

HOUSE BILL No. 1368

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2-7.2-11; IC 20-51; IC 20-51.4-2-4.

Synopsis: School scholarships. Amends the definition of "eligible choice scholarship student" for purposes of eligibility under the choice scholarship program. Amends the definition of "eligible student" for purposes of eligibility under the Indiana education scholarship account program.

Effective: Upon passage.

Lucas, Prescott, Teshka, Judy

January 17, 2023, read first time and referred to Committee on Education.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1368

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.165-2021,
2 SECTION 142, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 11. ~~Except as provided under~~
4 ~~IC 20-51-1-4.3(4)(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.165-2021,
8 SECTION 171, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE UPON PASSAGE]: Sec. 4.3. "Eligible choice
10 scholarship student" refers to an individual who:

- 11 (1) has legal settlement in Indiana; **and**
- 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.
- 15 (3) is a member of a household with an annual income of not
16 more than three hundred percent (300%) of the amount required
17 for the individual to qualify for the federal free or reduced price



1 lunch program; and

2 (4) meets at least one (1) of the following conditions:

3 (A) The individual is a student with a disability who requires
4 special education and for whom an individualized education
5 program has been developed under IC 20-35 or a service plan
6 developed under 511 IAC 7-34.

7 (B) The individual is an individual who, because of the school
8 corporation's residency requirement, would be required to
9 attend a specific public school within a school corporation that
10 has been placed in the lowest category or designation of school
11 improvement under IC 20-31-8-4 (has been assigned an "F"
12 grade). An individual to whom this clause applies is not
13 required to attend the public school before becoming eligible
14 for a choice scholarship; and may not be required to return to
15 the public school if the public school is placed in a higher
16 category or designation under IC 20-31-8-4.

17 (C) The individual was enrolled in kindergarten through grade
18 12, in a public school, including a charter school, in Indiana
19 for at least two (2) semesters immediately preceding the first
20 semester for which the individual receives a choice
21 scholarship under IC 20-51-4.

22 (D) The individual or a sibling of the individual who, either
23 received before July 1, 2013, a scholarship from a scholarship
24 granting organization under IC 20-51-3 or a choice scholarship
25 under IC 20-51-4 in a preceding school year, including a
26 school year that does not immediately precede a school year in
27 which the individual receives a scholarship from a scholarship
28 granting organization under IC 20-51-3 or a choice scholarship
29 under IC 20-51-4; or receives for the first time after June 30,
30 2013, a scholarship of at least five hundred dollars (\$500)
31 from a scholarship granting organization under IC 20-51-3 or
32 a choice scholarship under IC 20-51-4 in a preceding school
33 year, including a school year that does not immediately
34 precede a school year in which the individual receives a
35 scholarship from a scholarship granting organization under
36 IC 20-51-3 or a choice scholarship under IC 20-51-4.

37 (E) Subject to IC 20-51-4-2.7, the individual received an early
38 education grant under IC 12-17.2-7.2, used the grant to attend
39 a prekindergarten program at an eligible school; and continues
40 to attend the eligible school at which the individual attended
41 a prekindergarten program as described in this clause.

42 (F) The individual is in foster care.



1 SECTION 3. IC 20-51-4-2.7 IS REPEALED [EFFECTIVE UPON
 2 PASSAGE]. Sec. 2-7. An eligible choice scholarship student described
 3 in IC 20-51-1-4.3(4)(E) may only use a choice scholarship awarded to
 4 the eligible choice scholarship student under this chapter to attend an
 5 eligible school at which the individual used an early education grant
 6 under IC 12-17.2-7.2 to attend a prekindergarten program unless the
 7 eligible choice scholarship student otherwise qualifies for a choice
 8 scholarship under IC 20-51-1-4.3(4)(A) through IC 20-51-1-4.3(4)(D)
 9 or IC 20-51-1-4.3(4)(F) and this chapter.

10 SECTION 4. IC 20-51.4-2-4, AS ADDED BY P.L.165-2021,
 11 SECTION 180, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 4. "Eligible student" refers to
 13 an individual who:

- 14 (1) has legal settlement in Indiana; **and**
 15 (2) is at least five (5) years of age and less than twenty-two (22)
 16 years of age on the date in the school year specified in
 17 IC 20-33-2-7.
 18 ~~(3)~~ is a student with a disability at the time the account is
 19 established who requires special education and for whom:
 20 (A) an individualized education program;
 21 (B) a service plan developed under 511 IAC 7-34; or
 22 (C) a choice special education plan developed under 511
 23 IAC 7-49;
 24 has been developed; and
 25 (4) meets the annual income qualification requirement for a
 26 choice scholarship student under IC 20-51-1.

27 SECTION 5. An emergency is declared for this act.

