

IC 21

TITLE 21. HIGHER EDUCATION

IC 21-1

ARTICLE 1. REPEALED

(Repealed by P.L.2-2006, SEC.199.)

IC 21-2

ARTICLE 2. REPEALED

(Repealed by P.L.2-2006, SEC.199.)

IC 21-3

ARTICLE 3. REPEALED

(Repealed by P.L.2-2006, SEC.199.)

IC 21-4

ARTICLE 4. REPEALED

(Repealed by P.L.2-2006, SEC.199.)

IC 21-5

ARTICLE 5. REPEALED

(Repealed by P.L.2-2006, SEC.199.)

IC 21-6

ARTICLE 6. REPEALED

(Repealed by Acts 1976, P.L.111, SEC.3.)

IC 21-6.1

ARTICLE 6.1. REPEALED

(Repealed by P.L.2-2007, SEC.390.)

IC 21-7

ARTICLE 7. STATE UNIVERSITIES

IC 21-7-1

Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 21-7-2

Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 21-7-3

Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 21-7-4

Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 21-7-4.5

Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 21-7-5

Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 21-7-6

Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 21-7-7

Repealed

(Repealed by Acts 1972, P.L.13, SEC.47.)

IC 21-7-8

Repealed

(Repealed by Acts 1972, P.L.13, SEC.48.)

IC 21-7-9

Repealed

(Repealed by Acts 1972, P.L.13, SEC.49.)

IC 21-7-10

Repealed

(Repealed by P.L.1-1992, SEC.106.)

IC 21-7-11

Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 21-7-12

Chapter 12. Effect of Recodification by the Act of the 2007 Regular Session of the General Assembly

IC 21-7-12-1

"Prior law"

Sec. 1. As used in this chapter, "prior law" refers to the statutes concerning higher education that are repealed or amended in the recodification act of the 2007 regular session of the general assembly as the statutes existed before the effective date of the applicable or corresponding provision of the recodification act of the 2007 regular session of the general assembly. The term includes statutes that are recodified outside this title by the recodification act of the 2007 regular session of the general assembly, such as law related to the Indiana health and educational facility finance authority, Indiana University hospitals, medical center development agencies, university administered preschools, elementary schools, and high schools, administration of school corporation expenditures, donations to a state educational institution by a political subdivision, and the Knox County property tax levy for Vincennes University.
As added by P.L.2-2007, SEC.242.

IC 21-7-12-2

Purpose

Sec. 2. The purpose of the recodification act of the 2007 regular session of the general assembly is to recodify prior law in a style that is clear, concise, and easy to interpret and apply. Except to the extent that:

- (1) the recodification act of the 2007 regular session of the general assembly is amended to reflect the changes made in a provision of another bill that adds to, amends, or repeals a provision in the recodification act of the 2007 regular session of the general assembly; or
- (2) the minutes of meetings of the code revision commission during 2006 expressly indicate a different purpose;

the substantive operation and effect of the prior law continue uninterrupted as if the recodification act of the 2007 regular session of the general assembly had not been enacted.

As added by P.L.2-2007, SEC.242.

IC 21-7-12-3

Applicability

Sec. 3. Subject to section 2 of this chapter, sections 4 through 9 of this chapter shall be applied to the statutory construction of the recodification act of the 2007 regular session of the general assembly.

As added by P.L.2-2007, SEC.242.

IC 21-7-12-4

Effect of actions before July 1, 2007

Sec. 4. (a) The recodification act of the 2007 regular session of the general assembly does not affect:

- (1) any rights or liabilities accrued;
- (2) any penalties incurred;
- (3) any violations committed;
- (4) any proceedings begun;
- (5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
- (6) any tax levies made or authorized;
- (7) any funds established;
- (8) any patents issued;
- (9) the validity, continuation, or termination of any contracts, easements, or leases executed;
- (10) the validity, continuation, scope, termination, suspension, or revocation of:
 - (A) permits;
 - (B) licenses;
 - (C) certificates of registration;
 - (D) grants of authority; or
 - (E) limitations of authority; or
- (11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2007 regular session of the general assembly (July 1, 2007). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be imposed and enforced under prior law as if the recodification act of the 2007 regular session of the general assembly had not been enacted.

(b) The recodification act of the 2007 regular session of the general assembly does not:

- (1) extend or cause to expire a permit, license, certificate of registration, or other grant or limitation of authority; or
- (2) in any way affect the validity, scope, or status of a license, permit, certificate of registration, or other grant or limitation of authority;

issued under the prior law.

(c) The recodification act of the 2007 regular session of the general assembly does not affect the revocation, limitation, or suspension of a permit, license, certificate of registration, or other grant or limitation of authority based in whole or in part on violations of the prior law or the rules adopted under the prior law.

As added by P.L.2-2007, SEC.242.

IC 21-7-12-5

Statutory construction

Sec. 5. The recodification act of the 2007 regular session of the general assembly shall be construed as a recodification of prior law.

Except as provided in section 2(1) and 2(2) of this chapter, if the literal meaning of the recodification act of the 2007 regular session of the general assembly (including a literal application of an erroneous change to an internal reference) would result in a substantive change in the prior law, the difference shall be construed as a typographical, spelling, or other clerical error that must be corrected by:

(1) inserting, deleting, or substituting words, punctuation, or other matters of style in the recodification act of the 2007 regular session of the general assembly; or

(2) using any other rule of statutory construction;

as necessary or appropriate to apply the recodification act of the 2007 regular session of the general assembly in a manner that does not result in a substantive change in the law. The principle of statutory construction, which states that a court must apply the literal meaning of an act if the literal meaning of the act is unambiguous, does not apply to the recodification act of the 2007 regular session of the general assembly to the extent that the recodification act of the 2007 regular session of the general assembly is not substantively identical to the prior law.

As added by P.L.2-2007, SEC.242.

IC 21-7-12-6

Reference to repealed statutes

Sec. 6. Subject to section 9 of this chapter, a reference in a statute or rule to a statute that is repealed and replaced in the same or a different form in the recodification act of the 2007 regular session of the general assembly shall be treated after the effective date of the new provision as a reference to the new provision.

As added by P.L.2-2007, SEC.242.

IC 21-7-12-7

Citation references

Sec. 7. A citation reference in the recodification act of the 2007 regular session of the general assembly to another provision of the recodification act of the 2007 regular session of the general assembly shall be treated as including a reference to the provision of prior law that is substantively equivalent to the provision of the recodification act of the 2007 regular session of the general assembly that is referred to by the citation reference.

As added by P.L.2-2007, SEC.242.

IC 21-7-12-8

Rules references

Sec. 8. (a) As used in the recodification act of the 2007 regular session of the general assembly, a reference to rules adopted under any provision of this title or under any other provision of the recodification act of the 2007 regular session of the general assembly refers to either:

(1) rules adopted under the recodification act of the 2007

regular session of the general assembly; or
(2) rules adopted under the prior law until those rules have been amended, repealed, or superseded.

(b) Rules adopted under the prior law continue in effect after June 30, 2007, until the rules are amended, repealed, or suspended.

As added by P.L.2-2007, SEC.242.

IC 21-7-12-9

Citations to prior civil law and procedure

Sec. 9. (a) A reference in the recodification act of the 2007 regular session of the general assembly to a citation in the prior law before its repeal is added in certain sections of the recodification act of the 2007 regular session of the general assembly only as an aid to the reader.

(b) The inclusion or omission in the recodification act of the 2007 regular session of the general assembly of a reference to a citation in the prior law before its repeal does not affect:

- (1) any rights or liabilities accrued;
- (2) any penalties incurred;
- (3) any violations committed;
- (4) any proceedings begun;
- (5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
- (6) any tax levies made or authorized;
- (7) any funds established;
- (8) any patents issued;
- (9) the validity, continuation, or termination of contracts, easements, or leases executed;
- (10) the validity, continuation, scope, termination, suspension, or revocation of:
 - (A) permits;
 - (B) licenses;
 - (C) certificates of registration;
 - (D) grants of authority;
 - (E) limitations of authority; or
 - (F) degrees; or

(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law; before the effective date of the recodification act of the 2007 regular session of the general assembly (July 1, 2007). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, limitations of authority, and degrees, continue and shall be imposed and enforced under prior law as if the recodification act of the 2007 regular session of the general assembly had not been enacted.

(c) The inclusion or omission in the recodification act of the 2007 regular session of the general assembly of a citation to a provision in the prior law does not affect the use of a prior conviction, violation,

or noncompliance under the prior law as the basis for revocation of a license, permit, certificate of registration, or other grant of authority under the recodification act of the 2007 regular session of the general assembly, as necessary or appropriate to apply the recodification act of the 2007 regular session of the general assembly in a manner that does not result in a substantive change in the law.

As added by P.L.2-2007, SEC.242.

IC 21-7-13

Chapter 13. Definitions

IC 21-7-13-1

Application

Sec. 1. The definitions in this chapter apply throughout this title.
As added by P.L.2-2007, SEC.243.

IC 21-7-13-2

"Academic term"

Sec. 2. "Academic term":

- (1) for purposes of this title (other than IC 21-40), has the meaning set forth in IC 21-12-1-2; and
- (2) for purposes of IC 21-40, has the meaning set forth in IC 21-40-1-2.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-3

"Academic year"

Sec. 3. "Academic year" has the meaning set forth in IC 21-12-1-3.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-4

"Accredited nonpublic school"

Sec. 4. "Accredited nonpublic school" means a nonpublic school that has voluntarily become accredited under IC 20-19-2-8.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-5

"Current ADM"

Sec. 5. "Current ADM" has the meaning set forth in IC 20-43-1-10.

As added by P.L.2-2007, SEC.243. Amended by P.L.205-2013, SEC.312.

IC 21-7-13-6

"Approved postsecondary educational institution"

Sec. 6. (a) "Approved postsecondary educational institution", for purposes of this title (except section 15 of this chapter, IC 21-12-6, and IC 21-13-1-4) means the following:

- (1) A postsecondary educational institution that operates in Indiana and:
 - (A) provides an organized two (2) year or longer program of collegiate grade directly creditable toward a baccalaureate degree;
 - (B) is either operated by the state or operated nonprofit; and
 - (C) is accredited by a recognized regional accrediting agency, including:
 - (i) Ancilla College;

- (ii) Anderson University;
- (iii) Bethel College;
- (iv) Butler University;
- (v) Calumet College of St. Joseph;
- (vi) DePauw University;
- (vii) Earlham College;
- (viii) Franklin College;
- (ix) Goshen College;
- (x) Grace College and Seminary;
- (xi) Hanover College;
- (xii) Holy Cross College;
- (xiii) Huntington University;
- (xiv) Indiana Institute of Technology;
- (xv) Indiana Wesleyan University;
- (xvi) Manchester College;
- (xvii) Marian University;
- (xviii) Martin University;
- (xix) Oakland City University;
- (xx) Rose-Hulman Institute of Technology;
- (xxi) Saint Joseph's College;
- (xxii) Saint Mary-of-the-Woods College;
- (xxiii) Saint Mary's College;
- (xxiv) Taylor University;
- (xxv) Trine University;
- (xxvi) University of Evansville;
- (xxvii) University of Indianapolis;
- (xxviii) University of Notre Dame;
- (xxix) University of Saint Francis;
- (xxx) Valparaiso University; and
- (xxxi) Wabash College;

or is accredited by the board for proprietary education under IC 21-18.5-6 or an accrediting agency recognized by the United States Department of Education.

- (2) Ivy Tech Community College.
- (3) A hospital that operates a nursing diploma program that is accredited by the Indiana state board of nursing.
- (4) A postsecondary credit bearing proprietary educational institution that meets the following requirements:
 - (A) Is incorporated in Indiana, or is registered as a foreign corporation doing business in Indiana.
 - (B) Is fully accredited by and is in good standing with the board for proprietary education under IC 21-18.5-6.
 - (C) Is accredited by and is in good standing with a regional or national accrediting agency.
 - (D) Offers a course of study that is at least eighteen (18) consecutive months in duration (or an equivalent to be determined by the board for proprietary education under IC 21-18.5-6) and that leads to an associate or a baccalaureate degree recognized by the board for proprietary education under IC 21-18.5-6.

(E) Is certified by the board for proprietary education as meeting the requirements of this subdivision.

(b) "Approved postsecondary educational institution" for purposes of section 15 of this chapter, IC 21-12-6, and IC 21-13-1-4, means the following:

- (1) A state educational institution.
- (2) A nonprofit college or university.
- (3) A postsecondary credit bearing proprietary educational institution that is accredited by an accrediting agency recognized by the United States Department of Education.

As added by P.L.2-2007, SEC.243. Amended by P.L.169-2011, SEC.1; P.L.107-2012, SEC.7; P.L.13-2013, SEC.58.

IC 21-7-13-7

"Approved secondary school"

Sec. 7. "Approved secondary school" has the meaning set forth in IC 21-12-1-5.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-8

"Ball State University"

Sec. 8. "Ball State University" refers to the state educational institution established under IC 21-19-2.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-9

"Board of trustees"

Sec. 9. "Board of trustees":

- (1) in a law applicable to Ball State University, refers to the Ball State University board of trustees;
 - (2) in a law applicable to Indiana University, refers to the Indiana University board of trustees;
 - (3) in a law applicable to Indiana State University, refers to the Indiana State University board of trustees;
 - (4) in a law applicable to Ivy Tech Community College, refers to the Ivy Tech Community College of Indiana board of trustees;
 - (5) in a law applicable to Purdue University, refers to the Purdue University board of trustees;
 - (6) in a law applicable to the University of Southern Indiana, refers to the University of Southern Indiana board of trustees;
- and
- (7) in a law applicable to Vincennes University, refers to the Vincennes University board of trustees.

As added by P.L.2-2007, SEC.243. Amended by P.L.3-2008, SEC.128.

IC 21-7-13-10

"College or university"

Sec. 10. "College or university" means a postsecondary

educational institution that meets the following requirements:

- (1) Is authorized by law to provide a program of education beyond the high school level.
- (2) Admits as regular students only individuals having a certificate of graduation from a high school or the recognized equivalent of such a certificate.
- (3) Provides an educational program:
 - (A) for which the higher education institution awards a baccalaureate or an associate degree;
 - (B) in which admission is contingent upon the prior attainment of a baccalaureate degree or the equivalent, for which the higher education institution:
 - (i) awards a postgraduate degree; or
 - (ii) provides not less than a two (2) year program that is acceptable for full credit toward a postgraduate degree; or
 - (C) of a two (2) year duration in engineering, mathematics, or the physical or biological sciences, that is designed to prepare the student to work as a technician and at a semiprofessional level in an engineering, a scientific, or other technological field that requires the understanding and application of basic engineering, scientific, or mathematical principles or knowledge.
- (4) Is accredited by a regional accrediting agency or association or by an organization recognized by the United States Department of Education, or, if not so accredited is an institution whose credits are accepted on transfer by not less than three (3) institutions that are accredited by a regional accrediting agency or association or by an organization recognized by the United States Department of Education, with the credits accepted on the same basis as if the credits were transferred from an accredited institution.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-11

"Commission for higher education"

Sec. 11. "Commission for higher education" refers to the commission for higher education of the state of Indiana established under IC 21-18-2.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-12

Repealed

(Repealed by P.L.107-2012, SEC.8.)

IC 21-7-13-13

"Community college system"

Sec. 13. "Community college system" refers to a community college system established under IC 21-41-5.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-13.3**"Degree granting"**

Sec. 13.3. "Degree granting" refers to any institution that offers a degree program and offers instructional or educational services or training in Indiana.

As added by P.L.273-2013, SEC.1.

IC 21-7-13-13.5**"Degree map"**

Sec. 13.5. "Degree map" refers to a student reference developed by a state educational institution under guidelines developed by the commission under IC 21-12-14-1 that provides an academic term by academic term sequence of course options that will allow a full-time student to complete:

- (1) a baccalaureate degree within four (4) academic years; or
- (2) an associate degree within two (2) academic years;

in the student's intended field of study. The reference must specify the expected date that the student will earn a baccalaureate degree or an associate degree and the academic requirements that a student should complete each academic year to timely earn a degree.

As added by P.L.281-2013, SEC.1.

IC 21-7-13-14**"Educational costs"**

Sec. 14. "Educational costs" means tuition and regularly assessed fees.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-15**"Educational support costs"**

Sec. 15. "Educational support costs" refers to costs incurred by scholarship recipients in purchasing:

- (1) required textbooks, supplies, or equipment;
- (2) any other material required by the approved postsecondary educational institution in order for a scholarship recipient to participate in a particular class, seminar, laboratory, or other type of instruction; or
- (3) other items or services approved by the commission for higher education under rules adopted by the commission for higher education under IC 21-18.5-4;

that are not included in educational costs.

As added by P.L.2-2007, SEC.243. Amended by P.L.107-2012, SEC.9.

IC 21-7-13-16**"Elementary school"**

Sec. 16. "Elementary school" has the meaning set forth in IC 20-18-2-4.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-17**"Eligible institution"**

Sec. 17. "Eligible institution", for purposes of:

- (1) IC 21-12, has the meaning set forth in IC 21-12-1-8;
- (2) IC 21-13, has the meaning set forth in IC 21-13-1-3;
- (3) IC 21-16, has the meaning set forth in IC 21-16-1-7;
- (4) IC 21-43, has the meaning set forth in IC 21-43-1-3; and
- (5) IC 21-44, has the meaning set forth in IC 21-44-1-10.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-18**"Faculty"**

Sec. 18. "Faculty", for purposes of a law related to:

- (1) Indiana University, refers to the president, professors, and instructors of Indiana University; and
- (2) Vincennes University, refers to the president and professors of Vincennes University, or a majority of them.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-19**"High school"**

Sec. 19. "High school" has the meaning set forth in IC 20-18-2-7.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-20**"Indiana University"**

Sec. 20. "Indiana University" refers to the state educational institution established under IC 21-20-2.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-21**"Indiana State University"**

Sec. 21. "Indiana State University" refers to the state educational institution established under IC 21-21-2.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-22**"Ivy Tech Community College"**

Sec. 22. "Ivy Tech Community College" refers to the state educational institution established under IC 21-22-2.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-23**"Nonprofit college or university"**

Sec. 23. (a) "Nonprofit college or university", for purposes of this title (except IC 21-17-1-14, IC 21-17-1-17, and IC 21-17-6) means a nonprofit college or university:

- (1) with a principal office in Indiana that is not owned or controlled by the state of Indiana or any political subdivision, agency, instrumentality, district, or municipality of the state of

Indiana; and

(2) that does not discriminate in the admission of students on the basis of race, color, or creed.

(b) "Nonprofit college or university" for purposes of IC 21-17-1-14, IC 21-17-1-17, and IC 21-17-6, has the meaning set forth in IC 21-17-1-10.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-24

"Nonpublic school"

Sec. 24. "Nonpublic school" has the meaning set forth in IC 20-18-2-12.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-25

"Occupational and technical education"

Sec. 25. "Occupational and technical education" has the meaning set forth in IC 21-22-1-2.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-26

"Postsecondary credit bearing proprietary educational institution"

Sec. 26. "Postsecondary credit bearing proprietary educational institution" has the meaning set forth in IC 21-18.5-2-12.

As added by P.L.2-2007, SEC.243. Amended by P.L.107-2012, SEC.10.

IC 21-7-13-27

"Private technical, vocational, correspondence, and trade school"

Sec. 27. "Private technical, vocational, correspondence, and trade school" has the meaning set forth in IC 21-17-1-15.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-28

"Purdue University"

Sec. 28. "Purdue University" refers to the state educational institution established under IC 21-23-2.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-29

"Region"

Sec. 29. "Region" has the meaning set forth in IC 21-22-1-5.

As added by P.L.2-2007, SEC.243. Amended by P.L.3-2008, SEC.129.

IC 21-7-13-29.5

"Research intensive campus"

Sec. 29.5. "Research intensive campus" means a campus of a state educational institution that is classified or designated as a Research University (very high research activity) or a Research University

(high research activity) or an equivalent successor designation that is established by the Carnegie Foundation for the Advancement of Teaching.

As added by P.L.29-2012, SEC.1.

IC 21-7-13-30

"School corporation"

Sec. 30. "School corporation" has the meaning set forth in IC 20-18-2-16(a).

As added by P.L.2-2007, SEC.243.

IC 21-7-13-31

"Secondary school"

Sec. 31. "Secondary school" has the meaning set forth in IC 20-18-2-18.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-32

"State educational institution"

Sec. 32. (a) "State educational institution" means any university, college, or other educational institution:

- (1) existing on or after March 29, 1971;
- (2) in Indiana;
- (3) that provides programs of:
 - (A) collegiate or university education; or
 - (B) other postsecondary education; and
- (4) that is supported in whole or in part by appropriations made by the general assembly.

(b) The term refers to the following:

- (1) Ball State University.
- (2) Indiana State University.
- (3) Indiana University.
- (4) Ivy Tech Community College.
- (5) Purdue University.
- (6) University of Southern Indiana.
- (7) Vincennes University.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-33

Repealed

(Repealed by P.L.107-2012, SEC.11.)

IC 21-7-13-34

"State superintendent"

Sec. 34. "State superintendent" has the meaning set forth in IC 20-18-2-20.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-35

"University of Southern Indiana"

Sec. 35. "University of Southern Indiana" refers to the state educational institution established under IC 21-24-2.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-36

"Vincennes University"

Sec. 36. "Vincennes University" refers to the state educational institution established under IC 21-25-2.

As added by P.L.2-2007, SEC.243.

IC 21-7-13-37

"Vocational education"

Sec. 37. "Vocational education" has the meaning set forth in IC 21-18-1-7.

As added by P.L.2-2007, SEC.243.

IC 21-7-14

Chapter 14. Indiana University Permanent Endowment Fund

IC 21-7-14-1

Application

Sec. 1. This chapter applies to money in the fund.

As added by P.L.2-2007, SEC.244.

IC 21-7-14-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the Indiana University permanent endowment fund in the custody of the treasurer of state.

As added by P.L.2-2007, SEC.244.

IC 21-7-14-3

Treasurer of state to hold fund; state board of finance to manage fund

Sec. 3. (a) The treasurer of state is the exclusive custodian of the fund.

(b) The state board of finance has full and complete management and control of the fund. The state board of finance shall invest the fund as provided in IC 20.

As added by P.L.2-2007, SEC.244.

IC 21-7-14-4

Fund investment

Sec. 4. Except as provided in this chapter, the fund shall be invested in:

- (1) bonds, notes, certificates, and other valid obligations of the United States;
- (2) bonds, notes, debentures, and other securities issued by any federal instrumentality and fully guaranteed by the United States;
- (3) bonds, notes, certificates, and other valid obligations of any state of the United States or any county, township, city, town, or other political subdivision in Indiana that are issued under law, the issuers of which, for five (5) years before the date of the investment, have promptly paid the principal and interest on their bonds and other legal obligations in lawful money of the United States; or
- (4) bonds, notes, or other securities issued by the Indiana bond bank and described in IC 5-13-10.5-11(3).

As added by P.L.2-2007, SEC.244.

IC 21-7-14-5

Disbursements from fund; deposit of securities

Sec. 5. (a) The state board of finance shall direct all disbursement from the fund. The auditor of state shall draw the auditor of state's warrant on the treasurer of state, on a properly itemized voucher

officially approved by:

- (1) the president of the state board of finance; or
- (2) any member of the state board of finance if the president is absent.

(b) Except as otherwise provided by this chapter, all securities purchased for the fund shall be deposited with and remain in the custody of the state board of finance. The state board of finance shall collect all interest or other income accruing on the securities, when due, together with the principal of the securities when the principal matures and is due. Except as provided by subsection (c), all money collected under this subsection shall be credited to the proper fund account on the records of the auditor of state, and the collection shall be deposited with the treasurer of state and reported to the state board of finance.

(c) All money collected under an agreement that is sold, transferred, or liquidated under IC 20-49-4-23 shall be immediately transferred to the purchaser, transferee, or assignee of the agreement.
As added by P.L.2-2007, SEC.244.

IC 21-7-14-6

State board of finance; powers; rulemaking

Sec. 6. (a) The state board of finance may:

- (1) make all rules;
- (2) employ all help;
- (3) purchase all supplies and equipment; and
- (4) incur all expense;

necessary to properly carry out this chapter.

(b) The expense incident to the administration of this chapter shall be paid from any money in the state treasury not otherwise appropriated upon the warrant of the auditor of state and issued on a properly itemized voucher approved by the president of the state board of finance.

As added by P.L.2-2007, SEC.244.

IC 21-7-14-7

Annual examination; state board of accounts; report

Sec. 7. The state board of accounts shall annually examine the status of the fund by a field examiner or field examiners assigned by the state examiner. Upon the completion of the examination, the examiners performing the duty shall prepare a report of the examination. The report must show:

- (1) all necessary, pertinent information;
- (2) the balance of the fund's principal at the close of the previous examination;
- (3) the amount of interest and principal paid by each county to the state board of finance since the close of the previous examination;
- (4) the balance of principal due at the date of closing of the report;
- (5) a statement of receipts and disbursements by the state board

of finance;

(6) a list of the securities found to be possessed by the state board of finance;

(7) the amount of each security; and

(8) the total amount of all the securities held in custody.

The appropriate officer of the state board of finance shall sign the list described in subdivision (6) in duplicate. The original signed list shall be deposited with the state board of accounts, and the duplicate of the signed list shall be kept in the files of the treasurer of state.

As added by P.L.2-2007, SEC.244.

IC 21-7-14-8

Loans from fund

Sec. 8. Notwithstanding any other law, the treasurer of state:

(1) on the terms that the treasurer of state prescribes; and

(2) without the approval of the state board of finance;

may make loans from the principal of the fund to the fund's board of trustees.

As added by P.L.2-2007, SEC.244.

IC 21-7-14-9

Loans from fund; security

Sec. 9. The auditor of state shall loan as much of the fund as is not at any time absorbed by the nonnegotiable bonds of the state issued under this chapter at six percent (6%) interest, payable annually in advance in real estate security. Except as otherwise provided in this chapter, in making loans and disbursing the interest collected, the treasurer of state and the auditor of state are governed by the law in force regulating the manner of making loans of the university funds and paying out interest collected.

As added by P.L.2-2007, SEC.244.

IC 21-7-14-10

Loans from fund; records

Sec. 10. (a) The auditor of state shall make a complete record of every mortgage and note executed on account of any loan from the fund, in a book to be kept in the auditor of state's office for that purpose.

(b) On payment of any loan to the fund, the auditor of state shall:

(1) enter a record of satisfaction in full on the margin of the record of the mortgage and sign the record; and

(2) enter satisfaction in full on the face of the mortgage.

(c) The mortgage, when presented by the mortgagor or any person holding title under the mortgage, to the recorder of the county in which the land mortgaged is located, authorizes the recorder of the county to copy the entry on the record in the recorder's office.

As added by P.L.2-2007, SEC.244.

IC 21-7-14-11

Loans from fund; state bonds

Sec. 11. (a) If the state requires the loan of any part or all of the fund, the state is a preferred borrower of as much of the fund as is not loaned at the time.

(b) The treasurer of state shall cause to be executed, as evidence of a loan under this section, a nonnegotiable bond of the state for the amount borrowed, in the following manner:

(1) The bond must be signed by the governor and treasurer of state and attested by the secretary of state and the seal of the state.

(2) The bond must be made payable in fifty (50) years after the date of execution, at the option of the state.

(3) The bond shall bear five percent (5%) interest from the date of execution until paid.

(4) The interest on the bond must be:

(A) paid semiannually on May 1 and November 1 of each year;

(B) applied to the current and extraordinary expenses of Indiana University; and

(C) paid to the board of trustees under the same rules and regulations as is required by law in the payment of the revenues of Indiana University.

The nonnegotiable bond provided for in this section, when executed, must remain in the custody of the treasurer of state.

(c) If Indiana University is consolidated with any other educational institution or institutions of the state, or is removed from the location of the university as of June 5, 1883, for any cause, the funds raised under this chapter shall be held and used for the benefit of the institution, as consolidated or changed, notwithstanding the change or consolidation.

As added by P.L.2-2007, SEC.244.

IC 21-7-14-12

Loans from fund; nonpayment; suit for collection

Sec. 12. Whenever:

(1) the auditor of state has made loans from the fund that were secured by a mortgage upon real property;

(2) the mortgaged premises are forfeited to the state for nonpayment of the amount due or are purchased for the state by the auditor of state for the benefit of the fund; and

(3) the mortgaged premises when sold fail to sell for a sum sufficient to satisfy the principal and interest of the loan and damages;

the auditor of state shall bring suit on the note executed by the mortgagor for the deficiency, for which the maker is liable. If judgment is rendered on the suit, an appraisal of property is not allowed on the execution issued on the judgment.

As added by P.L.2-2007, SEC.244.

IC 21-7-15

Chapter 15. Purdue University: Endowment Fund

IC 21-7-15-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to the endowment fund for Purdue University described in section 2 of this chapter.

As added by P.L.2-2007, SEC.245.

IC 21-7-15-2

Treasurer of state to hold fund

Sec. 2. The treasurer of state shall take in charge, hold, manage, and invest, for the use and benefit of the board of trustees of Purdue University, its endowment fund, derived from acceptance, by the state of Indiana, of the benefits and provisions of the acts of Congress, approved July 2, 1862, and April 14, 1864.

As added by P.L.2-2007, SEC.245.

IC 21-7-15-3

Controlling statutes for fund

Sec. 3. The fund shall be held, managed, controlled, and invested in accordance with:

- (1) 7 U.S.C. 301 et seq.;
- (2) the acts of Congress that are amendatory or supplemental to 7 U.S.C. 301 et seq.; and
- (3) this chapter.

As added by P.L.2-2007, SEC.245.

IC 21-7-15-4

Fund investment

Sec. 4. The fund or any part of the fund may be invested in securities bearing the rate of interest that is obtainable as follows:

- (1) In bonds, notes, or certificates that are the obligations of, or guaranteed by, the United States.
- (2) In:
 - (A) bonds of any territory or insular possession of the United States;
 - (B) bonds, notes, warrants, certificates, or orders of the state of Indiana; or
 - (C) any political subdivision, instrumentality, or agency of the state of Indiana;

issued under authority of law.

As added by P.L.2-2007, SEC.245.

IC 21-7-15-5

Loans from fund

Sec. 5. Notwithstanding any other law to the contrary, the treasurer of state:

- (1) on the terms that the treasurer of state prescribes; and
- (2) without the approval of the state board of finance;

may make loans from the principal of the fund to the board of trustees of Purdue University.

As added by P.L.2-2007, SEC.245.

IC 21-8

ARTICLE 8. REPEALED

(Repealed by P.L.165-1996, SEC.2.)

IC 21-9

ARTICLE 9. EDUCATION SAVINGS PROGRAMS

IC 21-9-1

Chapter 1. Purposes

IC 21-9-1-1

Purposes of article

Sec. 1. The following are the purposes of this article:

- (1) To encourage education and the means of education.
- (2) To encourage attendance at a college or university.
- (3) To provide families additional means of striving for postsecondary education through an education savings program that may be established under this article.
- (4) To help provide the benefits of postsecondary education to the people of Indiana.
- (5) To promote the economic development of the state by creating opportunities for a more highly educated workforce.
- (6) To increase employment opportunities in Indiana.
- (7) To encourage a working partnership among the people of Indiana, including Indiana families, and elementary and secondary schools, colleges or universities, financial institutions, and state government in furthering a greater rate of savings and greater participation in higher education.

As added by P.L.165-1996, SEC.1. Amended by P.L.85-2000, SEC.1; P.L.135-2002, SEC.2; P.L.2-2007, SEC.246.

IC 21-9-2

Chapter 2. Definitions

IC 21-9-2-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-2

"Account" or "individual account"

Sec. 2. "Account" or "individual account" means a trust account or any other account of an education savings program.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.3.

IC 21-9-2-3

"Account beneficiary"

Sec. 3. "Account beneficiary" means the individual who is:

- (1) designated as the beneficiary of an account at the time the account is established under this article; and
- (2) designated as the new beneficiary when beneficiaries are changed.

As added by P.L.165-1996, SEC.1. Amended by P.L.25-1999, SEC.1.

IC 21-9-2-4

"Account owner"

Sec. 4. "Account owner" means the individual, an emancipated minor, a trust, an estate, a partnership, an association, a company, a corporation, or a qualified custodian under the Uniform Transfers to Minors act (IC 30-2-8.5) that is designated as having the right to do the following:

- (1) Select or change the designated beneficiary of an account.
- (2) Designate a person other than the designated beneficiary as a person to whom funds may be paid from the account.
- (3) Receive distributions from the account if no other person is designated.

As added by P.L.165-1996, SEC.1. Amended by P.L.25-1999, SEC.2; P.L.135-2002, SEC.4.

IC 21-9-2-5

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-6

"Administrative account"

Sec. 6. "Administrative account" means the administrative account of the trust fund established under IC 21-9-5 that may be funded periodically from appropriations by the general assembly.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-7

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-8

"Authority"

Sec. 8. "Authority" means the Indiana education savings authority created under IC 21-9-3.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-9

"Board"

Sec. 9. "Board" means the board of directors of the authority established under IC 21-9-4.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-9.5

"Contribution"

Sec. 9.5. "Contribution" means a payment directly allocated to an account for the benefit of an account beneficiary or used to pay fees associated with the account.

As added by P.L.25-1999, SEC.3. Amended by P.L.135-2002, SEC.5.

IC 21-9-2-10

"Contributor"

Sec. 10. "Contributor" means any individual, emancipated minor, trust, estate, partnership, association, company, corporation, or qualified custodian under the Uniform Transfers to Minors act (IC 30-2-8.5) that makes a deposit for the benefit of an account beneficiary.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.6.

IC 21-9-2-10.5

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-11

"Education savings program"

Sec. 11. "Education savings program" means:

- (1) a trust program; or
- (2) any other program established under IC 21-9-3 that qualifies as a qualified state tuition program under Section 529 of the Internal Revenue Code.

As added by P.L.165-1996, SEC.1. Amended by P.L.85-2000, SEC.2; P.L.135-2002, SEC.7.

IC 21-9-2-12

"Endowment fund"

Sec. 12. "Endowment fund" means the endowment fund

established under IC 21-9-5 for the benefit of the education savings programs that:

(1) may be funded periodically from gifts, bequests, devises, or other donations, or from any source not otherwise provided for; and

(2) may not include any appropriations by the general assembly.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-13

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-14

"Financial institution"

Sec. 14. "Financial institution" means a bank, a commercial bank, a national bank, a savings bank, a savings and loan, a thrift, a credit union, an insurance company, a trust company, an investment company, a mutual fund, or similar entity that meets the qualifying requirements established by the authority.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.8.

IC 21-9-2-15

"General operating fund"

Sec. 15. "General operating fund" means the general operating fund established under IC 21-9-5 from which general operating, administrative, and capital expenses (other than those payable from the administrative account) may be paid.

As added by P.L.165-1996, SEC.1.

IC 21-9-2-16

Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 21-9-2-16.5

"Internal Revenue Code"

Sec. 16.5. "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended from time to time.

As added by P.L.135-2002, SEC.10.

IC 21-9-2-17

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-17.5

"Member of the family"

Sec. 17.5. (a) "Member of the family" means an individual who is one (1) of the following relatives of a designated beneficiary:

(1) A lineal descendant of the designated beneficiary.

(2) A lineal ancestor of the designated beneficiary.

(3) A brother, sister, stepbrother, or stepsister of the designated beneficiary.

(4) A stepparent of the designated beneficiary.

(5) A stepchild of the designated beneficiary.

(6) A niece or nephew of the designated beneficiary.

(7) An aunt or uncle of the designated beneficiary.

(8) An individual related to the designated beneficiary as follows:

(A) A daughter-in-law.

(B) A son-in-law.

(C) A mother-in-law.

(D) A father-in-law.

(E) A sister-in-law.

(F) A brother-in-law.

(G) A first cousin.

(9) The spouse of the designated beneficiary or the spouse of an individual described in subdivisions (1) through (8).

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms brother and sister include a brother or sister by the half blood.

As added by P.L.25-1999, SEC.5. Amended by P.L.135-2002, SEC.11.

IC 21-9-2-18

"Program account"

Sec. 18. "Program account" means the program account of the trust fund established under IC 21-9-5. A program account is comprised of:

(1) trust accounts; and

(2) other contributions or money received in trust by the authority together with allocable earnings (whether interest, gains, or dividends) and other contributions appropriately made or money properly allocable to the program account.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.12.

IC 21-9-2-19

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-19.5

"Qualified higher education expenses"

Sec. 19.5. "Qualified higher education expenses" has the meaning set forth in Section 529 of the Internal Revenue Code.

As added by P.L.25-1999, SEC.6. Amended by P.L.135-2002, SEC.13.

IC 21-9-2-19.7

"Rollover distribution"

Sec. 19.7. "Rollover distribution" means a rollover as defined in Section 529 of the Internal Revenue Code.

As added by P.L.25-1999, SEC.7. Amended by P.L.135-2002, SEC.14.

IC 21-9-2-20

Repealed

(Repealed by P.L.85-2000, SEC.6.)

IC 21-9-2-21

Repealed

(Repealed by P.L.85-2000, SEC.6.)

IC 21-9-2-22

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-2-22.1

"Trust account"

Sec. 22.1. "Trust account" means a trust account established by a contributor in the trust program by or for the benefit of an account beneficiary.

As added by P.L.135-2002, SEC.15.

IC 21-9-2-23

"Trust fund"

Sec. 23. "Trust fund" means the trust fund created under IC 21-9-5 for purposes of any trust program under IC 21-9-7 and IC 21-9-8.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.16.

IC 21-9-2-24

"Trust program"

Sec. 24. "Trust program" means the Indiana family college savings trust program established under IC 21-9-3.

As added by P.L.165-1996, SEC.1.

IC 21-9-3

Chapter 3. Indiana Education Savings Authority

IC 21-9-3-1

Creation of authority

Sec. 1. The Indiana education savings authority is created.

As added by P.L.165-1996, SEC.1.

IC 21-9-3-2

Authority as body corporate and politic; not agency of state

Sec. 2. (a) The authority is a body corporate and politic.

(b) The authority:

(1) is not an agency of the state; and

(2) is an instrumentality of the state performing essential governmental functions.

As added by P.L.165-1996, SEC.1.

IC 21-9-3-3

Establishment of education savings programs

Sec. 3. The authority may establish any number of education savings programs.

As added by P.L.165-1996, SEC.1. Amended by P.L.85-2000, SEC.3; P.L.135-2002, SEC.17.

IC 21-9-3-4

Exemptions from state taxation

Sec. 4. Because the management and operation of the education savings programs and all funds and accounts established under this article constitute the performance of an essential public function, the following are exempt from taxation by the state and by any political subdivision of the state:

(1) The authority's management and operations.

(2) The authority's property and assets.

(3) All property and assets held by or for the authority except individual accounts.

(4) The investment income and earnings (whether interest, gains, or dividends) on:

(A) the authority's property and assets; and

(B) all property and assets held by or for the authority; including all funds and accounts established under this article except individual accounts.

As added by P.L.165-1996, SEC.1.

IC 21-9-3-5

Power to contract

Sec. 5. The authority may contract with public or private entities or persons for the provision of all or any portion of the services the board considers necessary for the management and operations of the authority, including the education savings programs and all funds and accounts of the authority.

As added by P.L.165-1996, SEC.1.

IC 21-9-4

Chapter 4. Authority Board of Directors and Officers

IC 21-9-4-1

Board of directors; members; vacancy; chairman; removal

Sec. 1. (a) The board of directors of the authority is established. The board consists of the following:

(1) The following four (4) ex officio members or directors:

- (A) The treasurer of state.
- (B) The state superintendent of public instruction.
- (C) The Indiana commissioner for higher education.
- (D) The budget director.

(2) Five (5) appointed members or directors who:

- (A) are appointed by the governor; and
- (B) have knowledge, skill, and experience in academic, business, financial, or education fields.

(b) During a member's term of service on the board, an appointed member of the board may not be an official or employee of the state.

(c) Not more than three (3) of the appointed members of the board may belong to the same political party.

(d) An appointed member serves a four (4) year term. An appointed member shall hold over after the expiration of the member's term until the member's successor is appointed and qualified.

(e) The governor may reappoint an appointed member of the board.

(f) A vacancy shall be filled for the balance of an unexpired term in the same manner as the original appointment.

(g) The treasurer of state shall serve as chairman of the board. The board shall annually elect one (1) of its ex officio members as vice chairman, and may elect any other officer that the board desires.

(h) The governor may remove an appointed member for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing, unless the member expressly waives the notice and hearing in writing.

As added by P.L.165-1996, SEC.1. Amended by P.L.2-2007, SEC.247.

IC 21-9-4-2

Salary; reimbursement

Sec. 2. (a) An appointed member of the board is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each appointed member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

(b) An ex officio member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

As added by P.L.165-1996, SEC.1.

IC 21-9-4-3

Designation of ex officio member

Sec. 3. An ex officio member of the board may designate a person to serve as an ex officio member of the board in the absence of the ex officio member.

As added by P.L.165-1996, SEC.1.

IC 21-9-4-4

Power of board to employ manager and delegate functions

Sec. 4. The board may:

- (1) employ a manager, who is not a member of the board; and
- (2) delegate necessary and appropriate functions and authority to the manager.

As added by P.L.165-1996, SEC.1.

IC 21-9-4-5

Quorum; meetings

Sec. 5. (a) Five (5) members of the board are a quorum for:

- (1) the transaction of business at a meeting of the board; or
- (2) the exercise of a power or function of the authority.

(b) The affirmative vote of a majority of all the members of the board who are present is necessary for the authority to take action. A vacancy in the membership of the board does not impair the right of a quorum to exercise all the rights and perform all the duties of the authority. An action taken by the board under this article may be authorized by:

- (1) resolution at any regular or special meeting; or
- (2) unanimous consent of all the members who have not abstained.

A resolution takes effect immediately upon adoption and need not be published or posted.

(c) The board shall meet at the call of the chairman and as provided in the bylaws of the authority.

(d) Meetings of the board may be held anywhere in Indiana.

As added by P.L.165-1996, SEC.1. Amended by P.L.134-2012, SEC.23.

IC 21-9-4-6

Authority as public agency; board as governing body

Sec. 6. (a) The authority is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.

(b) The board is a governing body for purposes of IC 5-14-1.5.

As added by P.L.165-1996, SEC.1.

IC 21-9-4-7

Powers of board

Sec. 7. In addition to any power granted by this article, the board has all powers necessary or convenient to carry out and effectuate the purposes and objectives of this article, the purposes and objectives of the education savings programs, and the powers delegated by law

or executive order, including the following powers:

(1) To develop and implement the education savings programs and, notwithstanding any provision in this article to the contrary, other services consistent with the purposes and objectives of this article, through:

- (A) rules or emergency rules adopted under IC 4-22-2; or
- (B) rules, guidelines, procedures, or policies established by the board and approved by the commission for higher education.

(2) To conform the education savings programs and, notwithstanding any provision in this article to the contrary, services consistent with the purposes and objectives of this article, to the requirements of a qualified state tuition program set forth in Section 529 of the Internal Revenue Code and all applicable federal regulations, through:

- (A) rules or emergency rules adopted under IC 4-22-2; or
- (B) guidelines, procedures, or policies established by the board.

(3) To retain professional services, including the following:

- (A) Financial advisers and managers.
- (B) Custodians and other fiduciaries.
- (C) Investment advisers and managers.
- (D) Accountants and auditors.
- (E) Consultants or other experts.
- (F) Actuarial services providers.
- (G) Attorneys.

(4) To establish minimum account deposit amounts (both initial and periodic).

(5) To employ persons, if the board chooses, and as may be necessary, and to fix the terms of their employment.

(6) To recommend legislation to the governor and general assembly.

(7) To apply for designation as a tax exempt entity under the Internal Revenue Code.

(8) To adopt such rules, bylaws, procedures, guidelines, and policies as are necessary to carry out the education savings programs and services and the authority's management and operations.

(9) To sue and be sued.

(10) To provide or facilitate provision of benefits and incentives for the benefit of qualified beneficiaries, account owners, contributors, or account beneficiaries as the board's resources allow or as are directed or provided for by the general assembly.

(11) To conform the education savings programs to federal tax advantages or incentives, as in existence periodically, to the extent consistent with the purposes and objectives of this article.

(12) To interpret, in rules, policies, guidelines, and procedures, the provisions of this article broadly in light of the purposes and objectives of this article.

(13) To charge, impose, and collect administrative fees and service charges in connection with any agreement, contract, or transaction under an education savings program or services.

(14) To have perpetual succession.

As added by P.L.165-1996, SEC.1. Amended by P.L.25-1999, SEC.8; P.L.135-2002, SEC.18; P.L.2-2007, SEC.248.

IC 21-9-4-8

Annual report by authority

Sec. 8. The authority shall prepare an annual report for the education savings programs and services and promptly transmit the annual report to the governor and the general assembly. The authority shall make available, upon request, copies of the annual report to qualified beneficiaries, account owners, and the public. A report transmitted under this section to the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.19; P.L.28-2004, SEC.157.

IC 21-9-4-9

Acceptance of gifts, bequests, donations, and devises by authority

Sec. 9. (a) The authority may accept gifts, bequests, donations, and devises of personal and real property:

(1) as trustees for the maintenance, use, or benefit of the authority, the education savings programs, or the endowment fund; or

(2) to be administered for other public or charitable purposes for the benefit or use of account owners or account beneficiaries.

(b) The authority may receive, accept, hold, administer, and use any property transferred to the authority by gift, bequest, donation, or devise in accordance with the terms, conditions, obligations, liabilities, and burdens imposed on the gift, bequest, donation, or devise if, in the judgment of the board, the action is in the best interest of the authority, the education savings programs, the endowment fund, account owners, contributors, or account beneficiaries, as applicable.

(c) The authority may accept a gift, devise, donation, or bequest made for the purpose of providing an annuity on conditions consistent with the conditions set forth in IC 21-30-3-3 and IC 21-30-3-4 (relating to boards of trustees of state educational institutions).

(d) The authority may, if not inconsistent with the terms and conditions of a gift of real property:

(1) sell, convey, or otherwise dispose of the real property; and

(2) invest, reinvest, or use the proceeds as, in the judgment of the board, is of the greatest benefit to the authority, the education savings programs, the endowment fund, account beneficiaries, and account owners.

