

# SENATE BILL No. 339

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 21-12; IC 21-18.5-4-9.

**Synopsis:** Eligibility for higher education awards. Repeals a provision that provides that the commission for higher education may not provide assistance to a higher education award applicant or recipient who is: (1) convicted of a felony; (2) sentenced to a term of imprisonment for that felony; and (3) confined for that felony at a penal facility.

**Effective:** July 1, 2019.

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## Melton

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January 8, 2019, read first time and referred to Committee on Education and Career Development.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 339

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

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

- 1 SECTION 1. IC 21-12-3-13 IS REPEALED [EFFECTIVE JULY 1,
- 2 2019]. ~~Sec. 13: The commission may not provide assistance under this~~
- 3 ~~chapter to a higher education award applicant or recipient who is:~~
- 4 ~~(1) convicted of a felony;~~
- 5 ~~(2) sentenced to a term of imprisonment for that felony; and~~
- 6 ~~(3) confined for that felony at a penal facility (as defined in~~
- 7 ~~IC 35-31.5-2-232).~~
- 8 SECTION 2. IC 21-12-6-5, AS AMENDED BY P.L.165-2016,
- 9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2019]: Sec. 5. (a) Unless a student qualifies under subsection
- 11 (b), to qualify to participate in the program, a student must meet the
- 12 following requirements:
- 13 (1) Be a resident of Indiana.
- 14 (2) Be:
- 15 (A) enrolled in grade 7 or 8 at a:
- 16 (i) public school; or
- 17 (ii) nonpublic school that is accredited either by the state



- 1 board of education or by a national or regional accrediting  
 2 agency whose accreditation is accepted as a school  
 3 improvement plan under IC 20-31-4-2; or  
 4 (B) otherwise qualified under the rules of the commission that  
 5 are adopted under ~~IC 21-18.5-4-9(2)~~ **IC 21-18.5-4-9(1)** to  
 6 include students who are in grades other than grade 8 as  
 7 eligible students.
- 8 (3) Be a member of a household with an annual income of not  
 9 more than the amount required for the individual to qualify for  
 10 free or reduced priced lunches under the national school lunch  
 11 program, as determined for the immediately preceding taxable  
 12 year for the household for which the student was claimed as a  
 13 dependent.
- 14 (4) Agree, in writing, together with the student's custodial parents  
 15 or guardian, that the student will:
- 16 (A) graduate from a secondary school located in Indiana that  
 17 meets the admission criteria of an eligible institution;  
 18 (B) not illegally use controlled substances (as defined in  
 19 IC 35-48-1-9);  
 20 (C) not commit a crime or an infraction described in  
 21 IC 9-30-5;  
 22 (D) not commit any other crime or delinquent act (as described  
 23 in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or  
 24 IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their  
 25 repeal));  
 26 (E) timely apply, when the eligible student is a senior in high  
 27 school:  
 28 (i) for admission to an eligible institution; and  
 29 (ii) for any federal and state student financial assistance  
 30 available to the eligible student to attend an eligible  
 31 institution;  
 32 (F) achieve a cumulative grade point average upon graduation  
 33 of:  
 34 (i) at least 2.0, if the student graduates from high school  
 35 before July 1, 2014; and  
 36 (ii) at least 2.5, if the student graduates from high school  
 37 after June 30, 2014;  
 38 on a 4.0 grading scale (or its equivalent if another grading  
 39 scale is used) for courses taken during grades 9, 10, 11, and  
 40 12; and  
 41 (G) complete an academic success program required under the  
 42 rules adopted by the commission, if the student initially enrolls



- 1 in high school after June 30, 2013.
- 2 (b) A student qualifies to participate in the program if the student:
- 3 (1) before or during grade 7 or grade 8, is placed by or with the
- 4 consent of the department of child services, by a court order, or by
- 5 a child placing agency in:
- 6 (A) a foster family home;
- 7 (B) the home of a relative or other unlicensed caretaker;
- 8 (C) a child caring institution; or
- 9 (D) a group home;
- 10 (2) meets the requirements in subsection (a)(1) through (a)(2);
- 11 and
- 12 (3) agrees in writing, together with the student's caseworker (as
- 13 defined in IC 31-9-2-11) or legal guardian, to the conditions set
- 14 forth in subsection (a)(4).
- 15 (c) The commission may require that an applicant apply
- 16 electronically to participate in the program using an online Internet
- 17 application on the commission's web site.
- 18 SECTION 3. IC 21-18.5-4-9, AS AMENDED BY P.L.109-2015,
- 19 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2019]: Sec. 9. The commission may adopt rules under
- 21 IC 4-22-2:
- 22 ~~(1) to develop standards that govern the denial of assistance to~~
- 23 ~~higher education award applicants and recipients under~~
- 24 ~~IC 21-12-3-13;~~
- 25 ~~(2) (1) to implement IC 21-12-6, including:~~
- 26 (A) rules regarding the establishment of appeals procedures
- 27 for individuals who become disqualified from the program
- 28 under IC 21-12-6-9;
- 29 (B) notwithstanding IC 21-12-6-5, rules that may include
- 30 students who are in grades other than grade 6, 7, or 8 as
- 31 eligible students; and
- 32 (C) rules that allow a student described in IC 21-12-6-5(b) to
- 33 become an eligible student while the student is in high school,
- 34 if the student agrees to comply with the requirements set forth
- 35 in IC 21-12-6-5(a)(4)(B) through IC 21-12-6-5(a)(4)(D) for
- 36 not less than six (6) months after graduating from high school;
- 37 ~~(3) (2) to implement IC 21-13-2; and~~
- 38 ~~(4) (3) to implement:~~
- 39 (A) IC 21-12-7; and
- 40 (B) IC 21-14-5.

