

PROPOSED AMENDMENT

HB 1001 # 24

DIGEST

Scholarship account programs. Amends the definition of "ESA qualified expenses" to include certain curricular materials and supplemental materials. Amends certain requirements regarding ESA and CSA participating entities.

- 1 Page 1, between lines 13 and 14, begin a new paragraph and insert:
2 "SECTION 2. IC 20-51.4-2-9, AS AMENDED BY P.L.202-2023,
3 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]: Sec. 9. (a) "ESA qualified expenses" refers to the
5 following expenses provided by an ESA participating entity related to
6 the education of an eligible student for which scholarship money in an
7 ESA account may be used:
- 8 (1) Tuition and fees, **which includes curricular materials**, at a
9 qualified school, public school, or other ESA participating entity.
 - 10 (2) Fees for:
 - 11 (A) national norm referenced or criterion referenced
12 examinations;
 - 13 (B) advanced placement examinations, Cambridge
14 International courses, International Baccalaureate courses, or
15 College-Level Examination Program (CLEP) examinations; or
 - 16 (C) statewide assessments associated with industry recognized
17 credentials.
 - 18 (3) Educational services for an eligible student who is a student
19 with a disability.
 - 20 (4) Payments associated with the use of paraprofessional or
21 educational aides.
 - 22 (5) Services contracted for and provided by a school corporation,
23 charter school, magnet school, or qualified school, including:
 - 24 (A) individual classes;
 - 25 (B) extracurricular activities or programs; or
 - 26 (C) additional programs, resources, or staffing defined in the

- 1 student's education plan.
- 2 (6) Occupational therapy for a student with a disability, provided
- 3 in accordance with the eligible student's individualized education
- 4 program developed under IC 20-35 or service plan developed
- 5 under 511 IAC 7-34.
- 6 (7) Subject to IC 20-51.4-4-7, fees for transportation paid to a
- 7 fee-for-service transportation provider for the eligible student to
- 8 travel to and from an approved special education service provider.
- 9 (8) Tuition and fees to attend training programs and camps that
- 10 have a focus on:
- 11 (A) vocational skills;
- 12 (B) academic skills;
- 13 (C) life skills;
- 14 (D) independence; or
- 15 (E) soft job skills that are character traits and interpersonal
- 16 skills that characterize a person's relationships with other
- 17 people.
- 18 (9) Additional services and therapies prescribed by the eligible
- 19 student's treating physician in accordance with generally accepted
- 20 standards of care to improve outcomes for the student in addition
- 21 to any services currently being provided by the school, insurance,
- 22 or the Medicaid program.
- 23 (10) Fees for the management of the ESA account, as described
- 24 in IC 20-51.4-3-2(d).
- 25 (11) Expenses to enroll in and attend sequences, courses,
- 26 apprenticeships, and programs of study designated and approved
- 27 under IC 20-51.4-4.5-6 if the eligible student has enrolled in the
- 28 CSA program.
- 29 **(12) Curricular materials or any supplemental materials**
- 30 **other than computer hardware or other technological devices**
- 31 **that are required to:**
- 32 **(A) be used by an eligible student at a qualified school,**
- 33 **public school, or other ESA participating entity; or**
- 34 **(B) administer curriculum.**
- 35 (b) This subsection does not apply to subsection (a)(3), (a)(6),
- 36 (a)(7), or (a)(8). The term includes only services that are provided in
- 37 person. The term does not include any virtual or distance learning
- 38 services."
- 39 Page 3, between lines 33 and 34, begin a new paragraph and insert:
- 40 "SECTION 5. IC 20-51.4-5-2, AS AMENDED BY P.L.202-2023,

1 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2024]: Sec. 2. (a) The following individuals or entities may
3 become an ESA participating entity by submitting an application to the
4 treasurer of state in a manner prescribed by the treasurer of state:

5 (1) A qualified school.

6 (2) An individual who or tutoring agency that provides private
7 tutoring.

8 (3) An individual who or entity that provides services to a student
9 with a disability in accordance with an individualized education
10 program developed under IC 20-35 or a service plan developed
11 under 511 IAC 7-34 or generally accepted standards of care
12 prescribed by the eligible student's treating physician.

13 (4) An individual who or entity that offers a course or program to
14 an eligible student.

15 (5) A licensed occupational therapist.

16 (6) Entities that provide assessments.

17 (b) The treasurer of state shall approve an application submitted
18 under subsection (a) if the individual or entity meets the criteria to
19 serve as an ESA participating entity.

20 (c) If it is reasonably expected by the treasurer of state that an ESA
21 participating entity will receive, from payments made under the ESA
22 program, more than ~~fifty one hundred~~ thousand dollars (~~\$50,000~~)
23 **(\$100,000)** during a particular school year, the ESA participating entity
24 shall, on or before a date prescribed by the treasurer of state provide the
25 treasurer of state evidence, in a manner prescribed by the treasurer of
26 state, indicating that the ESA participating entity has unencumbered
27 assets sufficient to pay the treasurer of state an amount equal to the
28 amount expected to be paid to the ESA participating entity under the
29 ESA program during the particular school year.

30 (d) Each ESA participating entity that accepts payments made from
31 an ESA account under this article shall provide a receipt to the parent
32 of an eligible student or to the emancipated eligible student for each
33 payment made.

34 SECTION 6. IC 20-51.4-5.5-4, AS ADDED BY P.L.202-2023,
35 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2024]: Sec. 4. (a) If it is reasonably expected by the
37 commission for higher education that a CSA participating entity will
38 receive, from payments made under the CSA program, more than ~~fifty~~
39 **one hundred** thousand dollars (~~\$50,000~~) **(\$100,000)** during a
40 particular school year, the CSA participating entity shall, on or before

1 a date prescribed by the treasurer of state, provide the treasurer of state
2 evidence, in a manner prescribed by the treasurer of state, indicating
3 that the CSA participating entity has unencumbered assets sufficient to
4 pay the treasurer of state an amount equal to the amount expected to be
5 paid to the CSA participating entity under the CSA program during the
6 particular school year.

7 (b) Each CSA participating entity that accepts payments made from
8 a CSA account under this article shall provide a receipt to the parent of
9 a career scholarship student or to the emancipated career scholarship
10 student for each payment made."

11 Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as reprinted January 23, 2024.)