(e) When acting under the powers granted by this article and also

with respect to the money in the endowment fund and the program account as provided in IC 21-9-5 and IC 21-9-7, the members serve as trustees of private trusts, subject to the terms and conditions of the trust program or the gift, bequest, donation, or devise and law applicable to private trusts.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.20; P.L.2-2007, SEC.249.

IC 21-9-4-10

Duties of manager of authority

Sec. 10. A manager or another person designated by resolution of the authority:

- (1) shall keep a record of the proceedings of the authority;
- (2) shall be custodian of:
 - (A) all books, documents, and papers filed with the authority; and
 - (B) the minute book or journal of the authority; and
- (3) may copy all minutes and other records and documents of the authority and may give certificates of the authority to the effect that the copies are true copies. A person who deals with the authority may rely upon the certificates.

As added by P.L.165-1996, SEC.1.

IC 21-9-4-11

Surety bond

Sec. 11. Before the adoption and implementation of any education savings program, the:

- (1) chairman;
- (2) vice chairman;
- (3) manager; and
- (4) any officer elected by the authority or member of the authority authorized by resolution to handle funds or sign checks;

shall execute a surety bond in the penal sum of one hundred thousand dollars (\$100,000). The surety bond shall be conditioned upon the faithful performance of the duties of the office of the principal and shall be executed by a surety company authorized to transact business in Indiana. The authority shall pay the cost of the bonds.

As added by P.L.165-1996, SEC.1.

IC 21-9-4-12

Duties of authority

Sec. 12. The authority shall do the following:

- (1) Provide the board and each member, officer, employee, consultant, counsel, and agent of the authority or the board a defense in a suit arising out of the performance of duties for or on behalf of the authority or the board, if the board determines that the duties were performed in good faith.
- (2) Save a person described in subdivision (1) or the board harmless from any liability, cost, or damage in connection with

an action arising out of the performance of duties for or on behalf of the authority or the board, including the payment of any legal fees, except where the liability, cost, or damage is predicated on, or arises out of, the bad faith of the person or the board, or is based on the person's or board's malfeasance in the performance of duties.

As added by P.L.165-1996, SEC.1.

IC 21-9-4-13

Conflicts of interest

Sec. 13. Notwithstanding any other law, it is not a conflict of interest or violation of any other law for a person to serve as a member of the authority. However, a member shall disclose a conflict of interest relating to actions of the authority as required and in a manner provided by IC 35-44.1-1-4.

As added by P.L.165-1996, SEC.1. Amended by P.L.126-2012, SEC.38.

IC 21-9-5

Chapter 5. Funds and Accounts

IC 21-9-5-1

Establishment of funds

Sec. 1. The following are established:

- (1) The general operating fund.
- (2) The endowment fund.
- (3) The trust fund and, in the trust fund, the following:
 - (A) The administrative account.
 - (B) The program account.

As added by P.L.165-1996, SEC.1. Amended by P.L.85-2000, SEC.4.

IC 21-9-5-2

Investment policies for general operating fund, administrative account, and other money

Sec. 2. The authority shall establish and implement investment policies in accordance with IC 5-13 for the following:

- (1) Money in the general operating fund.
- (2) Money in the administrative account.
- (3) Any other money of the authority other than money in:
 - (A) the endowment fund; and
 - (B) the program account.

As added by P.L.165-1996, SEC.1. Amended by P.L.85-2000, SEC.5.

IC 21-9-5-3

Repealed

(Repealed by P.L.85-2000, SEC.6.)

IC 21-9-5-4

Investment policies for endowment fund and program account

Sec. 4. The board shall establish and implement investment policies for money in:

- (1) the endowment fund; and
- (2) the program account;

for investment in the manner provided by IC 30-4-3-3.

As added by P.L.165-1996, SEC.1.

IC 21-9-5-5

Use of trust fund

Sec. 5. The trust fund and other property of the authority must be preserved, invested, and expended only under this article and may not be used for any other purpose. The trust fund shall be held in trust for account owners and account beneficiaries.

As added by P.L.165-1996, SEC.1.

IC 21-9-5-6

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-5-7**Criteria for management of assets in trust fund**

Sec. 7. Criteria for management of assets in the trust fund, including investment of assets, must provide for both asset protection and income growth relative to expected tuition costs while providing for the actuarial soundness of the trust fund.

As added by P.L.165-1996, SEC.1.

IC 21-9-5-8**Payment of authority's expenses**

Sec. 8. (a) General operating, administrative, and capital expenses of the authority may be paid from amounts appropriated for those purposes by the general assembly. Appropriations must be deposited in either the administrative account or the general operating fund, as the board determines to be appropriate.

(b) Subject to IC 21-9-6-3, money in the administrative account shall be used first to pay the general operating, administrative, and capital expenses of the authority. Before money in the program account may be used for these expenses, the authority must exhaust all other funds available to the authority, including money in the endowment fund and the administrative account.

As added by P.L.165-1996, SEC.1.

IC 21-9-5-9**Annual audit of authority**

Sec. 9. (a) The funds, accounts, management, and operations of the authority are subject to annual audit by an independent public accounting firm retained by the board.

(b) The authority shall promptly transmit copies of each annual audit to the governor and the general assembly. Upon request, the authority shall make available copies of the audit to qualified beneficiaries, account owners, and the public.

As added by P.L.165-1996, SEC.1.

IC 21-9-6

Repealed

(Repealed by P.L.85-2000, SEC.6.)

IC 21-9-7

Chapter 7. Indiana Family College Savings Programs

IC 21-9-7-1

Powers of board

Sec. 1. In addition to any other powers granted by this article, the board has all powers necessary or convenient to carry out and effectuate the purposes and objectives of this chapter and IC 21-9-8, the purposes and objectives of an education savings program that may be established under this article, and the powers delegated by other laws or executive orders, including the following:

- (1) To establish policies and procedures to govern distributions from accounts that are not:
 - (A) made on account of the death or disability of an account beneficiary;
 - (B) made on account of the receipt of a scholarship (or allowance or payment described in Section 135(d)(1)(B) or (C) of the Internal Revenue Code) by the account beneficiary to the extent the amount of the distribution does not exceed the amount of the scholarship, allowance, or payment; or
 - (C) rollovers.
- (2) To establish penalties for withdrawals of money from accounts that are not used exclusively for the qualified higher education expenses of an account beneficiary unless a circumstance described in subdivision (1) applies.
- (3) To establish policies and procedures regarding the transfer of individual accounts and the designation of substitute account beneficiaries.
- (4) To establish policies and procedures for withdrawal of money from accounts for, or in reimbursement of, qualified higher education expenses.
- (5) To enter into agreements with account owners, account beneficiaries, and contributors, with the agreements naming:
 - (A) the account owner; and
 - (B) the account beneficiary.
- (6) To establish accounts for account beneficiaries. However:
 - (A) the authority shall establish a separate account for each account beneficiary; and
 - (B) an individual may be the beneficiary of more than one (1) account.
- (7) To enter into agreements with financial institutions relating to accounts as well as deposits, withdrawals, penalties, allocation of benefits or incentives, and transfers of accounts, account owners, and account beneficiaries.
- (8) To conform the education savings program to federal tax advantages or incentives, as the advantages or incentives may exist periodically, to the extent consistent with the purposes and objectives of this article.
- (9) To interpret, in rules, policies, guidelines, and procedures, the provisions of this article broadly considering the purposes

and objectives of this article.
*As added by P.L.165-1996, SEC.1. Amended by P.L.25-1999, SEC.9;
P.L.135-2002, SEC.21.*

IC 21-9-7-2

Consideration of money in accounts by commission for higher education

Sec. 2. The amount of money available in an account and the proposed use of money in an account on behalf of an account beneficiary may not be considered by the commission for higher education under IC 21-12-3, IC 21-12-4, IC 21-12-5, IC 21-13-2, IC 21-13-7, or IC 21-13-8 when determining award amounts under another program administered by the commission for higher education.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.22; P.L.2-2007, SEC.250; P.L.107-2012, SEC.12; P.L.205-2013, SEC.313.

IC 21-9-7-3

Account not an asset

Sec. 3. An account is not an asset for the purposes of IC 6-4.1-2.
As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.23.

IC 21-9-7-4

Property of account owner

Sec. 4. Money deposited in an account by the account owner or a contributor and investment returns on an account are the property of the account owner.

As added by P.L.165-1996, SEC.1.

IC 21-9-7-5

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-7-6

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-7-7

Use of funds as loan security prohibited

Sec. 7. Funds held in an account of an education savings program that may be established under this article may not be used by an account owner or account beneficiary as security for a loan.

As added by P.L.25-1999, SEC.12. Amended by P.L.135-2002, SEC.24.

IC 21-9-7-8

Maximum account balance

Sec. 8. (a) Contributions to an account may not exceed the amount

necessary to provide for the qualified higher education expenses of the account beneficiary.

(b) The authority shall adopt rules or emergency rules under IC 4-22-2 to determine the maximum account balance applicable to all accounts of account beneficiaries with the same expected year of enrollment.

As added by P.L.25-1999, SEC.13. Amended by P.L.135-2002, SEC.25.

IC 21-9-7-9

Authorization to adopt rules to establish a penalty

Sec. 9. The authority may adopt rules or emergency rules under IC 4-22-2 to establish a penalty for a distribution that is not used exclusively for the qualified higher education expenses of an account beneficiary. However, the authority may not establish a penalty for distributions described in IC 21-9-7-1(1).

As added by P.L.25-1999, SEC.14. Amended by P.L.135-2002, SEC.26.

IC 21-9-8

Chapter 8. Indiana Family College Savings Trust Program

IC 21-9-8-1

College choice plan; administration of trust funds

Sec. 1. (a) The board shall establish a trust program known as the college choice plan.

(b) The board shall administer any trust fund established under this article, including the college choice plan, in a manner designed to be actuarially sound, so that the assets of the trust fund are sufficient to defray the obligations of the trust fund, including the program account.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.27.

IC 21-9-8-2

Deposits of money; division of trust fund into separate accounts

Sec. 2. (a) The money received under the trust program, including the college choice plan, by the authority from account owners and contributors for the benefit of account beneficiaries shall be deposited in the program account.

(b) Any appropriations made by the general assembly for:

- (1) operating, administrative, and capital expenses;
- (2) benefits and incentives; or
- (3) any other purpose related to the trust program or the trust fund;

shall be deposited in the administrative account.

(c) The money received under the trust program by the authority by gift, bequest, donation, or devise or from a source that is not described in subsection (a) or (b) shall be deposited:

- (1) in the endowment fund for the benefit of the trust program;
- or
- (2) to individual accounts as determined by the board to be appropriate.

(d) The board may divide the trust fund into further separate accounts. The accounts of the trust fund may be divided into separate subaccounts as the board may determine periodically.

As added by P.L.165-1996, SEC.1. Amended by P.L.135-2002, SEC.28.

IC 21-9-9

Repealed

(Repealed by P.L.135-2002, SEC.30.)

IC 21-9-10

Chapter 10. Miscellaneous Provisions

IC 21-9-10-1

Purchases; acquisition and disposition of property

Sec. 1. The authority may:

- (1) contract for the purchase of supplies, goods, or services; and
- (2) acquire and dispose of any real or personal property without regard to IC 4-13 and IC 5-22.

As added by P.L.165-1996, SEC.1. Amended by P.L.49-1997, SEC.62.

IC 21-9-10-2

Exemption of accounts from state taxation

Sec. 2. (a) Accounts and all earnings or interest on accounts are exempt from taxation in Indiana to the extent that those accounts, earnings, and interest are exempt from federal taxation under the Internal Revenue Code, subject to any penalties that are established for education savings programs under this article.

(b) Distributions under IC 6-3-2-19 from an account used to pay qualified higher education expenses are exempt from the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7.

As added by P.L.165-1996, SEC.1. Amended by P.L.15-2001, SEC.2; P.L.135-2002, SEC.29.

IC 21-9-10-3

No responsibility by state or higher education institutions to fulfill obligations of authority

Sec. 3. This article may not be construed as an obligation of the state or a college or university to assume any responsibility for fulfilling any obligation of the authority or any education savings program.

As added by P.L.165-1996, SEC.1. Amended by P.L.2-2007, SEC.251.

IC 21-9-10-4

Liberal construction of article

Sec. 4. This article shall be construed liberally to effectuate the purposes and objectives of this article. The purposes and objectives of this article and the provisions of this article that grant powers shall be broadly interpreted to effectuate the article's purposes and objectives and not to imply any limitation of powers.

As added by P.L.165-1996, SEC.1.

IC 21-10

ARTICLE 10. REPEALED

(Repealed by P.L.2-2007, SEC.390.)

IC 21-11

ARTICLE 11. REPEALED

(Repealed by P.L.107-2012, SEC.13.)

IC 21-12

ARTICLE 12. GENERAL SCHOLARSHIPS AND GRANTS

IC 21-12-1

Chapter 1. General Provisions; Definitions

IC 21-12-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-2

"Academic term"

Sec. 2. "Academic term" means a semester, a trimester, a quarter, or any other equivalent term set forth by an eligible institution and used to divide an academic year into periods in which classes are held.

As added by P.L.2-2007, SEC.253. Amended by P.L.281-2013, SEC.2.

IC 21-12-1-3

"Academic year"

Sec. 3. "Academic year" means the period from September 1 of a year through August 31 of the next year.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-4

"Active duty"

Sec. 4. "Active duty" means full-time service in:

- (1) the National Guard (as defined in IC 10-16-1-13); or
- (2) any reserve component of the:
 - (A) Indiana National Guard; or
 - (B) armed forces;

that exceeds thirty (30) consecutive days in a calendar year.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-5

"Approved secondary school"

Sec. 5. "Approved secondary school" means:

- (1) a public high school located in Indiana; and
- (2) any school, located in or outside Indiana, that in the judgment of the state 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 Indiana.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-6

"Commission"

Sec. 6. "Commission" refers to the commission for higher education.

As added by P.L.2-2007, SEC.253. Amended by P.L.107-2012, SEC.14.

IC 21-12-1-7

"Contributor"

Sec. 7. "Contributor" means an individual or a for profit corporation, partnership, or other for profit entity.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-7.5

"Credit hours"

Sec. 7.5. "Credit hours" refers to credit hours used in a traditional semester school, in which an associate degree typically requires sixty (60) credit hours and a baccalaureate degree typically requires one hundred twenty (120) credit hours.

As added by P.L.281-2013, SEC.3.

IC 21-12-1-8

"Eligible institution"

Sec. 8. "Eligible institution", for the purposes of:

- (1) IC 21-12-6, refers to a postsecondary educational institution that qualifies as an eligible institution under IC 21-12-6-4; and
- (2) IC 21-12-8, refers to a postsecondary educational institution that:

- (A) operates in Indiana;
- (B) is either operated by the state or operated nonprofit;
- (C) operates an organized program of postsecondary education leading to a technical certificate, nursing diploma, or associate or baccalaureate degree; and
- (D) is accredited by:
 - (i) a recognized regional accrediting agency;
 - (ii) the board for proprietary education under IC 21-18.5-6;
 - (iii) the Indiana state board of nursing; or
 - (iv) the state workforce innovation council under IC 22-4.1-21.

As added by P.L.2-2007, SEC.253. Amended by P.L.107-2012, SEC.15.

IC 21-12-1-9

"Eligible student"

Sec. 9. "Eligible student" refers to an individual who qualifies to participate in the twenty-first century scholars program under IC 21-12-6-5.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-10

"Frank O'Bannon grant"

Sec. 10. "Frank O'Bannon grant" refers to grants designated as the following:

- (1) The higher education award.
- (2) The freedom of choice award.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-11

"Fund"

Sec. 11. "Fund":

- (1) for purposes of IC 21-12-6, refers to the twenty-first century scholars fund established by IC 21-12-6-2;
- (2) for purposes of IC 21-12-7, refers to the twenty-first century scholars program support fund established by IC 21-12-7-1; and
- (3) for purposes of IC 21-12-8, refers to the part-time student grant fund established by IC 21-12-8-1.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-12

"Part-time student grant"

Sec. 12. "Part-time student grant" refers to a monetary award under IC 21-12-8 from the part-time student grant fund.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-13

"Program"

Sec. 13. "Program" refers to the twenty-first century scholars program established by IC 21-12-6-1.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-14

"Scholarship"

Sec. 14. "Scholarship", for the purposes of IC 21-12-6, refers to a twenty-first century scholarship awarded under IC 21-12-6.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-15

"Scholarship applicant"

Sec. 15. "Scholarship applicant" refers to an individual who qualifies for a twenty-first century scholarship under IC 21-12-6-6.

As added by P.L.2-2007, SEC.253.

IC 21-12-1-16

"Scholarship recipient"

Sec. 16. "Scholarship recipient" refers to an individual who is awarded a twenty-first century scholarship under IC 21-12-6.

As added by P.L.2-2007, SEC.253.

IC 21-12-1.5

Chapter 1.5. Awards for Students With Associate Degrees

IC 21-12-1.5-0.5

Application

Sec. 0.5. This chapter applies to a student who initially enrolls in an eligible institution before September 1, 2013.

As added by P.L.281-2013, SEC.4.

IC 21-12-1.5-1

Application

Sec. 1. This chapter applies to an individual who:

- (1) did not graduate from high school with an academic honors diploma;
- (2) has received an associate degree;
- (3) after receiving the associate degree, enrolls in a baccalaureate degree program; and
- (4) otherwise qualifies for an award.

As added by P.L.169-2011, SEC.2.

IC 21-12-1.5-2

"Award"

Sec. 2. As used in this chapter, "award" means any monetary grant made by the commission from:

- (1) appropriations for higher education awards or freedom of choice grants;
- (2) federal funds; or
- (3) other appropriations, grants, gifts, or bequests.

As added by P.L.169-2011, SEC.2.

IC 21-12-1.5-3

"Eligible student"

Sec. 3. As used in this chapter, "eligible student" refers to an individual described in section 1 of this chapter.

As added by P.L.169-2011, SEC.2.

IC 21-12-1.5-4

Eligibility; maximum award

Sec. 4. An eligible student is eligible for the same maximum award as a similarly situated individual who graduates from high school with an academic honors diploma.

As added by P.L.169-2011, SEC.2.

IC 21-12-1.5-5

Rule voided

Sec. 5. 585 IAC 1-9-9 is void to the extent that it conflicts with section 4 of this chapter.

As added by P.L.169-2011, SEC.2.

IC 21-12-1.7

Chapter 1.7. Establishment of Award Amounts by the Commission for Higher Education

IC 21-12-1.7-1

"Academic honors student"

Sec. 1. For purposes of this chapter, "academic honors student" refers to a student who:

- (1) for the student's first academic year, graduated from high school with an academic honors diploma or technical honors diploma; or
- (2) for a student's most recently concluded academic year that is after the student's first academic year, maintained a cumulative grade point average of at least 3.0 on a 4.0 grading scale or its equivalent as established by the eligible institution.

As added by P.L.281-2013, SEC.5.

IC 21-12-1.7-2

"Accelerated progress"

Sec. 2. For purposes of this chapter, "accelerated progress" means successfully completing:

- (1) at least thirty-nine (39) credit hours or the equivalent by the end of the student's first academic year; or
- (2) at least seventy-eight (78) credit hours or the equivalent by the end of the student's second academic year.

As added by P.L.281-2013, SEC.5.

IC 21-12-1.7-3

Annual publication of schedule of award amounts

Sec. 3. (a) This section applies to an academic year beginning after August 31, 2014. The commission shall publish annually a schedule of award amounts for the higher education award and freedom of choice grant issued under this article. The schedule must provide award amounts on the basis of the recipient's expected family contribution. The expected family contribution shall be derived from information submitted on the recipient's financial aid application form. The commission shall determine award amounts separately for:

- (1) recipients attending approved public state educational institutions (except Ivy Tech Community College);
- (2) Ivy Tech Community College;
- (3) recipients attending a nonprofit college or university listed in IC 21-7-13-6(a)(1)(C); and
- (4) recipients attending approved postsecondary credit bearing proprietary institutions.

(b) The schedule of award amounts published under subsection (a) shall offer a larger award to a recipient who, as of the student's most recently concluded academic year, has successfully completed:

- (1) at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;

(2) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; or

(3) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years.

(c) The schedule of award amounts shall set forth an amount for recipients described in subsection (a)(1) that is equal to fifty percent (50%) of the amount for recipients described in subsection (a)(3).

(d) This subsection expires September 1, 2016. A student that initially enrolls in an eligible institution for an academic year beginning before September 1, 2013, is eligible for the larger award determined under subsection (b) regardless of the student's credit completion.

As added by P.L.281-2013, SEC.5. Amended by P.L.2-2014, SEC.91.

IC 21-12-1.7-4

Additional awards; performance incentives

Sec. 4. (a) This section applies to a student who initially enrolls in an eligible institution for an academic year beginning after August 31, 2013.

(b) The commission shall offer an additional award to a recipient who:

(1) is an academic honors student;

(2) received an associate degree before enrolling in a baccalaureate degree program; or

(3) made accelerated progress during the recipient's most recently concluded academic year.

(c) The commission may establish one (1) or more student performance incentives in addition to those listed under subsection (b).

(d) The commission shall determine the amount of each incentive bonus annually, based on the available appropriation.

As added by P.L.281-2013, SEC.5.

IC 21-12-1.7-5

Reduction of awards

Sec. 5. (a) If the sum of awards under sections 3 and 4 of this chapter exceeds the appropriation in a given year, the commission shall reduce the level of awards offered under section 4 of this chapter as necessary so that the sum of awards under sections 3 and 4 of this chapter does not exceed the appropriation.

(b) The commission may increase, but shall not decrease, the amounts of awards published under section 1 of this chapter from the amount offered the previous academic year.

As added by P.L.281-2013, SEC.5.

IC 21-12-1.7-6

Use of annual award amounts

Sec. 6. (a) As used in this section, "annual award amount" refers to:

(1) for a recipient of a Frank O'Bannon award, the amount a recipient is entitled to receive under sections 3 and 4 of this chapter; or

(2) for a recipient of a twenty-first century scholars award, the amount a recipient is entitled to receive under IC 21-12-6.

(b) The annual award amount may be used in any of the academic terms offered by an eligible institution, including summer terms.

(c) An eligible institution, in consultation with the recipient, may reserve up to one hundred percent (100%) of a recipient's annual award amount for use in the summer.

As added by P.L.281-2013, SEC.5.

IC 21-12-2

**Chapter 2. Exclusion of Military Compensation From
Financial Resources; Frank O'Bannon Grants**

IC 21-12-2-1

Application

Sec. 1. (a) This section applies to a person called to active duty after September 11, 2001.

(b) When determining financial eligibility for a Frank O'Bannon grant, the commission may exclude any salary for service on active duty.

As added by P.L.2-2007, SEC.253.

IC 21-12-3

Chapter 3. Higher Education Awards

IC 21-12-3-1

Eligibility for awards

Sec. 1. (a) An applicant is eligible for a first year higher education award under this chapter if the student meets the following requirements:

- (1) The applicant is a resident of Indiana, as defined by the commission.
 - (2) The applicant:
 - (A) has successfully completed the program of instruction at an approved secondary school;
 - (B) has been granted a:
 - (i) high school equivalency certificate before July 1, 1995; or
 - (ii) 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; or
 - (C) is a student in good standing at an approved secondary school and is engaged in a program that in due course will be completed by the end of the current academic year.
 - (3) The financial resources reasonably available to the applicant, as defined by the commission, are such that, in the absence of a higher education award under this chapter, the applicant would be deterred from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant. In determining the financial resources reasonably available to an applicant to whom IC 21-18.5-4-8 applies, the commission must consider the financial resources of the applicant's legal parent.
 - (4) The applicant will use the award initially at that approved postsecondary educational institution.
 - (5) If the student is already enrolled in an approved postsecondary educational institution, the applicant must be a full-time student and be making satisfactory progress, as determined by the commission, toward a first baccalaureate degree.
 - (6) The student declares, in writing, a specific educational objective or course of study and enrolls in:
 - (A) courses that apply toward the requirements for completion of that objective or course of study; or
 - (B) courses designed to help the student develop the basic skills that the student needs to successfully achieve that objective or continue in that course of study.
 - (7) The student is not eligible to receive a twenty-first century scholarship under IC 21-12-6.
- (b) This subsection applies to an individual who:
- (1) meets the requirements set forth in subsection (a); and

(2) before the date that eligibility is determined by the commission, has been placed by or with the consent of the department of child services, by a court order, or by a licensed 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.

The commission shall consider an individual to whom this subsection applies as a full-need student under the commission's rules when determining the eligibility of the individual to receive financial aid administered by the commission under this chapter.

As added by P.L.2-2007, SEC.253. Amended by P.L.168-2007, SEC.6; P.L.7-2011, SEC.12; P.L.107-2012, SEC.16; P.L.281-2013, SEC.6.

IC 21-12-3-2

Limitation on eligibility

Sec. 2. A higher education award recipient is not eligible for assistance after the recipient has received an award for the number of academic terms that constitutes four (4) undergraduate academic years.

As added by P.L.2-2007, SEC.253. Amended by P.L.281-2013, SEC.7.

IC 21-12-3-3

Eligibility for awards

Sec. 3. To maintain eligibility a student is not required to:

- (1) attend an approved postsecondary educational institution; or
- (2) receive an award;

in consecutive semesters or quarters.

As added by P.L.2-2007, SEC.253. Amended by P.L.125-2008, SEC.1.

IC 21-12-3-4

Eligibility for awards; satisfactory progress

Sec. 4. A student who:

- (1) participates in:
 - (A) a nursing diploma program that is accredited by the Indiana state board of nursing and operated by a hospital;
 - (B) a technical certificate or associate degree program at Ivy Tech Community College; or
 - (C) an associate degree program at a postsecondary credit bearing proprietary educational institution that qualifies as an approved postsecondary educational institution; and
- (2) meets the requirements in sections 1 and 2 of this chapter for a first year higher education award except the requirement of satisfactory progress toward a first baccalaureate degree;

is eligible to receive a state higher education award under this chapter. However, the student must make satisfactory progress

toward obtaining the diploma, technical certificate, or associate degree to remain eligible for the award.

As added by P.L.2-2007, SEC.253. Amended by P.L.125-2008, SEC.2; P.L.107-2012, SEC.17.

IC 21-12-3-5

Maximum grant

Sec. 5. (a) This section applies to the maximum grant that may be offered to an eligible student for an associate degree program at a postsecondary credit bearing proprietary educational institution that qualifies as an approved postsecondary educational institution.

(b) The maximum amount of a grant that may be offered to an eligible student in a program at a postsecondary credit bearing proprietary educational institution is equal to the maximum amount of an award the student could receive under this chapter if the student were enrolled at Ivy Tech Community College.

(c) This section expires July 1, 2014.

As added by P.L.2-2007, SEC.253. Amended by P.L.107-2012, SEC.18; P.L.281-2013, SEC.8.

IC 21-12-3-6

Financial resources available to student

Sec. 6. In determining the financial resources available to a student for a higher education award, the commission may not consider principal or interest, including an original issue discount that qualifies as interest excludable from gross income for federal income tax purposes, on a bond that is:

(1) issued by a:

(A) public body corporate and politic of the state; or

(B) state educational institution;

designated by the governor as a college savings bond and purchased after December 31, 1989; or

(2) a United States savings bond purchased after December 31, 1989, if the interest is claimed as exempt from federal taxation under Section 135 of the Internal Revenue Code.

As added by P.L.2-2007, SEC.253.

IC 21-12-3-7

Publication of rules

Sec. 7. The commission shall publish and make available to every applicant all its rules governing the awarding and denial of higher education awards. The rules must state specifically the conditions under which an award once issued may be withdrawn or reduced.

As added by P.L.2-2007, SEC.253.

IC 21-12-3-8

Issuance of first year awards; priorities

Sec. 8. For each academic year, first year higher education awards shall be issued to as many qualified persons as the current biennial appropriation allows. 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.

As added by P.L.2-2007, SEC.253.

IC 21-12-3-9

Renewal of awards

Sec. 9. A higher education award for a student in a program leading to a baccalaureate degree may be renewed for a total of three (3) undergraduate academic years following the academic year of the first award or until an earlier time as the student receives a degree normally obtained in four (4) undergraduate academic years. A higher education award for a student in a program leading to a technical certificate or an undergraduate 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 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 Indiana;
- (3) the recipient's financial situation continues to warrant an award, based on the financial requirements set forth in section (1)(a)(3) of this chapter;
- (4) the applicant is eligible under section 2 of this chapter;
- (5) if the student initially enrolls in an eligible institution for a semester (or its equivalent) beginning after June 30, 2012, the student maintains at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress; and
- (6) if the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2013, the student successfully completes:
 - (A) at least twenty-four (24) credit hours or the equivalent by the end of the student's first academic year;
 - (B) at least forty-eight (48) credit hours or the equivalent by the end of the student's second academic year; and
 - (C) at least seventy-two (72) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years. A recipient who fails to meet the credit hour requirement for a particular academic year becomes ineligible for an award during the next academic year. The recipient may regain eligibility for an award in subsequent academic years if the recipient meets the aggregate credit hour requirements commensurate with the recipient's academic standing. In addition, the commission may allow a student who is otherwise ineligible under this subdivision for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and

the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements of this subdivision.
As added by P.L.2-2007, SEC.253. Amended by P.L.125-2008, SEC.3; P.L.169-2011, SEC.3; P.L.281-2013, SEC.9.

IC 21-12-3-9.5

Initial enrollment before September 1, 2013; additional award amount

Sec. 9.5. (a) This section applies to a student who initially enrolls in an eligible institution before September 1, 2013.

(b) Beginning in an academic year beginning after August 31, 2014, a student who graduated from high school with an academic honors diploma is entitled to receive the following additional award amount each academic year:

- (1) For a student attending Ivy Tech Community College or a postsecondary credit bearing proprietary educational institution, seven hundred dollars (\$700).
- (2) For a student attending a state educational institution, eight hundred dollars (\$800).
- (3) For a student attending a nonprofit college or university, one thousand four hundred dollars (\$1,400).

(c) This section expires September 1, 2016.

As added by P.L.281-2013, SEC.10.

IC 21-12-3-10

Additional awards

Sec. 10. Out of funds available after commitments have been met under sections 8 and 9 of this chapter, awards shall be issued to persons who have successfully completed at least one (1) academic year but not more than three (3) academic years in approved postsecondary educational institutions if they meet the eligibility requirements of:

- (1) sections 1, 2, and (if applicable) 9(5) or 9(6) of this chapter;
or
- (2) sections 4, 5, and (if applicable) 9(5) or 9(6) of this chapter.

The awards shall be handled on the same basis as renewals under section 9 of this chapter.

As added by P.L.2-2007, SEC.253. Amended by P.L.125-2008, SEC.4; P.L.169-2011, SEC.4; P.L.281-2013, SEC.11.

IC 21-12-3-11

Higher education awards; conditions

Sec. 11. (a) A higher education award issued under this section and sections 8, 9, and 10 of this chapter extends to all educational costs for the academic year for which the award is made, but only to the extent of:

- (1) current financial need (as measured under section 1(3) of this chapter); or
- (2) the maximum fees regularly assessed to resident

undergraduates at any state educational institution, as determined annually by the commission; whichever is smaller.

(b) This section expires September 1, 2014.

As added by P.L.2-2007, SEC.253. Amended by P.L.281-2013, SEC.12.

IC 21-12-3-12

Applicants least able to provide funds for education; consideration of principal or interest on bonds; exemption

Sec. 12. In determining which applicants are least able to provide funds for the cost of education under section 8 of this chapter, the commission may not consider principal or interest, including an original issue discount that qualifies as interest excludable from gross income for federal income tax purposes, on a bond that is:

(1) issued by a:

(A) public body corporate and politic of the state; or

(B) state educational institution;

designated by the governor as a college savings bond and purchased after December 31, 1989; or

(2) a United States savings bond purchased after December 31, 1989, if the interest is claimed as exempt from federal taxation under Section 135 of the Internal Revenue Code.

As added by P.L.2-2007, SEC.253.

IC 21-12-3-13

Prohibition; assistance to confined inmates

Sec. 13. The commission may not provide assistance under this chapter 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 (as defined in IC 35-31.5-2-232).

As added by P.L.2-2007, SEC.253. Amended by P.L.229-2011, SEC.223; P.L.114-2012, SEC.43.

IC 21-12-3-14

Certification of applicants

Sec. 14. The commission shall certify to the auditor of state the name and address of every applicant to whom an award has been issued. An award is effective during the academic year immediately following its award, and records and accounts relating to it shall be kept accordingly.

As added by P.L.2-2007, SEC.253.

IC 21-12-3-15

Enrollment

Sec. 15. An applicant to whom the commission has issued an award may apply for enrollment as a student in any approved postsecondary educational institution. However, the institution is not

required to accept the applicant for enrollment, and the institution may require compliance with its own admissions requirements. If the institution accepts the applicant, it shall give written notice to the commission. The institution is entitled to the payments of tuition and other necessary fees and charges provided by the award that are incurred by the applicant. It shall provide facilities and instruction to the applicant on the same terms as to other students.

As added by P.L.2-2007, SEC.253.

IC 21-12-3-16

Effect of termination of student status

Sec. 16. If during an academic period a student enrolled in an institution under an award under this chapter ceases for any reason to be a student in good standing, the institution shall promptly give written notice to the commission as to the change of status and the reason for it. If under its current standards a fee or charge that has been paid as part of an award under this chapter would otherwise be refunded by the institution to the student, it shall be remitted to the auditor of state.

As added by P.L.2-2007, SEC.253.

IC 21-12-3-17

Second year awards

Sec. 17. A student to whom a renewal award has been issued may either re-enroll in the approved postsecondary educational institution that the student attended during the preceding year or enroll in another approved postsecondary educational institution. In either event, the approved postsecondary educational institution accepting the student shall notify the commission. The approved postsecondary educational institution is entitled to payment and is contractually obligated as provided for first year awards.

As added by P.L.2-2007, SEC.253.

IC 21-12-3-18

Award account and records

Sec. 18. The commission shall administer the higher education award account and related records of each student who is attending an approved postsecondary educational institution under an award issued under this chapter. At each appropriate time, it shall certify to the auditor of state, in the manner prescribed by law, the current payment to be made to the institution under the award. This shall be done in accordance with an appropriate certificate of the approved postsecondary educational institution presented by the time the payment is due under the rules of the approved postsecondary educational institution applicable to students generally, after the tuition and necessary fees have become fixed.

As added by P.L.2-2007, SEC.253.

IC 21-12-3-19

Higher education award fund

Sec. 19. The auditor of state shall create a separate and segregated higher education award fund distinct from the freedom of choice grant fund. Money may be exchanged or transferred between these funds as provided by section 21 of this chapter and IC 21-12-4-9. All money disbursed from the higher education award fund shall be in accordance with this chapter. Money remaining in the higher education award fund at the end of any fiscal year does not revert to the state general fund but remains available to be used for making higher education awards under this chapter.

As added by P.L.2-2007, SEC.253. Amended by P.L.229-2011, SEC.224.

IC 21-12-3-20

Unspent scholarship money; use

Sec. 20. If at the end of a fiscal year part of the money appropriated for that year for the purposes of this chapter remains unspent, it may be spent for those purposes during the next fiscal year.

As added by P.L.2-2007, SEC.253.

IC 21-12-3-21

Transfer of funds after commitments met for academic year

Sec. 21. The commission may order the auditor of state to transfer to the freedom of choice grant fund money from the higher education award fund. The auditor of state shall make the transfer ordered by the commission with the approval of the budget director and the governor.

As added by P.L.2-2007, SEC.253. Amended by P.L.229-2011, SEC.225.

IC 21-12-4

Chapter 4. Freedom of Choice Grant

IC 21-12-4-1

Freedom of choice program; establishment

Sec. 1. The freedom of choice grant program is established. The commission shall administer the freedom of choice grant program.
As added by P.L.2-2007, SEC.253.

IC 21-12-4-2

Eligibility

Sec. 2. A person is eligible for a freedom of choice grant if:

- (1) the person is qualified for a higher education award under the terms of IC 21-12-3-1, IC 21-12-3-2, and IC 21-12-3-3 or IC 21-12-3-4, even if lack of funds prevents the award or grant;
- (2) for a freedom of choice grant awarded before September 1, 2014, the person has a financial need that exceeds the award, as determined in accordance with:

(A) this chapter, IC 21-18.5-4, IC 21-12-2, and IC 21-12-3; and

(B) the rules of the commission; and

- (3) the person will attend an approved postsecondary educational institution that:

(A) either:

(i) operates in Indiana, provides an organized two (2) year or longer program of collegiate grade directly creditable toward a baccalaureate degree, is operated by a nonprofit entity, and is accredited by a recognized regional accrediting agency or the board for proprietary education under IC 21-18.5-6; or

(ii) is a hospital that operates a nursing diploma program that is accredited by the Indiana state board of nursing; and

(B) is operated privately and not administered or controlled by any state agency or entity.

As added by P.L.2-2007, SEC.253. Amended by P.L.107-2012, SEC.19; P.L.281-2013, SEC.13.

IC 21-12-4-3

Renewal of grant; conditions

Sec. 3. Freedom of choice grant renewals are governed by the same conditions as are set forth in IC 21-12-3-9.

As added by P.L.2-2007, SEC.253.

IC 21-12-4-4

Amount of grant

Sec. 4. (a) This subsection applies before September 1, 2014. The amount of a freedom of choice grant may not exceed the difference between:

- (1) the amount of the total financial need of the student, as

determined under the commission's rules; and

(2) the:

(A) higher education award made under IC 21-12-3-1, IC 21-12-3-2, and IC 21-12-3-3 or IC 21-12-3-4 and IC 21-12-3-5; or

(B) sum necessary to pay educational costs at the institution; whichever is smaller.

(b) This subsection applies after August 31, 2014. The freedom of choice grant is the amount published under IC 21-12-1.7 for recipients attending an institution described in IC 21-12-4-2.

As added by P.L.2-2007, SEC.253. Amended by P.L.281-2013, SEC.14.

IC 21-12-4-5

Freedom of choice grant fund

Sec. 5. The auditor of the state shall create a separate and segregated freedom of choice grant fund distinct from the higher education award fund.

As added by P.L.2-2007, SEC.253.

IC 21-12-4-6

Conditions on transfer of money in fund

Sec. 6. Except as provided in section 9 of this chapter and IC 21-12-3-21, money shall not be exchanged or transferred among these funds.

As added by P.L.2-2007, SEC.253. Amended by P.L.229-2011, SEC.226.

IC 21-12-4-7

Freedom of choice grant fund; conditions

Sec. 7. All money disbursed from the freedom of choice grant fund shall be in accordance with the provisions of this chapter.

As added by P.L.2-2007, SEC.253.

IC 21-12-4-8

Restrictions on reversion of money in fund

Sec. 8. Money remaining in the freedom of choice grant fund at the end of any fiscal year does not revert to the state general fund, but remains available to be used for making freedom of choice grants under this chapter.

As added by P.L.2-2007, SEC.253.

IC 21-12-4-9

Administrative order directing transfer of funds

Sec. 9. The commission may order the auditor of state to transfer money among the freedom of choice grant fund, the higher education award fund, and the twenty-first century scholars fund, as needed to meet the obligations of the funds. The auditor of state shall make the transfer ordered by the commission with the approval of the budget director and the governor.

*As added by P.L.229-2011, SEC.227. Amended by P.L.281-2013,
SEC.15.*

IC 21-12-5

Chapter 5. Hoosier Scholar Award Program

IC 21-12-5-1

Hoosier scholar award program; established

Sec. 1. There is established the Hoosier scholar award program, to be administered by the commission.

As added by P.L.2-2007, SEC.253.

IC 21-12-5-2

Eligibility

Sec. 2. The commission shall make a Hoosier scholar award each year to the top ranking students, as certified by the school corporation, of each high school graduating class in Indiana who will be attending an eligible institution. The number of awards given shall be determined by the size of the graduating class as follows:

- (1) 1-50 graduating students, one (1) award;
- (2) 51-300 graduating students, two (2) awards; and
- (3) Over 300 graduating students, three (3) awards.

As added by P.L.2-2007, SEC.253.

IC 21-12-5-3

Renewal of award; conditions

Sec. 3. A Hoosier scholar award may be renewed under terms established by the commission.

As added by P.L.2-2007, SEC.253.

IC 21-12-5-4

Amount of award; determination

Sec. 4. The amount of the Hoosier scholar award shall be determined by the commission.

As added by P.L.2-2007, SEC.253.

IC 21-12-5-5

Amount of award; eligibility

Sec. 5. The amount of an award for which a student is eligible under a Frank O'Bannon grant may not be reduced because of the receipt by the student of a Hoosier scholar award under this section. A Hoosier scholar award may not be reduced because of the receipt of a Frank O'Bannon grant.

As added by P.L.2-2007, SEC.253.

IC 21-12-5-6

Hoosier scholar award fund

Sec. 6. The auditor of state shall create a separate and segregated Hoosier scholar award fund.

As added by P.L.2-2007, SEC.253. Amended by P.L.169-2011, SEC.5.

IC 21-12-5-7

Conditions on transfer of money in fund

Sec. 7. Money may not be exchanged or transferred between the Hoosier scholar award fund and the other funds.

As added by P.L.2-2007, SEC.253.

IC 21-12-5-8

Hoosier scholar award fund; conditions

Sec. 8. All money disbursed from the Hoosier scholar award fund shall be in accordance with this chapter and IC 21-18.5-4.

As added by P.L.2-2007, SEC.253. Amended by P.L.107-2012, SEC.20.

IC 21-12-5-9

Restrictions on reversion of money in fund

Sec. 9. Money remaining in the Hoosier scholar award fund at the end of any fiscal year does not revert to the state general fund, but remains available to be used for making Hoosier scholar awards under this chapter.

As added by P.L.2-2007, SEC.253.

IC 21-12-6

Chapter 6. Twenty-First Century Scholars Program; Tuition Grants

IC 21-12-6-1

Twenty-first century scholars program; established

Sec. 1. The twenty-first century scholars program is established to do the following:

- (1) Reduce the number of students who withdraw from high school before graduation.
- (2) Increase the number of students who are prepared to enter the workforce upon graduation.
- (3) Increase the number of students entering postsecondary educational institutions in Indiana.
- (4) Encourage eligible students to attend postsecondary educational institutions in Indiana by reducing the financial burden on the eligible students and their families.
- (5) Decrease drug and alcohol abuse by encouraging higher educational pursuits.
- (6) Increase individual economic vitality.
- (7) Improve the overall quality of life for many Indiana residents.

As added by P.L.2-2007, SEC.253.

IC 21-12-6-2

Twenty-first century scholars fund; administration

Sec. 2. (a) The twenty-first century scholars fund is established to provide the financial resources necessary to award the 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.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for providing money for twenty-first century scholarships under this chapter.

As added by P.L.2-2007, SEC.253. Amended by P.L.234-2007, SEC.57.

IC 21-12-6-3

Twenty-first century scholars program; conditions

Sec. 3. Money in the fund must be used to provide annual tuition scholarships to qualified scholarship applicants who enroll as full-time students at a postsecondary educational institution that qualifies for participation in the program under section 4 of this chapter.

As added by P.L.2-2007, SEC.253.

IC 21-12-6-4

Enrollment

Sec. 4. A scholarship recipient may apply a scholarship under this chapter to the educational costs of a postsecondary educational institution only if the postsecondary educational institution qualifies under this section. For a postsecondary educational institution to qualify under this section, the postsecondary educational institution must satisfy the following requirements:

- (1) Be an approved postsecondary educational institution.
- (2) Be accredited by an agency that is recognized by the Secretary of the United States Department of Education.
- (3) Operate an organized program of postsecondary education leading to an associate or a baccalaureate degree on a campus located in Indiana.
- (4) Be approved by the commission:
 - (A) under rules adopted under IC 4-22-2; and
 - (B) in consultation with the board for proprietary education established by IC 21-18.5-5-1, if appropriate.

As added by P.L.2-2007, SEC.253. Amended by P.L.107-2012, SEC.21.

IC 21-12-6-5

Qualifications to participate in program

Sec. 5. (a) 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 state board of education or by a national or regional accrediting agency whose accreditation is accepted as a school improvement plan under IC 20-31-4-2; 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.
- (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) participate in 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 is also qualified to participate in the program if the student:

(1) before or during grade 7 or grade 8, 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) agrees in writing, together with the student's caseworker (as defined in IC 31-9-2-11), to the conditions set forth in subsection (a)(4); and

(3) except as provided in subdivision (2), otherwise meets the requirements of subsection (a).

(c) The commission may require that an applicant apply electronically to participate in the program using an online Internet application on the commission's web site.

As added by P.L.2-2007, SEC.253. Amended by P.L.168-2007, SEC.7; P.L.229-2007, SEC.16; P.L.3-2008, SEC.131; P.L.169-2011, SEC.6; P.L.107-2012, SEC.22; P.L.281-2013, SEC.16.

IC 21-12-6-6

Twenty-first century scholars program scholarship; eligibility

Sec. 6. (a) A student may apply to the commission for a scholarship. To qualify for a scholarship, the student must meet the following requirements:

- (1) Be an eligible student who qualified to participate in the program under section 5 of this chapter.
- (2) Be a resident of Indiana.

(3) Be a graduate from a secondary school located in Indiana that meets the admission criteria of an eligible institution and have achieved a cumulative grade point average in high school of:

(A) at least 2.0 on a 4.0 grading scale, if the student is expected to graduate from high school before July 1, 2014; and

(B) at least 2.5 on a 4.0 grading scale, if the student is expected to graduate from high school after June 30, 2014.

(4) Have applied to attend and be accepted to attend as a full-time student an eligible institution.

(5) Certify in writing that the student has:

(A) not illegally used controlled substances (as defined in IC 35-48-1-9);

(B) not illegally consumed alcoholic beverages;

(C) not committed any other crime or a 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));

(D) timely filed an application for other types of financial assistance available to the student from the state or federal government; and

(E) participated in an academic success program required under the rules adopted by the commission.

(6) Submit to the commission all the information and evidence required by the commission to determine eligibility as a scholarship applicant.

