

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## HOUSE ENROLLED ACT No. 1698

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AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-12-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. As used in this chapter:

(1) "Academic year" means the period from September 1 of a year through August 31 of the next succeeding year.

(2) "Approved institution of higher learning" means **the following:**

(A) An educational institution that operates ~~(A)~~ in the state and:

(i) provides an organized two (2) year or longer program of collegiate grade directly creditable toward a baccalaureate degree;

(ii) is either operated by the state or operated not-for-profit; and

(iii) is accredited by a recognized regional accrediting agency or by the ~~Indiana~~ commission on proprietary education. ~~established under IC 20-1-19-2, or~~

~~(B) outside the state but no more than thirty (30) miles from the Indiana state line and:~~

~~(i) is a state supported educational institution;~~

~~(ii) enters into a contract with the state to serve eligible~~

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Indiana residents;

(iii) provides an organized two (2) year or longer program of collegiate grade directly creditable toward a baccalaureate degree; and

(iv) is accredited by a recognized regional accrediting agency.

However, the term includes

(B) Ivy Tech State College. and

(C) A hospital which operates a nursing diploma program which is accredited by the Indiana state board of nursing. After June 30, 1997, the term does not include an out-of-state educational institution described in clause (B).

(D) A postsecondary proprietary educational institution that meets the following requirements:

(i) Is incorporated in Indiana, or is registered as a foreign corporation doing business in Indiana.

(ii) Is fully accredited by and is in good standing with the commission on proprietary education.

(iii) Is accredited by and is in good standing with a regional or national accrediting agency.

(iv) Offers a course of study that is at least eighteen (18) consecutive months in duration (or an equivalent to be determined by the commission on proprietary education) and that leads to an associate or a baccalaureate degree recognized by the commission on proprietary education.

(v) Is certified to the commission by the commission on proprietary education as meeting the requirements of this clause.

(3) "Approved secondary school" means a public high school located in the state and any school, located in or outside the state, that in the judgment of the superintendent provides a course of instruction at the secondary level and maintains standards of instruction substantially equivalent to those of public high schools located in the state.

(4) "Commission" means the state student assistance commission established by this chapter.

(5) "Commission on proprietary education" refers to the Indiana commission on proprietary education established under IC 20-1-19-2.

(5) (6) "Educational costs" means tuition and regularly assessed fees.

(6) (7) "Enrollment" means the establishment and maintenance of

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an individual's status as an undergraduate student in an institution of higher learning.

(7) (8) "Higher education award" means a monetary award.

(9) "Postsecondary proprietary educational institution" has the meaning set forth in IC 20-1-19-1.

(8) (10) "Superintendent" means the state superintendent of public instruction.

SECTION 2. IC 20-12-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A state student assistance commission is established. The commission is a separate body, corporate and politic. The commission is not a state agency. The commission performs essential governmental functions.

(b) The members of the commission must be citizens of Indiana and shall be appointed by the governor. Each congressional district shall be represented by one (1) member who is a resident of the district. The governor shall appoint an at-large student member of the commission who is a student at an approved institution of higher learning. The governor shall select the student member from a list of not less than three (3) nor more than five (5) names submitted by a nominating committee consisting of students of approved institutions of higher learning. The chairman of the commission shall appoint the members of the student nominating committee.

(c) No member, while serving his a term, may be an employee of or serve on the governing board of any state or private college, university, **postsecondary proprietary educational institution**, school corporation, or other educational institution in the state of Indiana or be in any other capacity an employee or official of the state of Indiana. However, the governor may appoint up to two (2) members affiliated with private educational institutions and up to two (2) members affiliated with public educational institutions. At the first meeting of the commission held after August 1 of each year, the members of the commission shall select a chairman, vice chairman, and secretary from among their number.

(d) A member of the commission is not entitled to compensation, but he is entitled to per diem for attending meetings of the commission and for expenses necessarily incurred in performing his the member's duties.

(e) The term of office of each member, except the student member, is three (3) years, beginning with August 1 of the year of his appointment and continuing until his the member's successor is appointed and qualified. The term of office of the student member is two (2) years, beginning with August 1 of the year of his appointment

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and continuing until ~~he~~ **the member** is no longer a student at an approved institution of higher learning or until ~~his~~ **the member's** successor is appointed and qualified. Vacancies shall be filled by the governor.

(f) In addition to the appointment of the commission members under this section, the governor shall appoint an executive director to administer the programs of the commission.

SECTION 3. IC 20-12-21-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6.1. (a) A student who:

(1) participates in:

(A) a nursing diploma program which is accredited by the Indiana state board of nursing and operated by a hospital; **or**

(B) a technical certificate or associate degree program at Ivy Tech State College; **or**

**(C) an associate degree program at a postsecondary proprietary educational institution that meets the requirements of section 3(2)(D) of this chapter; and**

(2) meets the requirements of section 6 of this chapter, except the requirement of satisfactory progress toward a first baccalaureate degree set forth in section 6(a)(5) of this chapter;

is eligible to receive a state higher education award under this chapter. However, such a student must make satisfactory progress toward obtaining the diploma, technical certificate, or associate degree to remain eligible for the award.

