



February 17, 2023

SENATE BILL No. 435

DIGEST OF SB 435 (Updated February 15, 2023 2:25 pm - DI 110)

Citations Affected: IC 21-12.

Synopsis: Twenty-first century scholars program enrollment. Amends the twenty-first century scholars program (program) eligibility requirements for certain students. Requires the commission for higher education to notify an emancipated student, or the custodial parent or guardian of a student if the student is an unemancipated minor, of the student's eligibility to participate in the program and right to opt out of the program.

Effective: July 1, 2023.

Melton, Leising, Qaddoura, Raatz

January 19, 2023, read first time and referred to Committee on Education and Career Development.
February 16, 2023, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

SB 435—LS 6976/DI 143



February 17, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 435

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 21-12-6-5, AS AMENDED BY P.L.92-2020,
2 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 5. (a) Unless a student qualifies under subsection
4 (b), to qualify to participate in the program, a student must meet the
5 following requirements:
6 (1) Be a resident of Indiana.
7 (2) Be:
8 (A) enrolled in grade 7 or 8 at a:
9 (i) public school; or
10 (ii) nonpublic school that is accredited either by the **Indiana**
11 state board of education or by a national or regional
12 accrediting agency whose accreditation is accepted as a
13 school improvement plan under IC 20-31-4.1-2; or
14 (B) otherwise qualified under the rules of the commission that
15 are adopted under IC 21-18.5-4-9(2) to include students who
16 are in grades other than grade 8 as eligible students.
17 (3) Be a member of a household with an annual income of not

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1 more than the amount required for the individual to qualify for
 2 free or reduced priced lunches under the national school lunch
 3 program, as determined for the immediately preceding taxable
 4 year for the household for which the student was claimed as a
 5 dependent.

6 (4) ~~Agree in writing, together with the student's custodial parents~~
 7 ~~or guardian~~, that the student will:

8 (A) graduate from a secondary school located in Indiana that
 9 meets the admission criteria of an eligible institution;

10 (B) not illegally use controlled substances (as defined in
 11 IC 35-48-1-9);

12 (C) not commit a crime or an infraction described in
 13 IC 9-30-5;

14 (D) not commit any other crime or delinquent act (as described
 15 in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or
 16 IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their
 17 repeal));

18 (E) timely apply, when the eligible student is a senior in high
 19 school:

20 (i) for admission to an eligible institution; and

21 (ii) for any federal and state student financial assistance
 22 available to the eligible student to attend an eligible
 23 institution;

24 (F) achieve a cumulative grade point average upon graduation
 25 of:

26 (i) at least 2.0, if the student graduates from high school
 27 before July 1, 2014; and

28 (ii) at least 2.5, if the student graduates from high school
 29 after June 30, 2014;

30 on a 4.0 grading scale (or its equivalent if another grading
 31 scale is used) for courses taken during grades 9, 10, 11, and
 32 12; and

33 (G) complete an academic success program required under the
 34 rules adopted by the commission, if the student initially enrolls
 35 in high school after June 30, 2013.

36 (b) A student qualifies to participate in the program if the student:

37 (1) before or during grade 7 ~~or through~~ grade 8; **12**, is placed by
 38 or with the consent of the department of child services, by a court
 39 order, or by a child placing agency in:

40 (A) a foster family home;

41 (B) the home of a relative or other unlicensed caretaker;