(7) This subdivision applies only to applicants who initially enroll in the program under section 5 of this chapter or IC 21-12-6.5-2 after June 30, 2011. For purposes of this chapter, applicants who are enrolled in the program before July 1, 2011, will not have an income or financial resources test applied to them when they subsequently apply for a scholarship. Have a lack of financial resources reasonably available to the applicant, as defined by the commission, that, in the absence of an award under this chapter, would deter the scholarship applicant from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant.

(8) Meet any other minimum criteria established by the commission.

(b) This section applies to an individual who graduates from high school after December 31, 2011. To be eligible for a scholarship under this section, a student must initially attend the eligible institution described in subsection (a)(4) not later than the fall semester (or its equivalent, as determined by the commission) in the year immediately following the year in which the student graduates from high school.

As added by P.L.2-2007, SEC.253. Amended by P.L.169-2011, SEC.7; P.L.229-2011, SEC.228; P.L.6-2012, SEC.146;

P.L.107-2012, SEC.23.

IC 21-12-6-6.5

One-time award for certain students

Sec. 6.5. (a) This section applies to a student who:

- (1) initially enrolls in the program after June 30, 2011;
- (2) has not previously received a scholarship under this chapter; and
- (3) does not qualify for a scholarship under section 6 of this chapter solely because the student does not meet the requirements of section 6(a)(7) of this chapter.

(b) The commission shall establish a program to award a one-time tuition scholarship to students who are ineligible for a scholarship under section 6 of this chapter solely because the student fails to meet the financial assistance requirements imposed by section 6(a)(7) of this chapter. The amount of the tuition scholarship shall be determined by the commission. The tuition scholarship may not exceed two thousand five hundred dollars (\$2,500). The total of all tuition scholarships awarded under this section in a state fiscal year may not exceed the amount available for distribution from the fund for scholarships under this chapter after awarding scholarships to all students who qualify under section 6 or 7 of this chapter for a scholarship.

(c) A tuition scholarship under this section may be used under the terms prescribed by the commission only for the purposes for which a tuition scholarship granted under section 6 or 7 of this chapter may be used.

(d) A student who meets the criteria described in subsection (a) in any year is not eligible for a scholarship under section 6 or 7 of this chapter in any subsequent year.

As added by P.L.169-2011, SEC.8.

IC 21-12-6-7

Scholarship renewal

Sec. 7. Subject to IC 21-12-13-2, a scholarship awarded under section 6 of this chapter or this section may be renewed. To qualify for a scholarship renewal, a scholarship recipient must do the following:

- (1) Submit to the commission a renewal application that contains all the information and evidence required by the commission to determine eligibility for the scholarship renewal.
- (2) Continue to be enrolled as a full-time student in good standing at an eligible institution.
- (3) This subdivision applies only to applicants who initially enroll in the program under section 5 of this chapter or IC 21-12-6.5-2 after June 30, 2011. For purposes of this chapter, applicants who are enrolled in the program before July 1, 2011, will not have an income or financial resources test applied to them when they subsequently apply to renew a scholarship. Continue to have a lack of financial resources

reasonably available to the applicant, as defined by the commission, that, in the absence of an award under this chapter, would deter the scholarship applicant from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant.

(4) If the student initially enrolls in an eligible institution for a semester (or its equivalent) beginning after June 30, 2012, maintain at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress.

(5) If the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2013, the student successfully completes:

(A) at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;

(B) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; and

(C) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years. A recipient who fails to meet the credit hour requirement for a particular academic year becomes ineligible for an award during the next academic year. The recipient may become eligible for an award in subsequent academic years if that recipient meets the aggregate credit hour requirements commensurate with the recipient's academic standing. In addition, the commission may allow a student who is otherwise ineligible under this subdivision for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements of this subdivision.

(6) Continue to meet any other minimum criteria established by the commission.

As added by P.L.2-2007, SEC.253. Amended by P.L.169-2011, SEC.9; P.L.229-2011, SEC.229; P.L.281-2013, SEC.17.

IC 21-12-6-8

Scholarship renewal; term

Sec. 8. A scholarship may be renewed under this chapter for a total scholarship award that does not exceed the number of academic terms that constitutes four (4) undergraduate academic years.

As added by P.L.2-2007, SEC.253. Amended by P.L.281-2013, SEC.18.

IC 21-12-6-9

Scholarship disqualification

Sec. 9. If an eligible student, a scholarship applicant, or a

scholarship recipient violates an agreement entered into under this chapter, the eligible student, scholarship applicant, or scholarship recipient is disqualified from further consideration as a scholarship recipient under this chapter.

As added by P.L.2-2007, SEC.253.

IC 21-12-6-10

Amount of scholarship

Sec. 10. (a) This section applies to a student who qualifies for a scholarship under section 6 or 7 of this chapter, if the student initially enrolls in the program before July 1, 2011.

(b) The amount of a scholarship is equal to the lowest of the following amounts:

(1) If the scholarship applicant attends an eligible institution that is a state educational institution and:

(A) receives no other financial assistance specifically designated for educational costs, a full tuition scholarship to the state educational institution; or

(B) receives other financial assistance specifically designated for educational costs, the balance required to attend the state educational institution, not to exceed the amount described in clause (A).

(2) If the scholarship applicant attends an eligible institution that is private and:

(A) receives no other financial assistance specifically designated for educational costs, an average of the full tuition scholarship amounts of all state educational institutions not including Ivy Tech Community College; or

(B) receives other financial assistance specifically designated for educational costs, the balance required to attend the college or university not to exceed the amount described in clause (A).

(3) If the scholarship applicant attends an eligible institution that is a postsecondary credit bearing proprietary educational institution and:

(A) receives no other financial assistance specifically designated for educational costs, the lesser of:

(i) the full tuition scholarship amounts of Ivy Tech Community College; or

(ii) the actual tuition and regularly assessed fees of the eligible institution; or

(B) receives other financial assistance specifically designated for educational costs, the balance required to attend the eligible institution, not to exceed the amount described in clause (A).

As added by P.L.2-2007, SEC.253. Amended by P.L.169-2011, SEC.10; P.L.107-2012, SEC.24.

IC 21-12-6-10.3

Calculation of scholarship amounts

Sec. 10.3. (a) This section applies to a student who qualifies for a scholarship under section 6 or 7 of this chapter, if the student initially enrolls in the program after June 30, 2011. Applicants who are enrolled in the program before July 1, 2011, will not have an income or financial resources test applied to them under this section when they subsequently apply for a scholarship or apply to renew a scholarship.

(b) A scholarship applicant shall be awarded the following amount as adjusted under subsections (c) and (d):

(1) If the scholarship applicant attends an approved postsecondary educational institution that is a state educational institution, the full educational costs that the scholarship applicant would otherwise be required to pay at the eligible institution.

(2) If the scholarship applicant attends an approved postsecondary educational institution that is private, the lesser of the educational costs that the scholarship applicant would otherwise be required to pay at the private eligible institution, or the average of the educational costs of all state educational institutions, not including Ivy Tech Community College.

(3) If the scholarship applicant attends an approved postsecondary educational institution that is a postsecondary credit bearing proprietary educational institution, the lesser of the educational costs that the scholarship applicant would otherwise be required to pay at the postsecondary credit bearing proprietary educational institution or the educational costs of Ivy Tech Community College.

(c) The amount of an award under subsection (b) shall be reduced by:

(1) for an amount awarded before September 1, 2014:

(A) the amount of the Frank O'Bannon grant awarded to the scholarship applicant; plus

(B) an additional amount based on the expected family contribution, if necessary, as determined by the commission, to provide scholarships within the available appropriation; or

(2) for an amount awarded after August 31, 2014, the amount based on the expected family contribution, if necessary, as determined by the commission, to provide scholarships within the available appropriation.

(d) The total of all tuition scholarships awarded under this section in a state fiscal year may not exceed the amount available for distribution from the fund for scholarships under this chapter. If the total amount to be distributed from the fund in a state fiscal year exceeds the amount available for distribution, the amount to be distributed to each eligible applicant shall be proportionately reduced so that the total reductions equal the amount of the excess based on the relative financial need of each eligible applicant.

As added by P.L.169-2011, SEC.11. Amended by P.L.229-2011, SEC.230; P.L.107-2012, SEC.25; P.L.281-2013, SEC.19.

IC 21-12-6-11**Repealed**

(Repealed by P.L.281-2013, SEC.20.)

IC 21-12-6-12**Mentoring programs; development**

Sec. 12. Each eligible institution shall develop specific mentoring programs for scholarship recipients to assist the scholarship recipients through particularized academic and social counseling.

As added by P.L.2-2007, SEC.253.

IC 21-12-6-13**Repealed**

(Repealed by P.L.281-2013, SEC.21.)

IC 21-12-6-14**Foster care children; caseworker to provide information**

Sec. 14. (a) This section applies to a student described in section 5(b) of this chapter.

(b) A caseworker (as defined in IC 31-9-2-11) shall provide each student to whom the caseworker is assigned information concerning the program at the appropriate time for the student to receive the information, shall explain the program to the student, and shall provide the student with information concerning:

- (1) Pell grants;
- (2) Chafee grants;
- (3) federal supplemental grants;
- (4) the Free Application for Federal Student Aid;
- (5) individual development accounts (as described under IC 4-4-28); and
- (6) the commission for higher education's programs under IC 21-18.5-3-1.

(c) A student who receives information under this section shall sign a written acknowledgment that the student received the information. The written acknowledgment must be placed in the student's case file.

As added by P.L.168-2007, SEC.8. Amended by P.L.100-2009, SEC.2; P.L.39-2010, SEC.1; P.L.107-2012, SEC.27.

IC 21-12-6-15**Foster parents; caseworker to provide information**

Sec. 15. A caseworker (as defined in IC 31-9-2-11) shall provide each foster parent of a student described in section 5(b) of this chapter to whom the caseworker is assigned information concerning individual development accounts (as described under IC 4-4-28).

As added by P.L.39-2010, SEC.2.

IC 21-12-6.5

Chapter 6.5. Eligibility for Twenty-First Century Scholars Program for Foster Care Youth

IC 21-12-6.5-1

Applicability

Sec. 1. This chapter applies to an individual who:

(1) is receiving foster care;

(2) is in grades 9 through 12; and

(3) is a resident of Indiana as determined under IC 21-18.5-4-8;

at the time the individual applies for the twenty-first century scholars program under IC 21-12-6.

As added by P.L.100-2009, SEC.3. Amended by P.L.107-2012, SEC.28.

IC 21-12-6.5-2

Enrollment; eligibility

Sec. 2. An individual described in section 1 of this chapter may enroll in the twenty-first century scholars program under IC 21-12-6 and is eligible for higher education benefits under IC 21-12-6.

As added by P.L.100-2009, SEC.3.

IC 21-12-6.5-3

Determination of initial eligibility; written request; written determination; consideration

Sec. 3. Determination of initial eligibility for higher education benefits authorized under this chapter is vested exclusively in the commission. Any individual described in section 1 of this chapter may make a written request for a determination by the commission of eligibility for benefits under this chapter. The commission shall make a written determination of eligibility in response to each request. In determining the amount of an eligible individual's benefit, the commission shall consider other higher education financial assistance in conformity with this chapter.

As added by P.L.100-2009, SEC.3.

IC 21-12-6.5-4

Appeal

Sec. 4. An appeal from an adverse determination under section 3 of this chapter must be made in writing to the commission not more than fifteen (15) working days after the applicant's receipt of the determination. A final order must be made not more than fifteen (15) days after receipt of the written appeal.

As added by P.L.100-2009, SEC.3.

IC 21-12-6.5-5

Violation

Sec. 5. A person who knowingly or intentionally submits a false or misleading application or other document under this chapter commits a Class A misdemeanor.

As added by P.L.100-2009, SEC.3.

IC 21-12-7

Chapter 7. Twenty-First Century Scholars Program Support Fund; Grants for Textbooks, Equipment, and Other Material

IC 21-12-7-1

Twenty-first century scholars program support fund; administration

Sec. 1. (a) The twenty-first century scholars program support fund is established to provide reimbursements to scholarship recipients to offset educational support costs incurred by scholarship recipients.

(b) The commission shall administer the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for providing money for twenty-first century scholarships under this chapter.

As added by P.L.2-2007, SEC.253. Amended by P.L.234-2007, SEC.58.

IC 21-12-7-2

Money in fund

Sec. 2. The fund consists of money donated to the fund by contributors. Financial assistance awarded under this chapter is subject to the availability of money in the fund.

As added by P.L.2-2007, SEC.253.

IC 21-12-7-3

Forms; certification; reimbursements

Sec. 3. (a) A scholarship recipient may apply to the commission, on forms provided by the commission, for financial assistance from the fund.

(b) The scholarship recipient shall certify to the commission that the scholarship recipient has incurred educational support costs that were not included in the scholarship award received by the scholarship recipient under IC 21-12-6.

(c) Upon verification by the commission of the information provided by the scholarship recipient and subject to the availability of money in the fund, the commission shall reimburse to the scholarship recipient the amount of money requested by the scholarship recipient.

(d) The commission shall provide the reimbursements under this section in the order in which the applications are received.

As added by P.L.2-2007, SEC.253.

IC 21-12-7-4

Contributor tax credit

Sec. 4. A contributor to the fund is entitled to an income tax credit under IC 6-3-3-5.1.

As added by P.L.2-2007, SEC.253.

IC 21-12-8

Chapter 8. Part-Time Student Grant Program and Fund

IC 21-12-8-1

Part-time student grant fund; administration

Sec. 1. (a) The part-time student grant fund is established to make awards authorized under this chapter to eligible applicants.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Gifts, grants, devises, or bequests made to the state to achieve the purposes of the fund.

(c) The fund shall be administered by the commission.

(d) The fund must be separate and distinct from other funds administered by the commission and money in the fund may not be exchanged with or transferred to other funds.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for providing money for part-time student grants under this chapter.

As added by P.L.2-2007, SEC.253. Amended by P.L.234-2007, SEC.53.

IC 21-12-8-2

Duties of commission

Sec. 2. The commission shall do the following:

(1) Adopt rules under IC 4-22-2 governing the operation of the fund, including rules specifying the procedures that applicants must follow to appeal determinations made under subdivisions (3) and (4).

(2) Prescribe the form and manner in which applications for part-time student grants may be submitted.

(3) Determine the eligibility of applicants.

(4) Determine the amount of a part-time student grant awarded to a recipient.

(5) Award part-time student grants totaling at least fifty percent (50%) of the available appropriation each fiscal year to students who are identified by the commission as:

(A) financially independent from their parents; and

(B) pursuing a program of study that will lead to a specific high demand, high wage job.

(6) Submit not later than November 1, 2014, to the legislative council, in an electronic format under IC 5-14-6, a report that includes the following:

(A) The size of student populations in Indiana that:

(i) attend a postsecondary educational institution part-time; or

(ii) combine part-time and full-time enrollment in a postsecondary educational institution.

(B) The financial need of the student populations described in clause (A).

(C) The completion rates of the student populations described in clause (A).

(D) Recommendations for increasing the completion rates of the student populations described in clause (A) by using financial support and student incentives.

As added by P.L.2-2007, SEC.253. Amended by P.L.46-2014, SEC.3.

IC 21-12-8-3

Eligibility for grant

Sec. 3. (a) An applicant is eligible to receive a part-time student grant if the following conditions are met:

(1) The applicant is domiciled in Indiana, as defined by the commission.

(2) The applicant:

(A) has received a diploma of graduation from an approved secondary school;

(B) has been granted a:

(i) high school equivalency certificate before July 1, 1995;
or

(ii) 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; or

(C) is a student in good standing who is completing a final year of study at an approved secondary school and will be eligible upon graduation to attend an approved institution of higher learning.

(3) The applicant declares, in writing, a specific educational objective or course of study and enrolls in:

(A) a course that applies toward the requirements for completion of that objective or course of study; or

(B) a course designed to help the applicant develop the basic skills the applicant needs to successfully achieve that objective or continue in that course of study.

(4) The applicant enrolls in at least six (6) but fewer than twelve (12) credit hours in any academic term.

(5) The commission or an approved postsecondary educational institution acting as the commission's agent determines that the financial resources available to the applicant are such that in the absence of a grant under this chapter the applicant would be deterred from beginning or completing the applicant's declared educational objective or course of study.

(6) The applicant has not received a Frank O'Bannon grant for the maximum number of academic terms.

(b) The commission shall reduce an award offered under this section by the amount the applicant is eligible to receive in tuition reimbursement from an employer or another outside source.

As added by P.L.2-2007, SEC.253. Amended by P.L.7-2011, SEC.13; P.L.281-2013, SEC.22.

IC 21-12-8-4**Accumulated credit requirements**

Sec. 4. The commission may establish accumulated credit requirements as a condition of eligibility for an award made under this chapter.

As added by P.L.2-2007, SEC.253.

IC 21-12-8-5**Renewal of grant**

Sec. 5. Subject to this chapter, a student's part-time student grant may be renewed if the student does the following:

(1) For a student who initially enrolls in an eligible institution before September 1, 2013:

(A) makes satisfactory progress toward a certificate, nursing diploma, associate degree, or baccalaureate degree; and

(B) demonstrates continuing financial need.

(2) For a student who initially enrolls in an eligible institution for an academic year beginning after August 31, 2013:

(A) successfully completes at least eighteen (18) credit hours or their equivalent toward a certificate, nursing diploma, associate degree, or baccalaureate degree in the previous academic year;

(B) demonstrates continuing financial need; and

(C) maintains at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress.

As added by P.L.2-2007, SEC.253. Amended by P.L.281-2013, SEC.23.

IC 21-12-8-6**Repealed**

(Repealed by P.L.281-2013, SEC.24.)

IC 21-12-8-7**Repealed**

(Repealed by P.L.125-2008, SEC.5.)

IC 21-12-8-8**Duties of agents**

Sec. 8. The commission may permit an approved postsecondary educational institution to act as its agent in accepting applications from, determining eligibility for, and making awards to eligible applicants of the approved postsecondary educational institution. The approved postsecondary educational institution shall provide to the commission on a timely basis any information, reports, and accounting the commission requires.

As added by P.L.2-2007, SEC.253.

IC 21-12-9

Chapter 9. Insurance Education Scholarship Fund

IC 21-12-9-1

"Commission"

Sec. 1. As used in this chapter, "commission" refers to the commission for higher education established by IC 21-18-2-1.

As added by P.L.173-2007, SEC.4. Amended by P.L.107-2012, SEC.29.

IC 21-12-9-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the insurance education scholarship fund established by section 5 of this chapter.

As added by P.L.173-2007, SEC.4.

IC 21-12-9-3

"Insurance student"

Sec. 3. As used in this chapter, "insurance student" means a student who studies or intends to study:

- (1) insurance; or
- (2) business with an emphasis on insurance.

As added by P.L.173-2007, SEC.4.

IC 21-12-9-4

"State educational institution"

Sec. 4. As used in this chapter, "state educational institution" has the meaning set forth in IC 21-7-13-32.

As added by P.L.173-2007, SEC.4.

IC 21-12-9-5

Establishment of fund

Sec. 5. (a) The insurance education scholarship fund is established to encourage and promote qualified individuals to pursue a career in insurance in Indiana.

(b) The fund consists of amounts deposited under IC 27-1-15.6-7.3.

As added by P.L.173-2007, SEC.4.

IC 21-12-9-6

Administration of fund; nonreverting

Sec. 6. (a) The commission shall administer the fund.

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

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from the investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.173-2007, SEC.4.

IC 21-12-9-7

Scholarships

Sec. 7. (a) The money in the fund shall be used to provide annual scholarships to insurance students who qualify under section 9 of this chapter. The commission shall determine the amount of money to be allocated from the fund for scholarships under this chapter.

(b) A scholarship awarded under this chapter may be used only for the payment of tuition or fees that are:

(1) approved by the state educational institution that awards the scholarship; and

(2) not otherwise payable under any other scholarship or form of financial assistance specifically designated for tuition or fees.

(c) Subject to section 8(c) of this chapter, each scholarship awarded under this chapter is renewable under section 9 of this chapter for a total number of terms that does not exceed the number of terms that constitutes four (4) undergraduate academic years.

As added by P.L.173-2007, SEC.4. Amended by P.L.281-2013, SEC.25.

IC 21-12-9-8

Allocation of funds; awards of scholarships

Sec. 8. (a) The commission shall allocate the available money from the fund to each state educational institution that has:

(1) an insurance program; or

(2) a business program with an emphasis on insurance;

in proportion to the number of insurance students enrolled at each state educational institution.

(b) Each state educational institution shall determine which of the state educational institution's insurance students who apply qualify under section 9 of this chapter. In addition, the state educational institution shall consider the need of the applicant when awarding scholarships under this chapter.

(c) The state educational institution may not grant a scholarship renewal to an insurance student for an academic year that ends later than six (6) years after the date on which the insurance student received the insurance student's initial scholarship under this chapter.

(d) Any funds that:

(1) are allocated to a state educational institution under subsection (a); and

(2) are not used for scholarships under this chapter;

shall be returned to the commission for reallocation by the commission to any other eligible state educational institution in need of additional funds.

As added by P.L.173-2007, SEC.4. Amended by P.L.107-2012, SEC.30.

IC 21-12-9-9

Qualification for scholarship

Sec. 9. To qualify for a scholarship or a scholarship renewal from the fund, an insurance student must:

- (1) be admitted to an approved state educational institution as a full-time or part-time insurance student; and
- (2) meet the qualifications established by the commission under section 11 of this chapter.

As added by P.L.173-2007, SEC.4.

IC 21-12-9-10

Record keeping

Sec. 10. (a) The commission shall maintain complete and accurate records in administering the fund, including records concerning the scholarships awarded under this chapter.

(b) Each state educational institution shall provide the commission with information concerning the following:

- (1) The awarding of scholarships under this chapter.
- (2) The academic progress made by each recipient of a scholarship under this chapter.
- (3) Other pertinent information requested by the commission.

As added by P.L.173-2007, SEC.4.

IC 21-12-9-11

Rulemaking

Sec. 11. (a) The commission shall adopt rules under subsection (b) to establish qualifications for recipients of scholarships and scholarship renewals under this chapter.

(b) The commission shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

As added by P.L.173-2007, SEC.4.

IC 21-12-10

Chapter 10. Mitch Daniels Early Graduation Scholarship

IC 21-12-10-1

"Publicly supported school"

Sec. 1. As used in this chapter, "publicly supported school" means the following:

- (1) A school corporation (as defined in IC 20-18-2-16(a)).
- (2) A charter school (as defined in IC 20-24-1-4).
- (3) A high school maintained by a state educational institution under IC 20-24.5 or another law.

As added by P.L.229-2011, SEC.231.

IC 21-12-10-2

Scholarship program established

Sec. 2. The Mitch Daniels early graduation scholarship program is established. The commission shall administer the Mitch Daniels early graduation scholarship program.

As added by P.L.229-2011, SEC.231.

IC 21-12-10-3

Eligibility

Sec. 3. An individual is eligible for a Mitch Daniels early graduation scholarship if the individual:

- (1) is a resident of Indiana, as defined by the commission;
- (2) attended a publicly supported school on a full-time equivalency basis (as defined in IC 20-43-1-14) for at least the last two (2) semesters before the individual graduated from high school;
- (3) had legal settlement (as defined in IC 20-18-2-11) in Indiana for at least the last two (2) semesters before the individual graduated from high school;
- (4) met at least the minimum requirements set by the Indiana state board of education for granting a high school diploma by the end of grade 11 (including any summer school courses completed before July 1 of a year) and was awarded after December 31, 2010, a high school diploma by the publicly supported school that the individual last attended for course credits earned before the end of grade 11;
- (5) was not enrolled in a publicly supported school for any part of grade 12;
- (6) applies to the commission for a Mitch Daniels early graduation scholarship in the manner specified by the commission; and
- (7) within five (5) months after graduating from high school:
 - (A) becomes a student in good standing at an approved postsecondary educational institution whose students are eligible to receive, before September 1, 2014, a higher education award (IC 21-12-3-11) or a freedom of choice grant (IC 21-12-4-4), or, after August 31, 2014, a higher

education award or freedom of choice grant published under IC 21-12-1.7-3; and

(B) is engaged in a program that will lead to an approved postsecondary degree or credential.

As added by P.L.229-2011, SEC.231. Amended by P.L.281-2013, SEC.26.

IC 21-12-10-4

Eligibility; graduation from program subject to waiver

Sec. 4. Graduation from a nonstandard course and curriculum program or a program for high ability students that has been granted a waiver by the Indiana state board of education shall be treated as meeting the minimum requirements set by the state board of education for granting a high school diploma.

As added by P.L.229-2011, SEC.231.

IC 21-12-10-5

Submission of names of eligible students; publicly supported school

Sec. 5. (a) A publicly supported school shall submit to the department of education the name of each individual described in section 3(1) through 3(4) of this chapter.

(b) The department of education shall submit to the commission the information submitted under subsection (a) and any other supporting information requested by the commission on the schedule and in the form specified by the commission.

As added by P.L.229-2011, SEC.231.

IC 21-12-10-6

Notice of admission; postsecondary institution

Sec. 6. (a) If an applicant becomes a student in good standing at an approved postsecondary institution, the institution shall provide a written notice to the commission.

(b) If the applicant has met the eligibility requirements prescribed in this chapter, the commission shall award the applicant a Mitch Daniels early graduation scholarship and make the payment directly to the institution. The institution may apply the payment to any outstanding tuition and fees and shall remit the balance of the scholarship to the student.

As added by P.L.229-2011, SEC.231.

IC 21-12-10-7

Amount of scholarship

Sec. 7. The amount of a Mitch Daniels early graduation scholarship is four thousand dollars (\$4,000).

As added by P.L.229-2011, SEC.231.

IC 21-12-10-8

Exclusion of scholarship from calculation of available financial resources

Sec. 8. The amount of a Mitch Daniels early graduation

scholarship awarded under this chapter shall not be considered as a financial resource in a determination of the amount of any grant or scholarship under this article or, except as required by federal law, the amount of any other grant or scholarship administered by the commission.

As added by P.L.229-2011, SEC.231.

IC 21-12-10-9

Effect of scholarship on admission standards of postsecondary institution

Sec. 9. An institution is not required to change its admission standards to accept an individual to whom the commission has issued a Mitch Daniels early graduation scholarship. The scholarship may not be used for remedial course work at the institution. The institution shall provide facilities and instruction to the applicant on the same terms as to other students.

As added by P.L.229-2011, SEC.231.

IC 21-12-10-10

Offset of scholarships against state tuition support distributions

Sec. 10. (a) The commission shall notify the department of the amount of Mitch Daniels early graduation scholarships granted for each state fiscal year. The department shall deduct the scholarship amount presented by the commission from the appropriation for tuition support for that state fiscal year and promptly transfer the amount to the commission.

(b) In the department's biennial budget request, the department shall estimate the number of students that are expected to become eligible for a Mitch Daniels early graduation scholarship and the estimated total amount needed to provide the scholarships for each state fiscal year for which the department requests an appropriation for tuition support. The department shall include in its request for tuition support an amount sufficient to provide the scholarships. The requested amount may not exceed the amount that would have been included in the department's request for tuition support if the students had not graduated early.

As added by P.L.229-2011, SEC.231.

IC 21-12-12

Chapter 12. Postsecondary Award and Scholarship Program Data

IC 21-12-12-1

Postsecondary educational institution data reporting

Sec. 1. (a) Before the commission distributes grants under this article to an approved postsecondary education institution for the academic year beginning July 1, 2012, and before each academic year thereafter, the approved postsecondary education institution shall timely provide to the commission the appropriate current and past student unit record data that is necessary to adequately administer and evaluate the effectiveness of the award and scholarship programs provided under this article. The commission shall use the data for its student information system.

(b) Before the academic year beginning July 1, 2012, and before each academic year thereafter, the commission, in consultation with Independent Colleges of Indiana, shall collect other appropriate student data on all students attending public, private, and proprietary institutions to allow the commission to develop, update, and implement a long range plan for postsecondary education.

As added by P.L.169-2011, SEC.13. Amended by P.L.107-2012, SEC.31.

IC 21-12-12-2

Liability for breach of confidentiality

Sec. 2. This section applies to any student data that are confidential under any law, including the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232(g)). An approved postsecondary educational institution or an association acting on behalf of an approved postsecondary educational institution that provides student data requested under this chapter is not liable for any breach of confidentiality of the information if the breach resulted from the action of the commission or the commission's staff and not from the transmission of the data before the data reached the commission.

As added by P.L.169-2011, SEC.13.

IC 21-12-13

Chapter 13. Renewal of Scholarships

IC 21-12-13-1

Renewal for one hundred twenty-four credit hours

Sec. 1. (a) This section applies to the following scholarships and tuition and fee remission statutes:

- (1) IC 10-12-2-6.
- (2) IC 10-12-2-11.
- (3) IC 10-17-7.
- (4) IC 21-14-4.
- (5) IC 21-14-6-3.
- (6) IC 21-14-7.
- (7) IC 21-14-10.

(b) Except as provided in section 3 of this chapter, a grant or reduction in tuition or fees, including all renewals and extensions, under any of the laws listed in subsection (a) may not exceed one hundred twenty-four (124) undergraduate credit hours or its equivalent, as determined by the commission and must be used within eight (8) years after the date the individual first applies and becomes eligible for benefits under the applicable law.

As added by P.L.169-2011, SEC.14. Amended by P.L.281-2013, SEC.27.

IC 21-12-13-2

Renewal for eight undergraduate semesters

Sec. 2. (a) This section applies to the following scholarship, stipend, and fee remission statutes:

- (1) IC 21-12-3.
- (2) IC 21-12-4.
- (3) IC 21-12-6.
- (4) IC 21-12-8.
- (5) IC 21-12-9.
- (6) IC 21-13-2.
- (7) IC 21-13-7.
- (8) IC 21-13-8.
- (9) IC 21-13-4.
- (10) IC 21-14-5.
- (11) IC 21-14-6-2.

(b) Except as provided in section 3 of this chapter, a grant or reduction in tuition or fees, including all renewals and extensions, under any of the laws listed in subsection (a) may not exceed the number of terms that constitutes four (4) undergraduate academic years, as determined by the commission, and must be used within eight (8) years after the date the individual first applies and becomes eligible for benefits under the applicable law.

As added by P.L.169-2011, SEC.14. Amended by P.L.205-2013, SEC.314; P.L.281-2013, SEC.28; P.L.2-2014, SEC.92.

IC 21-12-13-3

Use of grant or tuition or fee reduction for professional degree program

Sec. 3. (a) This section applies to a grant or reduction in tuition or fees described in section 1 or 2 of this chapter.

(b) As used in this section, "professional degree program" refers to a four (4) or five (5) year postsecondary school course of study:

- (1) to which an individual may be admitted without completing an undergraduate degree;
- (2) that leads to a degree that is not an undergraduate or graduate degree, as determined by the commission; and
- (3) that prepares the holder of the degree for a profession.

(c) A grant or reduction in tuition or fees described in section 1 or 2 of this chapter, including all renewals and extensions, may be used for a professional degree program. The total grant or reduction in tuition or fees under a statute listed in section 1 or 2 of this chapter for all:

- (1) undergraduate credit hours or semesters; and
- (2) professional degree program credit hours or semesters;

may not exceed the maximum credit hours or semesters permitted under section 1 or 2 of this chapter, as applicable and must be used within eight (8) years after the date the individual first applies and becomes eligible for benefits under the applicable law.

As added by P.L.169-2011, SEC.14. Amended by P.L.6-2012, SEC.147.

IC 21-12-13-4

Repealed

(Repealed by P.L.281-2013, SEC.29.)

IC 21-12-14

Chapter 14. Degree Maps

IC 21-12-14-1

Establishment of degree maps

Sec. 1. Not later than October 1, 2013, the commission shall develop guidelines in consultation with state educational institutions to provide a state educational institution guidance for establishing degree maps for each full-time student attending the state educational institution. The guidelines must include:

- (1) procedures for establishing a degree map with a student, including requirements for adjusting a degree map in situations in which the student changes the student's field of study;
- (2) requirements and guidance for a state educational institution to determine when the state educational institution must offer a course at no cost to a student under section 3 of this chapter; and
- (3) any provision the commission determines is necessary to implement this chapter.

As added by P.L.281-2013, SEC.30.

IC 21-12-14-2

Degree maps; contents

Sec. 2. This section applies to a student who initially enrolls in a state educational institution after July 31, 2014. A state educational institution shall develop a degree map for each full-time student based on the student's specific educational objective or course of study. A full-time student's degree map must contain:

- (1) an academic term by academic term sequence of course options that will allow the full-time student to complete either:
 - (A) a baccalaureate degree within four (4) academic years; or
 - (B) an associate degree within two (2) academic years; in the student's intended field of study;
- (2) the expected date that the student will earn a baccalaureate degree or an associate degree described in subdivision (1);
- (3) the academic requirements that a student must complete each academic year to timely earn a degree described in subdivision (1); and
- (4) any information the commission determines is appropriate under section 1 of this chapter.

As added by P.L.281-2013, SEC.30.

IC 21-12-14-3

Degree maps; availability of courses

Sec. 3. This section applies to a student who initially enrolls in a state educational institution after July 31, 2014. A state educational institution shall ensure that courses necessary for the student to comply with the student's degree map are available for the student during the academic term in which the student is required to

complete the particular course. If a student who complies with the student's degree map is unable to take a course required under the student's degree map for the current academic term because:

(1) the state educational institution does not offer the course during that particular academic term; or

(2) the student is unable to enroll in the course:

(A) because the course times at which the course is offered conflict with other course requirements specified for the current academic term in the student's degree map; or

(B) because the course is full;

the state educational institution shall provide the particular course to the student at no cost during the next available academic term in which the course is offered unless the state educational institution provides the student with an alternate degree map that does not require the student to take the course that semester.

As added by P.L.281-2013, SEC.30.

IC 21-13

ARTICLE 13. OCCUPATIONAL SCHOLARSHIPS AND GRANTS

IC 21-13-1

Chapter 1. General Provisions; Definitions

IC 21-13-1-1

Definitions

Sec. 1. Unless otherwise provided, the definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.254.

IC 21-13-1-2

"Commission"

Sec. 2. "Commission" refers to the commission for higher education.

As added by P.L.2-2007, SEC.254. Amended by P.L.107-2012, SEC.32.

IC 21-13-1-3

"Eligible institution"

Sec. 3. "Eligible institution" means a public or private college or university that offers a student the opportunity to acquire at least a baccalaureate degree in the field of education.

As added by P.L.2-2007, SEC.254.

IC 21-13-1-4

"Eligible student"

Sec. 4. "Eligible student", for purposes of section 8 of this chapter, 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 approved postsecondary educational institution;
- (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.

As added by P.L.2-2007, SEC.254.

IC 21-13-1-5

"Fund"

Sec. 5. "Fund":

- (1) for purposes of IC 21-13-2, refers to the minority teacher scholarship fund established by IC 21-13-2-1;

(2) for purposes of IC 21-13-4, refers to the National Guard tuition supplement program fund established by IC 21-13-4-1;
(3) for purposes of IC 21-13-5, refers to the National Guard scholarship extension fund established by IC 21-13-5-1; and
(4) for purposes of IC 21-13-6, refers to the primary care physician loan forgiveness fund established by IC 21-13-6-3.
As added by P.L.2-2007, SEC.254. Amended by P.L.144-2007, SEC.19; P.L.170-2009, SEC.3; P.L.205-2013, SEC.315.

IC 21-13-1-6

"Minority"

Sec. 6. "Minority" means an individual identified as black or Hispanic.

As added by P.L.2-2007, SEC.254.

IC 21-13-1-7

"Scholarship"

Sec. 7. "Scholarship", for purposes of IC 21-13-4, means financial assistance provided to a student to offset the educational costs incurred by the student in attending a state educational institution as determined by the commission.

As added by P.L.2-2007, SEC.254.

IC 21-13-1-8

"Scholarship applicant"

Sec. 8. "Scholarship applicant", for purposes of IC 21-13-4, 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.

As added by P.L.2-2007, SEC.254.

IC 21-13-1-9

"Scholarship extension applicant"

Sec. 9. "Scholarship extension applicant", for purposes of IC 21-13-5, means a person who:

- (1) is a former member of the Indiana National Guard who was called to active duty at least one (1) time while a member of the Indiana National Guard;
- (2) was a scholarship applicant when the person was called to active duty;
- (3) is a resident of Indiana;
- (4) has been accepted to attend a state educational institution as a full-time or part-time student; 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.
As added by P.L.144-2007, SEC.20.

IC 21-13-2

Chapter 2. Minority Teacher Scholarships

IC 21-13-2-1

Minority teacher scholarship fund established

Sec. 1. The minority teacher scholarship fund is established:

- (1) to encourage and promote qualified minority individuals to pursue a career in teaching in accredited schools in Indiana;
- (2) to enhance the number of individuals who may serve as role models for the minority students in Indiana; and
- (3) to rectify the shortage of minority teachers teaching in accredited schools in Indiana.

As added by P.L.2-2007, SEC.254. Amended by P.L.205-2013, SEC.316.

IC 21-13-2-2

Administration of fund

Sec. 2. (a) The commission shall administer the fund.

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

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

As added by P.L.2-2007, SEC.254.

IC 21-13-2-3

Money in fund; use

Sec. 3. Money in the fund shall be used to provide annual scholarships to individuals who qualify for a scholarship under section 4 of this chapter.

As added by P.L.2-2007, SEC.254. Amended by P.L.205-2013, SEC.317.

IC 21-13-2-4

Initial scholarship qualifications

Sec. 4. An individual qualifies for an initial scholarship from the fund if the individual:

- (1) is a minority student;
- (2) is admitted to an eligible institution as a full-time student or already attends an eligible institution as a full-time student;
- (3) either:
 - (A) intends to pursue; or
 - (B) in the case of a student who is already attending an eligible institution, pursues;

a course of study that would enable the student, upon graduation, to teach in an accredited school in Indiana;

- (4) agrees, in writing, to apply for a teaching position in an accredited school in Indiana following that student's certification as a teacher, and, if hired, to teach for at least three (3) years; and

(5) meets any other minimum criteria established by the commission.

As added by P.L.2-2007, SEC.254. Amended by P.L.205-2013, SEC.318.

IC 21-13-2-5

Repealed

(Repealed by P.L.205-2013, SEC.319.)

IC 21-13-2-6

Renewal of scholarships; term

Sec. 6. Subject to section 12 of this chapter, a scholarship may be renewed under this chapter for a total scholarship award that does not exceed the number of academic terms that constitutes four (4) undergraduate academic years. However, an eligible institution may not grant a scholarship renewal to a student for an academic year that ends later than six (6) years after the date the student received the initial scholarship under this chapter.

As added by P.L.2-2007, SEC.254. Amended by P.L.205-2013, SEC.320; P.L.281-2013, SEC.31; P.L.2-2014, SEC.93.

IC 21-13-2-7

Renewal of scholarships; conditions

Sec. 7. To qualify for a scholarship renewal from the fund, a minority student that qualified for the initial scholarship under section 4 of this chapter must:

- (1) comply with the criteria in section 4 of this chapter; and
- (2) maintain at least the cumulative grade point average:
 - (A) that is required by an eligible institution for admission to the eligible institution's school of education; or
 - (B) of 2.0 on a 4.0 grading scale or its equivalent as established by the eligible institution if the eligible institution's school of education does not require a certain minimum cumulative grade point average.

As added by P.L.2-2007, SEC.254. Amended by P.L.205-2013, SEC.321.

IC 21-13-2-8

Amount of scholarship

Sec. 8. Except as provided in this chapter, a scholarship is equal to the lesser of the following amounts:

- (1) The balance of the student's total cost in attending the eligible institution for the academic year.
- (2) One thousand dollars (\$1,000).

As added by P.L.2-2007, SEC.254.

IC 21-13-2-9

Minority student qualifications

Sec. 9. (a) This section applies if a minority student:

- (1) initially qualifies for a scholarship under section 4 of this

chapter; and

(2) demonstrates to the commission financial need in an amount greater than described in section 8 of this chapter.

(b) The annual scholarship that the minority student may receive is equal to the lesser of the following amounts:

(1) The balance of the student's total cost in attending the eligible institution for the academic year.

(2) Four thousand dollars (\$4,000).

As added by P.L.2-2007, SEC.254.

IC 21-13-2-10

Repealed

(Repealed by P.L.107-2012, SEC.33.)

IC 21-13-2-11

Repealed

(Repealed by P.L.205-2013, SEC.322.)

IC 21-13-2-12

Determination of scholarship recipients

Sec. 12. The commission shall determine the scholarship recipients under this chapter:

(1) based upon:

(A) the criteria set forth in section 4 of this chapter; and

(B) the rules adopted by the commission; and

(2) with a priority on granting scholarships in the following order:

(A) Minority students seeking a renewal scholarship.

(B) Newly enrolling minority students.

As added by P.L.2-2007, SEC.254. Amended by P.L.205-2013, SEC.323.

IC 21-13-2-13

Repealed

(Repealed by P.L.205-2013, SEC.324.)

IC 21-13-2-14

Amount of scholarship; conditions

Sec. 14. (a) The amount of a scholarship awarded under this chapter may not be reduced because the student receives other scholarships or forms of financial aid.

(b) Except as otherwise permitted by law, the amount of any other state financial aid received by a student may not be reduced because the student receives a scholarship under this chapter.

As added by P.L.2-2007, SEC.254.

IC 21-13-2-15

(Repealed by P.L.205-2013, SEC.325.)

IC 21-13-2-16

Commission report on effectiveness of program

Sec. 16. Before January 1, 2015, the commission shall provide a report in an electronic format under IC 5-14-6 to the general assembly regarding the effectiveness of the program.

As added by P.L.205-2013, SEC.326.

IC 21-13-3

Repealed

(Repealed by P.L.205-2013, SEC.327.)

IC 21-13-4

Chapter 4. National Guard Tuition Supplement Program

IC 21-13-4-0.2

Application of certain amendments to prior law

Sec. 0.2. IC 20-12-74-7 (as amended by P.L.52-2000, before its repeal, now codified at sections 2 and 3 of this chapter) applies to a student enrolled at a state educational institution after July 31, 2000. *As added by P.L.220-2011, SEC.345.*

IC 21-13-4-1

National Guard tuition supplement program fund; administration

Sec. 1. (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.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for providing money for national guard tuition supplement scholarships under this chapter.

As added by P.L.2-2007, SEC.254. Amended by P.L.234-2007, SEC.59.

IC 21-13-4-2

Use of fund; amount of scholarships; term of eligibility

Sec. 2. Money in the National Guard tuition supplement program fund shall be used to provide annual scholarships to scholarship applicants 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 educational costs, 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 educational costs, 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).

As added by P.L.2-2007, SEC.254.

IC 21-13-4-3

Renewal of scholarship

Sec. 3. Each scholarship awarded under this chapter:

(1) may be renewed under this chapter for a total scholarship award that does not exceed the equivalent of the number of terms that constitutes four (4) undergraduate academic years; and

(2) is subject to other eligibility criteria as established by the commission.

As added by P.L.2-2007, SEC.254. Amended by P.L.281-2013, SEC.32.

IC 21-13-5

Chapter 5. National Guard Scholarship Extension Program

IC 21-13-5-1

Establishment of fund

Sec. 1. (a) The National Guard scholarship extension fund is established to provide the financial resources necessary to award tuition scholarships to scholarship extension applicants.

(b) The commission shall administer the fund. The expenses of administering the fund shall be paid from money in the fund.

(c) The fund consists of money transferred to the fund from the National Guard scholarship program reserves.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.144-2007, SEC.21.

IC 21-13-5-2

Purpose of fund

Sec. 2. Money in the National Guard scholarship extension fund shall be used to provide annual scholarships to scholarship extension applicants in an amount determined by the commission.

As added by P.L.144-2007, SEC.21.

IC 21-13-5-3

Application

Sec. 3. A scholarship extension applicant shall apply for a tuition scholarship under this chapter not later than one (1) year after the scholarship extension applicant ceases to be a member of the National Guard.

As added by P.L.144-2007, SEC.21.

IC 21-13-5-4

Eligibility

Sec. 4. A scholarship extension applicant is eligible for a tuition scholarship under this chapter for a period not to exceed the period the scholarship extension applicant served on active duty as a member of the National Guard.

As added by P.L.144-2007, SEC.21.

IC 21-13-5-5

Authority to adopt rules

Sec. 5. The commission shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.144-2007, SEC.21.

IC 21-13-6

Chapter 6. Primary Care Physician Loan Forgiveness Program

IC 21-13-6-1

"Primary care physician"

Sec. 1. As used in this chapter, "primary care physician" means a physician who practices in any of the following areas:

- (1) Family practice.
- (2) Pediatrics.
- (3) Obstetrics and gynecology.
- (4) Internal medicine.

As added by P.L.170-2009, SEC.4.

IC 21-13-6-2

Primary care physician loan forgiveness program

Sec. 2. (a) The primary care physician loan forgiveness program is established.

(b) The commission shall administer the primary care physician loan forgiveness program.

As added by P.L.170-2009, SEC.4.

IC 21-13-6-3

Primary care physician loan forgiveness fund

Sec. 3. (a) The primary care physician loan forgiveness fund is established to encourage and promote qualified physicians to pursue a medical career in Indiana.

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Gifts to the fund.

As added by P.L.170-2009, SEC.4.

IC 21-13-6-4

Administration of fund

Sec. 4. (a) The commission shall administer the fund.

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

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds. Interest that accrues from those investments shall be deposited in the fund.

(d) Money in the fund at the end of a fiscal year does not revert to the state general fund but remains available to be used to provide money for student loan forgiveness payments under this chapter.

As added by P.L.170-2009, SEC.4.

IC 21-13-6-5

Student loan forgiveness payments

Sec. 5. (a) The money in the fund must be used to provide annual student loan forgiveness payments to qualified primary care

physicians who are residents of Indiana and practice medicine in Indiana.

(b) Subject to section 8 of this chapter, a student loan forgiveness payment awarded in a particular year under this section is equal to the lesser of the following amounts:

- (1) The balance of the physician's total amount of student loans.
- (2) Five thousand dollars (\$5,000).

(c) A primary care physician is eligible for a student loan forgiveness payment under this section each year that the individual meets the qualifications under section 6 of this chapter.

As added by P.L.170-2009, SEC.4.

