
- (2) if the term of the program is less than an entire school year, one (1) or more equal installments paid not less than once each month during the term of the program;

beginning on the earlier of the month in which the school year for which the scholarship applies begins or the month in which the scholarship is approved by the department of education.

(c) The scholarship amount is not subject to any reduction in state distributions made under IC 21-3-1.7-9.

(d) The parent or guardian of an eligible student is responsible for transportation of the eligible student.

Sec. 10. To receive a scholarship distribution, a school of choice must agree with the department of education to do the following:

- (1) Determine before enrolling any potential scholarship students the specific number of scholarship students that will be admitted, and, if applicants under the scholarship program exceed the determined number of spaces available at any particular grade level, conduct a random selection process to determine those students that are admitted to that grade level. Exceptions to this random selection may be made to accommodate siblings of students who are already enrolled or selected for enrollment in the school.
- (2) Not charge any tuition or other fees in excess of the scholarship amount for an eligible student who is a member of a household with annual household income that is not more than one hundred fifty percent (150%) of the federal income poverty level using the poverty guidelines updated periodically by the United States Department of Health and

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- 1           **Human Services under the authority of 42 U.S.C. 9902(2).**
- 2           **(3) Not charge any tuition or other fees under the scholarship**
- 3           **program that exceed the standard rates charged to other**
- 4           **students who pay tuition to enroll in the school.**
- 5           **(4) Not refund, rebate, or share a student's scholarship with**
- 6           **a parent or the student in any manner.**
- 7           **(5) Use a student's scholarship only to carry out the student's**
- 8           **individualized education program.**
- 9           **(6) Provide regular academic progress reports to the parents**
- 10           **of students enrolled under the scholarship program.**

11           **Sec. 11. (a) This section applies to a scholarship for a school of**  
 12           **choice that is a school corporation.**

- 13           **(b) The scholarship amount is the sum of the following:**
- 14           **(1) The state distributions for the school of choice determined**
- 15           **by including the eligible student in any count used to**
- 16           **determine the amount of the state distribution, if the eligible**
- 17           **student is not otherwise included in the count for state**
- 18           **distribution purposes.**
- 19           **(2) The excess costs of educating the eligible student that**
- 20           **would otherwise be payable under IC 20-35-6-2.**

21           **(c) State distributions payable for an eligible student reduce the**  
 22           **obligation of the eligible student and the parents or guardians of**  
 23           **the eligible student to pay transfer tuition under IC 20-26-11-6.**

24           **(d) The department of education shall prescribe standards to**  
 25           **prohibit the counting of an eligible student in more than one (1)**  
 26           **school corporation for the purposes of determining state**  
 27           **distributions.**

28           **Sec. 12. An amount sufficient to provide scholarships under this**  
 29           **chapter to all eligible students is annually appropriated from the**  
 30           **state general fund.**

31           **Sec. 13. The Indiana state board of education may adopt rules**  
 32           **under IC 4-22-2, as the Indiana state board of education**  
 33           **determines necessary, to accredit schools of choice.**

34           **Sec. 14. The department of education may adopt rules under**  
 35           **IC 4-22-2, as the Indiana state board of education determines**  
 36           **necessary, to implement this chapter, including rules:**

- 37           **(1) governing payment of scholarship amounts when the term**
- 38           **in which an eligible student is enrolled in a program of a**
- 39           **school of choice for less than an entire school year; and**
- 40           **(2) establishing standards for services provided by a provider**
- 41           **that is not a public school or nonpublic school.**

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