

## **IC 21-18.5-4**

### **Chapter 4. Administration of Awards**

#### **IC 21-18.5-4-1**

##### **Purpose**

Sec. 1. The purposes of this chapter are:

- (1) to increase the opportunity to receive a higher education for every person who resides in Indiana and who, though being highly qualified and desiring to receive a higher education, is deterred by financial considerations; and
- (2) to accomplish the goal described in subdivision (1) by establishing a system of state higher education awards that will assist individuals in selecting and attending a qualified public or private postsecondary educational institution or a postsecondary credit bearing proprietary educational institution.

*As added by P.L.107-2012, SEC.58.*

#### **IC 21-18.5-4-2**

##### **Equal opportunity for awards**

Sec. 2. The commission shall exercise its functions under this chapter without regard to an applicant's race, creed, sex, color, national origin, or ancestry.

*As added by P.L.107-2012, SEC.58.*

#### **IC 21-18.5-4-3**

##### **Duties**

Sec. 3. For purposes of administering this chapter, the commission shall do the following:

- (1) Prepare and supervise the issuance of public information concerning this chapter, IC 21-12-2, IC 21-12-3, IC 21-12-4, and IC 21-12-5.
- (2) Prescribe the form and regulate the submission of applications for higher education awards and the commission's programs.
- (3) Conduct conferences and interviews with applicants as appropriate.
- (4) Determine the eligibility of applicants.
- (5) Select qualified applicants.
- (6) Determine annually the maximum higher education award (IC 21-12-3) and freedom of choice award (IC 21-12-4), subject to approval by the budget agency with review by the budget committee.
- (7) Determine the respective amounts of, and award, the appropriate higher education awards, grants, and scholarships.
- (8) Determine eligibility for, and award, annual renewals of higher education awards, grants, and scholarships.
- (9) Act as the designated state agency for participation in any federal program for reinsurance of student loans.
- (10) Receive federal funds made available to the commission for awards, grants, and scholarships, and disburse these funds

in the manner prescribed by federal law.

(11) One (1) time every year, submit a report to the legislative council that provides data and statistical information regarding the number of individuals who received assistance under IC 21-12-6 and IC 21-12-6.5. The report made to the legislative council must be in an electronic format under IC 5-14-6.

(12) One (1) time every year, submit a report to the budget committee that provides data and statistical information regarding the number of individuals who received assistance under IC 21-12, IC 21-13, and IC 21-14.

(13) Administer and determine the eligibility of applicants for, and award amounts under, the teacher loan repayment program established under IC 21-13-10.

*As added by P.L.107-2012, SEC.58. Amended by P.L.46-2014, SEC.5.*

#### **IC 21-18.5-4-4**

##### **Additional powers and duties of the commission**

Sec. 4. For purposes of administering this chapter, the commission may do the following:

(1) Accept gifts, grants, devises, or bequests to provide grants, awards, scholarships, loans, or other forms of financial aid to students attending approved postsecondary educational institutions.

(2) Enter into contracts, subject to IC 4-13-2, that the commission determines are necessary to carry out the commission's functions.

(3) Provide administrative or technical assistance to other governmental or nongovernmental entities if the provision of this assistance will increase the number and value of grants, awards, scholarships, or loans available to students attending approved postsecondary educational institutions.

(4) Sue and be sued in the name of the commission.

*As added by P.L.107-2012, SEC.58.*

#### **IC 21-18.5-4-5**

##### **Procedures concerning gifts; grants; devices and bequests**

Sec. 5. For purposes of administering this chapter, if the commission receives an offer of a gift, grant, devise, or bequest, the commission may accept a stipulation on the use of the donated funds. In this case, before September 1, 2014, IC 21-12-3-11 (higher education award) and IC 21-12-4-4 (freedom of choice grant), or, after August 31, 2014, the requirements under IC 21-12-1.7-3 concerning higher education awards and freedom of choice grants, do not apply. Before accepting a gift, grant, devise, or bequest, the commission shall determine that the purposes for which the donor proposes to provide funds are:

(1) lawful;

(2) in the state's best interests; and

(3) generally consistent with the commission's programs and

purposes.

If the commission agrees to a stipulation on the use of donated funds, the commission and the donor, subject to approval by the budget agency and the governor or the governor's designee, shall execute an agreement.

*As added by P.L.107-2012, SEC.58. Amended by P.L.281-2013, SEC.34.*

#### **IC 21-18.5-4-6**

##### **Administrative and technical assistance**

Sec. 6. (a) This section applies if the commission agrees to provide administrative or technical assistance to other governmental or nongovernmental entities to increase the number and value of grants, awards, scholarships, or loans available to students attending approved postsecondary educational institutions.