42 (C) a child caring institution; or



1 (D) a group home;
 2 (2) meets the requirements in subsection (a)(1) ~~through (a)(2)~~;
 3 and is:
 4 (A) enrolled in grade 7 through grade 12 at a:
 5 (i) public school; or
 6 (ii) nonpublic school that is accredited either by the
 7 Indiana state board of education or by a national or
 8 regional accrediting agency whose accreditation is
 9 accepted as a school improvement plan under
 10 IC 20-31-4.1-2; or
 11 (B) otherwise qualified under the rules of the commission
 12 that are adopted under IC 21-18.5-4-9(2); and
 13 (3) agrees in writing, together with the student's caseworker (as
 14 defined in IC 31-9-2-11) or legal guardian, to the conditions set
 15 forth in subsection (a)(4).
 16 (c) The commission may require that an applicant apply
 17 electronically to participate in the program using an online Internet
 18 application on the commission's ~~internet web site~~. **website.**
 19 SECTION 2. IC 21-12-6-5.5 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2023]: **Sec. 5.5. The commission shall notify:**
 22 (1) an emancipated student; or
 23 (2) the custodial parent or guardian of a student if the student
 24 is an unemancipated minor;
 25 of the student's eligibility to participate in the program and right
 26 to opt out of the program.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 435, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-12-6-5, AS AMENDED BY P.L.92-2020, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) Unless a student qualifies under subsection (b), to qualify to participate in the program, a student must meet the following requirements:

- (1) Be a resident of Indiana.
- (2) Be:
 - (A) enrolled in grade 7 or 8 at a:
 - (i) public school; or
 - (ii) nonpublic school that is accredited either by the **Indiana** state board of education or by a national or regional accrediting agency whose accreditation is accepted as a school improvement plan under IC 20-31-4.1-2; or
 - (B) otherwise qualified under the rules of the commission that are adopted under IC 21-18.5-4-9(2) to include students who are in grades other than grade 8 as eligible students.
- (3) Be a member of a household with an annual income of not more than the amount required for the individual to qualify for free or reduced priced lunches under the national school lunch program, as determined for the immediately preceding taxable year for the household for which the student was claimed as a dependent.
- (4) ~~Agree in writing, together with the student's custodial parents or guardian,~~ that the student will:
 - (A) graduate from a secondary school located in Indiana that meets the admission criteria of an eligible institution;
 - (B) not illegally use controlled substances (as defined in IC 35-48-1-9);
 - (C) not commit a crime or an infraction described in IC 9-30-5;
 - (D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their



repeal));

(E) timely apply, when the eligible student is a senior in high school:

- (i) for admission to an eligible institution; and
- (ii) for any federal and state student financial assistance available to the eligible student to attend an eligible institution;

(F) achieve a cumulative grade point average upon graduation of:

- (i) at least 2.0, if the student graduates from high school before July 1, 2014; and
- (ii) at least 2.5, if the student graduates from high school after June 30, 2014;

on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12; and

(G) complete an academic success program required under the rules adopted by the commission, if the student initially enrolls in high school after June 30, 2013.

(b) A student qualifies to participate in the program if the student:

(1) before or during grade 7 ~~or through~~ grade 8; **12**, is placed by or with the consent of the department of child services, by a court order, or by a child placing agency in:

- (A) a foster family home;
- (B) the home of a relative or other unlicensed caretaker;
- (C) a child caring institution; or
- (D) a group home;

(2) meets the requirements in subsection (a)(1) ~~through (a)(2)~~; and is:

(A) enrolled in grade 7 through grade 12 at a:

- (i) public school; or**
- (ii) nonpublic school that is accredited either by the Indiana state board of education or by a national or regional accrediting agency whose accreditation is accepted as a school improvement plan under IC 20-31-4.1-2; or**

(B) otherwise qualified under the rules of the commission that are adopted under IC 21-18.5-4-9(2); and

(3) agrees in writing, together with the student's caseworker (as defined in IC 31-9-2-11) or legal guardian, to the conditions set forth in subsection (a)(4).

(c) The commission may require that an applicant apply



electronically to participate in the program using an online Internet application on the commission's ~~Internet web site~~: **website**."

Page 1, line 1, delete "IC 21-12-6-4.5" and insert "IC 21-12-6-5.5".

Page 1, line 3, delete "4.5. (a) As used in this section, "income eligible" and insert "**5.5**".

Page 1, delete lines 4 through 6.

Page 1, line 7, delete "(b)".

Page 1, line 7, delete "work with the department to:" and insert "**notify:**

(1) an emancipated student; or

(2) the custodial parent or guardian of a student if the student is an unemancipated minor;

of the student's eligibility to participate in the program and right to opt out of the program."

Page 1, run in lines 3 through 7.

Page 1, delete lines 8 through 15

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 435 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 12, Nays 0.

