

# HOUSE BILL No. 1093

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-17.2-7.2-11; IC 20-51.

**Synopsis:** Choice scholarship eligibility. Makes changes to eligibility requirements for the choice scholarship program. Makes conforming amendments. Repeals a provision that restricts the use of a choice scholarship program for a student who is eligible to receive a choice scholarship because the student was enrolled in a certain early childhood program.

**Effective:** July 1, 2021.

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January 7, 2021, read first time and referred to Committee on Education.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1093



A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

- 1 SECTION 1. IC 12-17.2-7.2-11, AS AMENDED BY P.L.184-2017,
- 2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2021]: Sec. 11. ~~Except as provided under~~
- 4 ~~IC 20-51-1-4.3(3)(E)~~; The receipt of a grant under the pilot program
- 5 does not qualify, nor have an effect on the qualification or eligibility,
- 6 of a child for a choice scholarship under IC 20-51-4.
- 7 SECTION 2. IC 20-51-1-4.3, AS AMENDED BY P.L.184-2017,
- 8 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2021]: Sec. 4.3. "Eligible choice scholarship student" refers
- 10 to an individual who:
- 11 (1) has legal settlement in Indiana;
- 12 (2) is at least five (5) years of age and less than twenty-two (22)
- 13 years of age on the date in the school year specified in
- 14 IC 20-33-2-7; and
- 15 (3) meets ~~at least one (1)~~ **either** of the following conditions:
- 16 (A) The individual is:
- 17 (i) a student with a disability who requires special education



1 and for whom an individualized education program has been  
 2 developed under IC 20-35 or a service plan developed under  
 3 511 IAC 7-34; and

4 (ii) a member of a household with an annual income of not  
 5 more than two hundred percent (200%) of the amount  
 6 required for the individual to qualify for the federal free or  
 7 reduced price lunch program.

8 ~~(B)~~ The individual is:

9 (i) an individual who, because of the school corporation's  
 10 residency requirement, would be required to attend a  
 11 specific public school within a school corporation that has  
 12 been placed in the lowest category or designation of school  
 13 improvement under IC 20-31-8-4 (has been assigned an "F"  
 14 grade); and

15 (ii) except as provided in IC 20-51-4-2.5, is a member of a  
 16 household with an annual income of not more than one  
 17 hundred fifty percent (150%) of the amount required for the  
 18 individual to qualify for the federal free or reduced price  
 19 lunch program.

20 An individual to whom this clause applies is not required to  
 21 attend the public school before becoming eligible for a choice  
 22 scholarship, and may not be required to return to the public  
 23 school if the public school is placed in a higher category or  
 24 designation under IC 20-31-8-4.

25 ~~(C)~~ **(B)** Except as provided in IC 20-51-4-2.5, the individual  
 26 is a member of a household with an annual income of not more  
 27 than one hundred fifty percent (150%) of the amount required  
 28 for the individual to qualify for the federal free or reduced  
 29 price lunch program. and the individual was enrolled in  
 30 kindergarten through grade 12, in a public school, including a  
 31 charter school, in Indiana for at least two (2) semesters  
 32 immediately preceding the first semester for which the  
 33 individual receives a choice scholarship under IC 20-51-4.

34 ~~(D)~~ The individual or a sibling of the individual who, except  
 35 as provided in IC 20-51-4-2.5, is a member of a household  
 36 with an annual income of not more than one hundred fifty  
 37 percent (150%) of the amount required for the individual to  
 38 qualify for the federal free or reduced price lunch program and  
 39 satisfies either of the following:

40 (i) The individual or a sibling of the individual received  
 41 before July 1, 2013, a scholarship from a scholarship  
 42 granting organization under IC 20-51-3 or a choice



1 scholarship under IC 20-51-4 in a preceding school year;  
 2 including a school year that does not immediately precede  
 3 a school year in which the individual receives a scholarship  
 4 from a scholarship granting organization under IC 20-51-3  
 5 or a choice scholarship under IC 20-51-4.

6 (ii) The individual or a sibling of the individual receives for  
 7 the first time after June 30, 2013, a scholarship of at least  
 8 five hundred dollars (\$500) from a scholarship granting  
 9 organization under IC 20-51-3 or a choice scholarship under  
 10 IC 20-51-4 in a preceding school year; including a school  
 11 year that does not immediately precede a school year in  
 12 which the individual receives a scholarship from a  
 13 scholarship granting organization under IC 20-51-3 or a  
 14 choice scholarship under IC 20-51-4.

15 (E) Subject to IC 20-51-4-2.7, the individual:

- 16 (i) received an early education grant under IC 12-17.2-7.2;
- 17 (ii) used the grant described in item (i) to attend a  
 18 prekindergarten program at an eligible school;
- 19 (iii) continues to meet the income eligibility requirements  
 20 the individual was required to meet to receive an early  
 21 education grant under IC 12-17.2-7.2; and
- 22 (iv) continues to attend the eligible school at which the  
 23 individual attended a prekindergarten program as described  
 24 in item (ii).

25 SECTION 3. IC 20-51-4-2.5, AS AMENDED BY P.L.251-2017,  
 26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2021]: Sec. 2.5. Notwithstanding IC 20-51-1-4.3(3)(B),  
 28 IC 20-51-1-4.3(3)(C), or IC 20-51-1-4.3(3)(D)(ii), an individual who  
 29 initially meets the income requirements under IC 20-51-1-4.3(3)(B)  
 30 IC 20-51-1-4.3(3)(C), or IC 20-51-1-4.3(3)(D)(ii) and is a member of  
 31 a household whose income subsequently increases is considered to  
 32 meet the income requirements for as long as the individual is enrolled  
 33 in an eligible school and is a member of a household with an annual  
 34 income of not more than two hundred percent (200%) of the amount  
 35 required for the individual to qualify for the federal free or reduced  
 36 price lunch program.

37 SECTION 4. IC 20-51-4-2.7 IS REPEALED [EFFECTIVE JULY  
 38 1, 2021]. Sec. 2.7. An eligible choice scholarship student described in  
 39 IC 20-51-1-4.3(3)(E) may only use a choice scholarship awarded to the  
 40 eligible choice scholarship student under this chapter to attend an  
 41 eligible school at which the individual used an early education grant  
 42 under IC 12-17.2-7.2 to attend a prekindergarten program unless the



- 1 eligible choice scholarship student otherwise qualifies for a choice
- 2 scholarship under IC 20-51-1-4.3(3)(A) through IC 20-51-1-4.3(3)(D)
- 3 and this chapter.