IC 21-13-6-6

Requirements for student loan forgiveness program

Sec. 6. To qualify for a student loan forgiveness payment from the fund, an individual must:

- (1) be a resident of Indiana;
- (2) be licensed as a physician under IC 25-22.5;
- (3) practice as a primary care physician;
- (4) conduct the majority of the individual's medical practice in Indiana;
- (5) have an outstanding student loan balance at the beginning of the calendar year; and
- (6) be approved by the commission.

As added by P.L.170-2009, SEC.4.

IC 21-13-6-7

Medical education board reports

Sec. 7. The medical education board shall annually make available to the commission the most recent information concerning the number of primary care physicians who are serving as medical residents in Indiana.

As added by P.L.170-2009, SEC.4.

IC 21-13-6-8

Allocation of funds

Sec. 8. The commission shall annually allocate the available money in the fund to each primary care physician approved under this chapter in proportion to the total number of primary care physicians approved under this chapter.

As added by P.L.170-2009, SEC.4.

IC 21-13-6-9

Applicant information requirements

Sec. 9. Each:

- (1) primary care physician who applies under this chapter; and
- (2) primary care physician approved under this chapter;

shall provide to the commission any information that the commission determines is necessary to administer this chapter.

As added by P.L.170-2009, SEC.4.

IC 21-13-7

Chapter 7. Student Teaching Stipend for High-Need Fields

IC 21-13-7-1

Application requirements

Sec. 1. An individual may apply for a stipend under this chapter if the individual:

- (1) is a student who is enrolled in a course of study that would enable the student, upon graduation, to teach in an accredited school in Indiana in:
 - (A) special education; or
 - (B) a high-need field;
- (2) will participate in student teaching as part of the student's degree requirements;
- (3) has earned a cumulative grade point average upon entering student teaching of at least 3.0 on a 4.0 scale, or its equivalent as determined by the eligible institution; and
- (4) meets any other minimum criteria established by the commission.

As added by P.L.205-2013, SEC.328.

IC 21-13-7-2

Payment of stipends

Sec. 2. (a) A student who has applied for the stipend under section 1 of this chapter and has been approved by the commission may request payment of the stipend after demonstrating that the student will engage in student teaching during the upcoming academic term.

(b) The stipend may not exceed:

- (1) for a student with a cumulative grade point average of at least 3.5 on a 4.0 scale, or its equivalent as determined by the eligible institution, based on the most recently concluded academic term, five thousand dollars (\$5,000); or
- (2) for a student with a cumulative grade point average of at least 3.0 and less than 3.5 on a 4.0 scale, or its equivalent as determined by the eligible institution, based on the most recently concluded academic term, four thousand dollars (\$4,000).

(c) The commission shall pay the stipend directly to the student.

As added by P.L.205-2013, SEC.328.

IC 21-13-7-3

Effect of other scholarships, stipends, or financial aid

Sec. 3. (a) The amount of a stipend awarded under this chapter may not be reduced because the student receives other scholarships or forms of financial aid.

(b) Except as otherwise permitted by law, the amount of any other state financial aid received by a student may not be reduced because the student receives a stipend under this chapter.

(c) A student may concurrently receive a stipend under this chapter and a stipend under IC 21-13-8.

As added by P.L.205-2013, SEC.328.

IC 21-13-7-4

Rules

Sec. 4. The commission may adopt rules under IC 4-22-2 to administer this chapter.

As added by P.L.205-2013, SEC.328.

IC 21-13-8

Chapter 8. Student Teaching Stipend for Minorities

IC 21-13-8-1

Application requirements

Sec. 1. An individual may apply for a stipend under this chapter if the individual:

- (1) is a minority student;
- (2) will participate in student teaching as part of the student's degree requirements;
- (3) has earned a cumulative grade point average upon entering student teaching of at least 3.0 on a 4.0 scale, or its equivalent as determined by the eligible institution; and
- (4) meets any other minimum criteria established by the commission.

As added by P.L.205-2013, SEC.329.

IC 21-13-8-2

Payment of stipends

Sec. 2. (a) A student who has applied for the stipend under section 1 of this chapter and has been approved by the commission may request payment of the stipend after demonstrating that the student will engage in student teaching during the upcoming academic term.

(b) The stipend may not exceed:

- (1) for a student with a cumulative grade point average of at least 3.5 on a 4.0 scale, or its equivalent as determined by the eligible institution, based on the most recently concluded academic term, five thousand dollars (\$5,000); or
- (2) for a student with a cumulative grade point average of at least 3.0 and less than 3.5 on a 4.0 scale, or its equivalent as determined by the eligible institution, based on the most recently concluded academic term, four thousand dollars (\$4,000).

(c) The commission shall pay the stipend directly to the student.

As added by P.L.205-2013, SEC.329.

IC 21-13-8-3

Effect of other scholarships, stipends, or financial aid

Sec. 3. (a) The amount of a stipend awarded under this chapter may not be reduced because the student receives other scholarships or forms of financial aid.

(b) Except as otherwise permitted by law, the amount of any other state financial aid received by a student may not be reduced because the student receives a stipend under this chapter.

(c) A student may concurrently receive a stipend under this chapter and a stipend under IC 21-13-7.

As added by P.L.205-2013, SEC.329.

IC 21-13-8-4

Rules

Sec. 4. The commission may adopt rules under IC 4-22-2 to administer this chapter.
As added by P.L.205-2013, SEC.329.

IC 21-13-9

Chapter 9. Primary Care Shortage Area Scholarship

IC 21-13-9-1

"Licensed physician"

Sec. 1. As used in this chapter, "licensed physician" means an individual:

- (1) who holds an unlimited license to practice medicine in Indiana under IC 25-22.5, including an osteopathic physician; and
- (2) who practices primary care.

As added by P.L.205-2013, SEC.219.

IC 21-13-9-2

"Primary care"

Sec. 2. As used in this chapter, "primary care" means the practice of medicine in any of the following areas:

- (1) Family practice.
- (2) Pediatrics.
- (3) Obstetrics and gynecology.
- (4) Internal medicine.
- (5) Psychiatric.

As added by P.L.205-2013, SEC.219.

IC 21-13-9-3

Student scholarship program administered by Marian University College of Osteopathic Medicine for residents in primary care shortage areas

Sec. 3. (a) The Marian University College of Osteopathic Medicine shall administer a student scholarship program to increase the availability of primary care for residents in primary care shortage areas by providing incentives to medical students who agree to provide primary care in a shortage area immediately after becoming a licensed physician.

(b) A scholarship awarded under this chapter must be used to provide supplemental support to a medical student enrolled at the Marian University College of Osteopathic Medicine and may not be used to reduce any other financial aid, grant, or scholarship the student may otherwise receive.

As added by P.L.205-2013, SEC.219.

IC 21-13-9-4

Scholarship criteria

Sec. 4. Before providing a scholarship to a student, the Marian University College of Osteopathic Medicine must find that the applicant satisfies all the following conditions:

- (1) The applicant is and remains an Indiana resident.
- (2) The applicant is enrolled full time in the first year class at the Marian University College of Osteopathic Medicine in a program that will prepare the applicant to provide primary care

as a licensed physician.

(3) If the applicant is receiving a scholarship for the second through fourth year of the program, the applicant successfully completed the academic work required for the previous school year.

(4) The applicant remains in good standing with the Marian University College of Osteopathic Medicine program.

(5) The applicant agrees to execute a written primary care practice agreement with the Marian University College of Osteopathic Medicine as required by section 6 of this chapter.

As added by P.L.205-2013, SEC.219.

IC 21-13-9-5

Scholarship selection; maximum scholarship amount

Sec. 5. (a) The Marian University College of Osteopathic Medicine shall select from among the qualified students who will receive a scholarship under this chapter. The Marian University College of Osteopathic Medicine may not create or use a waiting list for scholarships under this chapter.

(b) The amount of the scholarship that may be awarded to a qualified student for a particular school year shall be determined by the Marian University College of Osteopathic Medicine and may not exceed ten thousand dollars (\$10,000). A qualified student may not qualify for a scholarship for more than four (4) school years.

As added by P.L.205-2013, SEC.219.

IC 21-13-9-6

Scholarship recipient primary care practice agreement

Sec. 6. A scholarship recipient must execute a written primary care practice agreement with the Marian University College of Osteopathic Medicine, with the terms and conditions and in the form and manner required by the Marian University College of Osteopathic Medicine. The agreement must provide that the scholarship recipient shall do at least the following:

(1) Continually satisfy the requirements of section 4 of this chapter during the school year.

(2) Complete the requirements of the Marian University College of Osteopathic Medicine program by the end of the fourth year after receiving the first scholarship under this chapter.

(3) Will practice primary care in a primary care shortage area for four (4) years. This requirement includes the time spent in any residency program that is located in a primary care shortage area.

(4) Return the amount specified in the agreement, not to exceed the total of all scholarships received, to the commission for higher education if the scholarship recipient fails to comply with all the terms and conditions of the agreement. If the noncompliance is because the scholarship recipient did not comply with subdivision (3), the minimum amount that must be returned is the highest scholarship amount received for a school

year multiplied by the number of years the scholarship recipient did not comply with subdivision (3).

As added by P.L.205-2013, SEC.219.

IC 21-13-9-7

Distributions to Marian University College of Osteopathic Medicine

Sec. 7. (a) To receive a distribution under this chapter, the Marian University College of Osteopathic Medicine shall make a written request for the distribution to the commission for higher education specifying the amount of the distribution requested. The commission for higher education shall review the request and determine the amount of the request that should be approved for distribution.

(b) The budget agency may not allot money appropriated for scholarship distributions under this chapter until after the distribution request by the Marian University College of Osteopathic Medicine is approved by the commission for higher education, after review by the budget committee.

As added by P.L.205-2013, SEC.219. Amended by P.L.2-2014, SEC.94.

IC 21-13-10

Chapter 10. Teacher Loan Repayment Program and Fund

IC 21-13-10-1

"Critical shortage area"

Sec. 1. As used in this chapter, "critical shortage area" means a geographic area determined annually by the department of education established by IC 20-19-3-1 to have, or projected within the next twelve (12) months to have, a shortage of licensed, full-time elementary or high school teachers.

As added by P.L.46-2014, SEC.4.

IC 21-13-10-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the teacher loan repayment fund established by section 3 of this chapter.

As added by P.L.46-2014, SEC.4.

IC 21-13-10-3

Teacher loan repayment fund established; purpose; administration

Sec. 3. (a) The teacher loan repayment fund is established.

(b) The purpose of the fund is to attract qualified teachers who:

(1) graduated from an accredited Indiana high school after June 30, 2014, and either:

(A) were in the highest twenty percent (20%) of students in their high school graduating classes; or

(B) received scores in the top twentieth percentile on the SAT or ACT examination;

(2) graduated from a four (4) year postsecondary educational institution with at least a 3.5 grade point average on a 4.0 scale or its equivalent; and

(3) teach, for at least three (3) consecutive years in public schools in Indiana:

(A) science, technology, engineering, mathematics, or special education classes; or

(B) in a critical shortage area;

by granting loan repayment assistance authorized under this chapter to eligible applicants.

(c) The fund consists of appropriations to the fund and gifts, grants, devises, or bequests made to the state to achieve the purposes of the fund.

(d) The fund shall be administered by the commission. The expenses of administering the fund shall be paid from money in the fund.

(e) Loan repayment assistance payments shall be made from the fund by the treasurer of state upon a warrant issued by the auditor of state in accordance with rules adopted by the commission.

As added by P.L.46-2014, SEC.4.

IC 21-13-10-4

Commission to consider applications

Sec. 4. The commission shall receive and consider all applications for loan repayment assistance received from qualified teachers with outstanding guaranteed student loans made, issued, or guaranteed under a program authorized by Title IV of the federal Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

As added by P.L.46-2014, SEC.4.

IC 21-13-10-5

Teacher qualifications for loan repayment; requirements

Sec. 5. (a) To qualify for loan repayment assistance for student loans under this chapter, an applicant must:

- (1) hold a license to teach under IC 20-28-5;
- (2) agree in writing to the employment requirements set forth in section 7 of this chapter; and
- (3) meet any additional criteria established by the commission.

(b) At the end of the third consecutive school year in which a teacher who qualifies under subsection (a) has taught, the commission shall pay directly to the financial institution that holds the qualified teacher's student loans an amount not to exceed the lesser of:

- (1) the total principal and interest of the guaranteed student loans owed by the teacher at the end of the third year; or
- (2) an amount determined by the commission based on the funds appropriated to the program;

which must be used to reduce the principal and interest on a guaranteed student loan owed by that qualified teacher.

(c) The commission may pay a qualified teacher's student loans under subsection (b) only if the following requirements are met:

- (1) The qualified teacher received the student loans for an undergraduate degree that was necessary for either the subject area in which the qualified teacher teaches or for the qualified teacher to receive a teaching license.
- (2) The qualified teacher's repayment of the loans is current at the time the commission makes the payment under subsection (b).

The requirements under this subsection are in addition to the requirements set forth in section 7 of this chapter.

As added by P.L.46-2014, SEC.4.

IC 21-13-10-6

Loan repayment application form

Sec. 6. A qualified teacher must apply for a loan repayment on a form supplied by the commission. The commission shall consider each application and determine the eligibility of the applicant for the loan repayment assistance.

As added by P.L.46-2014, SEC.4.

IC 21-13-10-7

Requirement for contract; conditions

Sec. 7. (a) Before being granted loan repayment assistance under this chapter, a teacher must:

- (1) apply for the loan repayment assistance not later than twenty-four (24) months after graduating from a postsecondary educational institution; and
- (2) enter into a contract with the commission agreeing to the terms and conditions upon which the loan repayment assistance will be granted to the teacher.

(b) As a condition of being granted loan repayment assistance under this chapter, a teacher must agree to employment for a period of at least three (3) consecutive years as a licensed teacher in a public school in Indiana in science, technology, engineering, mathematics, or special education, or in a critical shortage area. The teacher is not required to teach at the same public school for three (3) consecutive years.

(c) Service rendered by a teacher in a public school before the teacher becomes a participant in the program may not be considered to have fulfilled the employment commitment required by subsection (b).

As added by P.L.46-2014, SEC.4.

IC 21-13-10-8

Eligibility for repayment only if appropriation has been made

Sec. 8. A teacher is eligible to receive loan repayment assistance under this chapter only if an appropriation has been made to carry out the specific purposes of this chapter.

As added by P.L.46-2014, SEC.4.

IC 21-13-10-9

Records

Sec. 9. The commission shall maintain complete and accurate records in implementing the fund, including records of the following:

- (1) The receipt, disbursement, and uses of money from the fund.
- (2) The number of applications for loan repayment assistance.
- (3) The number and amount of loans for which loan repayment assistance has been provided by the department.
- (4) Other pertinent information requested by the commission.

As added by P.L.46-2014, SEC.4.

IC 21-13-10-10

Rules

Sec. 10. The commission may adopt rules under IC 4-22-2 necessary to carry out this chapter, including rules governing the enforcement of any employment requirements.

As added by P.L.46-2014, SEC.4.

IC 21-14

ARTICLE 14. STATE EDUCATIONAL INSTITUTIONS: TUITION AND FEES; OTHER CHARGES; ESTABLISHMENT, EXEMPTIONS, AND REDUCTIONS

IC 21-14-1

Chapter 1. General Provisions; Definitions

IC 21-14-1-1

Applicability

Sec. 1. This article applies to all state educational institutions.
As added by P.L.2-2007, SEC.255.

IC 21-14-1-2

Definitions

Sec. 2. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.255.

IC 21-14-1-2.3

"Active duty"

Sec. 2.3. For purposes of IC 21-14-9, "active duty" means full-time service in the armed forces of the United States that exceeds thirty (30) days in a calendar year.

As added by P.L.144-2007, SEC.22.

IC 21-14-1-2.7

"Armed forces of the United States"

Sec. 2.7. For purposes of IC 21-14-9, "armed forces of the United States" means the following:

- (1) The United States Air Force.
- (2) The United States Army.
- (3) The United States Coast Guard.
- (4) The United States Marine Corps.
- (5) The United States Navy.

As added by P.L.144-2007, SEC.23.

IC 21-14-1-3

"Commission"

Sec. 3. "Commission" refers to the commission for higher education established under IC 21-18-2-1.

As added by P.L.2-2007, SEC.255. Amended by P.L.107-2012, SEC.37.

IC 21-14-1-4

"Eligible applicant"

Sec. 4. "Eligible applicant":

- (1) for purposes of IC 21-14-4, refers to a person who is eligible

for an educational costs exemption for children of veterans under IC 21-14-4;

(2) for purposes of IC 21-14-6, refers to a person who is eligible for an educational costs exemption for the children or surviving spouse of a public safety officer under IC 21-14-6;

(3) for purposes of IC 21-14-7, refers to a person who is eligible for an educational costs exemption for children and spouses of National Guard members under IC 21-14-7; and

(4) for purposes of IC 21-14-10, refers to a person who is eligible for an educational costs exemption for Purple Heart recipients under IC 21-14-10.

As added by P.L.2-2007, SEC.255. Amended by P.L.141-2008, SEC.1.

IC 21-14-1-5

"Fund"

Sec. 5. "Fund" for the purposes of IC 21-14-5, refers to the senior citizens tuition fund established by IC 21-14-5-1.

As added by P.L.2-2007, SEC.255.

IC 21-14-1-6

"Public safety officer"

Sec. 6. "Public safety officer" means any of the following:

(1) A regular, paid law enforcement officer.

(2) A regular, paid firefighter.

(3) A volunteer firefighter (as defined in IC 36-8-12-2).

(4) A county police reserve officer.

(5) A city police reserve officer.

(6) A paramedic (as defined in IC 16-18-2-266).

(7) An emergency medical technician (as defined in IC 16-18-2-112).

(8) An advanced emergency medical technician (as defined in IC 16-18-2-6.5).

(9) A hazardous duty employee of the department of correction who:

(A) works within a prison or juvenile facility; or

(B) performs parole or emergency response operations and functions.

(10) A community corrections officer.

As added by P.L.2-2007, SEC.255. Amended by P.L.77-2012, SEC.51; P.L.158-2013, SEC.251.

IC 21-14-1-7

"Senior citizen"

Sec. 7. "Senior citizen" means an Indiana resident who:

(1) is at least sixty (60) years of age;

(2) has graduated from high school or has received a:

(A) general equivalency degree; or

(B) 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) is retired; and
(4) is not employed on a full-time basis.

As added by P.L.2-2007, SEC.255. Amended by P.L.7-2011, SEC.14.

IC 21-14-2

Chapter 2. Tuition, Fees, and Charges

IC 21-14-2-1

Applicability

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may:

- (1) set the fees, tuition, and charges necessary or convenient to further the purposes of the state educational institution; and
- (2) collect the fees, tuition, and charges set by the board of trustees for the state educational institution.

As added by P.L.2-2007, SEC.255.

IC 21-14-2-2

Charges and fees

Sec. 2. The board of trustees of Ball State University may fix laboratory, contingent, and other fees and charges.

As added by P.L.2-2007, SEC.255.

IC 21-14-2-3

Tuition

Sec. 3. The board of trustees of Indiana University may prescribe the price of tuition at Indiana University.

As added by P.L.2-2007, SEC.255.

IC 21-14-2-4

Schedule of fees

Sec. 4. The board of trustees of Ivy Tech Community College may establish a schedule of fees or charges for students.

As added by P.L.2-2007, SEC.255.

IC 21-14-2-5

Charges and fees

Sec. 5. The University of Southern Indiana may fix laboratory, contingent, and other fees and charges.

As added by P.L.2-2007, SEC.255.

IC 21-14-2-6

Required minimum period to which tuition and fees rate change applies

Sec. 6. Subject to section 12 of this chapter, a state educational institution shall set tuition and fee rates for a two (2) year period.

As added by P.L.2-2007, SEC.255. Amended by P.L.234-2007, SEC.270.

IC 21-14-2-7

Rate setting procedures

Sec. 7. The rates must be set according to the procedure set forth in section 8 of this chapter not later than sixty (60) days after the state budget bill is enacted into law.

As added by P.L.2-2007, SEC.255. Amended by P.L.234-2007, SEC.271; P.L.3-2008, SEC.132; P.L.229-2011, SEC.232.

IC 21-14-2-8

Public hearing; notice

Sec. 8. A state educational institution shall hold a public hearing before adopting a proposed tuition and fee rate increase. The state educational institution shall give public notice of the hearing at least ten (10) days before the hearing. The public notice must include the specific proposal for the tuition and fee rate increase and the expected uses of the revenue to be raised by the proposed increase. The hearing must be held not later than thirty (30) days after the commission has established the recommended tuition and mandatory fee increase targets for each state educational institution under section 12.5 of this chapter.

As added by P.L.2-2007, SEC.255. Amended by P.L.234-2007, SEC.272; P.L.229-2011, SEC.233; P.L.107-2012, SEC.38.

IC 21-14-2-9

Conditions on tuition and rate increases

Sec. 9. After a state educational institution's tuition and fee rates are set under sections 7 and 8 of this chapter, the state educational institutions may adjust the tuition and fee rates only if appropriations to the state educational institution in the state budget act are reduced or withheld.

As added by P.L.2-2007, SEC.255.

IC 21-14-2-10

Restrictions on tuition and rate increases

Sec. 10. If a state educational institution adjusts its tuition and fee rates under section 9 of this chapter, the total revenue generated by the tuition and fee rate adjustment must not exceed the amount by which appropriations to the state educational institution in the state budget act were reduced or withheld.

As added by P.L.2-2007, SEC.255.

IC 21-14-2-11

Collection of additional fees; attorney fees; court costs

Sec. 11. Notwithstanding any other law, a state educational institution, in collecting amounts owed it, may, in the event of default and referral to an attorney or collection agency, add to the amount collected the following:

- (1) The amount of attorney's fees incurred in the collection of the debt.
- (2) The amount of collection agency fees incurred in the

collection of the debt.

(3) The amount of court costs incurred in the collection of the debt.

As added by P.L.2-2007, SEC.255.

IC 21-14-2-12

Repealed

(Repealed by P.L.224-2007, SEC.137.)

IC 21-14-2-12.5

Tuition and mandatory fees; recommendation of targets by commission for higher education; review by state budget committee

Sec. 12.5. (a) This section applies to tuition and mandatory fees that a board of trustees of a state educational institution votes to increase under section 7 of this chapter.

(b) Not later than thirty (30) days after the enactment of a state budget, the commission shall recommend nonbinding tuition and mandatory fee increase targets for each state educational institution.

(c) The state educational institution shall submit a report to the state budget committee concerning the financial and budgetary factors considered by the board of trustees in determining the amount of the increase.

(d) The state budget committee shall review the targets recommended under subsection (b) and reports received under subsection (c) and may request that a state educational institution appear at a public meeting of the state budget committee concerning the report.

As added by P.L.224-2007, SEC.136. Amended by P.L.229-2011, SEC.234; P.L.107-2012, SEC.39.

IC 21-14-3

**Chapter 3. Tuition and Fee Exemptions and Reductions
Outside This Article**

IC 21-14-3-1

Intent of IC 21-14

Sec. 1. This article is not intended to be an exhaustive compilation of all sources of educational costs exemptions and reductions in the Indiana Code.

As added by P.L.2-2007, SEC.255.

IC 21-14-3-2

Educational cost exemptions and reductions

Sec. 2. Provisions outside this article that provide for educational costs exemptions and reductions include the following:

- (1) IC 10-12-2-6 (free tuition for children of an employee of the state police department who is killed in the line of duty).
- (2) IC 10-12-2-11 (child or spouse of an employee of the state police department who sustains catastrophic personal injury in the line of duty).

As added by P.L.2-2007, SEC.255.

IC 21-14-4

Chapter 4. Tuition and Fee Exemption for Children of Veterans

IC 21-14-4-0.2

Application of certain amendments to prior law

Sec. 0.2. (a) IC 20-12-19-1 (as added by P.L.52-2000, before its repeal, now codified at section 1 of this chapter) applies to a student enrolled at a state educational institution after July 31, 2000.

(b) IC 20-12-19-2 (as added by P.L.52-2000, before its repeal, now codified at section 8 of this chapter) applies to a student enrolled at a state educational institution after July 31, 2000.

As added by P.L.220-2011, SEC.346.

IC 21-14-4-1

Applicability

Sec. 1. This chapter applies to the following persons:

(1) A person who:

- (A) is a pupil at the Soldiers' and Sailors' Children's Home;
- (B) was admitted to the Soldiers' and Sailors' Children's Home because the person was related to a member of the armed forces of the United States;
- (C) is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution; and
- (D) possesses the requisite academic qualifications.

(2) A person:

(A) whose mother or father:

- (i) served in the armed forces of the United States;
- (ii) received the Purple Heart decoration or was wounded as a result of enemy action;
- (iii) received a discharge or separation from the armed forces other than a dishonorable discharge; and
- (iv) either designated Indiana as home of record at the time of enlistment in the armed forces of the United States or resided in Indiana at least five (5) years before the person first applies for benefits under this chapter;

(B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution;

(C) who possesses the requisite academic qualifications;

(D) who, if the person was adopted by the person's mother or father, was adopted before the person was eighteen (18) years of age; and

(E) who is not more than thirty-two (32) years of age when the person first applies and becomes eligible for benefits under this chapter.

(3) A person:

(A) whose mother or father:

- (i) served in the armed forces of the United States during

a war or performed duty equally hazardous that was recognized by the award of a service or campaign medal of the United States;

(ii) suffered a service connected death or disability as determined by the United States Department of Veterans Affairs;

(iii) received any discharge or separation from the armed forces other than a dishonorable discharge; and

(iv) either listed Indiana as home of record at the time of enlistment in the armed forces of the United States or resided in Indiana at least five (5) years before the person first applies for benefits under this chapter;

(B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend, as determined by the institution;

(C) who possesses the requisite academic qualifications;

(D) who, if the person was adopted by the person's mother or father, was adopted before the person was eighteen (18) years of age; and

(E) who is not more than thirty-two (32) years of age when the person first applies and becomes eligible for benefits under this chapter.

As added by P.L.2-2007, SEC.255. Amended by P.L.169-2011, SEC.15; P.L.6-2012, SEC.148.

IC 21-14-4-2

Eligibility

Sec. 2. (a) Subject to this section and section 2.5 of this chapter, an eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institutions, without the payment of any educational costs for one hundred twenty-four (124) semester credit hours in the state educational institution.

(b) The maximum amount that an eligible applicant is exempt from paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

(c) This subsection applies only to an individual who qualifies for a benefit under this chapter because of a father or mother (or in the case of section 1(1) of this chapter, a related member) who enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011. This subsection applies to a student who initially enrolls in an eligible institution for a semester (or its equivalent) beginning after June 30, 2012. Subject to subsection (d), any benefits awarded under this chapter may not be renewed, subject to subsections (a) and (b), if the eligible individual fails to maintain at least the following cumulative grade point average:

(1) For credit hours applicable to the equivalent of the

applicant's freshman academic year, a cumulative grade point average that the eligible institution determines is satisfactory academic progress.

(2) For credit hours applicable to the equivalent of the applicant's sophomore academic year, a cumulative grade point average of 2.25 on a 4.0 grading scale or its equivalent as established by the eligible institution.

(3) For credit hours applicable to the equivalent of the applicant's junior or senior academic year, a cumulative grade point average of 2.5 on a 4.0 grading scale or its equivalent as established by the eligible institution.

(d) After the first semester or its equivalent at the eligible institution that a person does not achieve the requisite cumulative grade point average specified in subsection (c), the person is considered to be on probation and must achieve the requisite cumulative grade point average by the next semester or its equivalent at the eligible institution in order to continue to receive benefits under this chapter.

(e) Notwithstanding any other provision of this chapter or another law, a change in the criteria for or the amount of a benefit awarded under this chapter enacted in the 2011 session of the general assembly applies only to an individual who qualifies for a benefit under this chapter because of a father or mother (or in the case of section 1(1) of this chapter, a related member) who enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011.

As added by P.L.2-2007, SEC.255. Amended by P.L.141-2008, SEC.2; P.L.169-2011, SEC.16.

IC 21-14-4-2.5

Eligibility for certain students

Revisor's Note: P.L.169-2011, SECTION 17 added a new section IC 20-14-4-2.5 to the Indiana Code. This citation contained a typographical error. The citation of the added section should have been IC 21-14-4-2.5 and is placed at this location of the Indiana Code.

Sec. 2.5. (a) This section applies to an individual who qualifies as an eligible applicant under section 1(3) of this chapter because the individual's father or mother:

- (1) enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011; and
- (2) suffered a disability as determined by the United States Department of Veterans Affairs.

(b) This subsection does not apply to an individual who:

- (1) is an eligible applicant under section 1(3) of this chapter; and
- (2) qualifies as an eligible applicant under section 1(1) or 1(2) of this chapter.

(c) Subject to subsection (d) and section 2(b) of this chapter, the eligible applicant is entitled to a reduction in the educational costs

that would otherwise apply as follows:

(1) If the individual's father or mother suffered a disability as determined by the United States Department of Veterans Affairs with a rating of eighty percent (80%) or more, the individual is entitled to a one hundred percent (100%) reduction in education costs.

(2) If the individual's father or mother suffered a disability as determined by the United States Department of Veterans Affairs with a rating of less than eighty percent (80%), the individual is entitled to a reduction in education costs equal to the sum of:

(A) twenty percent (20%); plus

(B) the disability rating of the individual's father or mother.

(d) The latest disability rating determined by the United States Department of Veterans Affairs for an individual's father or mother shall be used to compute the percentage by which education costs are reduced under this section. If the disability rating of the individual's father or mother changes after the beginning of an academic semester, quarter, or other period for which educational costs have been reduced under this section, the change in disability rating shall be applied beginning with the immediately following academic semester, quarter, or other period.

As added by P.L.169-2011, SEC.17.

IC 21-14-4-3

Purpose

Sec. 3. For purposes of this chapter, the commission shall define mandatory fees that qualify as educational costs.

As added by P.L.2-2007, SEC.255. Amended by P.L.107-2012, SEC.40.

IC 21-14-4-4

Payment of incidental expenses

Sec. 4. If an eligible applicant:

(1) is permitted to matriculate in the state educational institution;

(2) qualifies under this chapter; and

(3) has earned or has been awarded a cash scholarship that is paid or payable to a state educational institution, from any source;

the amount paid shall be applied to the credit of the eligible applicant in the payment of incidental expenses of the eligible applicant's attendance at the state educational institution. The balance, if the terms of the scholarship permit, must be returned to the eligible applicant.

As added by P.L.2-2007, SEC.255.

IC 21-14-4-5

Determination of eligibility; administration of benefits

Sec. 5. (a) Determination of eligibility for higher education

benefits authorized under this chapter is vested exclusively in the Indiana department of veterans' affairs. Any applicant for benefits under this chapter may make a written request for a determination of eligibility by the Indiana department of veterans' affairs. The director or deputy director of the Indiana department of veterans' affairs shall make a written determination of eligibility in response to each request. In determining the amount of an applicant's benefit, the commission shall consider other higher education financial assistance in conformity with this chapter.

(b) The commission shall administer the benefits and ensure compliance with this chapter.

As added by P.L.2-2007, SEC.255. Amended by P.L.169-2011, SEC.18.

IC 21-14-4-6

Appeals

Sec. 6. An appeal from an adverse determination under section 5(a) of this chapter must be made in writing to the veterans' affairs commission not more than fifteen (15) working days following the applicant's receipt of the determination. A final order must be made by a simple majority of the veterans' affairs commission not more than fifteen (15) days following receipt of the written appeal.

As added by P.L.2-2007, SEC.255. Amended by P.L.169-2011, SEC.19.

IC 21-14-4-7

Violation

Sec. 7. A person who knowingly or intentionally submits a false or misleading application or other document under this chapter commits a Class A misdemeanor.

As added by P.L.2-2007, SEC.255.

IC 21-14-4-8

Amount of benefits

Sec. 8. The amount of the benefits under this chapter is equal to one (1) of the following amounts:

(1) If the applicant does not receive financial assistance specifically designated for educational costs, the amount determined under sections 2 through 6 of this chapter.

(2) If the applicant receives any financial assistance, including federal assistance, specifically designated for educational costs:

(A) the amount determined under sections 2 through 6 of this chapter; minus

(B) the financial assistance specifically designated for educational costs.

As added by P.L.2-2007, SEC.255. Amended by P.L.169-2011, SEC.20.

IC 21-14-5

Chapter 5. Tuition Exemption for Senior Citizens

IC 21-14-5-1

Senior citizens tuition fund; establishment

Sec. 1. (a) The senior citizens tuition fund is established to provide full or partial reimbursements to state educational institutions for the amount of tuition waived under this chapter.

(b) The fund shall be administered by the commission.

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

(d) The treasurer of state shall invest the money not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

As added by P.L.2-2007, SEC.255.

IC 21-14-5-2

Duties of state educational institutions

Sec. 2. Except as provided in section 4 of this chapter, a state educational institution shall:

(1) admit a senior citizen to a scheduled course where there is space available; and

(2) grant a waiver of the tuition assessed for the course as provided in section 3 of this chapter.

As added by P.L.2-2007, SEC.255.

IC 21-14-5-3

Amount of tuition

Sec. 3. The amount of the tuition waived under section 2 of this chapter must equal fifty percent (50%) of the in-state tuition assessed for the course by the state educational institution.

As added by P.L.2-2007, SEC.255.

IC 21-14-5-4

Requirements of state educational institutions

Sec. 4. A state educational institution is not required to do the following:

(1) Allow a senior citizen to enroll in a degree granting program, unless the senior citizen meets the admission standards of the institution.

(2) Permit the full-time equivalent enrollment of senior citizens for whom tuition has been waived to exceed two percent (2%) of the institution's undergraduate full-time equivalent enrollment.

(3) Waive a senior citizen's tuition for more than the equivalent of nine (9) semester hours per semester.

(4) Waive fees for self-supporting programs, applications, registration, or laboratory work.

As added by P.L.2-2007, SEC.255.

IC 21-14-5-5

Additional duties of state educational institutions

Sec. 5. (a) A state educational institution may receive a reimbursement from the fund for an amount equal to:

- (1) the amount of total tuition waived under this chapter; or
- (2) if the amount in the fund is insufficient to cover the tuition waivers for all of the institutions, a pro rata reduction of the amount of total tuition waivers based upon the number of senior citizens for which the institution provides tuition waivers compared to the total number of senior citizens who participate under this chapter statewide.

(b) To receive a reimbursement under subsection (a), the state educational institution must apply to the commission, on forms provided by the commission, for the reimbursement.

As added by P.L.2-2007, SEC.255.

IC 21-14-5-6

Comprehensive report

Sec. 6. (a) In addition, not later than thirty (30) days after the end of each semester (or its equivalent if the state educational institution does not conduct its academic year on a semester basis), each state educational institution shall provide the commission with a comprehensive report detailing the extent to which the institution participated in the senior citizen tuition exemption under this chapter.

(b) The report must include the following information:

- (1) The number of senior citizens who qualified for a tuition exemption.
- (2) The courses in which the senior citizens enrolled.
- (3) The number of semester hours (or its equivalent) taken by senior citizens under this chapter.
- (4) Any other pertinent information required by the commission.

As added by P.L.2-2007, SEC.255. Amended by P.L.107-2012, SEC.41.

IC 21-14-5-7

Additional educational opportunities

Sec. 7. This chapter does not prohibit a state educational institution from offering other educational opportunities that are not covered by this chapter to senior citizens at no charge or at a reduced charge.

As added by P.L.2-2007, SEC.255.

IC 21-14-6

Chapter 6. Tuition and Fee Exemption for Children and Surviving Spouse of Public Safety Officer Killed in the Line of Duty

IC 21-14-6-0.2

Application of certain amendments to prior law

Sec. 0.2. (a) IC 20-12-19.5-1 (as amended by P.L.52-2000, before its repeal, now codified at sections 1, 2, and 3 of this chapter) applies to a student enrolled at a state educational institution after July 31, 2000.

(b) IC 20-12-19.5-2 (as added by P.L.52-2000, before its repeal, now codified at section 4 of this chapter) applies to a student enrolled at a state educational institution after July 31, 2000.

As added by P.L.220-2011, SEC.347.

IC 21-14-6-1

Applicability

Sec. 1. This chapter applies to the children and surviving spouse of a public safety officer if the public safety officer was a resident of Indiana when killed in the line of duty.

As added by P.L.2-2007, SEC.255.

IC 21-14-6-2

Eligibility; children of slain public safety officers

Sec. 2. (a) This section applies to a public safety officer's child who is less than twenty-four (24) years of age on the date of the public safety officer's death. The children of a public safety officer who has been killed in the line of duty are exempt from the payment of tuition and regularly assessed fees for the number of terms that constitutes four (4) undergraduate academic years in which the children enroll at a state educational institution or state supported technical school. The children must be full-time students pursuing a prescribed course of study.

(b) The maximum amount that an eligible applicant is exempt from paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

As added by P.L.2-2007, SEC.255. Amended by P.L.51-2009, SEC.1; P.L.281-2013, SEC.33.

IC 21-14-6-3

Eligibility; surviving spouse of public safety officers

Sec. 3. The surviving spouse of a public safety officer who has been killed in the line of duty is not required to pay educational costs at a state educational institution or state supported technical school, as long as the surviving spouse is pursuing a prescribed course of study at the institution towards an undergraduate degree.

As added by P.L.2-2007, SEC.255.

IC 21-14-6-4

Amount of benefits

Sec. 4. The amount of the benefits under this chapter is equal to one (1) of the following amounts:

(1) If an eligible applicant does not receive financial assistance specifically designated for educational costs, the amount determined under section 2 or 3 of this chapter that is applicable to the eligible applicant.

(2) If an eligible applicant receives financial assistance specifically designated for educational costs:

(A) the amount determined under section 2 or 3 of this chapter that is applicable to the eligible applicant; minus

(B) the financial assistance specifically designated for educational costs.

As added by P.L.2-2007, SEC.255.

IC 21-14-7

Chapter 7. Tuition and Fee Exemption for Children and Spouses of National Guard Members

IC 21-14-7-0.2

Application of certain amendments to prior law

Sec. 0.2. The addition of IC 20-12-19.7 (before its repeal, now codified in this chapter) by P.L.157-2005 applies to all individuals whose father, mother, or spouse:

- (1) was a member of the Indiana National Guard; and
- (2) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7);

whether the father's, mother's, or spouse's service connected death occurred before, on, or after July 1, 2005.

As added by P.L.220-2011, SEC.348.

IC 21-14-7-1

Applicability

Sec. 1. This chapter applies to an individual:

- (1) whose father, mother, or spouse:
 - (A) was a member of the Indiana National Guard; and
 - (B) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7);
- (2) who is eligible to pay the resident tuition rate (as determined by the state educational institution) at the state educational institution in which the individual is enrolled or will enroll; and
- (3) who possesses the requisite academic qualifications.

As added by P.L.2-2007, SEC.255.

IC 21-14-7-2

Exemption from costs

Sec. 2. (a) Subject to subsection (b), an eligible applicant is exempt from the payment of educational costs for instruction at the state educational institution in which the eligible applicant is enrolled or will enroll.

(b) The maximum amount that an eligible applicant is exempt from paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

As added by P.L.2-2007, SEC.255. Amended by P.L.141-2008, SEC.3.

IC 21-14-7-3

Term of exemption

Sec. 3. An eligible applicant may receive the tuition exemption under this chapter for all semester credit hours in which the eligible applicant enrolls up to a maximum of one hundred twenty-four (124) semester credit hours.

As added by P.L.2-2007, SEC.255.

IC 21-14-7-4

Conditions of educational opportunities

Sec. 4. An eligible applicant qualifying for or receiving the tuition exemption under this chapter is entitled to enter, remain, and receive instruction at a state educational institution under the same conditions, qualifications, and regulations that apply to:

- (1) applicants for admission to; or
- (2) students enrolled in;

the state educational institution who do not qualify for or receive the educational costs exemption.

As added by P.L.2-2007, SEC.255.

IC 21-14-7-5

Mandatory fees

Sec. 5. The commission shall define the mandatory fees that are exempt educational costs.

As added by P.L.2-2007, SEC.255. Amended by P.L.107-2012, SEC.42.

IC 21-14-7-6

Deduction of financial assistance

Sec. 6. If an eligible applicant:

- (1) qualifies for or is receiving the educational costs exemption under this chapter; and
- (2) receives other financial assistance specifically designated for educational costs at the state educational institution in which the individual is enrolled or will enroll;

the state educational institution shall deduct the amount of the financial assistance specifically designated for educational costs from the amount of the educational costs exemption under this chapter.

As added by P.L.2-2007, SEC.255.

IC 21-14-7-7

Credit of cash scholarships

Sec. 7. If an eligible applicant:

- (1) qualifies for or is receiving the educational costs exemption under this chapter; and
- (2) earns or is awarded a cash scholarship from any source that is paid or payable to the state educational institution in which the eligible applicant is enrolled or will enroll;

the state educational institution shall credit the amount of the cash scholarship to the eligible applicant for the payment of incidental expenses incurred by the eligible applicant in attending the state educational institution, with the balance, if any, of the award, if the terms of the scholarship permit, paid to the eligible applicant.

As added by P.L.2-2007, SEC.255.

IC 21-14-7-8

Determination of eligibility

Sec. 8. The determination as to whether an individual is eligible for the educational costs exemption authorized by this chapter is vested exclusively with the military department established by IC 10-16-2-1.

As added by P.L.2-2007, SEC.255.

IC 21-14-7-9

Written request for determination of eligibility

Sec. 9. An eligible applicant for the educational costs exemption must make a written request to the adjutant general for a determination of the individual's eligibility.

As added by P.L.2-2007, SEC.255.

IC 21-14-7-10

Duties of adjutant general

Sec. 10. In response to each request under this chapter for an educational costs exemption, the adjutant general shall make a written determination of the applicant's eligibility.

As added by P.L.2-2007, SEC.255.

IC 21-14-7-11

Appeals procedure

Sec. 11. (a) An applicant for an educational costs exemption under this chapter may appeal an adverse determination in writing to the military department not more than fifteen (15) business days after the date the applicant receives the determination under this chapter.

(b) The military department shall issue a final order not more than fifteen (15) business days after the department receives a written appeal under subsection (a).

As added by P.L.2-2007, SEC.255.

IC 21-14-7-12

Violation

Sec. 12. A person who knowingly or intentionally:

(1) submits a false or misleading application or another document; or

(2) makes a false or misleading statement;

to obtain a benefit under this chapter commits a Class A misdemeanor.

As added by P.L.2-2007, SEC.255.

IC 21-14-8

Chapter 8. Tuition Exemption for Double Up Students

IC 21-14-8-1

Eligibility; certification of eligibility

Sec. 1. (a) A state educational institution shall waive tuition for a student who is:

- (1) eligible for free or reduced lunch in high school;
- (2) accepted into a postsecondary enrollment opportunity under IC 21-43-4; and
- (3) accepted for admission to the state educational institution.

(b) The high school a student attends shall certify the student's income to a state educational institution to determine the student's eligibility for a tuition and fee waiver under this section.

(c) A high school may certify a student's eligibility for a tuition and fee waiver under this section based upon any of the following types of information:

- (1) A free or reduced lunch application form.
- (2) A state or federal income tax return.
- (3) A certification from the office of the secretary of family and social services.
- (4) Any state agency certification based upon income records.

As added by P.L.2-2007, SEC.255. Amended by P.L.140-2008, SEC.9; P.L.125-2013, SEC.3.

IC 21-14-9

Chapter 9. Resident Tuition for Active Duty Military Personnel

IC 21-14-9-1

Eligibility; active duty military personnel

Sec. 1. Notwithstanding any other statute, a person who:

- (1) is a nonresident of Indiana;
- (2) serves on active duty;
- (3) is stationed in Indiana; and
- (4) attends a state educational institution;

is eligible to pay the resident tuition rate determined by the state educational institution for courses taken by the person while the person continues to satisfy the criteria set forth in subdivisions (2) and (3).

As added by P.L.144-2007, SEC.24.

IC 21-14-9-2

Eligibility; dependents

Sec. 2. A dependent of a person described in section 1 of this chapter is eligible to pay the resident tuition rate determined by the state educational institution for courses taken by the dependent for the duration of the dependent's enrollment at the state educational institution.

As added by P.L.144-2007, SEC.24.

IC 21-14-10

Chapter 10. Tuition and Fee Exemption for Purple Heart Recipients

IC 21-14-10-1

Applicability

Sec. 1. This chapter applies to a person who:

- (1) enters active duty service from a permanent home address in Indiana;
- (2) receives an honorable discharge;
- (3) receives the Purple Heart decoration for service described in subdivision (1);
- (4) is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution; and
- (5) possesses the requisite academic qualifications.

As added by P.L.141-2008, SEC.4. Amended by P.L.102-2009, SEC.1.

IC 21-14-10-2

Eligibility

Sec. 2. (a) Subject to subsection (b), an eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institution, without the payment of any educational costs for one hundred twenty-four (124) semester credit hours in the state educational institution.

(b) The maximum amount that an eligible applicant is exempt from paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

As added by P.L.141-2008, SEC.4.

IC 21-14-10-3

Mandatory fees

Sec. 3. For purposes of this chapter, the commission shall define mandatory fees that qualify as educational costs.

As added by P.L.141-2008, SEC.4. Amended by P.L.107-2012, SEC.43.

IC 21-14-10-4

Payment of incidental expenses

Sec. 4. If an eligible applicant:

- (1) is permitted to matriculate in a state educational institution;
- (2) qualifies under this chapter; and
- (3) has earned or has been awarded a cash scholarship that is paid or payable to the state educational institution, from any source;

the amount paid shall be applied to the credit of the eligible applicant

in the payment of incidental expenses of the eligible applicant's attendance at the state educational institution. The balance, if the terms of the scholarship permit, must be returned to the eligible applicant.

As added by P.L.141-2008, SEC.4.

IC 21-14-10-5

Determination of eligibility

Sec. 5. Determination of eligibility for higher education benefits authorized under this chapter is vested exclusively in the Indiana department of veterans' affairs. Any applicant for benefits under this chapter may make a written request for a determination of eligibility by the Indiana department of veterans' affairs. The director or deputy director of the Indiana department of veterans' affairs shall make a written determination of eligibility in response to each request. In determining the amount of an eligible applicant's benefit, the commission shall consider other higher education financial assistance in conformity with this chapter.

