

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WITHDRAWN	Noes _____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]: (a) As used in this section, "ADM"**  
5 **has the meaning set forth in IC 21-3-1.6-1.1. The term includes**  
6 **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) has an Indiana statewide testing for educational progress**  
17 **test (ISTEP) school corporation percentage of at least fifty**  
18 **percent (50%) using the percentage of students who had**  
19 **ISTEP tests administered by the school corporation during**  
20 **the school year and who scored below the academic standards**  
21 **set for the test;**  
22 **(3) complies with all health and safety laws that apply to**  
23 **public or nonpublic schools, respectively;**  
24 **(4) holds a valid occupancy permit if required; and**  
25 **(5) certifies that it will not discriminate in admissions on the**

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

1                   corporation's general fund;  
 2                   for the school year for which the scholarship applies. The  
 3                   department shall provide the full scholarship amount by  
 4                   paying equal installments to the school of choice at the same  
 5                   times the department makes a tuition support distribution to  
 6                   the public school in which the eligible student has legal  
 7                   settlement. If an eligible student withdraws from a school of  
 8                   choice, the school of choice shall notify the department within  
 9                   ten (10) days. The department shall thereafter terminate  
 10                  payments to the school of choice for that student.

11                **(h) To receive a scholarship distribution, a school of choice must**  
 12                **agree with the department to do the following:**

13                   **(1) Determine before enrolling any potential scholarship**  
 14                   **students the specific number of scholarship students that will**  
 15                   **be admitted, and, if applicants under the program exceed the**  
 16                   **determined number of spaces available at any particular**  
 17                   **grade level, conduct a random selection process to determine**  
 18                   **those students that are admitted to that grade level.**  
 19                   **Exceptions to this random selection may be made to**  
 20                   **accommodate siblings of students who are already enrolled or**  
 21                   **selected for enrollment in the school.**

22                   **(2) Not charge any tuition or other fees in excess of the**  
 23                   **scholarship amount.**

24                   **(3) Not charge any tuition or other fees under the scholarship**  
 25                   **program that exceed the standard rates charged to other**  
 26                   **students who pay tuition to enroll in the school.**

27                   **(4) Not refund, rebate, or share a student's scholarship with**  
 28                   **a parent or the student in any manner.**

29                   **(5) Use a student's scholarship only for educational purposes.**

30                   **(6) Provide regular academic progress reports to the parents**  
 31                   **of students enrolled under the scholarship program.**

32                **(i) Notwithstanding the state tuition support formula and laws**  
 33                **governing the counting of pupils in ADM, an eligible student who:**

34                   **(1) is enrolled in a school of choice that is a public school; and**

35                   **(2) is not already being counted in ADM of the school**  
 36                   **corporation in which the dependent has legal settlement;**

37                **shall, for purposes of calculating tuition support distributions, be**  
 38                **counted as a full additional ADM of the school corporation in**  
 39                **which the public school of choice is located after otherwise**  
 40                **computing the ADM of that school corporation under the state**  
 41                **tuition support formula. This subsection applies to a school**  
 42                **corporation for purposes of calculating tuition support**  
 43                **distributions regardless of how the scholarship student might**  
 44                **otherwise be treated under the school funding formula.**

45                **(j) An amount sufficient to provide scholarships and grants**  
 46                **under this chapter shall be paid from the state general fund."**

- 1      Renumber all SECTIONS consecutively.  
         (Reference is to HB 1812 as printed February 9, 2005.)

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Representative Behning