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FISCAL IMPACT STATEMENT

LS 7552

BILL NUMBER: HB 1003

NOTE PREPARED: May 13, 2011

BILL AMENDED: Apr 19, 2011

SUBJECT: School Scholarships.

FIRST AUTHOR: Rep. Behning

FIRST SPONSOR: Sen. Kruse

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Private School/Home School Tax Deduction:* The bill provides a tax deduction for a parent who sends a child to a private school or home schools the child.

School Scholarship Tax Credit: The bill increases the school scholarship tax credits that may be awarded for donations to a scholarship granting organization. It prohibits a scholarship granting organization (SGO) from limiting the availability of scholarships to students of only one participating school.

School Scholarship Program: The bill provides choice scholarships to students in families with income that is not more than 150% percent of the amount required for the individual to qualify for the federal free or reduced lunch program to pay the costs of tuition and fees at a public or private elementary school or high school that charges tuition. It requires fair admissions policies for schools eligible for choice scholarships. The bill requires an eligible school to include certain subjects in the school's curriculum. It limits the number of choice scholarships awarded per school year before June 30, 2013, and limits the choice scholarship granted to a student in Grade 1 through 8 to \$4,500 per school year. It provides consequences for nonpublic schools who receive: (1) consecutive low category designations for school performance and improvement; and (2) a distribution of choice scholarships.

Other: The bill makes conforming changes.

Effective Date: January 1, 2011 (Retroactive); July 1, 2011.

Explanation of State Expenditures: *School Scholarship Program: Summary* - The bill provides that an eligible student in the 1st through the 12th grade is entitled to a state-funded scholarship to pay the cost of

nonpublic school tuition or transfer tuition beginning in the 2011-2012 school year. The bill limits the number of scholarships provided to 7,500 during the 2011-2012 school year, and 15,000 per year beginning in the 2012-2013 school year. The estimated net impact reported in the table below is attributable to a cohort of 1,000 students from households with income not exceeding 250% of the amount required to qualify for the federal free or reduced price lunch program. Under the bill, 714 of the 1,000 students from this cohort would qualify for state scholarships. The table reports: (1) the tuition support used to pay the cost of scholarships; and (2) the net tuition support savings to the state.

Estimated Net Impact of Scholarship Program from 1,000 Student Cohort with Household Income Not Exceeding 250% of Free or Reduced Price Lunch Qualifying Income.	
Qualifying Students at 150% or below	714
Tuition Support Used for Scholarship Cost	\$2.9 M
Net Tuition Support Savings	\$1.0 M

The tuition support used to pay scholarship costs and the net tuition support savings would depend on the school formula. The current school formula expires December 30, 2011. The net tuition support savings would be altered if future school formulas include minimum guarantee or de-ghoster provisions.

Department of State Revenue (DOR): The DOR would incur some administrative expenses relating to the revision of tax forms, instructions, and computer programs to reflect the changes proposed in this bill concerning the School Scholarship Tax Credit and to reflect the new Private School/Home School Tax Deduction. The DOR's current level of resources should be sufficient to implement these changes.

Department of Education (DOE): The school scholarship program established under the bill will result in additional administrative responsibilities for the DOE. The fiscal impact that might arise from these new responsibilities is indeterminable and would depend on the scope of the scholarship program and the manner in which scholarships are distributed.

The bill also specifically requires that the DOE, at a minimum, annually visit each school and charter school with school scholarship students to verify that the school complies with the requirements of the school scholarship program and law and the Indiana and United States Constitutions. It is important to note that this requirement was subsequently changed in HEA 1001-2011 and HEA 1004-2011 to reduce the administrative impact on DOE due to these compliance visits. Under the changes, DOE is instead only required to make annual compliance visits to at least 5% of the scholarship-eligible schools or charter schools, with schools selected randomly for compliance visits. The administrative impact of this compliance visit requirement is indeterminable and would depend on the number of schools to which the DOE would have to visit.

Background Information: School Scholarship Program- The bill establishes a program to provide scholarships to eligible students in the 1st through 12th grades to pay tuition at a nonpublic school or transfer tuition at an alternative public school that is not a charter school or a school in the school corporation where the student has legal settlement. The bill limits the number of scholarships provided to 7,500 during the 2011-2012 school year, and 15,000 per year beginning in the 2012-2013 school year. Among other eligibility requirements, the student must have: (1) been enrolled in a school corporation that did not charge the student transfer tuition for at least two semesters immediately preceding the first semester for which the student receives a scholarship; or (2) received a scholarship under the program or from a scholarship granting

organization in a preceding school year.