(b) The commission and the party to whom the assistance is to be provided shall execute an agreement specifying:

- (1) the assistance that is to be provided; and
- (2) the charges, if any, that are to be assessed by the commission for providing the assistance.

The commission may waive charges for administrative or technical assistance under this section if the commission determines that a waiver is in the best interest of the state. An agreement to provide assistance must be approved by the budget agency and the governor or the governor's designee.

*As added by P.L.107-2012, SEC.58.*

#### **IC 21-18.5-4-7**

##### **Audit of records**

Sec. 7. The commission may, subject to written advance notice, inspect and audit the records of a postsecondary credit bearing proprietary educational institution concerning a student grant awarded under IC 21-12 or IC 21-13.

*As added by P.L.107-2012, SEC.58.*

#### **IC 21-18.5-4-8**

##### **Determination of residency**

Sec. 8. (a) This section applies to a person:

- (1) who is a student;
- (2) who is a graduate of a high school located in Indiana or a recipient of the state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal), IC 20-20-6 (before its repeal), or IC 22-4.1-18;
- (3) who, on the date that eligibility is determined by the commission, has resided in Indiana with a caretaker relative who has been a resident of Indiana for at least four (4) years; and
- (4) whose legal parent:
  - (A) is currently; and
  - (B) has been for at least three (3) consecutive years;

a resident of Indiana.

(b) In determining the eligibility of a person to receive financial aid administered by the commission under any law, the commission shall use the residence or domicile of the person's caretaker relative to determine the person's residence or domicile.

*As added by P.L.107-2012, SEC.58.*

#### **IC 21-18.5-4-8.5**

##### **Disqualification of student for state aid or grants**

Sec. 8.5. (a) This section does not apply to a student who:

(1) receives a graduation waiver under IC 20-32-4-4; and  
(2) receives a general diploma by satisfying the conditions set forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B); if the student has an individualized education program under IC 20-35-7.

(b) Except as provided in subsection (a), this section applies to a student who receives a graduation waiver under IC 20-32-4-4 after June 30, 2014.

(c) Notwithstanding any other law, and except as provided in subsection (e), a student who:

(1) receives a graduation waiver under IC 20-32-4-4; and  
(2) receives a general diploma by satisfying the conditions set forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B); is disqualified from receiving state scholarships, grants, or assistance administered by the commission unless the student passes a college and career readiness exam described in IC 20-32-9-3.

(d) The college and career readiness exam taken by a student under subsection (c) shall be administered by the secondary school that granted the student the graduation waiver. The cost of the exam shall be paid by the department.

(e) A student described in subsection (c) is not disqualified from receiving state scholarships, grants, or assistance administered by the commission for credit bearing degree seeking courses, as mutually defined by the commission and the postsecondary educational institution offering the course.

*As added by P.L.268-2013, SEC.11.*

#### **IC 21-18.5-4-9**

##### **Rules**

Sec. 9. The commission shall adopt rules under IC 4-22-2:

- (1) to develop standards that govern the denial of assistance to higher education award applicants and recipients under IC 21-12-3-13;
- (2) to implement IC 21-12-6, including:
  - (A) rules regarding the establishment of appeals procedures for individuals who become disqualified from the program under IC 21-12-6-9;
  - (B) notwithstanding IC 21-12-6-5, rules that may include

students who are in grades other than grade 6, 7, or 8 as eligible students; and

(C) rules that allow a student described in IC 21-12-6-5(b) to become an eligible student while the student is in high school, if the student agrees to comply with the requirements set forth in IC 21-12-6-5(a)(4)(B) through IC 21-12-6-5(a)(4)(D) for not less than six (6) months after graduating from high school;

(3) to implement IC 21-13-2; and

(4) to implement:

(A) IC 21-12-7; and

(B) IC 21-14-5.

*As added by P.L.107-2012, SEC.58. Amended by P.L.205-2013, SEC.331.*

#### **IC 21-18.5-4-10**

##### **Additional rulemaking authority**

Sec. 10. The commission may:

(1) make rules necessary to carry out its functions under this chapter;

(2) appoint advisory boards it considers necessary to carry out its responsibilities under this chapter;

(3) adopt rules under IC 4-22-2 to implement IC 21-14-5; and

(4) adopt rules under IC 4-22-2 and internal policy to effectuate the purposes of IC 21-16-4.

*As added by P.L.107-2012, SEC.58.*

#### **IC 21-18.5-4-11**

##### **Development of training programs**

Sec. 11. The commission may cooperate in developing training programs concerning grant program requirements with the:

(1) board for proprietary education; or

(2) state workforce innovation council.

*As added by P.L.107-2012, SEC.58.*