

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 220

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H.P. 143

House of Representatives, January 21, 2025

**An Act to Establish the Hope and Inclusion Scholarship Program in  
Order to Provide Funding for Students Attending Certain Private  
Schools and Students Receiving Home Instruction**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative BAGSHAW of Windham.  
Cosponsored by Senator LIBBY of Cumberland and  
Representatives: CAMPBELL of Orrington, COLLINS of Sidney, HAGGAN of Hampden,  
LYMAN of Livermore Falls, SCHMERSAL-BURGESS of Mexico, SWALLOW of Houlton,  
Senators: BRADSTREET of Kennebec, GUERIN of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §12004-C, sub-§10** is enacted to read:

3 **10.**

4 Hope and Inclusion Scholarship Board Expenses Only for 20-A MRSA §6997  
5 Public Members  
6 appointed pursuant to  
7 Title 20-A, section 6997,  
8 subsection 2, paragraph  
9 A, subparagraph (7)

10 **Sec. 2. 20-A MRSA c. 233** is enacted to read:

11 **CHAPTER 233**

12 **HOPE AND INCLUSION SCHOLARSHIP PROGRAM**

13 **§6997. Hope and Inclusion Scholarship Program**

14 The Hope and Inclusion Scholarship Program is established to provide hope accounts  
15 for qualifying expenses in accordance with this chapter.

16 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
17 following terms have the following meanings.

18 A. "Board" means the Hope and Inclusion Scholarship Board established in subsection  
19 2.

20 B. "Hope account" means an account established under the program to be used for  
21 qualifying expenses in accordance with this chapter.

22 C. "Program" means the Hope and Inclusion Scholarship Program established in this  
23 chapter.

24 D. "Public school" means a school administrative unit or a public charter school  
25 authorized under chapter 112.

26 E. "Qualified school" means a private school approved for attendance purposes  
27 pursuant to chapter 117.

28 F. "Qualified student" means a person eligible to enroll in a public school within the  
29 State in accordance with section 5001-A.

30 G. "Qualifying expense" means an approved expense incurred in direct connection  
31 with attendance at a qualified school or a student's educational experience.

32 **2. Hope and Inclusion Scholarship Board.** The Hope and Inclusion Scholarship  
33 Board, as established in Title 5, section 12004-C, subsection 10, is established to administer  
34 the program in accordance with this chapter.

35 A. The board is composed of the following 9 members:

36 (1) The Treasurer of State, who serves as the chair of the board;

37 (2) The State Auditor or the State Auditor's designee;

- 1                   (3) The Attorney General;
- 2                   (4) The Commissioner of Education;
- 3                   (5) The Chancellor of the University of Maine System;
- 4                   (6) One of the chairs of the Permanent Commission on the Status of Racial,
- 5                   Indigenous and Tribal Populations, as established in Title 5, section 12004-J,
- 6                   subsection 19, selected by the commission; and
- 7                   (7) Three residents of the State who have children who have not attained 21 years
- 8                   of age, appointed for 3-year terms by the Governor.

9                   B. The board, with the assistance of the department, shall administer the program in  
10                   accordance with this chapter.

11                   C. The board may take all actions necessary to successfully administer the program in  
12                   accordance with applicable laws, including, but not limited to, executing contracts,  
13                   employing personnel, engaging the services of private consultants, actuaries, auditors,  
14                   counsel or managers and adopting rules necessary to administer the program.

15                   **3. Establish hope accounts.** The board shall establish hope accounts as follows.

16                   A. The board by rule shall establish an application process for a parent of a qualified  
17                   student to request the establishment of a hope account. The board:

18                   (1) May establish a hope account for a qualified student only if the qualified  
19                   student will be receiving education provided by a qualified school or receiving  
20                   home instruction under section 5001-A, subsection 3, paragraph A, subparagraph  
21                   (4);

22                   (2) May establish a hope account for a qualified student who will be receiving  
23                   education provided by a qualified school but who will receive some education  
24                   through a public school as long as the majority of the qualified student's education  
25                   is being provided by a qualified school; and

26                   (3) May establish a hope account for a qualified student whose parent has agreed  
27                   to use the qualified student's hope account only for qualifying expenses.

28                   B. The board may authorize private financial management entities to manage hope  
29                   accounts established under this subsection and may establish reasonable fees for  
30                   services that a private financial management entity may charge to a hope account.

31                   **4. Renewal, carry-over and closure.** The board may annually renew a hope account  
32                   and deposit funds into the hope account if the parent of a qualified student for whom a hope  
33                   account was established under subsection 3 applies for a renewal and the board finds that  
34                   the requirements of this subsection and rules adopted under this chapter have been met.

35                   A. Unspent funds in a hope account that is renewed remain in the hope account and  
36                   may be used in accordance with this chapter.

37                   B. To qualify for a renewal of a hope account, the qualified student must:

- 38                   (1) Be a resident of this State;
- 39                   (2) Have not attained 21 years of age;
- 40                   (3) Have not successfully completed a secondary education;

1           (4) If enrolled in a qualified school, have met the educational standards and  
2           requirements of that qualified school and be in good standing, as demonstrated by  
3           certification from the qualified school, except that, if the qualified student is in an  
4           individualized education plan, the qualified student must have met minimum  
5           educational standards established by the department by rule either by achieving  
6           specified results on a national norm-referenced achievement test or by certification  
7           by a certified teacher; and

8           (5) If not enrolled in a qualified school, agree to show academic progress through  
9           a standardized achievement test, an approved national norm-referenced  
10           achievement test or, if eligible, have demonstrated academic progress under  
11           section 5001-A, subsection 3, paragraph A, subparagraph (4), division (b).