A scholarship under the program is paid from state tuition support money that would otherwise go to the school corporation where the student attended before attending a nonpublic or alternative public school under the program. The maximum scholarship is the least of the amounts described in (1), (2), or (3) below for an eligible student enrolled in Grade 1 to 8, or the least of the amounts described in (1) or (2) below for an eligible student enrolled in Grade 9 to 12.

(1) The sum of the tuition, transfer tuition, and fees required for the student to attend the nonpublic school or alternative public school.

(2) An amount equal to one of the following:

(A) 90% of the state tuition support amount per student of the school corporation where the student has legal settlement if the student is a member of a household with an annual income not exceeding 100% of the amount required to qualify for the federal free or reduced price lunch program; or

(B) 50% of the state tuition support amount per student of the school corporation where the student has legal settlement if the student is a member of a household with an annual income not exceeding 150% of the amount required to qualify for the federal free or reduced price lunch program.

(3) In the case of a student enrolled in Grade 1 to 8, \$4,500.

The potential number of students who might switch from their current public school to a nonpublic school, or to a public school where the student does not have legal settlement, because of the scholarship program is indeterminable. Consequently, the impact on state tuition support expenses due to the scholarship program is indeterminable.

The scenario below is based on a cohort of 1,000 students from households with income not exceeding 250% of the qualifying income for the federal free or reduced price lunch program. The table reports the amount of tuition support used to pay for scholarships for this cohort and the net tuition support savings not used to pay scholarship costs. The scholarship amounts are based on the CY 2011 average tuition support per student for regular programs (calculated at \$5,515). The scenario assumes that the tuition required at the nonpublic school or transfer tuition required by the alternative public school selected by the student exceeds the percentage of state tuition support that the bill allows. The income distribution of students is based on the income distribution of state income taxpayers (single and joint filers) claiming the dependent child exemption for 1 to 10 children. The scenario also assumes that 67.5% of students are enrolled in Grade 1 to 8 and 32.5% are enrolled in Grade 9 to 12.

Household Income	Scholarship Levels	Scholarship Amount*	Students in Income Range	Tuition Support Used to Pay Scholarship Cost	Net Tuition Support Savings
Grade 1 to 8					
Maximum 100% free/reduced price lunch income level	90% of tuition support	\$4,500	341	\$1,534,500	\$346,115
Maximum 150% free/reduced price lunch income level	50% of tuition support	\$2,758	141	\$388,808	\$388,808
Maximum 250% free/reduced price lunch income level	Scholarships not awarded	\$0	193	\$0	\$0
Grade 9 to 12					
Maximum 100% free/reduced price lunch income level	90% of tuition support	\$4,964	164	\$814,014	\$90,446
Maximum 150% free/reduced price lunch income level	50% of tuition support	\$2,758	68	\$187,510	\$187,510
Maximum 250% free/reduced price lunch income level	Scholarships not awarded	\$0	93	\$0	\$0
Total			1,000	\$2,924,832	\$1,012,879
*Assumes the CY 2011 average state tuition support per student for regular programs (=\$5,515).					

Explanation of State Revenues: Private School/Home School Tax Deduction: The bill establishes an Adjusted Gross Income (AGI) Tax deduction for individual taxpayers who make unreimbursed expenditures for enrollment of a dependent child in a private school or to home school a dependent child. The deduction is equal to \$1,000 per dependent child for whom such unreimbursed education expenditures are made. Since the deduction is effective beginning in tax year 2011, the fiscal impact would commence in FY 2012. It is estimated that the revenue loss from this deduction could potentially range from \$3.3 M to \$3.7 M annually for taxpayers who enroll a dependent child in an accredited nonpublic school or who home schools a dependent child. The revenue loss could be higher to the extent taxpayers claim the deduction for dependent children in nonaccredited nonpublic schools. The number of children enrolled in such schools is unknown.

School Scholarship Tax Credit: Summary - The bill increases the fiscal year aggregate cap on credits from \$2.5 M to \$5 M beginning in FY 2012. This change will lead to a material increase in the revenue loss from this credit in future years. The magnitude and timing of the revenue loss is uncertain because of the low level of response to the credit in its initial 1.5 years.

