

## **IC 20-51**

### **ARTICLE 51. SCHOOL SCHOLARSHIPS**

#### **IC 20-51-1**

##### **Chapter 1. Definitions**

#### **IC 20-51-1-1**

##### **Application**

Sec. 1. The definitions in this chapter apply throughout this article.

*As added by P.L.182-2009(ss), SEC.364.*

#### **IC 20-51-1-2**

##### **"Agreement"**

Sec. 2. "Agreement" refers to an agreement between the department and an applicant that applies for certification of a school scholarship program.

*As added by P.L.182-2009(ss), SEC.364.*

#### **IC 20-51-1-3**

##### **"Contribution"**

Sec. 3. "Contribution" refers to a contribution to a scholarship granting organization for use in a school scholarship program.

*As added by P.L.182-2009(ss), SEC.364.*

#### **IC 20-51-1-4**

##### **"Cost of education"**

Sec. 4. (a) "Cost of education" means the tuition and fees that would otherwise be charged by a participating school to:

- (1) an eligible student; or
- (2) a parent of an eligible student.

(b) In the case of an eligible pupil who attends a public school, the term includes any transfer tuition charged to the eligible student or a parent of the eligible student.

*As added by P.L.182-2009(ss), SEC.364.*

#### **IC 20-51-1-4.3**

##### **"Eligible choice scholarship student"**

Sec. 4.3. "Eligible choice scholarship student" refers to an individual who:

- (1) has legal settlement in Indiana;
- (2) is at least five (5) years of age and less than twenty-two (22) years of age on the date in the school year specified in IC 20-33-2-7; and
- (3) meets at least one (1) of the following conditions:

(A) The individual is:

- (i) a student with a disability who requires special education and for whom an individualized education

program has been developed under IC 20-35 or a service plan developed under 511 IAC 7-34; and

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

(B) The individual is:

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

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

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

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

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

(i) The individual or a sibling of the individual received before July 1, 2013, a scholarship from a scholarship granting organization under IC 20-51-3 or a choice scholarship under IC 20-51-4 in a preceding school year, including a school year that does not immediately precede a school year in which the individual receives a scholarship from a scholarship granting organization under IC 20-51-3 or a choice scholarship under IC 20-51-4.

(ii) The individual or a sibling of the individual receives

for the first time after June 30, 2013, a scholarship of at least five hundred dollars (\$500) from a scholarship granting organization under IC 20-51-3 or a choice scholarship under IC 20-51-4 in a preceding school year, including a school year that does not immediately precede a school year in which the individual receives a scholarship from a scholarship granting organization under IC 20-51-3 or a choice scholarship under IC 20-51-4.

*As added by P.L.211-2013, SEC.4. Amended by P.L.205-2013, SEC.310; P.L.233-2015, SEC.313.*

#### **IC 20-51-1-4.5**

##### **Repealed**

*(As added by P.L.92-2011, SEC.5. Repealed by P.L.211-2013, SEC.5.)*

#### **IC 20-51-1-4.7**

##### **"Eligible school"**

Sec. 4.7. "Eligible school" refers to a public or nonpublic elementary school or high school that:

- (1) is located in Indiana;
- (2) requires an eligible choice scholarship student to pay tuition or transfer tuition to attend;
- (3) voluntarily agrees to enroll an eligible choice scholarship student;
- (4) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board;
- (5) administers the Indiana statewide testing for educational progress (ISTEP) program under IC 20-32-5;
- (6) is not a charter school or the school corporation in which an eligible choice scholarship student has legal settlement under IC 20-26-11; and
- (7) submits to the department only the student performance data required for a category designation under IC 20-31-8-3.

*As added by P.L.92-2011, SEC.6. Amended by P.L.211-2013, SEC.6.*

#### **IC 20-51-1-5**

##### **"Eligible student"**

Sec. 5. "Eligible student" refers to an individual who:

- (1) has legal settlement in Indiana;
- (2) is at least five (5) years of age and less than twenty-two (22) years of age on the date in the school year specified in IC 20-33-2-7;
- (3) either has been or is currently enrolled in a participating school; and
- (4) is a member of a household with an annual income of not more than two hundred percent (200%) of the amount required

for the individual to qualify for the federal free or reduced price lunch program.

*As added by P.L.182-2009(ss), SEC.364. Amended by P.L.129-2012, SEC.1; P.L.211-2013, SEC.7.*

#### **IC 20-51-1-6**

##### **"Participating school"**

Sec. 6. (a) "Participating school" refers to a public or nonpublic school that:

- (1) an eligible student is required to pay tuition or transfer tuition to attend;
- (2) voluntarily agrees to enroll an eligible student;
- (3) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board; and
- (4) administers the tests under the Indiana statewide testing for educational progress (ISTEP) program or administers another nationally recognized and norm-referenced assessment of the school's students.

(b) The term does not include a public school in a school corporation where the eligible student has legal settlement under IC 20-26-11.

*As added by P.L.182-2009(ss), SEC.364.*

#### **IC 20-51-1-7**

##### **"Scholarship granting organization"**

Sec. 7. "Scholarship granting organization" refers to an organization that:

- (1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
- (2) is organized at least in part to grant school scholarships without limiting the availability of scholarships to students of only one (1) participating school.

*As added by P.L.182-2009(ss), SEC.364. Amended by P.L.92-2011, SEC.7.*

#### **IC 20-51-1-8**

##### **"School scholarship"**

Sec. 8. "School scholarship" refers to a grant to pay only the cost of education for an eligible student as determined for the school year (as defined in IC 20-18-2-17) for which the scholarship will be granted.

*As added by P.L.182-2009(ss), SEC.364.*