As added by P.L.141-2008, SEC.4. Amended by P.L.107-2012, SEC.44.

IC 21-14-10-6

Appeals

Sec. 6. An appeal from an adverse determination under section 5 of this chapter must be made in writing to the veterans' affairs commission not more than fifteen (15) working days following the applicant's receipt of the determination. A final order must be made by a simple majority of the veterans' affairs commission not more than fifteen (15) days following receipt of the written appeal.

As added by P.L.141-2008, SEC.4.

IC 21-14-10-7

Violation

Sec. 7. A person who knowingly or intentionally submits a false or misleading application or other document under this chapter commits a Class A misdemeanor.

As added by P.L.141-2008, SEC.4.

IC 21-14-10-8

Amount of benefits

Sec. 8. The amount of the benefits under this chapter is equal to one (1) of the following:

(1) If the eligible applicant does not receive financial assistance specifically designated for educational costs, the amount determined under sections 2 through 6 of this chapter.

(2) If the eligible applicant receives financial assistance specifically designated for educational costs:

(A) the amount determined under sections 2 through 6 of this chapter; minus

(B) the financial assistance specifically designated for

educational costs.
As added by P.L.141-2008, SEC.4.

IC 21-14-11

Chapter 11. Restrictions on Resident Tuition

IC 21-14-11-1

Lawful presence required for resident tuition rate; exception

Sec. 1. (a) This section does not apply to an individual who was enrolled in a state educational institution on or before July 1, 2011.

(b) An individual who is not lawfully present in the United States is not eligible to pay the resident tuition rate that is determined by the state educational institution.

As added by P.L.209-2011, SEC.1. Amended by P.L.180-2013, SEC.2.

IC 21-14-12

Repealed

(Repealed by P.L.205-2013, SEC.330; P.L.205-2013, SEC.360.)

IC 21-14-12.2

Chapter 12.2. Resident Tuition for Veterans

IC 21-14-12.2-1

"Qualified course"

Sec. 1. As used in this chapter, "qualified course" means a course prescribed by a state educational institution to obtain an undergraduate degree.

As added by P.L.137-2013, SEC.1.

IC 21-14-12.2-2

"Qualified veteran"

Sec. 2. As used in this chapter, "qualified veteran" means an individual:

(1) who:

(A) served in the armed forces of the United States or the Indiana National Guard; and

(B) received an honorable discharge; or

(2) who currently is serving in the Indiana National Guard.

As added by P.L.137-2013, SEC.1.

IC 21-14-12.2-3

Veteran resident tuition

Sec. 3. A qualified veteran who enrolls in a state educational institution not later than twelve (12) months after the date of the qualified veteran's discharge or separation from the armed forces of the United States or the Indiana National Guard is eligible to pay the resident tuition rate determined by the state educational institution for a qualified course taken by the qualified veteran while attending the state educational institution.

As added by P.L.137-2013, SEC.1.

IC 21-14-12.2-4

Veteran residency

Sec. 4. (a) Subject to subsection (b), a qualified veteran is eligible to pay a resident tuition rate for a qualified course:

(1) regardless of whether the qualified veteran has resided in Indiana long enough after receiving a discharge or separation from the armed forces of the United States or the Indiana National Guard to establish Indiana residency under the otherwise applicable policies of the state educational institution; and

(2) regardless of whether the qualified veteran has returned to Indiana for the primary purpose of attending the state educational institution.

(b) A qualified veteran must provide to the state educational institution, not later than twelve (12) months after the date the qualified veteran enrolls in the state educational institution:

(1) proof that the qualified veteran has registered to vote in Indiana;

- (2) proof that the qualified veteran has:
 - (A) obtained an Indiana driver's license or a state identification card under IC 9-24; or
 - (B) registered the qualified veteran's motor vehicle in Indiana; or
- (3) any other proof of residency as approved by the commission.

If a qualified veteran fails to comply with this subsection, the qualified veteran is subject to the tuition policies determined by the state educational institution. The state educational institution may charge the qualified veteran an amount that equals the difference between the nonresident tuition rate and the tuition charged to the qualified veteran for qualified courses in which the qualified veteran enrolled during the first twelve (12) months of enrollment at the state educational institution.

As added by P.L.137-2013, SEC.1.

IC 21-14-12.2-5

Enrollment date limitations

Sec. 5. A qualified veteran who enrolls in a state educational institution later than twelve (12) months after the date of the qualified veteran's discharge or separation from the armed forces of the United States or the Indiana National Guard is subject to the tuition policies determined by the state educational institution.

As added by P.L.137-2013, SEC.1.

IC 21-14-12.2-6

Enrollment in graduate programs

Sec. 6. A qualified veteran who enrolls in a graduate degree program at a state educational institution is subject to the tuition policies determined by the state educational institution.

As added by P.L.137-2013, SEC.1.

IC 21-15

**ARTICLE 15. STATE EDUCATIONAL
INSTITUTIONS: SCHOLARSHIPS AND GRANTS**

IC 21-15-1

Chapter 1. Applicability

IC 21-15-1-1

Applicability

Sec. 1. This article applies only to state educational institutions.
As added by P.L.2-2007, SEC.256.

IC 21-15-2

Chapter 2. Power to Award Financial Aid

IC 21-15-2-1

Board of trustees; power to award financial aid; conditions

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may award financial aid to students and groups of students out of the available resources of the state educational institution through:

- (1) scholarships;
- (2) fellowships;
- (3) loans; and
- (4) remissions of fees, tuition, charges, or other funds;

on the basis of financial need, excellence of academic achievement or potential achievement, or any other basis that the board of trustees finds to be reasonably related to the educational purposes and objectives of the institution.

As added by P.L.2-2007, SEC.256.

IC 21-15-2-2

Board of trustees; duties

Sec. 2. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution shall award financial aid in the best interests of the institution and the state.

As added by P.L.2-2007, SEC.256.

IC 21-15-2-3

Board of trustees; additional powers

Sec. 3. The board of trustees of Ivy Tech Community College may provide scholarships and remission of fees in proper cases.

As added by P.L.2-2007, SEC.256.

IC 21-15-2-4

Annual report

Sec. 4. (a) Each state educational institution shall submit a report annually to the legislative council and the commission for higher education that includes the amount of need based financial aid and

merit based financial aid available to students from all sources.

(b) A report submitted to the legislative council under this section must be in an electronic format under IC 5-14-6.

As added by P.L.2-2007, SEC.256.

IC 21-15-3

Chapter 3. Assistance to Individuals Who Are Blind

IC 21-15-3-1

Duty to provide assistance to individuals who are blind

Sec. 1. If a blind person:

(1) matriculates in a department of:

(A) Indiana University;

(B) Purdue University;

(C) Ball State University; or

(D) Indiana State University; and

(2) requests the administration to provide an assistant to read to the person;

the board of trustees of the state educational institution and the executive officers of the state educational institution shall supply, free of charge, an assistant for at least three (3) hours per day to read to the student under the direction of the faculty of the state educational institution.

As added by P.L.2-2007, SEC.256.

IC 21-15-4

Chapter 4. County Scholars; Ball State University

IC 21-15-4-1

Appointments

Sec. 1. The board of trustees and faculty of Ball State University may appoint annually to Ball State University at least two (2) individuals from each county in Indiana.

As added by P.L.2-2007, SEC.256.

IC 21-15-4-2

Criteria for appointments

Sec. 2. The appointments under this chapter shall be made on the basis of scholarship and superior mental ability.

As added by P.L.2-2007, SEC.256.

IC 21-15-4-3

Conditions for appointed persons

Sec. 3. (a) Except as provided in subsection (b), individuals appointed under this chapter are entitled to enter, remain, and receive instruction in Ball State University for the next school year after their appointment, upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to, or students in, Ball State University.

(b) Any student attending Ball State University under this chapter shall not be chargeable for the payment of any contingent fees.

As added by P.L.2-2007, SEC.256.

IC 21-15-4-4

Appointments; applicability

Sec. 4. An appointment under this chapter may be made from students eligible to enter Ball State University or students in attendance at Ball State University.

As added by P.L.2-2007, SEC.256.

IC 21-15-5

Chapter 5. County Scholars; Indiana State University

IC 21-15-5-1

Appointments

Sec. 1. The board of trustees and faculty of Indiana State University may appoint annually to Indiana State University at least two (2) individuals from each county in Indiana.

As added by P.L.2-2007, SEC.256.

IC 21-15-5-2

Criteria for appointments

Sec. 2. The appointments under this chapter shall be made on the basis of scholarship and superior mental ability.

As added by P.L.2-2007, SEC.256.

IC 21-15-5-3

Conditions for appointed persons

Sec. 3. (a) Except as provided in subsection (b), individuals appointed under this chapter are entitled to enter, remain, and receive instruction in Indiana State University for the next school year after their appointment, upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to, or students in, Indiana State University.

(b) Any student attending Indiana State University under this chapter shall not be chargeable for the payment of any contingent fees.

As added by P.L.2-2007, SEC.256.

IC 21-15-5-4

Appointments; applicability

Sec. 4. An appointment under this chapter may be made from students eligible to enter Indiana State University or students in attendance at Indiana State University.

As added by P.L.2-2007, SEC.256.

IC 21-15-6

Chapter 6. County Scholars; Indiana University

IC 21-15-6-1

Appointments

Sec. 1. The board of trustees and faculty of Indiana University shall appoint annually to Indiana University at least two (2) students or scholars from each county in Indiana.

As added by P.L.2-2007, SEC.256.

IC 21-15-6-2

Criteria for appointments

Sec. 2. Appointments of individuals under this chapter must be made on the basis of scholarship and superior mental ability.

As added by P.L.2-2007, SEC.256.

IC 21-15-6-3

Conditions for appointed persons

Sec. 3. (a) Except as provided in subsection (b), an individual appointed under this chapter is entitled to enter, remain, and receive instruction in Indiana University for the next school year after the individual's appointment under the same conditions, qualifications, and regulations prescribed for other applicants for admission to, or students in, Indiana University.

(b) A student attending Indiana University after appointment under this chapter may not be charged any contingent fees.

As added by P.L.2-2007, SEC.256.

IC 21-15-6-4

Appointments; applicability

Sec. 4. An appointment under this chapter may be made from students:

- (1) eligible to enter; or
- (2) in attendance at;

Indiana University.

As added by P.L.2-2007, SEC.256.

IC 21-15-6-5

Notice requirement; number of students attending free of tuition

Sec. 5. The secretary of the board of trustees of Indiana University shall notify the county auditor of a county whenever there are fewer students attending the university than the county is entitled to send free of tuition. Upon receiving the notice, the county auditor shall inform the board of commissioners of the county at the board of commissioners' next meeting.

As added by P.L.2-2007, SEC.256.

IC 21-15-7

Chapter 7. County Scholars; Ivy Tech Community College

IC 21-15-7-1

Appointments

Sec. 1. The state board and faculty of Ivy Tech Community College may appoint annually to Ivy Tech Community College at least two (2) students from each county in Indiana.

As added by P.L.2-2007, SEC.256.

IC 21-15-7-2

Criteria for appointments

Sec. 2. The appointments of individuals under this chapter must be made on the basis of scholarship and superior ability.

As added by P.L.2-2007, SEC.256.

IC 21-15-7-3

Conditions for appointed persons

Sec. 3. (a) Except as provided in subsection (b), students appointed under this chapter are entitled to enter, remain, and receive instruction in Ivy Tech Community College for the next school year after their appointment, under the same conditions, qualifications, and regulations prescribed for other applicants for admission to, or students in, Ivy Tech Community College.

(b) A student attending Ivy Tech Community College under this chapter is not chargeable for the payment of any contingent fees.

As added by P.L.2-2007, SEC.256.

IC 21-15-7-4

Appointments; applicability

Sec. 4. An appointment under this chapter may be made from students eligible to enter Ivy Tech Community College or students in attendance at Ivy Tech Community College.

As added by P.L.2-2007, SEC.256.

IC 21-15-8

Chapter 8. County Scholars; Purdue University

IC 21-15-8-1

Appointments

Sec. 1. The board of trustees of Purdue University, upon the recommendation of the Purdue University faculty, may appoint annually at least two (2) students or scholars from each county in Indiana.

As added by P.L.2-2007, SEC.256.

IC 21-15-8-2

Criteria for appointments

Sec. 2. The recommendations for appointments under this chapter must be based upon the tests, examinations, and records that are prescribed by the Purdue University faculty.

As added by P.L.2-2007, SEC.256.

IC 21-15-8-3

Conditions for appointed persons

Sec. 3. (a) Except as provided in subsection (b), an individual appointed under this chapter is entitled to enter, remain, and receive instruction under the same conditions, qualifications, and regulations prescribed for other students in Purdue University.

(b) A student admitted to Purdue University under this chapter may not be charged for the payment of any tuition or incidental fees.

As added by P.L.2-2007, SEC.256.

IC 21-15-9

Chapter 9. County Scholars; University of Southern Indiana

IC 21-15-9-1

Appointments

Sec. 1. The board of trustees and faculty of the University of Southern Indiana may appoint annually to the University of Southern Indiana at least two (2) individuals from each county in Indiana.

As added by P.L.2-2007, SEC.256.

IC 21-15-9-2

Criteria for appointments

Sec. 2. The appointments under this chapter shall be made on the basis of scholarship and superior mental ability.

As added by P.L.2-2007, SEC.256.

IC 21-15-9-3

Conditions for appointed persons

Sec. 3. (a) Except as provided in subsection (b), individuals appointed under this chapter are entitled to enter, remain, and receive instruction in the University of Southern Indiana for the next school year after their appointment, upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to, or students in, the University of Southern Indiana.

(b) Any student attending the University of Southern Indiana under this chapter shall not be chargeable for the payment of any contingent fees.

As added by P.L.2-2007, SEC.256.

IC 21-15-9-4

Appointments; applicability

Sec. 4. An appointment under this chapter may be made from students eligible to enter the University of Southern Indiana or students in attendance at the University of Southern Indiana.

As added by P.L.2-2007, SEC.256.

IC 21-15-10

Chapter 10. County Scholars; Vincennes University

IC 21-15-10-1

Appointments

Sec. 1. The board of trustees and faculty of Vincennes University may appoint annually to Vincennes University at least two (2) individuals from each county in Indiana.

As added by P.L.2-2007, SEC.256.

IC 21-15-10-2

Criteria for appointments

Sec. 2. The appointments under this chapter shall be made on the basis of scholarship and superior mental ability.

As added by P.L.2-2007, SEC.256.

IC 21-15-10-3

Conditions for appointed persons

Sec. 3. (a) Except as provided in subsection (b), individuals appointed under this chapter are entitled to enter, remain, and receive instruction in Vincennes University for the next school year after their appointment, upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to, or students in, Vincennes University.

(b) Any student attending Vincennes University under this chapter shall not be chargeable for the payment of any contingent fees.

As added by P.L.2-2007, SEC.256.

IC 21-15-10-4

Appointments; applicability

Sec. 4. An appointment under this chapter may be made from students eligible to enter Vincennes University or students in attendance at Vincennes University.

As added by P.L.2-2007, SEC.256.

IC 21-16

ARTICLE 16. EARN INDIANA PROGRAM; STUDENT LOANS; LEGAL CAPACITY TO CONTRACT FOR STUDENT LOANS

IC 21-16-1

Chapter 1. General Provisions; Definitions

IC 21-16-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.257.

IC 21-16-1-2

"Approved lender"

Sec. 2. "Approved lender", for the purposes of IC 21-16-4, means:

- (1) an eligible institution; or
- (2) a bank, trust company, savings association, credit union, or other entity as described in 20 U.S.C. 1085(d) whose primary consumer credit function is not the making of guaranteed student loans and which is examined and supervised by the appropriate state or federal regulatory agency.

As added by P.L.2-2007, SEC.257.

IC 21-16-1-3

"Commission"

Sec. 3. "Commission" refers to the commission for higher education established under IC 21-18-2-1.

As added by P.L.2-2007, SEC.257. Amended by P.L.107-2012, SEC.45.

IC 21-16-1-4

"Corporation"

Sec. 4. "Corporation" refers to the corporation designated by the governor under IC 21-16-5-1.

As added by P.L.2-2007, SEC.257.

IC 21-16-1-4.5

"EARN Indiana program"

Sec. 4.5. "EARN Indiana program" refers to the employment aid readiness network Indiana program established under IC 21-16-2-1.

As added by P.L.272-2013, SEC.1.

IC 21-16-1-5

"Education loan"

Sec. 5. "Education loan" means a direct loan or loan insured or guaranteed under a federal or state program or a program of private insurance that is made to assist a student in obtaining postsecondary

education and that is:

- (1) made to any Indiana student, or to either one (1) or both parents or the legal guardian of the student, for the purpose of attending an Indiana or non-Indiana postsecondary educational institution;
- (2) made to any non-Indiana student, or to one (1) or both parents or the legal guardian of the student, for the purpose of attending an Indiana or non-Indiana postsecondary education institution; or
- (3) made or owned by any lending institution:
 - (A) with an office located in Indiana; or
 - (B) whose affiliate has an office located in Indiana or located in a state in which an Indiana bank or an Indiana bank holding company is entitled under Indiana law to acquire a bank or bank holding company.

As added by P.L.2-2007, SEC.257. Amended by P.L.132-2013, SEC.2.

IC 21-16-1-6

"Eligible employer"

Sec. 6. "Eligible employer" means:

- (1) an approved postsecondary educational institution;
- (2) a state or local governmental unit;
- (3) a private nonprofit organization located in Indiana performing work in the public interest; or
- (4) a for-profit company.

As added by P.L.2-2007, SEC.257. Amended by P.L.272-2013, SEC.2.

IC 21-16-1-7

"Eligible institution"

Sec. 7. "Eligible institution", for the purposes of IC 21-16-4 and sections 2, 12, and 14 of this chapter, refers to a postsecondary educational institution described in IC 21-16-4-1.

As added by P.L.2-2007, SEC.257.

IC 21-16-1-8

"Eligible student"

Sec. 8. "Eligible student" means a student who:

- (1) has been offered a financial aid award from the commission under IC 21-12-3, IC 21-12-4, or IC 21-12-6 for the current academic year; and
- (2) is enrolled as a full-time student at an approved institution of higher education in Indiana.

As added by P.L.2-2007, SEC.257. Amended by P.L.272-2013, SEC.3.

IC 21-16-1-9

"Federal program"

Sec. 9. "Federal program", for the purposes of IC 21-16-5, means

a program operated by the United States Secretary of Education under which the United States Secretary of Education provides guarantees or reinsurances of loans made to students or to either one (1) or both parents or the legal guardians of the students to assist students in obtaining postsecondary education.

As added by P.L.2-2007, SEC.257.

IC 21-16-1-10

"Fund"

Sec. 10. "Fund":

(1) for purposes of IC 21-16-2, refers to the EARN Indiana fund established by IC 21-16-2-2; and

(2) for purposes of IC 21-16-4, refers to the student loan program fund established by IC 21-16-4-11.

As added by P.L.2-2007, SEC.257. Amended by P.L.132-2013, SEC.3; P.L.272-2013, SEC.4.

IC 21-16-1-11

"Guaranteed loans"

Sec. 11. "Guaranteed loans", for purposes of IC 21-16-4, means loans issued by approved lenders to students or either one (1) or both parents of students under state and federal law.

As added by P.L.2-2007, SEC.257.

IC 21-16-1-12

"Half-time students"

Sec. 12. "Half-time students" means certificate, diploma, associate, baccalaureate, graduate, or professional students enrolled in courses sufficient for them to be considered half time by an eligible institution.

As added by P.L.2-2007, SEC.257.

IC 21-16-1-13

"Lending institution"

Sec. 13. "Lending institution", for the purposes of IC 21-16-5, means an institution that makes or holds education loans.

As added by P.L.2-2007, SEC.257.

IC 21-16-1-14

"Resident"

Sec. 14. "Resident" means a United States citizen or alien who is admitted into the United States for lawful, permanent residence and who:

(1) attends an eligible institution in Indiana;

(2) lives in Indiana and attends an eligible institution outside Indiana;

(3) lives outside Indiana and attends an eligible institution outside Indiana, but who:

(A) previously was a resident described in subdivision (1) or

(2); and

(B) as a resident had a loan guaranteed by the commission under IC 21-16-4;

(4) resides in a county contiguous to the boundary of Indiana; or

(5) resides in a county that the commission approves as being within the servicing area of a participating lender, and the lender is located in Indiana or in a county contiguous to the boundary of Indiana.

As added by P.L.2-2007, SEC.257.

IC 21-16-2

Chapter 2. EARN Indiana Program

IC 21-16-2-1

EARN Indiana program; established

Sec. 1. There is established an employment aid readiness network (EARN) Indiana program to be administered by the commission.
As added by P.L.2-2007, SEC.257. Amended by P.L.272-2013, SEC.5.

IC 21-16-2-2

EARN Indiana fund; established; administration

Sec. 2. (a) The EARN Indiana fund is established to provide reimbursement to eligible employers who enter into agreements with the commission under this chapter.

(b) The fund consists of appropriations from the state general fund and contributions from private sources.

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

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a particular fiscal year does not revert to the state general fund but remains available to be used for providing reimbursements under this chapter.

As added by P.L.2-2007, SEC.257. Amended by P.L.234-2007, SEC.49; P.L.272-2013, SEC.6.

IC 21-16-2-3

Agreements with eligible employers

Sec. 3. In order to implement the provisions of this chapter, the commission shall enter into agreements with eligible employers for the operation of the EARN Indiana program as provided in this chapter.

As added by P.L.2-2007, SEC.257. Amended by P.L.272-2013, SEC.7.

IC 21-16-2-4

Agreements; conditions

Sec. 4. An agreement entered into under this chapter must:

(1) provide for employment by the eligible employer of eligible students:

(A) for a minimum average of twelve (12) hours per week; and

(B) a maximum average of:

(i) twenty (20) hours per week, if the student is enrolled in courses at the time of employment; or

(ii) forty (40) hours per week if the employment occurs during the summer term and the student is not enrolled in

- courses during the summer term;
- (2) provide for the reimbursement, to the extent possible under the then current biennial appropriation, by the state to the employer of at least fifty percent (50%) of the federal minimum hourly wage for each hour worked by the student for the employer;
 - (3) provide that any work performed by a student under this chapter must not result in the displacement of employed workers or impair existing contracts for services;
 - (4) provide that any work performed by a student under this chapter shall not involve any partisan or nonpartisan political or sectarian activities;
 - (5) provide that wage rates must be established by the eligible employer, but must not be less than the current federal minimum wage rate; and
 - (6) contain any other provisions necessary to carry out this chapter.

As added by P.L.2-2007, SEC.257. Amended by P.L.272-2013, SEC.8.

IC 21-16-2-5

Repealed

(Repealed by P.L.272-2013, SEC.9.)

IC 21-16-2-6

Repealed

(Repealed by P.L.272-2013, SEC.10.)

IC 21-16-2-7

Eligible employers; duties

Sec. 7. An eligible employer that wishes to participate in the EARN Indiana program under this chapter must:

- (1) submit to the commission, by the date specified by the commission and in the format specified by the commission, a job description for each job that the eligible employer will offer to eligible students under the program;
- (2) submit to the commission, by the date specified by the commission, one (1) or more statements reporting:
 - (A) the wages paid by the eligible employer to each eligible student; and
 - (B) the amount of time worked by each eligible student employed by the eligible employer; and
- (3) sign an agreement agreeing to administer the program according to the published rules and program guidelines as outlined by the commission.

As added by P.L.2-2007, SEC.257. Amended by P.L.272-2013, SEC.11.

IC 21-16-2-8

Work study funds considered as financial aid

Sec. 8. Funds received by students under this chapter must not be considered as financial aid and must not be used in determining awards under the provisions of IC 21-12-3, IC 21-12-4, and IC 21-12-5.

As added by P.L.2-2007, SEC.257. Amended by P.L.272-2013, SEC.12.

IC 21-16-2-9

Priority for small businesses

Sec. 9. In entering into agreements under section 3 of this chapter with eligible employers described in IC 21-16-1-6(4), the commission shall give priority to eligible employers that are organized as small businesses.

As added by P.L.272-2013, SEC.13.

IC 21-16-3

**Chapter 3. Minors; Legal Capacity to Contract for
Guaranteed Student Loans**

IC 21-16-3-1

Student legal capacity to contract

Sec. 1. A student who enters into a contract for a loan to finance a college education or who borrows money to defray the expense of attending any postsecondary educational institution:

(1) has full legal capacity to act in the student's own behalf in this transaction; and

(2) is subject to any obligation that arises from the contract.

As added by P.L.2-2007, SEC.257.

IC 21-16-4

Chapter 4. Guaranteed Student Loan Program

IC 21-16-4-1

Eligible institutions; approval by the commission

Sec. 1. The commission may approve, as eligible institutions, any postsecondary educational institution that meets the standards established by the commission. However, an eligible institution does not include a postsecondary educational institution offering exclusively correspondence or home study courses.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-2

Criteria for approved lenders

Sec. 2. The commission may establish reasonable eligibility criteria for the initial and continuing participation of approved lenders in the student loan program.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-3

Lender conditions; guarantee percentage; interest rate

Sec. 3. The commission may guarantee loans made by approved lenders upon conditions prescribed by the commission to residents who attend or plan to attend eligible institutions in Indiana or elsewhere, to assist the residents in meeting education expenses. The commission shall guarantee at least one hundred percent (100%) of the principal and interest on the loans. However, the rate of interest on guaranteed loans may not exceed the annual rate of simple interest prescribed for state student loan programs under federal law.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-4

Loan applicability

Sec. 4. The commission may guarantee loans to a student, or to either one (1) or both parents of a student, who attends or plans to attend an eligible institution, who is at least a half-time student, and who is accepted by the eligible institution.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-5

Contracts and guaranty agreements

Sec. 5. The commission may enter into contracts and guaranty agreements with approved lenders, state governmental agencies, other corporations, and federal governmental agencies, including agreements for federal insurance of losses resulting from death, default, bankruptcy, or total and permanent disability of borrowers.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-6

Loan requirements

Sec. 6. The commission may require that any loan guaranteed under this chapter be disbursed and repaid in the manner and time that the commission prescribes.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-7

Eligible institution's qualified status; removal; review

Sec. 7. The commission may remove an eligible institution's qualified status upon finding, after reasonable notice and hearing, that the eligible institution fails to meet the standards established by the commission. The commission may direct the state workforce innovation council or the board for proprietary education to review a school under its jurisdiction, or a comparable school outside Indiana that is an eligible institution under this chapter. The commission may use the results of the review to determine whether to remove an eligible institution's qualified status.

As added by P.L.2-2007, SEC.257. Amended by P.L.107-2012, SEC.46.

IC 21-16-4-8

Collection of insurance premium

Sec. 8. The commission may collect an insurance premium of not more than one percent (1%) per annum of the principal amount of the loan. The premium must be calculated in accordance with federal regulations.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-9

Administration of loan program

Sec. 9. The commission may take, hold, and administer, on behalf of the loan program and for purposes of this chapter, property, money, and the interest and income derived from them either absolutely or in trust. The commission may accept gifts, grants, bequests, devises, and loans for the purposes of this chapter. An obligation of the loan program for losses on student loans resulting from death, default, bankruptcy, or total or permanent disability of borrowers is not a debt of the state, but is payable solely from the fund.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-10

Eligibility criteria violation procedures

Sec. 10. (a) Whenever the commission or its designee has reason to believe that a lender or an eligible institution fails to meet the eligibility criteria for approved lenders, the commission or its designee shall call the matter to the attention of the lender or eligible institution. The lender or eligible institution is entitled to a reasonable opportunity to respond to the allegation and, if the alleged violation occurred, to show that it is corrected or to submit an acceptable plan detailing measures that will be taken to correct the

violation and prevent its recurrence.

(b) Upon finding, after reasonable notice and hearing, that a lender or eligible institution fails to meet the eligibility criteria for approved lenders, the commission may:

- (1) limit the number or total amount of loans which the lender or eligible institution may make under this chapter;
- (2) limit the percentage of an eligible institution's total receipts for tuition and fees which may be derived from loans under this chapter for a stated period;
- (3) require an eligible institution to obtain a bond, in an appropriate amount, to provide assurance that it will be able to meet its financial obligations to students enrolled in eligible institutions who received loans under this chapter; and
- (4) impose other conditions or requirements on lenders or eligible institutions, or both, that:
 - (i) are reasonable and appropriate as a direct means of correcting a violation;
 - (ii) have a high probability for successfully correcting the violation; and
 - (iii) will promote the purposes of this chapter.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-11

Student loan program fund; administration

Sec. 11. Funds received under the loan program shall be deposited with the treasurer of state in a separate account known as the "student loan program fund". The money remaining in the student loan program fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for providing student loans under this chapter. After consultation with the program director of the loan program, the treasurer of state shall invest the funds. The income earned on the invested amount is part of the fund.
As added by P.L.2-2007, SEC.257. Amended by P.L.234-2007, SEC.50.

IC 21-16-4-12

Tax exemption

Sec. 12. The property, income, obligations, and activities of the program are exempt from all state and local taxation.
As added by P.L.2-2007, SEC.257.

IC 21-16-4-13

Forbearance

Sec. 13. Sections 14 through 16 of this chapter do not preclude any forbearance for the benefit of the borrower agreed upon by the parties to the guaranteed loan and the commission.
As added by P.L.2-2007, SEC.257.

IC 21-16-4-14

Default; procedures

Sec. 14. Upon default by a borrower on a loan guaranteed under this chapter, and before the commencement of a suit or other enforcement proceedings upon security for the loan, the holder of the guaranteed loan obligation shall promptly notify the commission and the commission shall pay the holder of that loan as soon as the amount is determined. The commission shall determine the amount of loss in accordance with its rules; however, the amount of loss may not exceed the unpaid balance of the principal amount and the unpaid accrued interest.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-15

Payment on loss; subrogation rights

Sec. 15. Upon payment by the commission of the guaranteed part of the loss upon a default by a borrower, the commission shall be subrogated to the rights of the holder of the obligation upon the insured loan and is entitled to an assignment of the note or other evidence of the guaranteed loan by the holder.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-16

Holder of guarantee loans; duties

Sec. 16. A holder of a guaranteed loan shall exercise reasonable care and diligence in the making and collection of loans under this chapter. If the commission finds that reasonable care and diligence are not being exercised by a holder of a guaranteed loan, the commission may:

- (1) withdraw its guarantee on an individual borrower basis, allowing the approved lender to continue participation in the program, after reasonable notice to the lender; or
- (2) disqualify the approved lender from the guarantee of further loans upon finding, after reasonable notice and hearing, that the lender has substantially failed to exercise reasonable care and diligence in the making and collection of loans under this chapter.

These disqualifications shall continue until the commission is satisfied that the lender will exercise reasonable care and diligence in the future.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-17

Dissolution of loan program

Sec. 17. The loan program established by this chapter may not be dissolved until all guaranteed loans have been repaid by the borrower or, if in default, by the commission. Upon dissolution of the loan program, all the property and money of the program not owed to the federal government vests in the state general fund.

As added by P.L.2-2007, SEC.257.

IC 21-16-4-18

Legal representation; attorney general; private attorney

Sec. 18. The attorney general shall act as legal counsel to the commission. When the collection of loans on which the commission has met its guarantee obligation requires legal action outside the state of Indiana, the commission, upon the recommendation of the attorney general, may employ private, out of state counsel and expend its own funds to pay for this service.

As added by P.L.2-2007, SEC.257.

IC 21-16-5

Chapter 5. Secondary Market for Guaranteed Student Loans

IC 21-16-5-1

Secondary market for guaranteed student loans; establishment of corporation

Sec. 1. The governor may request, on behalf of the state, the establishment of a private nonprofit corporation, with a bipartisan board of directors, to serve as a secondary market for education loans. If a private nonprofit corporation is established, the governor may designate the corporation to:

- (1) serve as the secondary market for education loans; and
- (2) act as an eligible lender under a federal program.

The corporation must satisfy the conditions imposed by sections 3 through 10 of this chapter, and its articles of incorporation must provide that upon the corporation's liquidation, any surplus funds must be paid to the state.

As added by P.L.2-2007, SEC.257.

IC 21-16-5-2

Public hearing; notice

Sec. 2. Before designation by the governor under section 1 of this chapter, the corporation shall conduct a public hearing to give all interested parties an opportunity to review and comment upon the bylaws and method of operation of the corporation. Notice of this hearing must be given at least fourteen (14) days before the hearing in the manner set out in IC 5-14-1.5-5(b).

As added by P.L.2-2007, SEC.257.

IC 21-16-5-3

Powers of corporation; articles of incorporation

Sec. 3. (a) The corporation must, under its articles of incorporation, limit its powers to those described in subsection (b).

(b) The corporation may:

- (1) borrow money;
- (2) purchase, sell, and retire education loans, if the loans are not in default status;
- (3) provide incentive services and payments, including the payment of premiums for the purchase of education loans and the payment of an origination fee, to assist lending institutions that provide education loans;
- (4) loan funds to lending institutions if:
 - (A) the lending institution agrees to use the funds to originate education loans of an amount equal to the loan made by the corporation over a period agreeable to the corporation and to grant the corporation the right of first refusal to purchase those education loans;
 - (B) the lending institution agrees to use education loans or government securities as collateral for the loan; and
 - (C) the corporation has, in response to its written request,

received written authorization from the governor to exercise the power described in this subdivision;

- (5) make direct loans to or for the benefit of an education loan borrower or to consolidate all or a part of the borrower's outstanding education loans into one (1) loan;
- (6) operate a secondary market for postsecondary education finance instruments, including tuition certificates and education savings certificates sold by or offered through lending institutions or postsecondary educational institutions;
- (7) provide financial literacy and educational tools to students, their families, and Indiana colleges and universities with respect to responsibly financing the costs of higher education; and
- (8) do all other things that are necessary or incidental to performing the functions listed in subdivisions (1) through (7).

As added by P.L.2-2007, SEC.257. Amended by P.L.132-2013, SEC.4.

IC 21-16-5-4

Annual report; annual public hearing

Sec. 4. The corporation shall submit an annual report to the governor, which must include detailed information on the structure, operation, and financial status of the corporation. The corporation shall conduct an annual public hearing to receive comment from interested parties regarding the report. Notice of the hearing must be given at least fourteen (14) days before the hearing in accordance with IC 5-14-1.5-5(b).

As added by P.L.2-2007, SEC.257.

IC 21-16-5-5

Changes in directors and bylaws

Sec. 5. The corporation shall provide in its articles of incorporation that changes in the composition of its directors or in its bylaws are subject to the approval of the governor.

As added by P.L.2-2007, SEC.257.

IC 21-16-5-6

Annual audit

Sec. 6. The corporation is subject to an annual audit by the state board of accounts. The corporation shall bear the full costs of this audit.

As added by P.L.2-2007, SEC.257.

IC 21-16-5-7

Board of directors; executive session

Sec. 7. The board of directors of the corporation may meet in executive session to do any of the following:

- (1) Discuss negotiating strategies with respect to financing arrangements or proposals, in addition to those items listed in IC 5-14-1.5-6.1.
- (2) Discuss, prepare bids for, or respond to proposals or

arrangements for raising capital or acquiring assets.

(3) Discuss and prepare competitive marketing strategies.

(4) Engage in strategic planning.

As added by P.L.2-2007, SEC.257. Amended by P.L.132-2013, SEC.5.

IC 21-16-5-8

Repealed

(Repealed by P.L.132-2013, SEC.6.)

IC 21-16-5-9

Benefits of guaranty

Sec. 9. The corporation and its transferees and pledgees, so long as they are eligible lenders under a federal program, are entitled to the benefits of any guaranty given by the commission under IC 21-16-4 or any successor to the commission with respect to education loans owned or held by the corporation, its transferees, or its pledgees, as long as the corporation, its transferees, or its pledgees are eligible lenders or holders of education loans under the rules adopted under IC 4-22-2 by the commission or a successor to the commission.

As added by P.L.2-2007, SEC.257.

IC 21-16-5-10

Grants; approval by the budget agency

Sec. 10. Notwithstanding any other law, the corporation may not make grants for any purpose without approval by the budget agency and the governor after review by the budget committee.

As added by P.L.2-2007, SEC.257. Amended by P.L.132-2013, SEC.7.

IC 21-16-5-11

Debts incurred

Sec. 11. Debts incurred by the corporation under authority of this chapter do not represent or constitute a debt of the state of Indiana within the meaning of the provisions of the statutes of Indiana or the Constitution of the State of Indiana.

As added by P.L.2-2007, SEC.257.

IC 21-16-5-12

Principal and interest on bonds

Sec. 12. The principal of and the interest on bonds and notes issued by the corporation under this chapter are exempt from taxation of every kind by the state and by the municipalities and other political subdivisions of the state, except taxes imposed under IC 6-4.1.

As added by P.L.2-2007, SEC.257.

IC 21-16-5-13

Investment of funds

Sec. 13. All:

- (1) banks;
- (2) bankers;
- (3) trust companies;
- (4) savings banks and institutions;
- (5) building and loan associations;
- (6) saving and loan associations;
- (7) investment companies;
- (8) insurance companies and associations; and
- (9) executors, administrators, guardians, trustees, and other fiduciaries;

may legally invest any sinking funds, money, or other funds that belong to them or are within their control in any bonds or notes issued under this chapter.

As added by P.L.2-2007, SEC.257.

IC 21-16-5-14

Termination of the designation

Sec. 14. The designation by the governor under section 1 of this chapter remains in effect until the general assembly provides by law for termination of the designation.

As added by P.L.2-2007, SEC.257.

IC 21-16-5-15

Immunity for officers and directors

Sec. 15. Except for an act of fraud or intentional misconduct, an officer or director of the corporation is not individually liable for an act or omission regarding the exercise or performance of that person's duty to the corporation.

As added by P.L.2-2007, SEC.257.

IC 21-16-5-16

Security interest in education loans

Sec. 16. Notwithstanding IC 26-1-9.1-310(a), a security interest in education loans is perfected by:

- (1) possession under IC 26-1-9.1-313; or
- (2) filing a financing statement in the office of the secretary of state under IC 26-1-9.1-501.

As added by P.L.2-2007, SEC.257.

IC 21-16-5-17

Repealed

(Repealed by P.L.132-2013, SEC.8.)

IC 21-17

**ARTICLE 17. POSTSECONDARY PROPRIETARY
EDUCATIONAL INSTITUTIONS AND OTHER
PRIVATE EDUCATIONAL INSTITUTIONS**

IC 21-17-1

Chapter 1. General Provisions; Definitions

IC 21-17-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.258.

IC 21-17-1-2

Repealed

(Repealed by P.L.107-2012, SEC.47.)

IC 21-17-1-3

Repealed

(Repealed by P.L.107-2012, SEC.48.)

IC 21-17-1-4

Repealed

(Repealed by P.L.107-2012, SEC.49.)

IC 21-17-1-5

Repealed

(Repealed by P.L.107-2012, SEC.50.)

IC 21-17-1-6

Repealed

(Repealed by P.L.107-2012, SEC.51.)

IC 21-17-1-7

"Course"

Sec. 7. "Course" means a plan or program of instruction or training, whether conducted in person, by mail, or by any other method.

As added by P.L.2-2007, SEC.258.

IC 21-17-1-8

Repealed

(Repealed by P.L.107-2012, SEC.52.)

IC 21-17-1-9

"Municipality"

Sec. 9. "Municipality" means a city or town that, under the authority in IC 36-7 and through its redevelopment commission, may undertake and carry out redevelopment or urban renewal projects.

As added by P.L.2-2007, SEC.258.

IC 21-17-1-10

"Nonprofit college or university"

Sec. 10. "Nonprofit college or university", for purposes of sections 14 and 17 of this chapter and IC 21-17-6, refers to a postsecondary educational institution described in IC 21-17-6-1.

As added by P.L.2-2007, SEC.258.

IC 21-17-1-11

Repealed

(Repealed by P.L.107-2012, SEC.53.)

IC 21-17-1-12

"Police officer"

Sec. 12. "Police officer" refers to a police officer who:

- (1) is appointed under IC 21-17-5; and
- (2) is not employed by a state educational institution.

As added by P.L.2-2007, SEC.258.

IC 21-17-1-13

Repealed

(Repealed by P.L.107-2012, SEC.54.)

IC 21-17-1-14

"Private redevelopment corporation"

Sec. 14. "Private redevelopment corporation" means:

- (1) a corporation that is wholly owned or controlled by one (1) or more nonprofit colleges or universities; or
- (2) a corporation that operates on behalf of a nonprofit college or university on a nonprofit basis.

As added by P.L.2-2007, SEC.258.

IC 21-17-1-15

"Private technical, vocational, correspondence, and trade school"

Sec. 15. "Private technical, vocational, correspondence, and trade school" means an institution or agency offering course or courses of instruction for a fee or fees and that is not primarily supported by public tax funds. The term does not include the following:

- (1) A college or university offering a course of study leading to a bachelor's degree.
- (2) A nonpublic preschool, elementary, or secondary school that is approved by the department of education.

As added by P.L.2-2007, SEC.258.

IC 21-17-1-16

"Project area"

Sec. 16. "Project area" means:

- (1) a slum area; or
- (2) an area needing redevelopment (as defined in IC 36-7-1-3).

As added by P.L.2-2007, SEC.258.

IC 21-17-1-17

"Qualified entity"

Sec. 17. "Qualified entity" means either of the following:

- (1) A nonprofit college or university.
- (2) A private redevelopment corporation.

As added by P.L.2-2007, SEC.258.

IC 21-17-1-18

"Redevelopment plan"

Sec. 18. "Redevelopment plan" means a plan proposed by a qualified entity for the redevelopment and renewal of a project area for educational uses.

As added by P.L.2-2007, SEC.258.

IC 21-17-2

Repealed

(Repealed by P.L.107-2012, SEC.55.)

IC 21-17-3

Repealed

(Repealed by P.L.107-2012, SEC.56.)

IC 21-17-4

Chapter 4. Private Technical and Trade School Registration

IC 21-17-4-1

Purpose of chapter

Sec. 1. It is the purpose of this chapter to promote and encourage pupil personnel and guidance services by centralizing information about private technical, vocational, correspondence, and trade schools in the department of education.

As added by P.L.2-2007, SEC.258.

IC 21-17-4-2

Registration with the department of education

Sec. 2. Not later than thirty (30) days before conducting business in Indiana and before February 1 of each subsequent year, a private technical, vocational, correspondence, and trade school conducting business in Indiana shall register with the department of education.

As added by P.L.2-2007, SEC.258.

IC 21-17-4-3

Information required

Sec. 3. A private technical, vocational, correspondence, and trade school shall provide the following information to the department of education when the private technical, vocational, correspondence, and trade school registers under this chapter:

- (1) Name and address of agency or institution and each of its centers of operation.
- (2) Its curriculum for the preceding year, including a brief description of each course offered.
- (3) Tuition charges for each course or credit hour.
- (4) A description of each degree or certificate offered and the requirements for obtaining the described degrees and certificates.
- (5) Sample copy of any contract with a student used by the private technical, vocational, correspondence, and trade school.

As added by P.L.2-2007, SEC.258.

IC 21-17-4-4

Publicity

Sec. 4. A private technical, vocational, correspondence, and trade school that is registered under this chapter is not entitled to use its registration under this chapter for publicity purposes in any manner.

As added by P.L.2-2007, SEC.258. Amended by P.L.3-2008, SEC.133.

IC 21-17-4-5

File on each registered school; grievances, complaints, or comments

Sec. 5. The department of education shall:

- (1) maintain a file of each private technical, vocational,

correspondence, and trade school registered with the department of education; and

(2) preserve in the file any grievances, complaints, or other comments about the private technical, vocational, correspondence, and trade school that have been received.

As added by P.L.2-2007, SEC.258. Amended by P.L.3-2008, SEC.134.

IC 21-17-4-6

Public accessibility to files

Sec. 6. The files must be accessible to the public upon request.

As added by P.L.2-2007, SEC.258.

IC 21-17-5

Chapter 5. Powers to Appoint Police Officers; Retirement; Traffic Regulations; Assistance From Law Enforcement Officers

IC 21-17-5-1

Applicability of chapter

Sec. 1. This chapter applies to a college, university, or junior college that:

- (1) is accredited by the North Central Association; and
- (2) is not a state educational institution.

As added by P.L.2-2007, SEC.258.

IC 21-17-5-2

Governing board; powers and duties

Sec. 2. The governing board of an educational institution may do the following:

- (1) Appoint police officers for the educational institution for which it is responsible.
- (2) Prescribe the duties of police officers of the educational institution and direct their conduct.
- (3) Prescribe distinctive uniforms for the police officers of the educational institution or campus.
- (4) Designate and operate emergency vehicles.

As added by P.L.2-2007, SEC.258.

IC 21-17-5-3

Oath of office

Sec. 3. Police officers appointed under this chapter shall take an appropriate oath of office in the form and manner prescribed by the appointing governing board. The police officers serve at the pleasure of the appointing governing board.

As added by P.L.2-2007, SEC.258.

IC 21-17-5-4

Powers and duties of police officers

Sec. 4. (a) Police officers appointed under this chapter have the following powers:

- (1) General police powers, including the power to arrest, without process, all persons who commit any offense within the view of the officer.
- (2) The same common law and statutory powers, privileges, and immunities as sheriffs and constables. However, the police officers are empowered to serve civil process only to the extent authorized by the employing governing board.
- (3) The duty to enforce and to assist the officials of the educational institutions in the enforcement of the rules and regulations of the educational institution.
- (4) The duty to assist and cooperate with other law enforcement agencies and law enforcement officers.

(b) The governing board of an educational institution employing

a police officer may expressly forbid the officer from exercising any powers otherwise granted to the police officer by law.

As added by P.L.2-2007, SEC.258.

IC 21-17-5-5

Jurisdiction

Sec. 5. (a) This section applies only to a police officer who meets the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) A police officer appointed under this chapter may exercise the powers granted under this chapter upon any real property owned or occupied by the educational institution employing the police officer, including the streets passing through and adjacent to the educational institution. An institution may extend a police officer's territorial jurisdiction in accordance with subsection (c).