Currently, only five SGOs have been certified by the Department of Education. The total amount of tax credits the Department of State Revenue awarded in FY 2010 (the first year tax credits could be awarded) was \$43,200. As of May 13, 2011, FY 2011 credits awarded by DOR totaled \$296,375. Annualizing this year-to-date total suggests that credits awarded in FY 2011 could come in at about \$340,000. This would leave about \$2.2 M in unawarded credits for the fiscal year under the fiscal aggregate credit cap of \$2.5 M. This level of response and growth is well below that experienced in Arizona and Iowa where somewhat similar credits have been available, but initially only to individual taxpayers. The Indiana credit is available to both individual and corporate taxpayers.

Background Information: Under current statute, the tax credit is equal to 50% of the contributions made by an individual or corporate taxpayer to nonprofit K-12 school scholarship-granting organizations. The tax credit was first effective for tax year 2010. The tax credit is nonrefundable and unused credits may not be carried forward or carried back. Total credits allowed may not exceed \$2.5 M for all taxpayers per fiscal year. The tax credit may be applied to individual or corporate AGI Tax, Financial Institutions Tax, or Insurance Premiums Tax liabilities. Revenue from these taxes is distributed to the state General Fund.

Arizona Tax Credit: Arizona offers a tax credit to individual and corporate taxpayers for contributions to school tuition organizations. Individuals may receive tax credits of up to \$500 for single filers and \$1,000 for joint filers, and corporations may receive tax credits equal to the amount of their contributions. There is no aggregate cap on tax credits for individuals, but tax credits for corporations are capped at \$14.4 M annually. In 1999, the second year of the credit for individual taxpayers, there were 33 school tuition organizations in Arizona and creditable donations totaled \$13.8 M, even though the joint return credit maximum was \$500 (the same as the single return maximum). In 2009, there were 53 school tuition organizations in Arizona and creditable donations by individual taxpayers totaled \$50.9 M. In FY 2009, corporate credits totaled \$10.5 M. This was the third year of the corporate credit.

Iowa Tax Credit: Iowa offers a tax credit to individual and corporate taxpayers for contributions to school tuition organizations. The credit for individual and corporate taxpayers is equal to 65% of the contribution to a school tuition organization. The individual credit started in 2006, and the corporate credit began in 2009. The credit is subject to an aggregate cap of \$7.5 M annually; however, the credit cap was \$2.5 M in 2006, \$5 M in 2007, and increased to the current \$7.5 M beginning in 2008. In 2006, \$2.4 M in credits were awarded, and \$4.7 M in credits were awarded in 2007. As of 2009, there were 11 school tuition organizations in Iowa.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Private School/Home School Tax Deduction:* Because the deduction will decrease taxable income, counties imposing local option income taxes could potentially experience a decrease in revenue from these taxes. Based on the current average LOIT rate of about 1.3%, LOIT collections on a statewide basis could potentially be reduced by \$1.2 M to \$1.4 M annually.

School Scholarship Program: School corporations or charter schools that lose students due to the scholarship program would experience a loss in state tuition support due to the reduction in the number of students attending school and being counted in their ADM for future school formula calculations. The loss in revenue could be offset by reductions in expenditures, depending on the number of students that participate in the scholarship program. Under the scenario outlined above (see *Explanation of State Expenditures*) the tuition support reduction to such schools would total about \$3.9 M for 714 scholarship-eligible students.

State Agencies Affected: Department of State Revenue; Department of Education.

Local Agencies Affected: School corporations; Counties with local option income taxes.

Information Sources: Arizona Department of Revenue, *Individual Income Tax Credit for Donations to Private School Tuition Organizations: Report for 2009 - Executive Summary*; *Corporate Income and Insurance Premium Tax Credits for Contributions to School Tuition Organizations: Reporting for 2009*, www.azdor.gov. Iowa Department of Revenue, *Iowa's 2006 Tax Credit Claims - Tax Credits Program Report*, February 2009; *Iowa's 2007 Tax Credit Claims - Tax Credits Program Report*, April 2010,

<http://www.iowa.gov/tax/taxlaw/>. The Foundation for Educational Choice, *Iowa - Tax Credits for School Tuition Organizations*, <http://www.edchoice.org>. U.S. Department of Education, National Center for Education Statistics. Indiana Department of Education, K-12 Education Data, <http://www.doe.in.gov/data/>. OFMA Income Tax database, 2008.

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