

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1841

H.P. 1173

House of Representatives, April 27, 2023

An Act to Establish the Hope and Inclusion Scholarship Program

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


ROBERT B. HUNT
Clerk

Presented by Representative BAGSHAW of Windham.
Cosponsored by Senator STEWART of Aroostook and
Representatives: ANDREWS of Paris, HENDERSON of Rumford, JAVNER of Chester,
PERKINS of Dover-Foxcroft, RISEMAN of Harrison, RUDNICKI of Fairfield, Senators:
BRAKEY of Androscoggin, LIBBY of Cumberland.

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, Public 20-A MRSA §6997
5 Members

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

7 **CHAPTER 233**

8 **HOPE AND INCLUSION SCHOLARSHIP PROGRAM**

9 **§6997. Hope and Inclusion Scholarship Program**

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

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

14 A. "Board" means the Hope and Inclusion Scholarship Board established in subsection
15 2.

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

18 C. "Program" means the Hope and Inclusion Scholarship Program established in this
19 chapter.

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

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

24 F. "Qualified student" means a person enrolled in and attending a qualified school.

25 G. "Qualifying expense" means an expense incurred in direct connection with
26 attendance at a qualified school.

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

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

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

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

33 (3) The Attorney General;

34 (4) The Commissioner of Education;

35 (5) The Chancellor of the University of Maine System;

1 (6) One of the chairs of the Permanent Commission on the Status of Racial,
2 Indigenous and Tribal Populations, as established in Title 5, section 12004-J,
3 subsection 19, selected by the commission; and

4 (7) Three residents of the State who have children who have not attained 21 years
5 of age, appointed for 3-year terms by the Governor.

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

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

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

13 A. The board by rule shall establish an application process for a parent or legal
14 guardian of a qualified student to request the establishment of a hope account. The
15 board:

16 (1) May establish a hope account for a qualified student only if the qualified
17 student will be receiving education provided by a qualified school; and

18 (2) May establish a hope account for a qualified student who will be receiving
19 education provided by a qualified school but who will receive some education
20 through a public school as long as the majority of the qualified student's education
21 is being provided by a qualified school.

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

25 **4. Renewal, carryover and closure.** The board may annually renew a hope account
26 and deposit funds into the hope account if the parent or legal guardian of a qualified student
27 at whose request a hope account was established under subsection 3 applies for a renewal
28 and the board finds that the requirements of this subsection and rules adopted under this
29 chapter have been met.

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

32 B. To qualify for a renewal of an account, the qualified student must:

33 (1) Be a resident of this State;

34 (2) Have not attained 21 years of age;

35 (3) Have not successfully completed a secondary education; and

36 (4) If enrolled with a qualified school, have met the educational standards and
37 requirements of that qualified school and be in good standing, as demonstrated by
38 certification from the qualified school, except that, if the qualified student is in an
39 individualized instructional program, the qualified student must have met
40 minimum educational standards established by the department by rule either by
41 achieving specified results on nationally normed standardized achievement tests or
42 by certification by a certified teacher.

1 C. If a parent or legal guardian of a qualified student at whose request a hope account
2 was established does not apply for a renewal or the board finds that the requirements
3 of this section or rules adopted under this chapter have not been met, the board shall
4 close the hope account and provide all funds in the hope account to the State Controller,
5 who shall transfer them to the unappropriated surplus of the General Fund.

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

7 A. Each year, the board shall direct the department to deposit into each active hope
8 account 90% of the state subsidy attributable to the qualified student for whom the
9 hope account is established that would otherwise have been provided to the qualified
10 student's school administrative unit under chapter 606-B. The department shall also
11 direct that school administrative unit to deposit into the hope account 90% of the school
12 administrative unit's required contribution to the unit's total cost of education
13 attributable to that qualified student. The department shall calculate these amounts and
14 shall allocate the state funds to the extent possible in a manner consistent with the
15 schedules applicable to state subsidy payments pursuant to section 15689-B. New
16 funds may not be deposited in a hope account after the qualified student graduates from
17 high school.

18 B. The board may receive for and use to pay the costs of administering this chapter up
19 to 3% of the state subsidy, as defined in section 15672, subsection 31-A, attributable
20 to the qualified student for whom a hope account is established.

21 C. The board shall establish and administer a hope account in a manner that allows the
22 parent or legal guardian of the qualified student for whom the hope account is
23 established to expend funds in the account only for the following qualifying expenses,
24 and the parent or legal guardian may use funds in the hope account only to pay for the
25 following qualifying expenses:

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

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

30 (3) Textbooks required by a qualified school;

31 (4) Basic educational supplies, including but not limited to paper, writing
32 implements and computer hardware and technological devices primarily used for
33 an educational purpose. For the purpose of this subparagraph, "computer hardware
34 and technological devices" includes calculators, personal computers, laptops,
35 tablet devices, microscopes, telescopes and printers and does not include
36 entertainment and other primarily noneducational devices such as televisions,
37 telephones, video game consoles and accessories and home theater and audio
38 equipment;

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

41 (6) Curricula and supplementary materials;

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