(c) An institution may extend a police officer's territorial jurisdiction to the entire state, or to any part of the state, if:

(1) the board of trustees adopts a resolution specifically describing the territorial jurisdiction of a police officer appointed under this chapter; and

(2) the board of trustees notifies the:

(A) superintendent of the state police department; and

(B) sheriff of the county in which the institution is primarily located (or the chief of police of the consolidated city, if the institution is primarily located in a consolidated city);

of the boundaries of the extended territorial jurisdiction.

The institution shall provide the persons described in subdivision (2)(A) and (2)(B) with notice of the extended jurisdiction every two (2) years, by January 31 of the second year.

(d) If a police officer appointed under this section exercises the officer's police powers outside of the county in which the institution is primarily located, the officer shall notify the sheriff (or, in the case of a consolidated city, the chief of police) as soon as practicable.

As added by P.L.2-2007, SEC.258. Amended by P.L.30-2011, SEC.1.

IC 21-17-5-6

Retirement of police officers; benefits

Sec. 6. Whenever a police officer retires after at least twenty (20) years of service, the police officer may retain the officer's service weapon. The officer is entitled to receive, in recognition of the service to the educational institution and the public, a badge that indicates that the officer is retired. Upon retirement, the state police department shall issue to the police officer an identification card that:

(1) states the police officer's name and rank at retirement;

(2) states the officer's retired status; and

(3) notes the officer's authority to retain the service weapon.

A retired police officer described in this section is entitled to a lifetime license to carry a handgun under IC 35-47-2-3(e).

As added by P.L.2-2007, SEC.258.

IC 21-17-5-7

Governing board; regulations; penalties

Sec. 7. (a) This section does not limit or restrict the powers of any other governmental authority having jurisdiction over public streets, roads, alleys, or ways.

(b) The governing board of the educational institution may regulate the traffic of:

- (1) motor vehicles;
- (2) bicycles;
- (3) other vehicles; and
- (4) pedestrians;

on all streets, roads, paths, and grounds of real property owned, used, occupied, or controlled by the educational institution.

(c) Regulations adopted by the governing board applicable to traffic may include the following provisions:

- (1) Provisions governing the:
 - (A) registration;
 - (B) speed;
 - (C) operation;
 - (D) parking; and
 - (E) times, places, and manner of use;

of motor vehicles, bicycles, and other vehicles.

- (2) Provisions prescribing penalties for the violation of regulations. Penalties may include the:

- (A) imposition of reasonable charges;
- (B) removal and impounding (at the expense of the violator) of vehicles that are operated or parked in violation of regulations; and
- (C) denial of permission to operate vehicles on the property of the educational institution.

- (3) Provisions establishing reasonable charges and fees for the registration of vehicles and for the use of parking spaces or facilities owned or occupied by the institution.

As added by P.L.2-2007, SEC.258.

IC 21-17-5-8

Request for additional police assistance

Sec. 8. The governing board of the educational institution may empower one (1) or more officials of the educational institution to request the assistance of law enforcement officers of the:

- (1) state;
- (2) counties;
- (3) cities; and
- (4) towns;

when necessary. When any law enforcement officer is on the property of the educational institution by virtue of a request under this section, the law enforcement officer possesses all powers conferred by this chapter upon police officers appointed by the respective governing board, in addition to the powers otherwise conferred upon the law enforcement officers by the laws of the state.

As added by P.L.2-2007, SEC.258.

IC 21-17-6

Chapter 6. Participation in Urban Renewal

IC 21-17-6-1

Applicability of chapter

Sec. 1. This chapter applies to a postsecondary educational institution (no part of the net earnings inure to the benefit of any private shareholder or individual) that:

(1) provides:

(A) an educational program for which it awards a baccalaureate or more advanced degree; or

(B) at least a two (2) year program that is acceptable for full credit towards a baccalaureate or more advanced degree; and

(2) is accredited by a national accrediting agency or association or, if not so accredited, a postsecondary educational institution whose credits are accepted, on transfer, by at least three (3) accredited postsecondary educational institutions for credit on the same basis as if transferred from a postsecondary educational institution that is accredited.

As added by P.L.2-2007, SEC.258.

IC 21-17-6-2

Liberal construction of chapter

Sec. 2. (a) This chapter shall be liberally construed to effectuate the purposes of this chapter.

(b) This chapter may not be construed as requiring:

(1) municipalities;

(2) redevelopment commissions; or

(3) redevelopment districts;

to participate in any federal cooperation or grants.

As added by P.L.2-2007, SEC.258.

IC 21-17-6-3

Submission of redevelopment plan

Sec. 3. Any qualified entity may prepare and submit to the redevelopment commission of a municipality a redevelopment plan for a project area adjacent to or in the immediate vicinity of:

(1) the location of:

(A) the principal buildings of a nonprofit college or university; or

(B) a major branch of a nonprofit college or university where teaching or research is done or where students or faculty live; and

(2) the area of a redevelopment or urban renewal project that has been or is being undertaken by the redevelopment commission having jurisdiction over the territory in which the project area is located.

As added by P.L.2-2007, SEC.258.

IC 21-17-6-4

Redevelopment plan; conformity and requirements

Sec. 4. A redevelopment plan must conform to the:

- (1) general plan of the locality as a whole; and
- (2) requirements of IC 36-7 with respect to the content of redevelopment or urban renewal plans.

As added by P.L.2-2007, SEC.258.

IC 21-17-6-5

Redevelopment plan; approval by commission; credit as a local grant-in-aid

Sec. 5. A redevelopment commission receiving a redevelopment plan may approve the redevelopment plan and contract with the submitting qualified entity to carry out the redevelopment plan. The redevelopment commission may assist the qualified entity to obtain credit as a local grant-in-aid for the total amount of expenditures made by the qualified entity that is eligible for reimbursement under Title 1 of the Housing Act of 1949, as amended.

As added by P.L.2-2007, SEC.258.

IC 21-17-6-6

Redevelopment plan; approval by municipality; hearing; notice

Sec. 6. If a redevelopment plan is approved by the redevelopment commission, the redevelopment commission shall proceed as provided by IC 36-7. If a redevelopment plan is approved by the plan commission of a municipality, the redevelopment commission shall give notice and hold a public hearing as provided in IC 36-7. If, after the public hearing, the redevelopment commission determines that the redevelopment of the project area as proposed will be of public utility and benefit, the redevelopment commission shall authorize the qualified entity to proceed with the acquisition and redevelopment of the property within the project area in accordance with the approved redevelopment plan.

As added by P.L.2-2007, SEC.258.

IC 21-17-6-7

Implementation of redevelopment plan; qualified entity powers

Sec. 7. To implement an approved redevelopment plan, qualified entities may:

- (1) acquire by purchase, gift, grant, condemnation, or lease any real estate, interests in real estate, or personal property within the project area or needed for the redevelopment of the project area;
- (2) clear or contract for the clearance of all real estate acquired for redevelopment purposes;
- (3) repair and maintain existing structures to be included in the redevelopment plan;
- (4) erect new structures or make major structural improvements on existing buildings; and
- (5) sell, lease, or grant parts of the land acquired for redevelopment purposes to the municipality or other

governmental agency for street, boulevard, levee, sewerage, park, playground, school, and other public purposes:

- (A) on terms and conditions; and
 - (B) with or without compensation;
- as agreed upon.

As added by P.L.2-2007, SEC.258.

IC 21-17-6-8

Grant application

Sec. 8. (a) For purposes of administering an approved redevelopment plan, a qualified entity is designated as a redevelopment agency to apply for and receive:

- (1) grants under Title 1 of the Housing Act of 1949 (42 U.S.C. 1452b et seq.), as amended; and
- (2) all available federal grants that are available for the project area.

(b) If a qualified entity:

- (1) acquired before March 4, 1961, from a redevelopment commission all or part of lands included within a redevelopment project that was undertaken before March 4, 1961, by a redevelopment commission under IC 36-7; and
- (2) has redeveloped the lands described in subdivision (1) for educational purposes;

the qualified entity is designated the redevelopment agency to receive grants under Title 1 of the Housing Act of 1949 (42 U.S.C. 1452b et seq.), as amended, for the project area. The qualified entity is also eligible to receive all other federal grants that are available for the project area.

(c) To obtain federal cooperation and any available federal grants, qualified entities may enter into agreements with the federal government or the appropriate agency of the federal government.

As added by P.L.2-2007, SEC.258.

IC 21-17-6-9

Cooperation between a municipality or a redevelopment commission and a qualified entity

Sec. 9. A municipality or a redevelopment commission of a municipality may cooperate with a qualified entity to carry out an approved redevelopment plan to the extent that a qualified entity may agree. A qualified entity is not required to expend any funds or take any action in respect to the approved redevelopment plan except as provided in this chapter.

As added by P.L.2-2007, SEC.258.

IC 21-18

ARTICLE 18. COMMISSION FOR HIGHER EDUCATION

IC 21-18-1

Chapter 1. General Provisions; Definitions

IC 21-18-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.259.

IC 21-18-1-2

"Advisory committee"

Sec. 2. "Advisory committee" refers to any advisory committee established by the commission.

As added by P.L.2-2007, SEC.259.

IC 21-18-1-3

"Commission"

Sec. 3. "Commission" refers to the commission for higher education.

As added by P.L.2-2007, SEC.259.

IC 21-18-1-4

"Long range plan"

Sec. 4. "Long range plan" refers to the long range plan for postsecondary education developed by the commission.

As added by P.L.2-2007, SEC.259.

IC 21-18-1-5

"Nominating committee"

Sec. 5. "Nominating committee" refers to the nominating committee established under IC 21-18-3-4.

As added by P.L.2-2007, SEC.259.

IC 21-18-1-6

"Statewide committee"

Sec. 6. "Statewide committee" refers to the committee on statewide transfer and articulation established by the commission under the transfer and articulation initiative, March 1, 2000.

As added by P.L.2-2007, SEC.259.

IC 21-18-1-7

"Career and technical education"

Sec. 7. "Career and technical education" means any postsecondary vocational, agricultural, occupational, manpower, employment, or technical training or retraining of less than a baccalaureate level that:

- (1) is offered by a state educational institution; and

(2) enhances an individual's career potential.
As added by P.L.2-2007, SEC.259. Amended by P.L.234-2007, SEC.74.

IC 21-18-1-8

"Vocational education plan"

Sec. 8. "Vocational education plan" refers to the plan for implementing postsecondary vocational education programming developed by the commission.

As added by P.L.2-2007, SEC.259.

IC 21-18-2

Chapter 2. Creation

IC 21-18-2-1

Commission creation

Sec. 1. A commission is established as an instrumentality and an agency of the state.

As added by P.L.2-2007, SEC.259.

IC 21-18-2-2

Name of commission

Sec. 2. The commission shall be known as the "Commission for Higher Education of the State of Indiana".

As added by P.L.2-2007, SEC.259.

IC 21-18-2-3

Powers of commission

Sec. 3. The commission may sue and be sued in the name of the commission.

As added by P.L.2-2007, SEC.259.

IC 21-18-3

Chapter 3. Membership

IC 21-18-3-1

Membership

Sec. 1. The commission consists of fourteen (14) members appointed by the governor as follows:

- (1) Each member must be a citizen of Indiana.
- (2) Each congressional district must be represented by at least one (1) member who resides in the congressional district.
- (3) One (1) member must be a student.
- (4) One (1) member must be a full-time faculty member of a state educational institution.

As added by P.L.2-2007, SEC.259.

IC 21-18-3-2

Membership; restrictions

Sec. 2. Except for the one (1) full-time faculty member and the one (1) student member, a member may not:

- (1) be a full-time employee of; or
- (2) serve on the governing board of;

any state public or private college or university in Indiana.

As added by P.L.2-2007, SEC.259. Amended by P.L.31-2010, SEC.1.

IC 21-18-3-3

Appointments

Sec. 3. The governor shall appoint the student member and the full-time faculty member of the commission from a list that:

- (1) contains at least three (3) names but not more than five (5) names for each appointment; and
- (2) is submitted by a nominating committee.

As added by P.L.2-2007, SEC.259.

IC 21-18-3-4

Nominating committee; membership

Sec. 4. The chairman of the commission shall appoint a ten (10) member nominating committee as follows:

- (1) Five (5) students from state educational institutions, with not more than one (1) student from any one (1) state educational institution.
- (2) Five (5) full-time faculty members from state educational institutions, with not more than one (1) full-time faculty member from any one (1) educational institution.

As added by P.L.2-2007, SEC.259.

IC 21-18-3-5

Membership not public office

Sec. 5. (a) Membership on the commission does not constitute holding a public office.

- (b) A commission member is not required to take and file an oath

of office before serving as a commission member.

(c) Except as provided in this chapter, a commission member:

(1) is not disqualified from holding a public office or position by reason of appointment to or membership on the commission; and

(2) does not forfeit an office, a position, or an employment by reason of an appointment to the commission.

As added by P.L.2-2007, SEC.259.

IC 21-18-3-6

Term of appointments

Sec. 6. (a) Appointments to the commission are for a term of four (4) years except:

(1) the student member; and

(2) the full-time faculty member;

who are appointed to a term of two (2) years.

(b) The governor shall promptly make appointments to fill vacancies for the duration of unexpired terms in the same manner as the original appointments.

(c) The term of a member begins on July 1 of the year of appointment and continues until a successor has been appointed.

As added by P.L.2-2007, SEC.259.

IC 21-18-3-7

Per diem; lodging; mileage; expenses reimbursement

Sec. 7. Members of the commission shall:

(1) receive per diem, lodging, and mileage for attendance at regular or special meetings; and

(2) be reimbursed for necessary expenses incurred on other official duties.

As added by P.L.2-2007, SEC.259.

IC 21-18-4

Chapter 4. Officers

IC 21-18-4-1

Organization

Sec. 1. The commission shall elect from its membership:

- (1) a chairman;
- (2) a vice chairman; and
- (3) other necessary officers.

As added by P.L.2-2007, SEC.259.

IC 21-18-5

Chapter 5. Administration

IC 21-18-5-1

Status

Sec. 1. The commission is a public institution for purposes of IC 5-11-1 and subject to the jurisdiction of the state board of accounts as provided in IC 5-11-1.

As added by P.L.2-2007, SEC.259.

IC 21-18-5-2

Application of IC 4-13-1, IC 4-13-2, IC 4-13.6, and IC 5-22 to the commission

Sec. 2. IC 4-13-1, IC 4-13-2, IC 4-13.6, and IC 5-22 apply to the commission to the same extent these provisions apply to state educational institutions.

As added by P.L.2-2007, SEC.259.

IC 21-18-5-3

Application of section; procurement contracts; trust bid; proposal or quotation

Sec. 3. (a) This section applies whenever a contract for the procurement of property for the commission is awarded by acceptance of bids, proposals, or quotations.

(b) A bid, proposal, or quotation submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

- (1) beneficiary of the trust; and
- (2) settlor empowered to revoke or modify the trust.

As added by P.L.2-2007, SEC.259.

IC 21-18-5-4

Powers of commission

Sec. 4. The commission may:

- (1) designate and employ an executive officer and necessary employees;
- (2) designate the titles of the executive officer and necessary employees; and
- (3) fix the compensation in terms of the employment.

As added by P.L.2-2007, SEC.259.

IC 21-18-6

Chapter 6. Purposes; General Powers; Limitations

IC 21-18-6-1

Purpose

Sec. 1. The general purposes of the commission are the following:

- (1) Plan for and coordinate Indiana's state supported system of postsecondary education.
- (2) Review appropriation requests of state educational institutions.
- (3) Make recommendations to the governor, budget agency, or the general assembly concerning postsecondary education.
- (4) Perform other functions assigned by the governor or the general assembly, except those functions specifically assigned by law to the state workforce innovation council under IC 22-4.1-19.
- (5) Administer state financial aid programs under IC 21-18.5-4.
- (6) Provide staff and office space for the board for proprietary education established by IC 21-18.5-5-1.

As added by P.L.2-2007, SEC.259. Amended by P.L.234-2007, SEC.75; P.L.7-2011, SEC.15; P.L.107-2012, SEC.57.

IC 21-18-6-2

Designation as the agency to administer funds available for postsecondary education

Sec. 2. (a) If designated by the governor or the general assembly, the commission may serve as the agency to receive or administer funds available for postsecondary education:

- (1) programs;
- (2) projects; and
- (3) facilities;

for any of the acts of the United States Congress if the acts of Congress require the state to designate an agency or commission.

(b) This section does not provide for the designation of the commission by the governor as the recipient of funds provided by acts of the United States Congress if the general assembly designates another agency, board, or commission to receive the funds.

As added by P.L.2-2007, SEC.259.

IC 21-18-6-3

Additional powers of the commission

Sec. 3. The commission may employ all powers properly incident to or connected with any of the purposes, powers, or duties under this article, including the power to adopt rules.

As added by P.L.2-2007, SEC.259.

IC 21-18-6-4

Management of state educational institutions

Sec. 4. The commission has no powers or authority relating to the management, operation, or financing of a state educational institution

except as expressly set forth by law. All management, operations, and financing of state educational institutions remain exclusively vested in the board of trustees or other governing boards or bodies of the state educational institutions.

As added by P.L.2-2007, SEC.259.

IC 21-18-6-5

Restrictions

Sec. 5. The commission does not have the authority to obligate any tax funds or other funds of the state except for appropriations made to the commission by the general assembly.

As added by P.L.2-2007, SEC.259.

IC 21-18-7

Chapter 7. Advisory Committees; Committee on Statewide Transfer and Articulation

IC 21-18-7-1

Advisory committees; creation

Sec. 1. The commission may create advisory committees to assist the commission in performing the duties of the commission.

As added by P.L.2-2007, SEC.259.

IC 21-18-7-2

Advisory committees; composition

Sec. 2. An advisory committee must be composed of:

- (1) representatives of state educational institutions;
- (2) representatives of private colleges and universities;
- (3) students;
- (4) faculty; and
- (5) other qualified persons.

As added by P.L.2-2007, SEC.259.

IC 21-18-7-3

Commission's power to direct activities of the committee

Sec. 3. The commission may direct the activities of the statewide committee.

As added by P.L.2-2007, SEC.259. Amended by P.L.120-2013, SEC.1.

IC 21-18-8

Chapter 8. Long Range Planning

IC 21-18-8-1

Long range plan

Sec. 1. The commission may develop, update, and implement a long range plan for postsecondary education.

As added by P.L.2-2007, SEC.259.

IC 21-18-8-2

Long range plan; factors pertinent to the development of the plan

Sec. 2. In developing the long range plan, the commission shall take into account:

- (1) the plans and interests of the state private postsecondary educational institutions;
- (2) anticipated enrollments in state public and private postsecondary educational institutions;
- (3) financial needs of students; and
- (4) other factors pertinent to the quality of educational opportunity available to the citizens of Indiana.

As added by P.L.2-2007, SEC.259.

IC 21-18-8-3

Long range plan; educational missions and projected enrollments of state educational institutions

Sec. 3. The long range plan must define the educational missions and the projected enrollments of the various state educational institutions.

As added by P.L.2-2007, SEC.259.

IC 21-18-8-4

Powers of the commission; recommendations

Sec. 4. The commission may:

- (1) make recommendations to the general assembly and the governor concerning the long range plan; and
- (2) prepare and offer proposed legislation needed to implement the long range plan.

As added by P.L.2-2007, SEC.259.

IC 21-18-8-5

Coordination with state board of education and department of workforce development to develop entrepreneurship education; technology and innovation commercialization projects

Sec. 5. (a) The commission shall coordinate with the Indiana state board of education (IC 20-19-2) and the department of workforce development (IC 22-4.1-2) to develop entrepreneurship education programs for elementary and secondary education, higher education, and individuals in the work force.

(b) The commission shall require each state educational institution to expand technology and innovation commercialization programs.

As added by P.L.172-2011, SEC.127.

IC 21-18-9

Chapter 9. Educational Program Review

IC 21-18-9-1

Powers of commission; budget review; recommendations

Sec. 1. The commission may:

- (1) review the legislative request budgets of all state educational institutions preceding each session of the general assembly; and
- (2) make recommendations concerning appropriations and bonding authorizations to state educational institutions, including public funds for financial aid to students by any state agency.

As added by P.L.2-2007, SEC.259.

IC 21-18-9-2

Powers of commission; program review; recommendations

Sec. 2. The commission may:

- (1) review all programs of any state educational institution, regardless of the source of funding; and
- (2) make recommendations to the board of trustees of the state educational institution, the governor, and the general assembly concerning the funding and the disposition of the programs.

As added by P.L.2-2007, SEC.259.

IC 21-18-9-3

Request for receipts and expenditures

Sec. 3. In making a review under section 1 or 2 of this chapter, the commission may request and shall receive, in the form reasonably required by the commission, from all state educational institutions, complete information concerning all receipts and all expenditures.

As added by P.L.2-2007, SEC.259.

IC 21-18-9-4

Powers of commission; studies; recommendations

Sec. 4. The commission may:

- (1) make, or cause to be made, studies of the needs for various types of postsecondary education; and
- (2) make recommendations to the general assembly and the governor concerning the organization of these programs.

As added by P.L.2-2007, SEC.259.

IC 21-18-9-5

Powers of commission; approval or disapproval of branches, degrees, and programs

Sec. 5. The commission may approve or disapprove the:

- (1) establishment of any new branches, regional or other campuses, or extension centers;
- (2) establishment of any new college or school; or
- (3) offering of any proposed or existing:

- (A) associate, baccalaureate, or graduate degree; or
- (B) program leading to a certificate or other indication of accomplishment.

As added by P.L.2-2007, SEC.259. Amended by P.L.169-2011, SEC.21; P.L.101-2012, SEC.1.

IC 21-18-9-6

Expired

(Expired 6-30-2013 by P.L.114-2011, SEC.6.)

IC 21-18-9-7

Common course numbering system

Sec. 7. In collaboration with the state educational institutions, the commission shall develop, implement, and maintain a common course numbering system to be used by the state educational institutions for all courses in the core transfer library (as defined in IC 21-42-1-3). The commission shall create a state course numbering system into which each state educational institution shall map the state educational institution's unique course numbers.

As added by P.L.88-2012, SEC.1.

IC 21-18-9-8

Undergraduate degree programs; number of credit hours

Sec. 8. (a) Each state educational institution shall review each undergraduate degree program offered by the state educational institution to determine the number of credit hours required for the degree and report the results to the commission. If a degree program requires more than:

- (1) sixty (60) credit hours for an associate degree; or
- (2) one hundred twenty (120) credit hours for a baccalaureate degree;

the state educational institution must provide justification to the commission in the report for the additional credit hours required.

(b) In providing justification under subsection (a):

- (1) if the state educational institution documents that the additional credit hours are required by:
 - (A) specific program standards established by external accreditation bodies; or
 - (B) occupational certification or licensure;

the commission shall accept the justification; and

- (2) if the state educational institution documents that the additional credit hours are related to:
 - (A) employer requirements; or
 - (B) enhanced program quality and content;
- the commission may accept the justification.

(c) The commission shall require a review and report of the credit hours required for degree programs under this section at least every three (3) years.

(d) A proposal submitted to the commission under section 5 of this chapter must provide justification for a degree that requires more

than:

- (1) sixty (60) credit hours for an associate degree; or
- (2) one hundred twenty (120) credit hours for a baccalaureate degree.

As added by P.L.101-2012, SEC.2.

IC 21-18-9-9

Annual report to legislature; state educational institution information

Sec. 9. (a) In collaboration with each state educational institution's institutional research or strategic planning department, the commission shall develop an annual report to the general assembly that includes the following information:

- (1) Faculty activities related to the mission of the state educational institution, including teaching, course grading practices, research, scholarship, outreach, and professional services.
- (2) Average and median faculty and administrator salaries.
- (3) Median grade point averages for all students for the fall and spring semesters.
- (4) Median grade point averages for all graduating seniors.
- (5) Other information the commission considers necessary.

The information in the report must include undergraduate student information and faculty data by academic department, college, or university.

(b) A state educational institution shall provide the information set forth in subsection (a) in the form required by the commission.

(c) The report to the general assembly under subsection (a) must be in an electronic format under IC 5-14-6.

As added by P.L.177-2013, SEC.3.

IC 21-18-9-10

Report to legislature; state educational institutions' expenses

Sec. 10. (a) Before November 1, 2014, the commission, in consultation with the office of management and budget and each state educational institution, shall prepare and submit a report to the general assembly in an electronic format under IC 5-14-6 that analyzes each state educational institution's expenses for the state fiscal years beginning in 2012 and 2013 and determine the percentage or amount of the state educational institution's total expenditures for a particular state fiscal year that were:

- (1) overhead and operational expenditures;
- (2) instructional expenses; and
- (3) capital or other expenses.

(b) The commission may establish criteria for categorizing a state educational institution's expenses.

(c) A state educational institution shall submit to the commission any information needed by the commission for the preparation of the report required in subsection (a).

(d) This section expires January 1, 2015.

As added by P.L.177-2013, SEC.4. Amended by P.L.2-2014, SEC.95.

IC 21-18-10

Repealed

(Repealed by P.L.7-2011, SEC.26.)

IC 21-18-11

Chapter 11. Transfer of Courses and Programs; Report

IC 21-18-11-1

Annual report

Sec. 1. The commission may submit a report to the legislative council not later than August 30 of each year on the status of the transfer of courses and programs between state educational institutions, including any initiative under IC 21-42.

As added by P.L.2-2007, SEC.259.

IC 21-18-11-2

Annual report; changes from preceding academic year

Sec. 2. The commission report under section 1 of this chapter must include any changes made during the immediately preceding academic year.

As added by P.L.2-2007, SEC.259.

IC 21-18-12

Chapter 12. Indiana E-Transcript Program

IC 21-18-12-1

Establishment of program

Sec. 1. (a) The Indiana e-transcript program is created to allow students at all accredited high schools located in Indiana to request that the student's school transcripts be transmitted electronically to state educational institutions, participating Indiana not-for-profit or privately endowed institutions, and participating Indiana institutions authorized by the board for proprietary education established by IC 21-18.5-5-1.

(b) The commission shall administer the program.

(c) Beginning July 1, 2013, the department of education established by IC 20-19-3-1, in collaboration with the state educational institutions and the commission, shall develop a common electronic transcript, using common data fields and formats that are required by state educational institutions.

(d) Not later than July 1, 2015, all public secondary schools shall use the common electronic transcript developed by the department of education.

(e) The governing body of an accredited nonpublic secondary school may elect to use the common electronic transcript developed by the department of education.

As added by P.L.111-2013, SEC.1.

IC 21-18-12-2

Rules

Sec. 2. The commission, in consultation with the department of education established by IC 20-19-3-1, may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.111-2013, SEC.1.

IC 21-18-12.2

Chapter 12.2. Out-of-State Public and Nonprofit Institutions

IC 21-18-12.2-1

Out-of-state degree granting institutions; requirement for authorization

Sec. 1. All out-of-state public and nonprofit degree granting institutions seeking to offer instructional or educational services or training in Indiana, and the instructional or educational services or training programs, including degree programs, offered by these institutions, whether onsite, online, or through any combination of these or other instructional modalities, must be authorized by the executive officer of the commission, who may develop procedures for authorizing such institutions to offer such instructional programs in Indiana, and who may enter into interstate reciprocity agreements for this purpose.

As added by P.L.273-2013, SEC.2.

IC 21-18-13

Chapter 13. Student Athletes: Sudden Cardiac Arrest

IC 21-18-13-1

Application of chapter

Sec. 1. This chapter applies to public and private postsecondary educational institutions in Indiana that offer athletic activities.

As added by P.L.139-2014, SEC.4.

IC 21-18-13-2

"Association"

Sec. 2. As used in this chapter, "association" means an organization that conducts, organizes, sanctions, or sponsors interscholastic athletic events as the organization's primary purpose.

As added by P.L.139-2014, SEC.4.

IC 21-18-13-3

"Athletic activity"

Sec. 3. As used in this chapter, "athletic activity" includes the following:

- (1) An athletic contest or competition conducted between or among postsecondary educational institutions.
- (2) An intramural athletic contest or competition that is sponsored by or associated with a postsecondary educational institution.
- (3) Competitive and noncompetitive cheerleading that is sponsored by or associated with a postsecondary educational institution.

As added by P.L.139-2014, SEC.4.

IC 21-18-13-4

Distribution of information by commission

Sec. 4. (a) Before July 1, 2015, the commission shall disseminate guidelines, information sheets, and forms to the athletic department of each postsecondary educational institution to inform and educate coaches and student athletes of the nature and risk of sudden cardiac arrest to student athletes.

(b) The commission:

- (1) may consult with an association, medical professionals, and others with expertise in diagnosing and treating sudden cardiac arrest; and
- (2) may request the assistance of an association in disseminating the guidelines, information sheets, and forms required under subsection (a).

(c) The commission may disseminate the guidelines, information sheets, and forms required under this section in an electronic format.

As added by P.L.139-2014, SEC.4.

IC 21-18-13-5

Acknowledgement of receipt of information by student athlete

Sec. 5. Each year, before beginning practice for an athletic activity, a student athlete:

- (1) must be given the information sheet and form described in section 4 of this chapter; and
- (2) shall sign and return the form acknowledging the receipt of the information sheet to the student athlete's coach.

The coach shall maintain a file of the completed forms.

As added by P.L.139-2014, SEC.4.

IC 21-18-13-6

Symptom of sudden cardiac arrest; removal; notification

Sec. 6. If a student athlete is suspected of experiencing a symptom of sudden cardiac arrest in a practice for an athletic activity or in an athletic activity:

- (1) the student athlete shall be removed from practice or play at the time that the symptom is identified; and
- (2) an athletic trainer or a physician associated with the team or postsecondary educational institution shall be notified of the student athlete's symptoms.

As added by P.L.139-2014, SEC.4.

IC 21-18-13-7

Symptom of sudden cardiac arrest; return to play or practice

Sec. 7. A student athlete who has been removed from practice or play under section 6 of this chapter may not return to practice and play until the coach has received verbal permission from an athletic trainer or a physician that the student athlete may return to practice and play. Within twenty-four (24) hours after giving verbal permission for the student athlete to return to practice and play, the athletic trainer or physician must provide the coach with a written statement that the student athlete has permission to return to practice and play.

As added by P.L.139-2014, SEC.4.

IC 21-18.5

ARTICLE 18.5. ADMINISTRATION OF HIGHER EDUCATION FINANCIAL AID AND POSTSECONDARY CREDIT BEARING PROPRIETARY EDUCATIONAL INSTITUTION ACCREDITATION

IC 21-18.5-1

Chapter 1. General Provisions

IC 21-18.5-1-1

Rights, duties, and obligations under contracts entered into before July 1, 2012

Sec. 1. (a) As used in this section, "contract" refers to a contract or guarantee entered into by the state student assistance commission (before its abolishment on July 1, 2012) or by the state student assistance commission (as it existed before the enactment of P.L.128-1990).

(b) After June 30, 2012, a contract entered into by the state student assistance commission (before its abolishment on July 1, 2012) or by the state student assistance commission (as it existed before the enactment of P.L.128-1990) is a contract of the commission for higher education established by IC 21-18-2-1.

(c) The:

- (1) amendments made by P.L.128-1990; and
- (2) repeal of IC 21-11 and addition of this article by P.L.107-2012;

do not affect the rights, duties, or obligations of the commission for higher education established by IC 21-18-2-1 or a person who before July 1, 2012, had a contract with the state student assistance commission (before its abolishment on July 1, 2012) or with the state student assistance commission (as it existed before the enactment of P.L.128-1990).

(d) A person or the commission for higher education established by IC 21-18-2-1 may enforce a right or compel performance of a duty with respect to a contract as if:

- (1) P.L.128-1990; and
- (2) the repeal of IC 21-11 and conforming amendments made to IC 21-7 through IC 21-17 by P.L.107-2012;

had not been enacted.

As added by P.L.107-2012, SEC.58. Amended by P.L.13-2013, SEC.59.

IC 21-18.5-1-2

Transfer of responsibilities from state student assistance commission to commission for higher education

Sec. 2. (a) The state student assistance commission established by IC 21-11-2-1 (before its repeal) is abolished.

(b) The following are transferred on July 1, 2012, from the state student assistance commission to the commission for higher

education established by IC 21-18-2-1:

- (1) All real and personal property of the state student assistance commission.
- (2) All powers, duties, assets, and liabilities of the state student assistance commission.
- (3) All appropriations to the state student assistance commission.

(c) All rules or policies that were adopted by the state student assistance commission before July 1, 2012, shall be treated as though the rules were adopted by the commission for higher education established by IC 21-18-2-1 until the commission for higher education adopts new rules or policies.

(d) After June 30, 2012, a reference to the state student assistance commission in a statute or rule shall be treated as a reference to the commission for higher education established by IC 21-18-2-1.

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

IC 21-18.5-1-3

Treatment of references relating to proprietary education

Sec. 3. After June 30, 2012, any reference to the Indiana commission for postsecondary proprietary education or the Indiana commission on proprietary education in any statute or rule shall be treated as a reference to the:

- (1) board for proprietary education established by IC 21-18.5-5-1 if the reference pertains to a postsecondary credit bearing proprietary educational institution; or
- (2) state workforce innovation council established by IC 22-4-18.1-3 if the reference pertains to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9).

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

IC 21-18.5-1-4

Rights, duties, and obligations under contracts entered into before July 1, 2012, relating to proprietary educational institutions

Sec. 4. (a) Changes made by P.L.218-1987 do not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) crimes committed; or
- (4) proceedings begun;

before July 1, 1987. These rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if P.L.218-1987 had not been enacted.

(b) The abolishment of the Indiana commission on proprietary education on July 1, 2012, by P.L.107-2012 does not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) crimes committed; or
- (4) proceedings begun;

before July 1, 2012, that pertain to a postsecondary credit bearing

proprietary educational institution. These rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced by the board for proprietary education established by IC 21-18.5-5-1.

(c) The abolishment of the Indiana commission on proprietary education on July 1, 2012, by P.L.107-2012 does not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) crimes committed; or
- (4) proceedings begun;

before July 1, 2012, that pertain to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9). These rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced by the state workforce innovation council established under IC 22-4-18.1-3.

As added by P.L.107-2012, SEC.58. Amended by P.L.13-2013, SEC.60.

IC 21-18.5-1-5

Transfer of responsibilities relating to proprietary education

Sec. 5. (a) The Indiana commission on proprietary education is abolished on July 1, 2012.

(b) Unless otherwise specified in a memorandum of understanding described in subsection (e), the following are transferred on July 1, 2012, from the Indiana commission on proprietary education to the commission for higher education established by IC 21-18-2-1:

- (1) All real and personal property of the Indiana commission on proprietary education.
- (2) All assets and liabilities of the Indiana commission on proprietary education.
- (3) All appropriations to the Indiana commission on proprietary education.

(c) All powers and duties of the Indiana commission on proprietary education before its abolishment pertaining to the accreditation of a postsecondary credit bearing proprietary educational institution are transferred to the board for proprietary education established by IC 21-18.5-5-1.

(d) All powers and duties of the Indiana commission on proprietary education before its abolishment pertaining to the accreditation of a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9) are transferred to the state workforce innovation council established by IC 22-4-18.1-3.

(e) The commission for higher education established by IC 21-18-2-1 may enter into a memorandum of understanding with the state workforce innovation council established by IC 22-4-18.1-3 to implement the transition of the responsibilities and obligations of the Indiana commission on proprietary education before its abolishment to the commission for higher education and the state workforce innovation council.

(f) Rules that were adopted by the Indiana commission on proprietary education before July 1, 2012, shall be treated as though

the rules were adopted by the state workforce innovation council established by IC 22-4-18.1-3 until the state workforce innovation council or the department of workforce development adopts rules under IC 4-22-2 to implement IC 22-4.1-21.

(g) An accreditation granted or a permit issued under IC 21-17-3 by the Indiana commission on proprietary education before July 1, 2012, shall be treated after June 30, 2012, as an authorization granted by the:

(1) board for proprietary education established by IC 21-18.5-5-1 if the accreditation pertains to a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12); or

(2) department of workforce development if the accreditation pertains to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9).

(h) An accreditation granted or a permit issued before May 15, 2013, under IC 21-17-3 (repealed):

(1) by the board for proprietary education established by IC 21-18.5-5-1 shall be treated as an authorization granted by the board for proprietary education; and

(2) by the state workforce innovation council shall be treated as an authorization granted by the department of workforce development.

(i) Proceedings pending before the Indiana commission on proprietary education on July 1, 2012, shall be transferred from the Indiana commission on proprietary education to:

(1) the board for proprietary education established by IC 21-18.5-5-1 for a proceeding pertaining to a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12); or

(2) the state workforce innovation council if the proceeding pertains to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9).

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.3.

IC 21-18.5-2

Chapter 2. Definitions

IC 21-18.5-2-1

Definitions

Sec. 1. Unless otherwise provided, the definitions in this chapter apply throughout this article.

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

IC 21-18.5-2-2

Repealed

(Repealed by P.L.273-2013, SEC.4.)

IC 21-18.5-2-3

"Agent"

Sec. 3. "Agent", for purposes of IC 21-18.5-6, means a person who:

(1) enrolls or seeks to enroll a resident of Indiana through:

(A) personal contact;

(B) telephone;

(C) advertisement;

(D) letter; or

(E) publications;

in a course offered by a postsecondary credit bearing proprietary educational institution; or

(2) otherwise holds the person out to the residents of Indiana as representing a postsecondary credit bearing proprietary educational institution.

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

IC 21-18.5-2-4

Repealed

(Repealed by P.L.273-2013, SEC.5.)

IC 21-18.5-2-5

"Application"

Sec. 5. "Application", for purposes of IC 21-18.5-6, means a written request for authorization on forms supplied by the board for proprietary education.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.6.

IC 21-18.5-2-5.5

"Authorization"

Sec. 5.5. "Authorization", for purposes of IC 21-18.5-6, means certification of a status of approval or authorization by the board for proprietary education to conduct business as a postsecondary credit bearing proprietary educational institution.

As added by P.L.273-2013, SEC.7.

IC 21-18.5-2-6**"Caretaker relative"**

Sec. 6. "Caretaker relative" means a relative by blood or law who lives with a minor and exercises parental responsibility, care, and control over the minor in the absence of the minor's parent.

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

IC 21-18.5-2-7**"Commission"**

Sec. 7. "Commission" means the commission for higher education established by IC 21-18-2-1.

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

IC 21-18.5-2-8**"Course"**

Sec. 8. "Course", for purposes of IC 21-18.5-6, means a plan or program of instruction or training, whether conducted in person, by mail, or by any other method.

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

IC 21-18.5-2-9**"Enrollment"**

Sec. 9. "Enrollment" means the establishment and maintenance of an individual's status as an undergraduate student in a postsecondary credit bearing proprietary educational institution.

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

IC 21-18.5-2-10**"Higher education award"**

Sec. 10. "Higher education award" means a monetary award.

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

IC 21-18.5-2-11**"Person"**

Sec. 11. "Person", for purposes of IC 21-18.5-6, means an individual, a partnership, a limited liability company, an association, a corporation, a joint venture, a trust, a receiver, or a trustee in bankruptcy.

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

IC 21-18.5-2-12**"Postsecondary credit bearing proprietary educational institution"**

Sec. 12. (a) "Postsecondary credit bearing proprietary educational institution" means a degree granting and credit bearing institution that provides instructional or educational services or training, whether onsite, online, or through any combination of these or other instructional modalities, and is accredited by an accrediting agency recognized by the United States Department of Education or is seeking and progressing toward accreditation by an accrediting agency recognized by the United States Department of Education.

- (b) The term does not include the following:
- (1) An Indiana state educational institution or another Indiana educational institution established by law and financed in whole or in part by public funds.
 - (2) A postsecondary proprietary educational institution approved or regulated by any other state regulatory board, agency, or commission other than the board for proprietary education.
 - (3) An elementary or secondary school attended by students in kindergarten or grades 1 through 12 and supported in whole or in part by private tuition payments.
 - (4) Any educational institution or educational training that:
 - (A) is maintained or given by an employer or a group of employers, without charge, for employees or for individuals the employer anticipates employing;
 - (B) is maintained or given by a labor organization, without charge, for its members or apprentices;
 - (C) offers exclusively instruction that is clearly self-improvement, motivational, or avocational in intent (including instruction in dance, music, or self-defense, and private tutoring); or
 - (D) is a Montessori or nursery school.
 - (5) A privately endowed two (2) or four (4) year degree granting institution that is regionally accredited and whose principal campus is located in Indiana.
 - (6) Out-of-state public and nonprofit degree granting institutions offering instructional or educational services or training in Indiana.
 - (7) A religious institution that offers educational instruction or an educational program of a clearly religious nature.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.8.

IC 21-18.5-3

Chapter 3. State Financial Aid

IC 21-18.5-3-1

Administration of state financial aid by commission

Sec. 1. The commission, under IC 21-18-6-1, shall administer the following:

- (1) This article.
- (2) IC 21-12.
- (3) IC 21-13.
- (4) IC 21-14.
- (5) IC 21-16.

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

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.

IC 21-18.5-5

Chapter 5. Board for Proprietary Education

IC 21-18.5-5-1

Establishment of board for proprietary education

Sec. 1. The board for proprietary education is established.

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

IC 21-18.5-5-2

Member

Sec. 2. (a) The board for proprietary education consists of the following seven (7) members:

- (1) The state superintendent or the superintendent's designee.
- (2) The executive officer of the commission for higher education or the executive officer's designee.
- (3) Five (5) members appointed by the governor.

(b) The members appointed by the governor under subsection (a) serve for a term of four (4) years.

(c) Not more than three (3) of the members appointed by the governor may be members of the same political party.

(d) Of the five (5) members appointed by the governor:

- (1) one (1) must have been engaged for a period of at least five (5) years immediately preceding appointment in an executive or a managerial position in a postsecondary proprietary educational institution subject to IC 21-18.5-6;
- (2) one (1) must have been engaged in administering or managing an industrial employee training program for a period of at least five (5) years immediately preceding appointment; and
- (3) three (3) must be representatives of the public at large who are not representatives of the types of postsecondary credit bearing proprietary educational institutions to be authorized.

For purposes of subdivision (3), an elected or appointed state or local official or a member of a private or public school may not be appointed as a representative of the public at large.

(e) An appointment to fill a vacancy occurring on the board for proprietary education is for the unexpired term.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.9.

IC 21-18.5-5-3

Member salary and benefits

Sec. 3. (a) A member of the board for proprietary education who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board for proprietary education who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

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

IC 21-18.5-5-4

Officers; rulemaking; meetings

Sec. 4. (a) The board for proprietary education may select officers from the board for proprietary education's membership as the board for proprietary education considers necessary.

(b) The board for proprietary education may adopt reasonable rules under IC 4-22-2 to implement this chapter and IC 21-18.5-6.

(c) The board for proprietary education:

(1) may meet as necessary upon call of the chairperson; and

(2) shall meet at least four (4) times a year.

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

IC 21-18.5-5-5

Executive director

Sec. 5. An associate commissioner of the commission (as defined in IC 21-18.5-2-7) shall serve as the executive director of the board for proprietary education.

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

IC 21-18.5-6

Chapter 6. Postsecondary Credit Bearing Proprietary Educational Institution Accreditation

IC 21-18.5-6-1

Purpose

Sec. 1. The general assembly recognizes that the private school is an essential part of the educational system. It is the purpose of this chapter to protect students, educational institutions, the general public, and honest and ethical operators of private schools from dishonest and unethical practices.

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

IC 21-18.5-6-2

Authorization required; exception for religious institution

Sec. 2. A person may not do business as a postsecondary credit bearing proprietary educational institution in Indiana without having obtained authorization by the board for proprietary education under this chapter, except for a religious institution that offers educational instruction or an educational program of a clearly religious nature.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.10.

IC 21-18.5-6-2.5

Accreditation required; exception for religious institution

Sec. 2.5. A person may not do business as a degree granting institution in Indiana unless:

- (1) the institution is accredited by an accrediting agency recognized by the United States Department of Education or is seeking and progressing toward accreditation by an accrediting agency recognized by the United States Department of Education; or
- (2) the institution is a religious institution that offers educational instruction or an educational program of a clearly religious nature.

As added by P.L.273-2013, SEC.11.

IC 21-18.5-6-3

Applications; fee

Sec. 3. Applications for authorization under this chapter must be filed with the board for proprietary education and accompanied by an application fee of at least one hundred dollars (\$100) for processing the application and evaluating the postsecondary credit bearing proprietary educational institution.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.12.

IC 21-18.5-6-4

Applications; contents

Sec. 4. An application for authorization under this chapter must

include at least the following information:

- (1) The name and address of the postsecondary credit bearing proprietary educational institution and the institution's officers.
- (2) The places where the courses are to be provided.
- (3) The types of courses to be offered, the form of instruction to be followed with the class, shop, or laboratory, and the hours required for each curriculum.
- (4) The form of certificate, diploma, or degree to be awarded.
- (5) A statement of the postsecondary credit bearing proprietary educational institution's finances.
- (6) A description of the postsecondary credit bearing proprietary educational institution's physical facilities, including classrooms, laboratories, library, machinery, and equipment.
- (7) An explicit statement of policy with reference to:
 - (A) solicitation of students;
 - (B) payment and amount of student fees; and
 - (C) conditions under which students are entitled to a refund in part or in full of fees paid, including a statement concerning the existence of the career college student assurance fund established under section 6 of this chapter.
- (8) Provisions for liability insurance of students.
- (9) Maximum student-teacher ratio to be maintained.
- (10) Minimum requirements for instructional staff.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.13.

IC 21-18.5-6-5

Curriculum catalog and promotional brochure; contents

Sec. 5. The board for proprietary education shall require each postsecondary credit bearing proprietary educational institution to include in each curriculum catalog and promotional brochure the following:

- (1) A statement indicating that the postsecondary credit bearing proprietary educational institution is authorized by the board for proprietary education under this chapter.
- (2) The board for proprietary education's mailing address and telephone number.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.14.