12           C. If a parent of a qualified student for whom a hope account was established does not  
13           apply for a renewal or the board finds that the requirements of this section or rules  
14           adopted under this chapter have not been met, the board shall close the hope account  
15           and transfer all funds in the hope account to the State Controller, who shall transfer  
16           these funds to the unappropriated surplus of the General Fund.

17           **5. Funding and oversight.** The board shall oversee hope accounts as follows.

18           A. Each year, the board shall direct the department to deposit into each active hope  
19           account 90% of the state subsidy, as defined in section 15672, subsection 31-A,  
20           attributable to the qualified student for whom the hope account is established that  
21           would otherwise have been provided to the qualified student's school administrative  
22           unit under chapter 606-B. The department shall also direct that school administrative  
23           unit to deposit into the hope account 90% of the school administrative unit's required  
24           contribution to the school administrative unit's total cost of education attributable to  
25           that qualified student. The department shall calculate these amounts and shall allocate  
26           the state funds to the extent possible in a manner consistent with the schedules  
27           applicable to state subsidy payments pursuant to section 15689-B. New funds may not  
28           be deposited in a hope account after the qualified student graduates from high school.

29           B. The board may receive for and use to pay the costs of administering this chapter up  
30           to 3% of the state subsidy attributable to the qualified student for whom a hope account  
31           is established.

32           C. The board shall establish and administer a hope account in a manner that allows the  
33           parent of the qualified student for whom the hope account is established to expend  
34           funds in the account only for the following qualifying expenses, and the parent may  
35           use funds in the hope account only to pay for the following qualifying expenses:

36           (1) Services provided by a public school, including, but not limited to, individual  
37           classes, extracurricular or after-school activities and programs and summer  
38           educational programs;

39           (2) Tuition or fees at a qualified school;

40           (3) Textbooks required by a qualified school;

41           (4) Basic educational supplies, including, but not limited to, paper, writing  
42           implements and computer hardware and technological devices primarily used for  
43           an educational purpose. For the purposes of this subparagraph, "computer  
44           hardware and technological devices" includes calculators, personal computers,

1 laptops, tablet devices, microscopes, telescopes and printers and does not include  
2 entertainment and other primarily noneducational devices such as televisions,  
3 telephones, video game consoles and accessories and home theater and audio  
4 equipment;

5 (5) Tutoring or teaching services provided by an individual or a facility accredited  
6 by a state, regional or national accrediting organization;

7 (6) Curricula and supplementary materials;

8 (7) Tuition or fees for a private online learning program;

9 (8) Fees for a national norm-referenced achievement test, fees for a standardized  
10 achievement test or a test developed by school officials administered through the  
11 qualified student's school administrative unit, an advanced placement examination  
12 or any examination related to college or university admission;

13 (9) Tuition or fees for a program of study or a curriculum of courses that lead to an  
14 industry-recognized credential that satisfies a workforce need, as determined by  
15 the department by rule;

16 (10) Tuition, fees and materials for enrollment in dual credit or college-level  
17 courses;

18 (11) Fees to manage the hope account;

19 (12) Educational services and therapies, including, but not limited to, occupational,  
20 behavioral, physical, speech-language and audiology therapies;

21 (13) Uniforms purchased through a qualified school; and

22 (14) Public transportation services.

23 D. The board shall review all expenditures from hope accounts to ensure that they are  
24 in accordance with the requirements of this subsection and rules adopted under this  
25 chapter. If at any time the board finds that expenditures from a hope account are not  
26 in accordance with the requirements of this subsection or rules adopted under this  
27 chapter, the board shall notify the parent of the qualified student for whom the hope  
28 account is established and if, after an opportunity for hearing, the department  
29 determines that there was in fact a misuse of the funds, the board shall close the hope  
30 account and transfer all funds in the hope account to the State Controller, who shall  
31 transfer those funds to the unappropriated surplus of the General Fund.

32 **6. Rules.** The board shall adopt rules necessary to implement this chapter. Rules  
33 adopted by the board pursuant to this subsection are routine technical rules as defined in  
34 Title 5, chapter 375, subchapter 2-A.

35 **Sec. 3. 20-A MRSA §15689, sub-§17** is enacted to read:

36 **17. Adjustment for hope accounts.** The commissioner shall reduce the state share  
37 of the total allocation to a school administrative unit in any year in which one or more hope  
38 accounts under section 6997 are established for students within that school administrative  
39 unit. The amount of the reduction must equal the total state subsidy that is attributable to  
40 all students in that school administrative unit for whom hope accounts have been  
41 established, as determined by the department pursuant to section 6997.

**SUMMARY**

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This bill establishes the Hope and Inclusion Scholarship Program administered by the Hope and Inclusion Scholarship Board. The board is directed to establish hope accounts that may be used by the parents or legal guardians of qualified students to pay for the education of those students enrolled in certain private schools and students receiving home instruction. The funding for these hope accounts comes from shifting 90% of the essential programs and services funding that would otherwise be provided by the State and by the school administrative unit for each qualified student into a hope account. The bill specifies which educational expenditures are permitted and provides for review of spending from the accounts.