**(b) The maximum amount of a grant that may be offered to an eligible student in a program at an institution of higher learning described in section 3(2)(D) of this chapter is equal to the maximum amount of an award the student could receive under this chapter if the student were enrolled at Ivy Tech State College.**

SECTION 4. IC 20-12-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) For each academic year, first-year higher education awards shall be issued to as many qualified persons as the then current biennial appropriation allows. Those applicants who are least able to provide funds for the cost of education shall be given priority in the awarding of higher education award funds.

(b) A higher education award **for a student in a program leading to a baccalaureate degree** may be renewed for a total of three (3) academic years following the academic year of the first award or until such earlier time as the student receives a degree normally obtained in four (4) academic years. **A higher education award for a student in a program leading to a technical certificate or an associate degree**



**may be renewed for the number of academic years normally required to obtain a certificate or degree in the student's program.**

The commission may grant such a renewal only upon application and only upon its finding that:

- (1) the applicant has successfully completed the work of a preceding year;
- (2) the applicant remains domiciled in the state;
- (3) based on the financial requirement set forth in section 6(a)(3) of this chapter, the recipient's financial situation continues to warrant an award; and
- (4) the applicant is eligible under ~~sections~~ **section** 6(b) and 6(c) of this chapter.

(c) Out of funds available after commitments have been met under subsections (a) and (b), awards shall be issued to persons who have successfully completed one (1), but not more than three (3), academic years in approved institutions of higher learning, if they meet the eligibility requirements of section 6 or 6.1 of this chapter. Such awards shall be handled on the same basis as renewals under subsection (b).

(d) A higher education award issued under this section extends to all educational costs for the academic year for which the award is made, but only to the extent of current financial need (as measured under section 6(a)(3) of this chapter) or the maximum fees regularly assessed to resident undergraduates at any Indiana public institution of higher learning, as determined annually by the commission, whichever is smaller.

SECTION 5. IC 20-12-21-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 10.5. The commission and the commission on proprietary education:**

- (1) shall cooperate in developing training programs concerning grant program requirements; and
- (2) may, subject to written advance notice, inspect and audit the records of a postsecondary proprietary educational institution concerning student grants awarded under this chapter.

SECTION 6. IC 20-12-21-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The commission shall administer the hereby created freedom of choice grant program. A person shall be eligible for a grant under this program if:

- (a) ~~he~~ **the person** is qualified for a higher education award under the terms of sections 6 or 6.1 of this chapter; even though lack of funds prevents the actual award or grant;



(b) **he the person** has a financial need as determined pursuant to this chapter, and the rules and regulations of the commission in excess of such award; and

(c) **he the person** will attend an approved institution of higher learning as defined in section 3 **3(2)(A), 3(2)(B), or 3(2)(C)** of this chapter, which is operated privately and not administered or controlled by any state agency or entity.

SECTION 7. IC 20-12-74 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 74. National Guard Tuition Supplement Program**

**Sec. 1. As used in this chapter, "commission" refers to the state student assistance commission established under IC 20-12-21-4.**

**Sec. 2. As used in this chapter, "eligible student" means a person who:**

- (1) is a member of the Indiana national guard:
  - (A) in active drilling status; and
  - (B) who has not been absent without leave within the twelve (12) months immediately preceding the date the person applies for a tuition scholarship under this chapter;
- (2) does not possess a bachelor's degree from an institution of higher learning (as defined in IC 20-12-70-4);
- (3) possesses the requisite academic qualifications;
- (4) meets the requirements of the state educational institution in which the person is enrolled or will enroll; and
- (5) meets all other eligibility requirements as determined by the commission.

**Sec. 3. As used in this chapter, "scholarship applicant" means a person who:**

- (1) is an eligible student;
- (2) is a resident of Indiana;
- (3) has been accepted to attend a state educational institution as a full-time or part-time student;
- (4) has been certified to have met all national guard requirements; and
- (5) according to commission requirements, has timely filed an application for any federal and state financial assistance available to the person to attend a state educational institution.

**Sec. 4. As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.**

**Sec. 5. As used in this chapter, "tuition scholarship" means**



financial assistance provided to a student to offset the costs of tuition and other regularly assessed fees incurred by the student in attending a state educational institution as determined by the commission.

**Sec. 6. (a) The national guard tuition supplement program fund is established to provide the financial resources necessary to award the tuition scholarships authorized under the program.**

**(b) The commission shall administer the fund.**

**(c) The expenses of administering the fund shall be paid from money in the fund.**

**Sec. 7. (a) Money in the national guard tuition supplement program fund shall be used to provide annual tuition scholarships to scholarship applicants who qualify under this chapter in an amount that is equal to one (1) of the following amounts:**

**(1) If the scholarship applicant does not receive other financial assistance specifically designated for tuition and other regularly assessed fees, the amount equal to a full tuition scholarship to attend the state educational institution.**

**(2) If the scholarship applicant receives other financial assistance specifically designated for tuition and other regularly assessed fees, the amount:**

**(A) equal to the balance required to attend the state educational institution; and**

**(B) not to exceed the amount described in subdivision (1).**

**(b) Each tuition scholarship awarded under this chapter:**

**(1) may be renewed under this chapter for a total scholarship award that does not exceed the equivalent of eight (8) semesters; and**

**(2) that is renewable under this chapter is subject to other eligibility criteria as established by the commission.**

**SECTION 8. IC 20-12-21.8 IS REPEALED [EFFECTIVE JULY 1, 1999].**

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