IC 21-18.5-6-6

Career college student assurance fund; administration

Sec. 6. (a) The career college student assurance fund is established to provide indemnification to a student or an enrollee of a postsecondary credit bearing proprietary educational institution who suffers loss or damage as a result of:

- (1) the failure or neglect of the postsecondary credit bearing proprietary educational institution to faithfully perform all agreements, express or otherwise, with the student, enrollee,

one (1) or both of the parents of the student or enrollee, or a guardian of the student or enrollee as represented by the application for the institution's authorization and the materials submitted in support of that application;

(2) the failure or neglect of the postsecondary credit bearing proprietary educational institution to maintain and operate a course or courses of instruction or study in compliance with the standards of this chapter; or

(3) an agent's misrepresentation in procuring the student's enrollment.

(b) The board for proprietary education shall administer the fund.

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

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for providing money for reimbursements allowed under this chapter.

(f) Upon the fund acquiring fifty thousand dollars (\$50,000), the balance in the fund must not become less than fifty thousand dollars (\$50,000). If:

(1) a claim against the fund is filed that would, if paid in full, require the balance of the fund to become less than fifty thousand dollars (\$50,000); and

(2) the board for proprietary education determines that the student is eligible for a reimbursement under the fund;

the board for proprietary education shall prorate the amount of the reimbursement to ensure that the balance of the fund does not become less than fifty thousand dollars (\$50,000), and the student is entitled to receive that balance of the student's claim from the fund as money becomes available in the fund from contributions to the fund required under this chapter.

(g) The board for proprietary education shall ensure that all outstanding claim amounts described in subsection (f) are paid as money in the fund becomes available in the chronological order of the outstanding claims.

(h) A claim against the fund may not be construed to be a debt of the state.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.15.

IC 21-18.5-6-7

Quarterly contributions to fund; determination

Sec. 7. (a) Except as otherwise provided in this section, each postsecondary credit bearing proprietary educational institution shall make quarterly contributions to the fund. The quarters begin January 1, April 1, July 1, and October 1.

(b) For each quarter, each postsecondary credit bearing proprietary educational institution shall make a contribution equal to

the STEP THREE amount derived under the following formula:

STEP ONE: Determine the total amount of tuition and fees earned during the quarter.

STEP TWO: Multiply the STEP ONE amount by one-tenth of one percent (0.1%).

STEP THREE: Add the STEP TWO amount and sixty dollars (\$60).

(c) After June 30, 2012, upon the career college student assurance fund achieving at least an initial balance of five hundred thousand dollars (\$500,000), a postsecondary credit bearing proprietary educational institution that contributes to the career college student assurance fund when the initial quarterly contribution is required under this chapter after the fund's establishment is not required to make contributions to the fund.

(d) The board for proprietary education shall determine the number of quarterly contributions required for the career college student assurance fund to initially accumulate five hundred thousand dollars (\$500,000).

(e) Except as provided in subsections (a), (b), and (f), a postsecondary credit bearing proprietary educational institution that begins making contributions to the career college student assurance fund after the initial quarterly contribution as required under this section shall make contributions to the fund for the same number of quarters as determined by the board for proprietary education under subsection (d).

(f) If, after a career college student assurance fund acquires five hundred thousand dollars (\$500,000), the balance in the fund becomes less than two hundred fifty thousand dollars (\$250,000), all postsecondary credit bearing proprietary educational institutions not required to make contributions to the career college student assurance fund as described in subsection (c) or (e) shall make contributions to the career college student assurance fund for the number of quarters necessary for the fund to accumulate five hundred thousand dollars (\$500,000).

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

IC 21-18.5-6-8

Investigation

Sec. 8. (a) Upon receipt of an application for authorization under this chapter, the board for proprietary education shall make an investigation to determine the accuracy of the statements in the application to determine if the postsecondary credit bearing proprietary educational institution meets the minimum standards for authorization.

(b) During the investigation under subsection (a), the board for proprietary education may grant a temporary status of authorization. The temporary status of authorization is sufficient to meet the requirements of this chapter until a determination on authorization is made.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013,

SEC.16.

IC 21-18.5-6-9

Inspection fee

Sec. 9. The cost of performing a team onsite investigation for purposes of section 8 of this chapter shall be paid by the applicant postsecondary credit bearing proprietary educational institution. However, the total cost of an inspection, including room, board, and mileage that does not require travel outside Indiana, may not exceed one thousand dollars (\$1,000) for any one (1) postsecondary credit bearing proprietary educational institution.

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

IC 21-18.5-6-10

Student records; contents; surrender to board for proprietary education

Sec. 10. (a) A postsecondary credit bearing proprietary educational institution shall maintain at least the following records for each student:

- (1) The program in which the student enrolls.
- (2) The length of the program.
- (3) The date of the student's initial enrollment in the program.
- (4) A transcript of the student's academic progress.
- (5) The amount of the student's tuition and fees.
- (6) A copy of the enrollment agreement.

(b) Upon the request of the board for proprietary education, a postsecondary credit bearing proprietary educational institution shall submit the records described in subsection (a) to the board for proprietary education.

(c) If a postsecondary credit bearing proprietary educational institution ceases operation, the postsecondary credit bearing proprietary educational institution shall submit the records described in subsection (a) to the commission on public records not later than thirty (30) days after the institution ceases to operate.

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

IC 21-18.5-6-11

Authorization standards

Sec. 11. Full authorization under this chapter may not be issued unless and until the board for proprietary education finds that the postsecondary credit bearing proprietary educational institution meets minimum standards that are appropriate to that type or class of postsecondary credit bearing proprietary educational institution, including the following minimum standards:

- (1) The postsecondary credit bearing proprietary educational institution has a sound financial structure with sufficient resources for continued support.
- (2) The postsecondary credit bearing proprietary educational institution has satisfactory training or educational facilities with sufficient tools, supplies, or equipment and the necessary

number of work stations or classrooms to adequately train, instruct, or educate the number of students enrolled or proposed to be enrolled.

(3) The postsecondary credit bearing proprietary educational institution has an adequate number of qualified instructors or teachers, sufficiently trained by experience or education, to give the instruction, education, or training contemplated.

(4) The advertising and representations made on behalf of the postsecondary credit bearing proprietary educational institution to prospective students are truthful and free from misrepresentation or fraud.

(5) The charge made for the training, instruction, or education is clearly stated and based upon the services rendered.

(6) The premises and conditions under which the students work and study are sanitary, healthful, and safe according to modern standards.

(7) The postsecondary credit bearing proprietary educational institution has and follows a refund policy approved by the board for proprietary education.

(8) The owner or chief administrator of the postsecondary credit bearing proprietary educational institution is subject to a background check by the board for proprietary education and has not been convicted of a felony.

(9) The owner or chief administrator of the postsecondary credit bearing proprietary educational institution has not been the owner or chief administrator of a postsecondary credit bearing proprietary educational institution that has had its authorization revoked or has been closed involuntarily in the five (5) year period preceding the application for authorization. However, if the owner or chief administrator of the postsecondary credit bearing proprietary educational institution has been the owner or chief administrator of a postsecondary credit bearing proprietary educational institution that has had its authorization revoked or has been closed involuntarily more than five (5) years before the application for authorization, the board for proprietary education may issue full authorization at the board for proprietary education's discretion.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.17.

IC 21-18.5-6-12

Issuance of authorization

Sec. 12. (a) After an investigation and a finding that the information in the application is true and that the postsecondary credit bearing proprietary educational institution meets the minimum standards, the board for proprietary education shall issue an authorization to the postsecondary credit bearing proprietary educational institution upon payment of an additional fee of at least twenty-five dollars (\$25). An applicant's market research may not be considered or required by the board for proprietary education as a

condition for authorizing or renewing the accreditation of or for authorization of the programs of a postsecondary credit bearing proprietary educational institution.

(b) The board for proprietary education may waive inspection of a postsecondary credit bearing proprietary educational institution that has been authorized by an accrediting agency recognized by the United States Department of Education whose standards are approved by the board for proprietary education as meeting or exceeding the requirements of this chapter.

(c) A valid license, authorization to operate, or other form of authorization issued to a postsecondary credit bearing proprietary educational institution by another state may be accepted, instead of inspection, if:

(1) the requirements of that state meet or exceed the requirements of this chapter; and

(2) the other state will, in turn, extend reciprocity to postsecondary credit bearing proprietary educational institutions authorized by the board for proprietary education.

(d) The board for proprietary education may join interstate reciprocity agreements and authorize an institution to operate in Indiana, if the:

(1) institution; and

(2) state in which both the institution's:

(A) principal campus is located; and

(B) institutional accreditation is provided;

are members of the interstate reciprocity agreement.

(e) An authorization issued under this section expires one (1) year following the authorization's issuance.

(f) An authorized postsecondary credit bearing proprietary educational institution may renew the institution's authorization annually upon:

(1) the payment of a fee of at least twenty-five dollars (\$25); and

(2) continued compliance with this chapter.

As added by P.L.107-2012, SEC.58. Amended by P.L.13-2013, SEC.61; P.L.273-2013, SEC.18.

IC 21-18.5-6-13

Revocation

Sec. 13. Authorization may be revoked by the board for proprietary education:

(1) for cause upon notice and an opportunity for a hearing before the board for proprietary education; and

(2) for the authorized postsecondary credit bearing proprietary educational institution failing to make the appropriate quarterly contributions to the career college student assurance fund not later than forty-five (45) days after the end of a quarter.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.19.

IC 21-18.5-6-14

Hearing

Sec. 14. (a) A postsecondary credit bearing proprietary educational institution, after notification that the institution's authorization has been refused, revoked, or suspended, may apply for a hearing before the board for proprietary education concerning the institution's qualifications. The application for a hearing must be filed in writing with the board for proprietary education not more than thirty (30) days after receipt of notice of the denial, revocation, or suspension.

(b) The board for proprietary education shall give a hearing promptly and with not less than ten (10) days notice of the date, time, and place. The postsecondary credit bearing proprietary educational institution is entitled to be represented by counsel and to offer oral and documentary evidence relevant to the issue.

(c) Not more than fifteen (15) days after a hearing, the board for proprietary education shall make written findings of fact, a written decision, and a written order based solely on the evidence submitted at the hearing, either granting or denying authorization to the postsecondary credit bearing proprietary educational institution.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.20.

IC 21-18.5-6-15

Suspension

Sec. 15. A postsecondary credit bearing proprietary educational institution's authorization shall be suspended at any time if the authorized postsecondary credit bearing proprietary educational institution denies enrollment to a student or makes a distinction or classification of students on the basis of race, color, or creed.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.21.

IC 21-18.5-6-16

Representations

Sec. 16. A person may not do the following:

(1) Make, or cause to be made, a statement or representation, oral, written, or visual, in connection with the offering or publicizing of a course, if the person knows or should reasonably know the statement or representation is false, deceptive, substantially inaccurate, or misleading.

(2) Promise or guarantee employment to a student or prospective student using information, training, or skill purported to be provided or otherwise enhanced by a course, unless the person offers the student or prospective student a bona fide contract of employment agreeing to employ the student or prospective student for a period of at least ninety (90) days in a business or other enterprise regularly conducted by the person in which that information, training, or skill is a normal condition of employment.

- (3) Do an act that constitutes part of the conduct of administration of a course if the person knows, or should reasonably know, that the course is being carried on by the use of fraud, deception, or other misrepresentation.

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

IC 21-18.5-6-17

Liability of institution as principal

Sec. 17. A postsecondary credit bearing proprietary educational institution is liable for the actions of the institution's agents.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.22.

IC 21-18.5-6-18

Repealed

(Repealed by P.L.273-2013, SEC.23.)

IC 21-18.5-6-19

Remedy; damages or other relief

Sec. 19. The fact that the career college student assurance fund exists does not limit or impair a right of recovery and the amount of damages or other relief to which a plaintiff may be entitled.

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

IC 21-18.5-6-20

Claims against balance of career college student assurance fund; determination; priorities

Sec. 20. (a) This section applies to claims against the balance of the career college student assurance fund.

(b) A student or enrollee of a postsecondary credit bearing proprietary educational institution who believes that the student or enrollee has suffered loss or damage resulting from any of the occurrences described in section 6(a) of this chapter may file a claim with the board for proprietary education against the balance of the fund.

(c) A claim under this section is limited to a refund of the claimant's applicable tuition and fees.

(d) All claims must be filed not later than five (5) years after the occurrence resulting in the loss or damage to the claimant occurs.

(e) Upon the filing of a claim under this section, the board for proprietary education shall review the records submitted by the appropriate postsecondary credit bearing proprietary educational institution described under section 12 of this chapter and shall investigate the claim.

(f) Upon a determination by the board for proprietary education that a claimant shall be reimbursed under the career college student assurance fund, the board for proprietary education shall prioritize the reimbursements under the following guidelines:

- (1) A student's educational loan balances.
- (2) Federal grant repayment obligations of the student.

(3) Other expenses paid directly by the student.
As added by P.L.107-2012, SEC.58. Amended by P.L.13-2013, SEC.62.

IC 21-18.5-6-21

Remedy; void contracts

Sec. 21. An obligation, negotiable or nonnegotiable, providing for payment for a course or courses of instruction is void if the postsecondary credit bearing proprietary educational institution is not authorized to operate in Indiana.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.24.

IC 21-18.5-6-22

Misrepresentation

Sec. 22. The issuance of authorization may not be considered to constitute endorsement of a course, a person, or an institution. A representation to the contrary is a misrepresentation.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.25.

IC 21-18.5-6-22.5

Deceptive acts

Sec. 22.5. A person who knowingly and intentionally violates section 16 or 22 of this chapter commits a deceptive act that is actionable by the attorney general under IC 24-5-0.5 and is subject to the penalties and remedies available to the attorney general under IC 24-5-0.5.

As added by P.L.273-2013, SEC.26.

IC 21-18.5-6-23

Relief; injunction

Sec. 23. The prosecuting attorney of the county in which an offense under this chapter occurred shall, at the request of the board for proprietary education or on the prosecuting attorney's own motion, bring any appropriate action, including a mandatory and prohibitive injunction.

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

IC 21-18.5-6-24

Adjudication

Sec. 24. An action of the board for proprietary education concerning the issuance, denial, or revocation of an authorization under this chapter is subject to review under IC 4-21.5.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.27.

IC 21-18.5-6-25

Violations

Sec. 25. (a) Except as provided in subsection (b), a person who

knowingly, intentionally, or recklessly violates this chapter commits a Class B misdemeanor.

(b) A person who, with intent to defraud, represents the person to be an agent of a postsecondary credit bearing proprietary educational institution commits a Level 5 felony.

As added by P.L.107-2012, SEC.58. Amended by P.L.158-2013, SEC.252.

IC 21-18.5-6-26

Postsecondary credit bearing proprietary educational institution authorization fund; fees

Sec. 26. (a) As used in this section, "fund" means the postsecondary credit bearing proprietary educational institution authorization fund established by subsection (b).

(b) The postsecondary credit bearing proprietary educational institution authorization fund is established.

(c) The fund shall be administered by the commission (as defined in IC 21-18.5-2-7.).

(d) Money in the fund at the end of a state fiscal year does not revert to the general fund.

(e) All fees collected by the board for proprietary education under this chapter shall be deposited in the fund.

(f) Money in the fund shall be used by the board for proprietary education to administer this chapter.

As added by P.L.107-2012, SEC.58. Amended by P.L.13-2013, SEC.63; P.L.273-2013, SEC.28.

IC 21-18.5-6-27

Rules

Sec. 27. The board for proprietary education may adopt rules under IC 4-22-2 to implement this chapter.

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

IC 21-19

ARTICLE 19. BALL STATE UNIVERSITY

IC 21-19-1

Chapter 1. General Provisions; Definitions

IC 21-19-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.260.

IC 21-19-1-2

"Board of trustees"

Sec. 2. "Board of trustees" refers to the board of trustees of Ball State University.

As added by P.L.2-2007, SEC.260.

IC 21-19-1-3

"Trustee"

Sec. 3. "Trustee" refers to a trustee on the board of trustees.

As added by P.L.2-2007, SEC.260.

IC 21-19-2

Chapter 2. Creation

IC 21-19-2-1

Name of institution

Sec. 1. The state educational institution located and established at Muncie, Indiana, is perpetuated under the name of "Ball State University".

As added by P.L.2-2007, SEC.260.

IC 21-19-2-2

Name of board of trustees

Sec. 2. The board of trustees of Ball State University is designated the "Ball State University Board of Trustees".

As added by P.L.2-2007, SEC.260.

IC 21-19-2-3

Board; body corporate

Sec. 3. The board of trustees constitutes a perpetual body corporate.

As added by P.L.2-2007, SEC.260.

IC 21-19-3

Chapter 3. Board of Trustees

IC 21-19-3-0.3

Legalization of certain actions taken under prior law

Sec. 0.3. Any action taken by the board of trustees before April 26, 1989, that would have been legal under:

- (1) IC 20-12-1-2, after April 25, 1989, and before its repeal; or
 - (2) IC 20-12-61-13, after April 25, 1989, and before its repeal;
- is legalized and validated.

As added by P.L.220-2011, SEC.351.

IC 21-19-3-1

Board; continuance

Sec. 1. The board of trustees is subject to this chapter and all other laws governing the affairs of their predecessors.

As added by P.L.2-2007, SEC.260.

IC 21-19-3-2

Board; membership

Sec. 2. The board of trustees is composed of nine (9) members, appointed by the governor as follows:

- (1) Six (6) members who must be at large.
- (2) Two (2) members who must be alumni of Ball State University.
- (3) One (1) member who must be a Ball State University student.

As added by P.L.2-2007, SEC.260.

IC 21-19-3-3

Board; qualifications

Sec. 3. Not more than six (6) of the nonstudent members of the board of trustees may be of the same sex.

As added by P.L.2-2007, SEC.260. Amended by P.L.29-2012, SEC.2.

IC 21-19-3-4

Board; additional qualifications

Sec. 4. All members of the board of trustees must be citizens of the United States.

As added by P.L.2-2007, SEC.260. Amended by P.L.29-2012, SEC.3.

IC 21-19-3-5

Search and screen committee; creation

Sec. 5. (a) To aid the governor in the selection of the student member, a search and screen committee is created. The search and screen committee consists of the following:

- (1) One (1) representative of the governor.
 - (2) At least four (4) students chosen by the elected student government representatives of the student body.
- (b) The search and screen committee shall establish the mode and

criteria to be used in the selection of student nominees to serve on the board of trustees. The search and screen committee shall submit a list of at least ten (10) names to the governor for the governor's consideration.

(c) The governor shall select one (1) of these names for appointment as a member of the board of trustees in accordance with this chapter.

As added by P.L.2-2007, SEC.260.

IC 21-19-3-6

Board; terms

Sec. 6. (a) The Ball State University alumni council shall designate the term and nominate a person for each of the two (2) alumni memberships on the board of trustees.

(b) The Ball State University alumni council, through the president of Ball State University, shall submit the names of the nominees to the governor for the governor's immediate appointment to the board of trustees.

As added by P.L.2-2007, SEC.260.

IC 21-19-3-7

Board; terms of alumni members

Sec. 7. At least thirty (30) days before the expiration of the term of an alumni member, the Ball State University Alumni Council, or its successor, must submit, through the president of Ball State University, the name of the nominee to succeed the retiring alumni member. The governor shall appoint the nominee as an alumni member of the board of trustees.

As added by P.L.2-2007, SEC.260.

IC 21-19-3-8

Terms

Sec. 8. (a) With the exception of the student member of the board of trustees, all appointments to the Ball State University board of trustees are for four (4) year terms. Each term of a nonstudent board member begins on January 1 of the appropriate year.

(b) The term of a member continues until the member's successor is appointed and qualified.

(c) The student member of the board of trustees is appointed for a two (2) year term. The student member's term begins on July 1 of the year in which the student member is appointed. The student member must be a full-time student at Ball State University throughout the student member's term.

As added by P.L.2-2007, SEC.260.

IC 21-19-3-9

Board; vacancies

Sec. 9. A vacancy occurring on the board of trustees from death, incapacitation, or resignation shall be filled by appointment of the governor for the unexpired term. Vacancies in offices held by alumni

members shall be filled from nominees submitted by the Ball State University alumni council.
As added by P.L.2-2007, SEC.260.

IC 21-19-4

Chapter 4. Officers; Treasurer

IC 21-19-4-1

Board; organization

Sec. 1. The board of trustees shall meet at Ball State University in January of even-numbered years and organize by:

- (1) electing from their membership:
 - (A) a president;
 - (B) a vice president;
 - (C) a secretary; and
 - (D) an assistant secretary; and
- (2) appointing a qualified person who is not a member of the board of trustees to serve as treasurer.

As added by P.L.2-2007, SEC.260.

IC 21-19-4-2

Treasurer; duties

Sec. 2. The person appointed as treasurer of Ball State University is responsible for the:

- (1) receipt;
- (2) custody;
- (3) accounting; and
- (4) proper protection;

of all funds due and accruing to Ball State University and the board of trustees from any and all sources and for whatever purposes the funds and receipts are designated.

As added by P.L.2-2007, SEC.260.

IC 21-19-4-3

Treasurer; bond

Sec. 3. Before commencing duties as treasurer, the person appointed as treasurer of Ball State University shall give bond in an amount prescribed by the board of trustees.

As added by P.L.2-2007, SEC.260.

IC 21-20

ARTICLE 20. INDIANA UNIVERSITY

IC 21-20-1

Chapter 1. General Provisions; Definitions

IC 21-20-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.261.

IC 21-20-1-2

"Board of trustees"

Sec. 2. "Board of trustees" refers to the board of trustees of Indiana University.

As added by P.L.2-2007, SEC.261.

IC 21-20-1-3

"Trustee"

Sec. 3. "Trustee" refers to a member of the board of trustees of Indiana University.

As added by P.L.2-2007, SEC.261.

IC 21-20-2

Chapter 2. Creation

IC 21-20-2-1

Recognition as university of the state

Sec. 1. Indiana University is recognized as the university of the state.

As added by P.L.2-2007, SEC.261.

IC 21-20-2-2

Board; body corporate

Sec. 2. The board of trustees is a body politic.

As added by P.L.2-2007, SEC.261.

IC 21-20-3

Chapter 3. Board of Trustees

IC 21-20-3-0.3

Legalization of certain actions taken under prior law

Sec. 0.3. Any action taken by the trustees before April 26, 1989, that would have been legal under:

(1) IC 20-12-1-2, after April 25, 1989, and before its repeal; or

(2) IC 20-12-61-13, after April 25, 1989, and before its repeal;

is legalized and validated.

As added by P.L.220-2011, SEC.352.

IC 21-20-3-1

Name of board of trustees

Sec. 1. The name of the board of trustees of Indiana University is "the trustees of Indiana University".

As added by P.L.2-2007, SEC.261.

IC 21-20-3-2

Board; membership

Sec. 2. The board of trustees has nine (9) members.

As added by P.L.2-2007, SEC.261.

IC 21-20-3-3

Board; residency requirement

Sec. 3. This section does not apply to the student trustee appointed to the board of trustees. Not more than:

(1) one (1) of the trustees elected to the board of trustees; and

(2) two (2) of the trustees appointed to the board of trustees;

may reside in the same county.

As added by P.L.2-2007, SEC.261.

IC 21-20-3-4

Board; elections

Sec. 4. (a) Three (3) members of the board of trustees shall be elected by the alumni of Indiana University under this chapter. In the year in which the term of any member of the board of trustees elected by the alumni expires, a successor to the trustee shall be elected by the alumni of Indiana University, to serve for a term of three (3) years beginning July 1 next succeeding the election.

(b) When a vacancy occurs in the membership of the board of trustees who are elected by the alumni, because of death, resignation, or any other reason, the vacancy shall be filled by selection by the Indiana University alumni association executive council for the unexpired term.

As added by P.L.2-2007, SEC.261. Amended by P.L.29-2012, SEC.4.

IC 21-20-3-5

Board; alumni elections

Sec. 5. The members of the board of trustees who are elected by

the alumni of Indiana University must be alumni of Indiana University.

As added by P.L.2-2007, SEC.261.

IC 21-20-3-6

Alumni

Sec. 6. The alumni of Indiana University consist of those persons who have been awarded a degree by the board of trustees of Indiana University as recommended by the faculty.

As added by P.L.2-2007, SEC.261. Amended by P.L.29-2012, SEC.5.

IC 21-20-3-7

Alumni nominations

Sec. 7. (a) Any one hundred (100) or more alumni of Indiana University may file with the librarian of Indiana University on or before April 1 in each year a written nomination for a trustee to be elected by the alumni at the next election.

(b) After April 1, but not later than June 1, a list of all candidates nominated under this section shall be mailed by the librarian to each alumnus at the alumnus's address.

As added by P.L.2-2007, SEC.261.

IC 21-20-3-8

Elections; date

Sec. 8. The election of members of the board of trustees shall be held at Indiana University on the secular day immediately preceding July 1. At that time trustees shall be elected to:

- (1) serve for a term of three (3) years from July 1 next succeeding the trustee's election; and
- (2) complete any unexpired term or terms.

As added by P.L.2-2007, SEC.261. Amended by P.L.29-2012, SEC.6.

IC 21-20-3-9

Alumni voting procedures

Sec. 9. The university librarian shall conduct the elections to select the three (3) alumni members of the board of trustees. All alumni (as described in section 6 of this chapter) are eligible to participate in the election either by electronic or printed ballot, and each eligible individual may cast only one (1) vote. A request for a printed ballot must be made in writing to the university librarian not later than May 1 of an election year. The university librarian may adopt rules and regulations as necessary to carry out this section.

As added by P.L.2-2007, SEC.261. Amended by P.L.29-2012, SEC.7.

IC 21-20-3-10

Votes

Sec. 10. The person receiving the greatest number of votes cast shall be declared the elected trustee. If two (2) or more persons receive an equal and the greatest number of votes cast, the librarian shall cast lots to determine which of the persons shall be declared the

elected trustee.
As added by P.L.2-2007, SEC.261.

IC 21-20-3-11

Board; terms

Sec. 11. The term of an elected trustee expires July 1 of the year in which the terms are to end.

As added by P.L.2-2007, SEC.261.

IC 21-20-3-12

Board; appointments

Sec. 12. (a) The governor shall appoint five (5) members of the board of trustees for terms of three (3) years.

(b) Whenever a vacancy occurs in the membership of the board of trustees who are appointed by the governor because of death or resignation or for any other reason, the vacancy shall be filled by an appointment of the governor for the unexpired term.

As added by P.L.2-2007, SEC.261. Amended by P.L.29-2012, SEC.8.

IC 21-20-3-13

Board; student appointment

Sec. 13. The governor shall appoint to the board of trustees a member who must be a full-time student of Indiana University during the two (2) year tenure of the appointment.

As added by P.L.2-2007, SEC.261.

IC 21-20-3-14

Search and screen committee; creation

Sec. 14. (a) To aid the governor in the selection of the student member, a search and screen committee is created consisting of:

- (1) one (1) representative of the governor; and
- (2) at least four (4) students chosen by the elected student government representatives of the student body, including at least one (1) student from each campus of the university, main and regional.

(b) The search and screen committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees.

(c) The search and screen committee shall submit a list of at least ten (10) names to the governor for consideration.

(d) The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with this chapter.

As added by P.L.2-2007, SEC.261.

IC 21-20-3-15

Board; vacancies

Sec. 15. The board of trustees shall declare vacant the seat of any trustee who is:

- (1) absent without sufficient excuse from two (2) successive

meetings of the board of trustees; or
(2) guilty of any gross immorality or breach of the bylaws of the
trustees of Indiana University.

As added by P.L.2-2007, SEC.261. Amended by P.L.29-2012, SEC.9.

IC 21-20-3-16

Repealed

(Repealed by P.L.29-2012, SEC.10.)

IC 21-20-4

Chapter 4. Officers

IC 21-20-4-1

Board; organization

Sec. 1. The board of trustees shall elect:

- (1) one (1) member as president;
- (2) one (1) member as treasurer;
- (3) one (1) member as secretary; and
- (4) any other officers the trustees consider necessary.

The board of trustees shall prescribe the duties and fix the compensation of the officers elected under this section.

As added by P.L.2-2007, SEC.261.

IC 21-20-4-2

Treasurer; bond

Sec. 2. The treasurer of Indiana University shall give bond in an amount and with surety approved by the board of trustees that is conditioned upon the faithful discharge of the treasurer's duties. The bond shall be:

- (1) payable to the state; and
- (2) filed with the auditor of state.

As added by P.L.2-2007, SEC.261.

IC 21-20-4-3

Treasurer; duties

Sec. 3. The treasurer of Indiana University shall do the following:

- (1) Keep true accounts of all money received into the treasury of Indiana University, and of the money's expenditure.
- (2) Pay out Indiana University's funds on the order of the board of trustees, certified by the board of trustee's secretary.
- (3) Collect the tuition fees due Indiana University.
- (4) Make semiannual settlements with the board of trustees.
- (5) Submit a full statement of the finances of Indiana University and the treasurer's receipts and payments at each meeting of the board of trustees.
- (6) Submit the treasurer's books and papers to the inspection of the board of trustees and visitors.

As added by P.L.2-2007, SEC.261.

IC 21-20-4-4

Treasurer; report

Sec. 4. The report of the treasurer of Indiana University must contain what is included in the annual catalogue, with other matters considered useful to the cause of education connected with Indiana University.

As added by P.L.2-2007, SEC.261.

IC 21-20-4-5

Secretary; record of proceedings

Sec. 5. The secretary of the board of trustees shall:

- (1) keep a true record of the proceedings of the board of trustees; and
- (2) certify copies of the record of the proceedings of the board of trustees.

As added by P.L.2-2007, SEC.261. Amended by P.L.3-2008, SEC.135; P.L.29-2012, SEC.11.

IC 21-20-5

Chapter 5. Meetings

IC 21-20-5-1

Board; meetings

Sec. 1. The board of trustees shall hold meetings at the dates, times, and places upon which the board of trustees agrees.

As added by P.L.2-2007, SEC.261. Amended by P.L.29-2012, SEC.12.

IC 21-20-5-2

Board; quorum

Sec. 2. Five (5) members of the board of trustees constitute a quorum.

As added by P.L.2-2007, SEC.261.

IC 21-21

ARTICLE 21. INDIANA STATE UNIVERSITY

IC 21-21-1

Chapter 1. General Provisions; Definitions

IC 21-21-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.262.

IC 21-21-1-2

"Board of trustees"

Sec. 2. "Board of trustees" refers to the Indiana State University board of trustees.

As added by P.L.2-2007, SEC.262.

IC 21-21-1-3

"Trustees"

Sec. 3. "Trustee" refers to a trustee of the board.

As added by P.L.2-2007, SEC.262.

IC 21-21-2

Chapter 2. Creation

IC 21-21-2-1

Name of board of trustees

Sec. 1. A bipartisan board of trustees shall be known as the Indiana State University board of trustees.

As added by P.L.2-2007, SEC.262.

IC 21-21-2-2

Board; body corporate

Sec. 2. The board of trustees constitutes a perpetual body corporate.

As added by P.L.2-2007, SEC.262.

IC 21-21-3

Chapter 3. Board of Trustees

IC 21-21-3-0.3

Legalization of certain actions taken under prior law

Sec. 0.3. Any action taken by the board of trustees before April 26, 1989, that would have been legal under:

- (1) IC 20-12-1-2, after April 25, 1989, and before its repeal; or
 - (2) IC 20-12-61-13, after April 25, 1989, and before its repeal;
- is legalized and validated.

As added by P.L.220-2011, SEC.353.

IC 21-21-3-1

Board; establishment

Sec. 1. A bipartisan board of trustees is established for Indiana State University.

As added by P.L.2-2007, SEC.262.

IC 21-21-3-2

Board; membership

Sec. 2. The board of trustees is composed of nine (9) trustees appointed by the governor as follows:

- (1) Seven (7) competent individuals, one (1) of whom must be a student.
- (2) Two (2) competent individuals who are alumni of Indiana State University nominated by the alumni council of Indiana State University.

As added by P.L.2-2007, SEC.262.

IC 21-21-3-3

Board; term

Sec. 3. (a) Subject to subsection (b), the term of a trustee is four (4) years.

- (b) The term of a student trustee is two (2) years.

As added by P.L.2-2007, SEC.262.

IC 21-21-3-4

Search and screen committee; creation

Sec. 4. (a) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body.

(b) The search and screen committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees.

(c) The search and screen committee shall submit a list of at least ten (10) names to the governor for consideration.

(d) The governor shall select one (1) of these names for appointment as a trustee of Indiana State University.

As added by P.L.2-2007, SEC.262.

IC 21-21-3-5

Board; appointment qualification

Sec. 5. An individual appointed to the board of trustees must be a resident of Indiana and a citizen of the United States.

As added by P.L.2-2007, SEC.262.

IC 21-21-3-6

Board; alumni appointment

Sec. 6. An alumni member appointed to the board of trustees must have completed a prescribed course of study by Indiana State University or one (1) of the following predecessors of Indiana State University:

- (1) Indiana State Normal School.
- (2) Indiana State Teachers College.
- (3) Indiana State College.

As added by P.L.2-2007, SEC.262.

IC 21-21-3-7

Board; student appointment

Sec. 7. The student trustee appointed to the board of trustees must be a full-time student of Indiana State University during the student trustee's term.

As added by P.L.2-2007, SEC.262.

IC 21-21-3-8

Board; female appointment

Sec. 8. At least one (1) woman must be on the board of trustees.

As added by P.L.2-2007, SEC.262.

IC 21-21-3-9

Board; vacancies

Sec. 9. (a) The governor shall fill a vacancy occurring in the board of trustees from death, resignation, or removal from the state for the unexpired term of the retiring trustee.

(b) The alumni council of Indiana State University shall nominate the appointee to fill a vacancy caused by the loss of an alumni member.

As added by P.L.2-2007, SEC.262.

IC 21-21-4

Chapter 4. Elected Officers; Treasurer

IC 21-21-4-1

Board; organization

Sec. 1. (a) The board of trustees, when assembled, shall organize by electing the following from among the membership of the board of trustees:

- (1) A president.
- (2) A vice president.
- (3) A secretary.
- (4) An assistant secretary.

(b) The term of an office elected under this section is one (1) year.

As added by P.L.2-2007, SEC.262.

IC 21-21-4-2

Treasurer; appointment

Sec. 2. The board shall appoint a qualified individual who is not a member of the board to serve as permanent treasurer.

As added by P.L.2-2007, SEC.262.

IC 21-21-4-3

Treasurer; duties

Sec. 3. The treasurer is responsible for the:

- (1) receipt;
- (2) custody;
- (3) accounting; and
- (4) proper protection;

of all funds due and accruing to the university and the board from any sources and for whatever purposes the funds and receipts may be designated.

As added by P.L.2-2007, SEC.262.

IC 21-21-4-4

Treasurer; bond

Sec. 4. The treasurer shall give a bond in the amount determined by the board before commencing the treasurer's duties.

As added by P.L.2-2007, SEC.262.

IC 21-21-5

Chapter 5. Meetings

IC 21-21-5-1

Board; meetings

Sec. 1. The board of trustees shall meet in July of each year, or as soon after July as practicable, at Indiana State University in Terre Haute.

As added by P.L.2-2007, SEC.262.

IC 21-22

**ARTICLE 22. IVY TECH COMMUNITY COLLEGE
OF INDIANA**

IC 21-22-1

Chapter 1. General Provisions; Definitions

IC 21-22-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.263.

IC 21-22-1-2

"Occupational and technical education"

Sec. 2. "Occupational and technical education" means education that is:

- (1) job employment oriented; and
- (2) intended to deliver occupational specific skills that are necessary for employment.

As added by P.L.2-2007, SEC.263.

IC 21-22-1-3

"Region"

Sec. 3. "Region" refers to a region established under IC 21-22-6-1.

As added by P.L.2-2007, SEC.263.

IC 21-22-1-4

"Regional board"

Sec. 4. "Regional board" refers to a regional board of trustees established under IC 21-22-6-2.

As added by P.L.2-2007, SEC.263.

IC 21-22-1-5

"Region"

Sec. 5. "Region" means an administrative region established under IC 21-22-6-1.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.12.

IC 21-22-1-6

"State board of trustees"

Sec. 6. "State board of trustees" refers to the board of trustees of Ivy Tech Community College.

As added by P.L.2-2007, SEC.263.

IC 21-22-2

Chapter 2. Creation

IC 21-22-2-1

Establishment of institution

Sec. 1. There is established a two (2) year state college.

As added by P.L.2-2007, SEC.263.

IC 21-22-2-2

Name of institution

Sec. 2. The two (2) year state educational institution established by section 1 of this chapter shall be called "Ivy Tech Community College of Indiana".

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.13; P.L.3-2008, SEC.136.

IC 21-22-2-3

Board; body corporate

Sec. 3. The state board of trustees is a body corporate and politic.

As added by P.L.2-2007, SEC.263.

IC 21-22-3

Chapter 3. State Board of Trustees

IC 21-22-3-1

Board of trustees

Sec. 1. Ivy Tech Community College shall be governed by a state board of trustees appointed by the governor.

As added by P.L.2-2007, SEC.263.

IC 21-22-3-2

Board of trustees

Sec. 2. The state board of trustees shall be known by the name of "The Trustees of Ivy Tech Community College of Indiana". In the corporate name and capacity, the state board of trustees may sue, be sued, plead, and be impleaded, in any court of record, and by that name has perpetual succession.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.14.

IC 21-22-3-3

Board; membership

Sec. 3. (a) The number of members of the state board of trustees must equal the number of regions established by the state board of trustees. Each member of the state board of trustees must have knowledge or experience in one (1) or more of the following areas:

- (1) Manufacturing.
- (2) Commerce.
- (3) Labor.
- (4) Agriculture.
- (5) State and regional economic development needs.
- (6) Indiana's educational delivery system.

One (1) member of the state board of trustees must reside in each region established by the state board of trustees. Appointments shall be for three (3) year terms, on a staggered basis.

(b) An individual who holds an elective or appointed office of the state is not eligible to serve as a member of the state board of trustees. A member of a regional board may be appointed to the state board of trustees but must then resign from the regional board.

As added by P.L.2-2007, SEC.263.

IC 21-22-3-4

Board; vacancies

Sec. 4. (a) The governor shall fill all vacancies on the state board of trustees. Each trustee appointed to fill a vacancy shall represent the same region as the trustee's predecessor.

(b) If a vacancy occurs on the state board of trustees, the regional board for the region in which the former member resided may recommend to the governor one (1) or more qualified persons to fill the vacancy.

As added by P.L.2-2007, SEC.263.

IC 21-22-3-5

Repealed

(Repealed by P.L.134-2012, SEC.24.)

IC 21-22-3-6

Fort Wayne Regional Public Safety Center lease; purpose; lease term; rental payments

Sec. 6. Not later than June 30, 2007, Ivy Tech Community College shall enter into a lease, after review by the budget committee and approval by the budget agency, with the owners of the Fort Wayne Regional Public Safety Center to be constructed after July 1, 2005, in the Southtown Community Revitalization Enhancement District to use the Fort Wayne Regional Public Safety Center to further its partnership with the Northeast Indiana Workforce Investment Board, the Regional Anthis Career Center, the Indiana National Guard, Indiana University-Purdue University at Fort Wayne, and other area institutions to allow the Fort Wayne Regional Public Safety Center to offer public safety related degree programs. The lease may not exceed a term that ends before July 1, 2022, or provide for a lease rental payment, excluding a reasonable allowance for maintenance and repair services, that exceeds one million dollars (\$1,000,000) in any state fiscal year covered by the lease.

As added by P.L.220-2011, SEC.354.

IC 21-22-4

Chapter 4. Officers

IC 21-22-4-1

Board; election of officers

Sec. 1. The members of the state board of trustees shall elect from their own number a chairman and a vice chairman.

As added by P.L.2-2007, SEC.263.

IC 21-22-4-2

Board; selection of officers

Sec. 2. The state board of trustees may select from their number:

- (1) a secretary; and
- (2) a treasurer;

of Ivy Tech Community College but are not prohibited from appointing employees to serve as secretary and treasurer.

As added by P.L.2-2007, SEC.263.

IC 21-22-4-3

Board; appointment of officers

Sec. 3. The state board of trustees may appoint employees as assistant secretary and assistant treasurer.

As added by P.L.2-2007, SEC.263.

IC 21-22-4-4

Treasurer of college; duties

Sec. 4. The duties of the treasurer of Ivy Tech Community College include the following:

- (1) Keeping true accounts of all money received into the treasury of Ivy Tech Community College and of the expenditure of that money.
- (2) Paying out the same on order of the state board of trustees.
- (3) Collecting the tuition and fees due to Ivy Tech Community College as well as gifts, grants, bequests, and devises.
- (4) Preparing an annual financial statement for Ivy Tech Community College and at each regular meeting of the state board of trustees reporting on the financial condition of the college.
- (5) Investing and reinvesting such funds as shall come into the treasurer's possession for the benefit of Ivy Tech Community College.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.15.

IC 21-22-4-5

Treasurer; bond

Sec. 5. The treasurer of Ivy Tech Community College shall give a bond in a penalty and with surety to be approved by the state board of trustees, payable to the state, conditioned upon the faithful discharge of the treasurer's duties.

As added by P.L.2-2007, SEC.263.

IC 21-22-4-6

Secretary; record of proceedings

Sec. 6. The secretary of Ivy Tech Community College shall keep, or cause to be kept, a true and complete record of the proceedings of the state board of trustees. The secretary shall keep the record in the headquarters of Ivy Tech Community College. The secretary shall perform such other duties as the state board of trustees determines.

As added by P.L.2-2007, SEC.263.

IC 21-22-5

Chapter 5. Headquarters; State Board of Trustee Meetings

IC 21-22-5-1

Headquarters of institution and trustees

Sec. 1. Ivy Tech Community College and the state board of trustees shall have headquarters in Marion County.

As added by P.L.2-2007, SEC.263.

IC 21-22-5-2

Meetings of trustees

Sec. 2. The state board of trustees shall meet regularly at least four (4) times a year and at other times upon call by its chairman.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.16.

IC 21-22-6

Chapter 6. Regional Institutes; Regional Board of Trustees

IC 21-22-6-1

Trustees; powers and duties; establishment of regions

Sec. 1. The state board of trustees may do the following:

- (1) Divide Indiana into appropriate regions, taking into consideration, but not limited to, factors such as population, potential enrollment, tax bases, and driving distances, and develop an overall state plan that provides for the orderly development of the regions encompassing, ultimately, all parts of Indiana into a coordinated system providing a comprehensive program of post-high school general, liberal arts, occupational, and technical education.
- (2) Whenever a region is established, issue a charter, in a form that the state board of trustees provides, to the region, assist and supervise the development of a regional plan, and coordinate regional programs to avoid unnecessary and wasteful duplication.
- (3) Make biennial studies of the budget requirements of the regions and of its own programs and prepare a budget, including anticipated revenues and providing for the construction or rental of facilities requisite to carrying out the needs of Ivy Tech Community College.
- (4) Perform or contract for the performance of periodic audits of the financial records of each region.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.17.

IC 21-22-6-2

Regional board; appointment

Sec. 2. Whenever the state board of trustees establishes an administrative region, it shall appoint a regional board of trustees.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.18.

IC 21-22-6-3

Regional board; membership

Sec. 3. The regional board of a region consists of at least seven (7) members, including at least five (5) members who are representative of the manufacturing, commercial, agricultural, labor, and educational groups of the region, all appointed by the state board of trustees. All members of the regional board must be residents of the region. Appointments are for three (3) year terms, on a staggered basis, and all trustees must be citizens of Indiana. Members may serve for an unlimited number of terms.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.19.

IC 21-22-6-4

Regional board; vacancies

Sec. 4. A vacancy on the regional board shall be filled by appointment by the state board of trustees. The regional board shall nominate and submit to the state board the names of one (1) or more candidates to fill the vacancy within forty (40) days after the vacancy occurs. The state board of trustees may appoint one (1) of the persons nominated by the regional board or may reject all of the regional board's nominees. If the state board of trustees rejects all of the nominees from a regional board, the state board of trustees shall notify the regional board, and the regional board shall make one (1) or more additional nominations within forty (40) days after receipt of the notice. The state board of trustees shall then fill the vacancy from either the original group of nominations or from the additional nominations.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.20.

IC 21-22-6-5**Regional board of trustees; election of officers**

Sec. 5. The members of the regional board shall annually elect a chairman, a vice chairman, and a secretary.

As added by P.L.2-2007, SEC.263.

IC 21-22-6-6**Regional board of trustees; meetings**

Sec. 6. Meetings of the regional board shall be called in such a manner and at such times, and shall operate under such rules, as the regional board may prescribe. The regional board shall meet at least four (4) times annually.

As added by P.L.2-2007, SEC.263.

IC 21-22-6-7**Regional board; quorum; votes**

Sec. 7. A majority of the regional board constitutes a quorum. The affirmative votes of a majority of the regional board are required for the board to take action on any matter.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.21.

IC 21-22-6-8**Regional board; duties**

Sec. 8. A regional board shall do the following:

- (1) Make a careful analysis of the educational needs and opportunities of the region.
- (2) Develop and recommend to the state board of trustees a plan for providing postsecondary:
 - (A) general education;
 - (B) liberal arts education; and
 - (C) occupational and technical education;programs and appropriate workforce development, assessment,

and training services for the residents of that region.

(3) Develop and recommend a budget for regional programs and operations.

(4) Identify and recommend alternative methods of acquiring or securing facilities and equipment necessary for the delivery of effective regional programs.

(5) Facilitate and develop regional cooperation with employers, community leaders, economic development efforts, area career and technical education centers, and other public and private education and training entities in order to provide postsecondary general, liberal arts, and occupational and technical education and training in an efficient and cost effective manner and to avoid duplication of services.

(6) Determine through evaluation, studies, or assessments the degree to which the established training needs of the region are being met.

(7) Make recommendations to the state board of trustees concerning policies that appear to substantially affect the regional board's capacity to deliver effective and efficient programming.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.22; P.L.234-2007, SEC.85; P.L.3-2008, SEC.137.

IC 21-22-6-9

Regional board; powers and duties

Sec. 9. A regional board may do the following:

(1) Adopt, amend, or repeal bylaws for the region, subject to the approval of the state board of trustees.

(2) Make recommendations to the state board of trustees concerning amendments to the charter of the region.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.23.

IC 21-22-6-10

State board; recommendations

Sec. 10. Before taking any action under IC 21-27-6-3, IC 21-27-6-4, IC 21-31-2-5, IC 21-38-3-7(2), or IC 21-41-5-8 that would substantially affect a region, the state board of trustees shall request recommendations concerning the proposed action from the regional board for that region.

As added by P.L.2-2007, SEC.263. Amended by P.L.169-2007, SEC.24.

IC 21-22-6-11

Public hearings concerning recommendations of regional board

Sec. 11. Upon request of a regional board that has submitted recommendations under section 8(7) or 10 of this chapter, the state board of trustees shall conduct public hearings concerning the recommendations at a regular or special meeting of the state board of trustees.

As added by P.L.2-2007, SEC.263.

IC 21-23

ARTICLE 23. PURDUE UNIVERSITY

IC 21-23-1

Chapter 1. General Provisions; Definitions

IC 21-23-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.264.

IC 21-23-1-2

"Airport"

Sec. 2. "Airport" refers to the Purdue University Airport.

As added by P.L.2-2007, SEC.264.

IC 21-23-1-3

"Board of trustees"

Sec. 3. "Board of trustees" refers to the board of trustees of Purdue University.

As added by P.L.2-2007, SEC.264.

IC 21-23-1-4

"Secretary"

Sec. 4. "Secretary" refers to the secretary of the board of trustees.

As added by P.L.2-2007, SEC.264.

IC 21-23-1-5

"Treasurer"

Sec. 5. "Treasurer" refers to the treasurer of the board of trustees.

As added by P.L.2-2007, SEC.264.

IC 21-23-2

Chapter 2. Creation

IC 21-23-2-1

Approval of federal act; location of college

Sec. 1. The college contemplated and provided by the Act of Congress, approved July 2, 1862, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," is created a body corporate, under the name of "The Trustees of the Indiana Agricultural College" and located in Tippecanoe County, at the point determined before the first day of January, 1870, by a majority vote of the trustees of the Indiana Agricultural College. The faith of the state is pledged that the location so made shall be permanent.

As added by P.L.2-2007, SEC.264.

IC 21-23-2-2

Name of institution

Sec. 2. In consideration of the:

(1) donation by John Purdue, amounting to one hundred and fifty thousand dollars (\$150,000); and

(2) the further donation of one hundred (100) acres of land appurtenant to the state educational institution; and

on condition that the donation be made effectual, the state educational institution after the date of its location as determined under section 1 of this chapter shall have the name and style of "Purdue University". The faith of the state is pledged that the name and style shall be the permanent designation of the state educational institution, without addition or modification.

As added by P.L.2-2007, SEC.264.

IC 21-23-2-3

Name of trustees

Sec. 3. After the date of the location of Purdue University, the corporate name of the trustees of the Indiana Agricultural College shall be "The Trustees of Purdue University".

As added by P.L.2-2007, SEC.264.

IC 21-23-3

Chapter 3. Board of Trustees

IC 21-23-3-0.3

Legalization of certain actions taken under prior law

Sec. 0.3. Any action taken by the trustees before April 26, 1989, that would have been legal under:

(1) IC 20-12-1-2, after April 25, 1989, and before its repeal; or

(2) IC 20-12-61-13, after April 25, 1989, and before its repeal;

is legalized and validated.

As added by P.L.220-2011, SEC.355.

IC 21-23-3-1

Board; membership

Sec. 1. The board of trustees consists of ten (10) members, to be appointed for the term of service and in the manner provided by this chapter. The terms of all trustees terminate on July 1 of the year in which their terms of office expire.

As added by P.L.2-2007, SEC.264.

IC 21-23-3-2

Board; appointments

Sec. 2. The governor shall appoint ten (10) trustees for Purdue University for the term beginning on July 1 in conformity with this chapter.

As added by P.L.2-2007, SEC.264.

IC 21-23-3-3

Board; selection of members; meetings; vacancies

Sec. 3. (a) Three (3) members of the board of trustees shall be selected by the members of the Purdue alumni association. One (1) of the members must be a graduate of the school of agriculture. All members of the board of trustees selected under this section must be members of the alumni association and graduates of Purdue University.

(b) At the annual meeting of the Purdue alumni association for the year in which the term of office of any one (1) of the trustees selected under this section expires, a successor shall be selected by the members of the Purdue alumni association, in the manner that the Purdue alumni association prescribes. The president of the Purdue alumni association shall certify all selections made by the Purdue alumni association.

(c) If, at any time, a vacancy occurs on the board of trustees, occasioned by the death, resignation, expiration of term, or otherwise of any of the members of the board of trustees selected by the members of the Purdue alumni association, the vacancy shall be filled by selection by the president of the Purdue alumni association. The member selected to fill a vacancy serves until the next annual meeting of the Purdue alumni association when a successor to fill out the unexpired term shall be selected in the manner provided in

subsection (b). The member selected by the Purdue alumni association shall be appointed by the governor to fill out the unexpired term.

As added by P.L.2-2007, SEC.264.

IC 21-23-3-4

Board; number appointed by governor

Sec. 4. Seven (7) of the trustees shall be appointed by the governor.

As added by P.L.2-2007, SEC.264.

IC 21-23-3-5

Board; appointments with agricultural pursuits

Sec. 5. Two (2) members of the board of trustees appointed by the governor must be involved in agricultural pursuits. One (1) of the members of the board of trustees appointed by the governor must be a full-time student of Purdue University.

As added by P.L.2-2007, SEC.264.

IC 21-23-3-6

Search and screen committee; creation

Sec. 6. (a) To aid the governor in the selection of the student member, a search and screen committee is created consisting of:

- (1) one (1) representative of the governor; and
- (2) at least four (4) students chosen by the elected student government representatives of the student body, including at least one (1) student from each campus of Purdue University, main and regional.

(b) The search and screening committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The search and screening committee shall submit a list of the names of at least ten (10) individuals to the governor for the governor's consideration. The governor shall select one (1) of these individuals for appointment as a student member of the board of trustees.

As added by P.L.2-2007, SEC.264.

IC 21-23-3-7

Board; terms

Sec. 7. All members of the board of trustees serve for three (3) years, except for the student member who serves for two (2) years.

As added by P.L.2-2007, SEC.264.

IC 21-23-3-8

Board; vacancies

Sec. 8. In case any vacancy occurs on the board of trustees by reason of the resignation, removal from the state, expiration of the term of office, or otherwise of any of the trustees appointed by the governor, the vacancy shall be filled by the governor from the respective classes as provided in this section to serve only for the

unexpired term.

As added by P.L.2-2007, SEC.264.

IC 21-23-3-9

Secretary; report of attendance

Sec. 9. The acceptance of an appointment by the governor signifies that the appointee will give the appointee's best efforts to the interests of Purdue University and that the appointee will regularly attend the meetings of the board of trustees. The secretary of the board of trustees shall report the attendance of each meeting of the board of trustees to the governor. If a member is absent for two (2) consecutive meetings without sufficient excuse, it shall be considered sufficient cause for the governor to ask for the resignation of the member.

As added by P.L.2-2007, SEC.264.

IC 21-23-4

Chapter 4. Officers; Treasurer

IC 21-23-4-1

Board; president

Sec. 1. The board of trustees shall:

- (1) at their first meeting after their appointment; and
- (2) every two (2) years thereafter;

choose a president of the board of trustees.

As added by P.L.2-2007, SEC.264.

IC 21-23-4-2

Board; election of officers

Sec. 2. The board of trustees shall:

- (1) at their first meeting after appointment;
- (2) every two (2) years thereafter; and
- (3) whenever a vacancy occurs;

elect by ballot a secretary and treasurer.

As added by P.L.2-2007, SEC.264.

IC 21-23-4-3

Board; restrictions on membership

Sec. 3. The secretary and the treasurer may not be members of the board of trustees.

As added by P.L.2-2007, SEC.264.

IC 21-23-4-4

Board; compensation of officers

Sec. 4. The board of trustees shall set the compensation of the secretary and the treasurer.

As added by P.L.2-2007, SEC.264.

IC 21-23-4-5

Treasurer; bond

Sec. 5. The treasurer shall give a bond to the state of Indiana in any sum not less than fifty thousand dollars (\$50,000) for the faithful execution of the treasurer's trust, with sufficient sureties, as the board of trustees requires.

As added by P.L.2-2007, SEC.264.

IC 21-23-4-6

Treasurer; duties

Sec. 6. The treasurer shall:

- (1) receive;
- (2) take charge of; and
- (3) manage, under the direction of the board of trustees;

all stocks and funds belonging to Purdue University.

As added by P.L.2-2007, SEC.264.

IC 21-23-5

Chapter 5. Meetings

IC 21-23-5-1

Board; meetings

Sec. 1. The board of trustees shall hold its meetings at the dates, times, and places as the board of trustees may agree on.

As added by P.L.2-2007, SEC.264.

IC 21-23-5-2

Board; quorum

Sec. 2. A majority of the number of the board of trustees constitutes a quorum.

As added by P.L.2-2007, SEC.264.

IC 21-24

ARTICLE 24. UNIVERSITY OF SOUTHERN INDIANA

IC 21-24-1

Chapter 1. Definitions

IC 21-24-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.265.

IC 21-24-1-2

"Board of trustees"

Sec. 2. "Board of trustees" refers to the University of Southern Indiana board of trustees.

As added by P.L.2-2007, SEC.265.

IC 21-24-1-3

"Regional campus"

Sec. 3. "Regional campus" means Indiana State University - Regional Campus Evansville, a regional campus managed by the Indiana State University board of trustees before July 1, 1985.

As added by P.L.2-2007, SEC.265.

IC 21-24-2

Chapter 2. Creation

IC 21-24-2-1

Establishment of university

Sec. 1. There is established a body corporate and politic with the name University of Southern Indiana.

As added by P.L.2-2007, SEC.265.

IC 21-24-2.1

Chapter 2.1. Transitional Provisions Relating to Creation of the University of Southern Indiana

IC 21-24-2.1-1

"ISU board"

Sec. 1. As used in this chapter, "ISU board" means the Indiana State University board of trustees.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-2

"Regional campus"

Sec. 2. As used in this chapter, "regional campus" means Indiana State University - Regional Campus Evansville, a regional campus managed by the ISU board in Vanderburgh County, Indiana.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-3

"University board"

Sec. 3. As used in this chapter, "university board" means the University of Southern Indiana board of trustees established by P.L.218-1985.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-4

Transfer of property and assets; agreements to implement chapter

Sec. 4. (a) Before July 1, 1985, the ISU board shall transfer all property and other assets, regardless of whether the assets are real, personal, tangible, or intangible, located on the regional campus.

(b) Before July 1, 1985, the university board shall accept the transfer of assets described in subsection (a) and assume the liabilities described in section 5 of this chapter.

(c) The university board and the ISU board shall enter into one (1) or more agreements that implement this chapter and that do not conflict with P.L.218-1985. The agreements must:

- (1) list or otherwise describe all assets to be transferred to the university board under subsection (a);
 - (2) delineate the means of the transfers described in subsection (a), either by deed, bill of sale, or other appropriate conveyance;
 - (3) delineate the required timing for each transfer described in subsection (a);
 - (4) list or otherwise describe all obligations to be assumed by the university and the means and procedures for providing for payment and satisfaction of each obligation by the university;
 - (5) provide for the joint use contracts described in section 5(d) of this chapter;
 - (6) provide for indemnification of the ISU board by the university board, as necessary or appropriate, in regard to any liabilities of the ISU board assumed by the university board;
- and

(7) provide for any other matters that are necessary and consistent with P.L.218-1985.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-5

Assumption of obligations and liabilities

Sec. 5. (a) The university board shall assume all obligations and other liabilities of the ISU board that have been incurred by the ISU board for facilities located on the regional campus before the facilities are transferred to the university board under section 4 of this chapter.

(b) The liabilities described in subsection (a) include the following:

- (1) Indiana State University Building Facilities Fee Bonds, Series D of 1971.
- (2) Indiana State University Building Facilities Fee Bonds, Series F of 1975.
- (3) Indiana State University Building Facilities Fee Bonds, Series G of 1978.
- (4) Indiana State University Student Union Building Refunding Bonds (Evansville campus) dated January 1, 1978.
- (5) Any interim financing authorized under IC 20-12-6 (before its repeal, now codified at IC 21-34), IC 20-12-7 (before its repeal, now codified at IC 21-35), or IC 20-12-9 (before its repeal, now codified at IC 21-35) and outstanding and unpaid on July 1, 1985.

(c) The university board shall:

- (1) assume all other contractual liabilities and responsibilities of the ISU board:
 - (A) not described in subsection (a) or (b);
 - (B) expiring after June 30, 1985; and
 - (C) specifically applicable to activities or properties on the regional campus; and
- (2) waive all rights under contracts generally applicable to Indiana State University.

(d) This subsection applies if:

- (1) the ISU board may not lawfully delegate a contractual obligation described in subsection (c) to the university board;
- (2) the ISU board may not lawfully assign a contractual right described in subsection (c) to the university board;
- (3) a contractual obligation described in subsection (c) of the ISU board may not be lawfully extinguished; or
- (4) the ISU board and the university board agree to continue a contract in its existing form.

The implementing agreements described in section 4 of this chapter must provide for joint use of the contracts described in this subsection in the name of the ISU board for the benefit of ISU and the university board, must allocate between the ISU board and the university board the benefits and costs of each contract described in this subsection, and must provide the terms of payment by the

university board to the ISU board or on behalf of the ISU board.
As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-6

University board duties

Sec. 6. The university board, under IC 20-12-6 (before its repeal, now codified at IC 21-34), shall:

- (1) establish, hold, and invest a building facilities fee fund;
- (2) in conformity with the implementation agreements described in section 4 of this chapter, deposit amounts initially collected for a building facilities fee fund from students of the regional campus by Indiana State University into the building facilities fee fund established under subdivision (1);
- (3) fix, charge, and collect building facilities fees in amounts sufficient to provide for required payments of principal, interest, and deposits to reserve accounts, if any, on the obligations assumed by the university board, under section 4(c) of this chapter and described in section 5(b) of this chapter, and incurred by the ISU board under IC 20-12-6 (before its repeal, now codified at IC 21-34);
- (4) transfer the amounts described in subdivision (3) to the ISU board; and
- (5) fix, charge, and collect building fees in amounts sufficient to provide for required payments of principal, interest, and deposits to reserves for obligations incurred by the university board under IC 20-12-6 (before its repeal, now codified at IC 21-34).

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-7

University board duties

Sec. 7. The university board shall:

- (1) fix, maintain, and collect the fees, rates, and charges for the student union building transferred to the university board under section 4 of this chapter;
- (2) levy and collect service fees from students enrolled in the University of Southern Indiana allocable to the student union building transferred to the university board under the authority of section 4 of this chapter;
- (3) transfer to the ISU board amounts necessary to provide for payments on the Indiana State University Student Union Building Refunding Bonds (Evansville campus) dated January 1, 1978; and
- (4) otherwise comply with the requirements in the indenture of mortgage dated January 2, 1978, for the student union building transferred to the university board under section 4 of this chapter.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-8

Required transfers

Sec. 8. In order to allow the Indiana State University board of trustees to meet its obligations under section 10 of this chapter, the University of Southern Indiana board of trustees shall make the transfers to the Indiana State University board of trustees required by sections 6 and 7 of this chapter before the Indiana State University board of trustees fixes and imposes the fees described in section 10 of this chapter.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-9**Failure to make transfer; notice; auditor of state to issue warrant; amount of warrant**

Sec. 9. This section applies if the University of Southern Indiana board of trustees fails to make a transfer required by an agreement described in section 5(d) of this chapter or required by section 6 or 7 of this chapter, when due, to the Indiana State University board of trustees. Upon being notified that the University of Southern Indiana board of trustees has failed to make a transfer described by this section, the auditor of state shall issue a warrant to the Indiana State University board of trustees that is equal to the amount of payment due from the University of Southern Indiana board of trustees to the Indiana State University board of trustees. The amount of the warrant shall be paid by the treasurer of state under IC 4-8.1-2 at the time of its presentation to the extent that the amount of the warrant does not exceed the undistributed amounts appropriated by the general assembly to the University of Southern Indiana board of trustees in that fiscal year. To the extent that the warrant exceeds the amount of undistributed appropriations to the University of Southern Indiana board of trustees, the treasurer of state shall continue to be obligated to pay the excess in future fiscal years from amounts appropriated to the University of Southern Indiana board of trustees in subsequent fiscal years. The amount paid by the treasurer of state under this section in any fiscal year shall be deducted from the amount distributable to the University of Southern Indiana board of trustees from the affected appropriation.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-10**Fees and charges fixed and imposed by Indiana State University board of trustees; obligation for liabilities**

Sec. 10. (a) The Indiana State University board of trustees shall fix, impose, and collect its own fees and charges in an amount sufficient, when added to other funds provided by operation of sections 5(d), 6, 7, and 9 of this chapter and to funds otherwise available, to make the required payments and otherwise meet all requirements on all financial obligations and other liabilities described in section 5 of this chapter.

(b) Except as otherwise provided by section 5 of this chapter, after the assumption of liabilities described in section 5 of this chapter, the

Indiana State University board of trustees shall continue to:

- (1) remain liable for the assumed liabilities;
- (2) remain obligated to fix, impose, and collect the fees and charges described in subsection (a); and
- (3) repay the assumed indebtedness as the indebtedness becomes due;

after the University of Southern Indiana board of trustees assumes the liabilities described in section 5 of this chapter.

As added by P.L.220-2011, SEC.356.

IC 21-24-2.1-11

Contract in existence on April 16, 1985, not impaired

Sec. 11. P.L.218-1985 does not impair any contract in existence on April 16, 1985.

As added by P.L.220-2011, SEC.356.

IC 21-24-3

Chapter 3. Board of Trustees

IC 21-24-3-0.3

Legalization of certain actions taken under prior law

Sec. 0.3. Any action taken by the board of trustees before April 26, 1989, that would have been legal under:

(1) IC 20-12-1-2, after April 25, 1989, and before its repeal; or

(2) IC 20-12-61-13, after April 25, 1989, and before its repeal;

is legalized and validated.

As added by P.L.220-2011, SEC.357.

IC 21-24-3-1

Management of university

Sec. 1. The authority to manage the university is vested in the board of trustees.

As added by P.L.2-2007, SEC.265.

IC 21-24-3-2

Board; membership

Sec. 2. The board of trustees consists of nine (9) members who shall serve terms of four (4) years. However, the term of a student member of the board of trustees is two (2) years.

As added by P.L.2-2007, SEC.265.

IC 21-24-3-3

Board; residency requirement

Sec. 3. Each member of the board of trustees must be a citizen of the United States and a resident of Indiana.

As added by P.L.2-2007, SEC.265.

IC 21-24-3-4

Board; membership qualifications

Sec. 4. The board of trustees must include at least the following:

(1) One (1) member who is an alumnus of the University of Southern Indiana or an alumnus of the regional campus.

(2) One (1) member who is a full-time student in good standing enrolled in the University of Southern Indiana.

(3) One (1) member who is a resident of Vanderburgh County.

As added by P.L.2-2007, SEC.265.

IC 21-24-3-5

Board; appointments

Sec. 5. (a) The governor shall appoint the members of the board of trustees.

(b) If a vacancy occurs during the term of any member, the governor shall appoint an individual to serve the unexpired term of the vacating member.

As added by P.L.2-2007, SEC.265.

IC 21-24-3-6

Screening committee; alumnus board membership; establishment

Sec. 6. (a) There is established a screening committee of the University of Southern Indiana to nominate the alumnus member of the board of trustees.

(b) The screening committee consists of five (5) members appointed by the executive body of the university alumni association designated by the board of trustees.

(c) Within seventy-five (75) days after the date that a vacancy occurs on the board of trustees for the alumnus member, the screening committee shall submit a list of at least three (3) names of eligible individuals to a person designated by the board of trustees.

(d) When the names are received by the person designated by the board of trustees, the designated person shall submit the names to the governor.

(e) The governor shall appoint the alumnus member of the board of trustees from the list of names submitted under subsection (d). However, if the governor does not receive the names of at least three (3) eligible individuals under subsection (d) within ninety (90) days after the alumnus member vacancy on the board occurs, the governor may appoint any individual who is otherwise eligible under this chapter to serve as the alumnus member of the board of trustees.

As added by P.L.2-2007, SEC.265.

IC 21-24-3-7

Screening committee; student board membership; establishment

Sec. 7. (a) There is established a screening committee of the University of Southern Indiana for the purpose of nominating the student member of the board of trustees.

(b) The screening committee consists of:

(1) four (4) students enrolled in the university who are appointed by the student governing body designated by the board of trustees; and

(2) one (1) individual appointed by the governor.

(c) Within seventy-five (75) days after the date that a vacancy occurs on the board of trustees for the student member, the screening committee shall submit a list of at least ten (10) names of eligible individuals to a person designated by the board of trustees.

(d) When the names are received by the person designated by the board of trustees, the designated person shall submit the names to the governor.

(e) The governor shall appoint the student member of the board of trustees from the list of names submitted under subsection (d). However, if the governor does not receive the names of at least ten (10) eligible individuals under subsection (d) within ninety (90) days after the date that the student member vacancy on the board of trustees occurs, the governor may appoint an individual who is otherwise eligible under this chapter to serve as the student member of the board of trustees.

As added by P.L.2-2007, SEC.265.

IC 21-24-4

Chapter 4. Officers; Meetings

IC 21-24-4-1

Board; content of bylaws

Sec. 1. The board shall adopt bylaws governing:

- (1) the election of its officers;
- (2) the conduct of its meetings and its other internal affairs; and
- (3) the appointment and duties of a president, a treasurer, and other executive officers of the University of Southern Indiana.

As added by P.L.2-2007, SEC.265.

IC 21-25

ARTICLE 25. VINCENNES UNIVERSITY

IC 21-25-1

Chapter 1. General Provisions; Definitions

IC 21-25-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.266.

IC 21-25-1-2

"Board of trustees"

Sec. 2. "Board of trustees" refers to the board of trustees of Vincennes University.

As added by P.L.2-2007, SEC.266.

IC 21-25-1-3

"Trustee"

Sec. 3. "Trustee" refers to a member of the board of trustees.

As added by P.L.2-2007, SEC.266.

IC 21-25-2

Chapter 2. Creation

IC 21-25-2-1

University established

Sec. 1. There is instituted and incorporated Vincennes University.
As added by P.L.2-2007, SEC.266.

IC 21-25-2-2

Board; body corporate

Sec. 2. There is created a body corporate and politic, by the name of "the board of trustees for the Vincennes University" that is ordained, constituted, and declared to be forever a body politic and corporate, in fact and in name.
As added by P.L.2-2007, SEC.266.

IC 21-25-3

Chapter 3. Board of Trustees

IC 21-25-3-1

Board; membership

Sec. 1. The board of trustees consists of ten (10) trustees.

As added by P.L.2-2007, SEC.266.

IC 21-25-3-2

Board; appointments

Sec. 2. Nine (9) members of the board of trustees shall be appointed by the governor, one (1) of whom must be a resident of Knox County and one (1) must be an alumnus of Vincennes University. In addition, the governor shall appoint one (1) trustee who is a full-time student of Vincennes University during the student's term.

As added by P.L.2-2007, SEC.266.

IC 21-25-3-3

Search and screen committee; creation

Sec. 3. (a) To aid the governor in the selection of the student member of the board of trustees, a search and screen committee is created. The search and screen committee consists of:

- (1) one (1) representative of the governor; and
- (2) at least four (4) students chosen by the elected student government representatives of the student body.

(b) The search and screen committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees.

(c) The search and screen committee shall submit a list of the names of at least five (5) individuals to the governor for consideration.

(d) The governor shall select one (1) of these individuals for appointment as a trustee in accordance with this chapter.

As added by P.L.2-2007, SEC.266.

IC 21-25-3-4

Board; terms

Sec. 4. The term of each appointed trustee is three (3) years. However, the term of the student appointee is one (1) year.

As added by P.L.2-2007, SEC.266.

IC 21-25-3-5

Board; vacancies

Sec. 5. If a vacancy occurs in the membership of the board of trustees, the vacancy shall be filled by the board of trustees for the unexpired term.

As added by P.L.2-2007, SEC.266.

IC 21-25-3-6

Board; date of appointments

Sec. 6. The appropriate number of appointive trustees shall be appointed before the first Monday of October of each year. The first Monday is the first day of their terms.

As added by P.L.2-2007, SEC.266.

IC 21-25-3-7

Board; ex officio membership

Sec. 7. There shall be the following four (4) ex officio members of the board of trustees:

- (1) The president of the university.
- (2) The superintendent of the Vincennes Community School Corporation.
- (3) The superintendent of the South Knox School Corporation.
- (4) The superintendent of the North Knox School Corporation.

As added by P.L.2-2007, SEC.266.

IC 21-25-3-8

Repealed

(Repealed by P.L.134-2012, SEC.25.)

IC 21-25-4

Chapter 4. Officers; Audit

IC 21-25-4-1

Board; election of president

Sec. 1. The board of trustees at their first stated meeting shall elect a president out of their own body.

As added by P.L.2-2007, SEC.266.

IC 21-25-4-2

Board; election of president pro tempore

Sec. 2. If the president is absent from any stated or extraordinary meeting, the board of trustees shall elect a president pro tempore.

As added by P.L.2-2007, SEC.266.

IC 21-25-4-3

Inspection of accounts and financial affairs

Sec. 3. The accounts and financial affairs of Vincennes University are subject to inspection and examination by the state examiner.

As added by P.L.2-2007, SEC.266.

IC 21-25-5

Chapter 5. Meetings; Quorum

IC 21-25-5-1

Board; meetings

Sec. 1. The annual meeting of the board of trustees shall be held on the first Monday of October of each year.

As added by P.L.2-2007, SEC.266.

IC 21-25-5-2

Board; special meetings

Sec. 2. Special meetings may be called by the president of the board of trustees or by any four (4) trustees.

As added by P.L.2-2007, SEC.266.

IC 21-25-5-3

Board; quorum

Sec. 3. Six (6) trustees constitute a quorum at any regular or special meeting of the board of trustees.

As added by P.L.2-2007, SEC.266.

IC 21-26

ARTICLE 26. REGIONAL CAMPUSES

IC 21-26-1

Chapter 1. General Provisions; Definitions

IC 21-26-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.267.

IC 21-26-1-2

"Advisory board"

Sec. 2. "Advisory board" refers to the Indiana University-Purdue University Calumet region campus advisory board established by IC 21-26-2-1.

As added by P.L.2-2007, SEC.267.

IC 21-26-1-3

"Calumet regional campus"

Sec. 3. "Calumet regional campuses" means the regional campuses of Indiana University and Purdue University located in the cities of Hammond, Gary, and East Chicago.

As added by P.L.2-2007, SEC.267.

IC 21-26-2

Chapter 2. Calumet Region Campus Advisory Board

IC 21-26-2-1

Advisory board; establishment

Sec. 1. There is established an advisory board for the Calumet regional campuses of Indiana University and Purdue University.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-2

Name of advisory board

Sec. 2. The advisory board shall be known as the Indiana University-Purdue University Calumet region campus advisory board.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-3

Advisory board; membership

Sec. 3. The advisory board consists of the following five (5) members appointed by the governor:

- (1) One (1) member who is a resident of Porter County.
- (2) One (1) member who is a resident of Newton County.
- (3) Three (3) members who are residents of Lake County.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-4

Advisory board; terms

Sec. 4. Each member of the advisory board shall serve for a term equal to the greater of the following:

- (1) Four (4) years.
- (2) The date when the member's successor is appointed and qualified.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-5

Advisory board; capacity

Sec. 5. The advisory board shall serve in an advisory capacity to the board of trustees of Indiana University and the board of trustees of Purdue University in the operation of the Calumet regional campuses.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-6

Board; election of president

Sec. 6. After the appointment of the members of the advisory board and upon call of the governor, the advisory board shall meet and elect a president, vice president, and secretary.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-7

Secretary; duties

Sec. 7. The secretary of the advisory board shall do the following:

(1) Keep an accurate record of the advisory board's proceedings in a suitable book procured by the advisory board for that purpose.

(2) Make copies and transcripts of the orders and proceedings of the advisory board and transmit copies of the records to the board of trustees of Indiana University and the board of trustees of Purdue University.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-8**Board; meetings; recommendations**

Sec. 8. The advisory board shall meet at least four (4) times each year and submit its recommendations in writing to the board of trustees of Indiana University and the board of trustees of Purdue University.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-9**Board; call of meetings**

Sec. 9. The president of the advisory board shall call all required meetings and may call additional meetings. The vice president of the advisory board shall act as the president if the president is unable to attend.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-10**Board; quorum**

Sec. 10. Three (3) members of the advisory board constitute a quorum for the transaction of business.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-11**Budget recommendations**

Sec. 11. Biennially, the advisory board shall submit to the board of trustees of Indiana University and the board of trustees of Purdue University its recommendations for a budget covering the operating and other expenses of the Calumet regional campuses. The board of trustees of Indiana University shall submit the recommendations to the fiscal officers for Indiana University for their consideration. The board of trustees of Purdue University shall submit the recommendations to the fiscal officers for Purdue University for their consideration.

As added by P.L.2-2007, SEC.267.

IC 21-26-2-12**Budget recommendations; Calumet regional campus**

Sec. 12. This chapter does not prohibit either Indiana University or Purdue University from submitting proposed budgets to the budget

agency for the operation of the Calumet regional campuses. However, the recommendations made to the budget agency for the operation of the Calumet regional campuses must have affixed the recommendations of the advisory board.

As added by P.L.2-2007, SEC.267.

IC 21-26-3

Chapter 3. Degree Programs; Calumet Regional Campuses

IC 21-26-3-1

Diplomas to students at regional campuses

Sec. 1. The board of trustees of Indiana University and the board of trustees of Purdue University or the board of trustees' agents, singly or together, shall grant and confer degrees in the liberal arts and sciences that are usually granted and conferred in other colleges and universities in the United States, to the students of the Calumet regional campuses who are entitled to a degree by their proficiency in learning or other meritorious distinction. The diplomas and certificates must:

- (1) contain the common seal of the state educational institution from which the student completed the student's course of study; and
- (2) be signed by the faculty to authenticate and perpetuate the memory of the graduation.

As added by P.L.2-2007, SEC.267.

IC 21-26-3-2

Elimination of home campus requirement

Sec. 2. Attendance at a campus or campuses other than a Calumet regional campus is not required as a condition of the awarding of a diploma or certificate under this chapter.

As added by P.L.2-2007, SEC.267.

IC 21-26-3-3

Time and place of conferring certificate or diploma

Sec. 3. The board of trustees of Indiana University and the board of trustees of Purdue University or the board of trustees' agents, singly or together, shall provide a suitable time and place to confer upon the graduate the certificate or diploma provided for in this chapter. The location chosen for the conferring of the diploma or certificate must be adjacent to a city or the cities at which the Calumet regional campuses are located that offered the complete courses of study towards the earning of the diploma or certificate. The members of the advisory board shall be invited and entitled to attend the conferring of diploma or certificate performance.

As added by P.L.2-2007, SEC.267.

IC 21-26-4

Chapter 4. Fort Wayne School of Fine Arts

IC 21-26-4-1

Acquisition of property

Sec. 1. The board of trustees of Indiana University may acquire from the Fort Wayne Art Institute:

- (1) any tangible or intangible personal property; and
- (2) any real property;

of the Fort Wayne School of Fine Arts that the board determines to be necessary for the operation of the school.

As added by P.L.2-2007, SEC.267.

IC 21-26-4-2

Board of trustees; operation

Sec. 2. The board of trustees of Indiana University may do any of the following for the Fort Wayne School of Fine Arts:

- (1) Operate the Fort Wayne School of Fine Arts as a part of Indiana University.
- (2) Charge tuition.
- (3) Grant degrees.
- (4) Lease property.

As added by P.L.2-2007, SEC.267.

IC 21-27

ARTICLE 27. STATE EDUCATIONAL INSTITUTIONS: GENERAL POWERS

IC 21-27-1

Chapter 1. General Provisions; Definitions

IC 21-27-1-1

Purpose

Sec. 1. It is the purpose of the covered statutes to recognize and define certain powers, duties, and responsibilities of the boards of trustees of the state educational institutions. The powers, duties, and responsibilities referred to by the covered statutes are not intended to include all powers, duties, and responsibilities of the boards of trustees. The covered statutes may not be construed to diminish or abrogate any other power, duty, or responsibility of a board of trustees conferred by or properly implied from any other statute.

As added by P.L.2-2007, SEC.268.

IC 21-27-1-2

Liberal construction

Sec. 2. The covered statutes may not be construed to discourage or disparage the status of students, faculty, and other persons or the valid concerns of the public in matters of policy and of management of state educational institutions.

As added by P.L.2-2007, SEC.268.

IC 21-27-1-3

Definitions

Sec. 3. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.268.

IC 21-27-1-4

"Board of trustees"

Sec. 4. "Board of trustees":

- (1) for purposes of IC 21-27-3, refers to the board of trustees of Ball State University;
- (2) for purposes of IC 21-27-4, refers to the board of trustees of Indiana University;
- (3) for purposes of IC 21-27-5, refers to the board of trustees of Indiana State University;
- (4) for purposes of IC 21-27-6, refers to the board of trustees of Ivy Tech Community College;
- (5) for purposes of IC 21-27-7, refers to the board of trustees of Purdue University;
- (6) for purposes of IC 21-27-8, refers to the board of trustees of the University of Southern Indiana; and
- (7) for purposes of IC 21-27-9, refers to the board of trustees of

Vincennes University.
As added by P.L.2-2007, SEC.268.

IC 21-27-1-5

"Covered statutes"

Sec. 5. "Covered statutes" refers to the following:

- (1) IC 21-14-2-1.
- (2) IC 21-15-2-1.
- (3) IC 21-15-2-2.
- (4) IC 21-27-2-1.
- (5) IC 21-28-2-1.
- (6) IC 21-29-2-1.
- (7) IC 21-31-2-1.
- (8) IC 21-31-4-1.
- (9) IC 21-31-4-2.
- (10) IC 21-31-4-3.
- (11) IC 21-31-9-2.
- (12) IC 21-38-3-1.
- (13) IC 21-38-3-2.
- (14) IC 21-38-4-1.
- (15) IC 21-39-2-1.
- (16) IC 21-39-2-2.
- (17) IC 21-39-2-3.
- (18) IC 21-39-2-4.
- (19) IC 21-39-2-5.
- (20) IC 21-40-3-1.
- (21) IC 21-41-2-1.

As added by P.L.2-2007, SEC.268.

IC 21-27-2

Chapter 2. Board of Trustees; General Responsibilities

IC 21-27-2-1

Board; powers

Sec. 1. The board of trustees of a state educational institution is responsible to fulfill the powers and duties conferred upon the board of trustees by law.

As added by P.L.2-2007, SEC.268.

IC 21-27-2-2

Repealed

(Repealed by P.L.134-2012, SEC.26.)

IC 21-27-3

Chapter 3. Ball State University

IC 21-27-3-1

Applicability of chapter

Sec. 1. This chapter applies only to Ball State University.

As added by P.L.2-2007, SEC.268.

IC 21-27-3-2

Board; management

Sec. 2. The board of trustees may manage, control, and operate Ball State University.

As added by P.L.2-2007, SEC.268.

IC 21-27-3-3

Board; rule promulgation and regulations

Sec. 3. The board of trustees may promulgate rules and regulations.

As added by P.L.2-2007, SEC.268.

IC 21-27-3-4

Board; powers

Sec. 4. The board of trustees possesses all power not otherwise specified by law in order to efficiently operate the affairs of Ball State University.

As added by P.L.2-2007, SEC.268.

IC 21-27-3-5

Diversity committee

Sec. 5. (a) The board of trustees shall create a diversity committee to do the following:

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural diversity among faculty members.
- (4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board of trustees.

As added by P.L.167-2007, SEC.4.

IC 21-27-4

Chapter 4. Indiana University

IC 21-27-4-1

Applicability of chapter

Sec. 1. This chapter applies only to Indiana University.

As added by P.L.2-2007, SEC.268.

IC 21-27-4-2

Name of board of trustees

Sec. 2. The board of trustees may in the name of "The Trustees of Indiana University" sue and be sued.

As added by P.L.2-2007, SEC.268.

IC 21-27-4-3

Board; powers

Sec. 3. The board of trustees may make all bylaws necessary to carry into effect the powers conferred on the board of trustees.

As added by P.L.2-2007, SEC.268.

IC 21-27-4-4

Diversity committee

Sec. 4. (a) The board of trustees shall create a diversity committee at the home campus and at each regional campus to do the following:

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural diversity among faculty members.
- (4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board of trustees.

As added by P.L.167-2007, SEC.1.

IC 21-27-5

Chapter 5. Indiana State University

IC 21-27-5-1

Applicability of chapter

Sec. 1. This chapter applies only to Indiana State University.

As added by P.L.2-2007, SEC.268.

IC 21-27-5-2

Board; powers

Sec. 2. The board of trustees may sue and be sued.

As added by P.L.2-2007, SEC.268.

IC 21-27-5-3

Powers, rights, privileges, duties, and obligations to remain intact

Sec. 3. All powers, rights, privileges, duties, and obligations, statutory, contractual, or of whatever kind conferred by law upon the State Teachers College board or Indiana State College board:

- (1) for the operation, maintenance, and financing of Indiana State University and its properties and facilities; or
- (2) otherwise pertaining to the operation, maintenance, and financing of Indiana State University;

apply after June 30, 1961, to the board of trustees.

As added by P.L.2-2007, SEC.268.

IC 21-27-5-4

Diversity committee

Sec. 4. (a) The board of trustees shall create a diversity committee to do the following:

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural diversity among faculty members.
- (4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board of trustees.

As added by P.L.167-2007, SEC.3.

IC 21-27-6

Chapter 6. Ivy Tech Community College

IC 21-27-6-1

Applicability of chapter

Sec. 1. This chapter applies only to Ivy Tech Community College.
As added by P.L.2-2007, SEC.268.

IC 21-27-6-2

Trustees; powers and duties; management and policies

Sec. 2. The board of trustees of Ivy Tech Community College has responsibility for the management and policies of Ivy Tech Community College and its administrative regions within the framework of laws enacted by the general assembly.
As added by P.L.2-2007, SEC.268. Amended by P.L.169-2007, SEC.25.

IC 21-27-6-3

Board; powers

Sec. 3. The board of trustees of Ivy Tech Community College may prescribe rules for the effective operation of a statewide program.
As added by P.L.2-2007, SEC.268.

IC 21-27-6-4

Board; additional powers

Sec. 4. The board of trustees of Ivy Tech Community College may exercise powers not otherwise specified by law that are necessary for the efficient management of a statewide program.
As added by P.L.2-2007, SEC.268.

IC 21-27-6-5

Board; expenses

Sec. 5. The expenses of the board of trustees of Ivy Tech Community College and of the statewide programs operated by it for:

- (1) construction of facilities;
- (2) procurement of equipment; and
- (3) operating expenses;

shall be financed by appropriations from the general assembly and federal funds, together with the fees and charges, contractual income, gifts, grants, and bequests as may become available.
As added by P.L.2-2007, SEC.268.

IC 21-27-6-6

Trustees; authority to contract

Sec. 6. The board of trustees of Ivy Tech Community College may authorize, approve, enter into, ratify, or confirm any agreement relating to a statewide program or a region with:

- (1) the United States government, acting through any agency of the government designated or created to aid in the financing of the projects; or

- (2) any person, organization, or agency offering contracts or grants-in-aid financing the educational facilities or the operation of the facilities and programs.

As added by P.L.2-2007, SEC.268. Amended by P.L.169-2007, SEC.26.

IC 21-27-6-7

Diversity committee

Sec. 7. (a) The board of trustees shall create a diversity committee at the home campus and at each regional campus to do the following:

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural diversity among faculty members.
- (4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the state board.

As added by P.L.167-2007, SEC.8.

IC 21-27-7

Chapter 7. Purdue University

IC 21-27-7-1

Applicability of chapter

Sec. 1. This chapter applies only to Purdue University.

As added by P.L.2-2007, SEC.268.

IC 21-27-7-2

Organization of university

Sec. 2. The board of trustees of Purdue University may organize Purdue University in conformity with the purposes set forth in Act of Congress, approved July 2, 1862, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts".

As added by P.L.2-2007, SEC.268.

IC 21-27-7-3

Seal

Sec. 3. The board of trustees of Purdue University shall provide a seal.

As added by P.L.2-2007, SEC.268.

IC 21-27-7-4

Board; powers

Sec. 4. The board of trustees of Purdue University may do all acts necessary and expedient to put and keep Purdue University in operation.

As added by P.L.2-2007, SEC.268.

IC 21-27-7-5

Board; power to make bylaws, rules, and regulations

Sec. 5. The board of trustees of Purdue University may make all bylaws, rules, and regulations required or proper to conduct and manage Purdue University.

As added by P.L.2-2007, SEC.268.

IC 21-27-7-6

Diversity committee

Sec. 6. (a) The board of trustees shall create a diversity committee at the home campus and at each regional campus to do the following:

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural diversity among faculty members.
- (4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating

the findings, conclusions, and recommendations of the committee to the board of trustees.

As added by P.L.167-2007, SEC.2.

IC 21-27-8

Chapter 8. University of Southern Indiana

IC 21-27-8-1

Applicability of chapter

Sec. 1. This chapter applies only to the University of Southern Indiana.

As added by P.L.2-2007, SEC.268.

IC 21-27-8-2

Research and public service

Sec. 2. The University of Southern Indiana may engage in research or public service that furthers an educational purpose.

As added by P.L.2-2007, SEC.268.

IC 21-27-8-3

Powers; rights; privileges; duties

Sec. 3. The University of Southern Indiana may exercise all powers, rights, privileges, and duties conferred upon the University of Southern Indiana or the board of trustees by any statute enacted by the general assembly.

As added by P.L.2-2007, SEC.268.

IC 21-27-8-4

Rules

Sec. 4. The University of Southern Indiana may adopt rules to carry out its powers and duties.

As added by P.L.2-2007, SEC.268.

IC 21-27-8-5

Board; power to conduct affairs of the university

Sec. 5. The University of Southern Indiana may exercise all powers necessary to conduct efficiently the affairs of the University of Southern Indiana.

As added by P.L.2-2007, SEC.268.

IC 21-27-8-6

Power to sue and be sued

Sec. 6. The University of Southern Indiana may sue and be sued.

As added by P.L.2-2007, SEC.268.

IC 21-27-8-7

Diversity committee

Sec. 7. (a) The board shall create a diversity committee to do the following:

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural

diversity among faculty members.

(4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board.

As added by P.L.167-2007, SEC.6.

IC 21-27-9

Chapter 9. Vincennes University

IC 21-27-9-1

Applicability

Sec. 1. This chapter applies only to Vincennes University.
As added by P.L.2-2007, SEC.268.

IC 21-27-9-2

Board; qualifications

Sec. 2. The board of trustees must be persons in law capable of:

- (1) suing and being sued;
- (2) pleading and being impleaded;
- (3) answering and being answered unto; and
- (4) defending and being defended, in all courts and places, in all manner of actions, suits, complaints, matters, and causes.

As added by P.L.2-2007, SEC.268.

IC 21-27-9-3

Board; seal

Sec. 3. The board of trustees may have a common seal and make and alter the seal at their pleasure.
As added by P.L.2-2007, SEC.268.

IC 21-27-9-4

Board; bylaws and regulations

Sec. 4. The board of trustees may make the bylaws and regulations in writing, not inconsistent with the laws of Indiana or of the United States, that the board of trustees determines necessary for the good government of Vincennes University, and the students of Vincennes University. The board of trustees may:

- (1) put the bylaws and regulations in execution;
- (2) revoke and alter the bylaws and regulations; and
- (3) make new bylaws and regulations;

that the board of trustees determines necessary.
As added by P.L.2-2007, SEC.268.

IC 21-27-9-5

Board; maintenance and support for university

Sec. 5. The board of trustees may generally do all lawful matters and things whatsoever, necessary for maintaining and supporting Vincennes University and for the more extensive communication of useful knowledge.
As added by P.L.2-2007, SEC.268.

IC 21-27-9-6

Diversity committee

Sec. 6. (a) The board of trustees shall create a diversity committee at the home campus and at each regional campus to do the following:

- (1) Review and recommend faculty employment policies

concerning diversity issues.

(2) Review faculty and administration personnel complaints concerning diversity issues.

(3) Make recommendations to promote and maintain cultural diversity among faculty members.

(4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board of trustees.

As added by P.L.167-2007, SEC.7.

IC 21-28

ARTICLE 28. STATE EDUCATIONAL INSTITUTIONS: COOPERATIVE ARRANGEMENTS, INTERSTATE COMPACTS; EDUCATIONAL SUPPORT ENTITIES

IC 21-28-1

Chapter 1. General Provisions; Definitions

IC 21-28-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-2

"Agreement"

Sec. 2. "Agreement", for purposes of IC 21-28-4, refers to an agreement entered into under IC 21-28-4 by the board of trustees of a state educational institution.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-3

"Chief information officer"

Sec. 3. "Chief information officer" means the chief information officer of the office of technology appointed under IC 4-13.1-2-3.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-4

"Commission"

Sec. 4. "Commission" refers to the Midwestern Higher Education Commission.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-5

"Compact"

Sec. 5. "Compact" refers to the Midwestern Higher Education Compact established by IC 21-28-3.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-6

"Coordinating unit"

Sec. 6. "Coordinating unit" refers to the committee or body established under IC 21-28-5-8 to coordinate use of the transmission system or the designated electronic format, or both.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-7

"Designated electronic format"

Sec. 7. "Designated electronic format" refers to the electronic format established under IC 21-28-5-3.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-8

"Electronic format"

Sec. 8. "Electronic format" means a format using the most appropriate technological medium.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-9

"Enabling statute"

Sec. 9. "Enabling statute" means the following:

(1) In the case of the Ball State University board of trustees, one

(1) or more of the following:

IC 21-33.

IC 21-34.

IC 21-35-2.

IC 21-35-3.

IC 21-35-5.

IC 20-24.5-2.

(2) In the case of the trustees of Indiana University, one (1) or more of the following:

IC 21-33.

IC 21-34.

IC 21-35-2.

IC 21-35-3.

IC 21-35-5.

IC 20-24.5-2.

(3) In the case of the Indiana State University board of trustees, one (1) or more of the following:

IC 21-33.

IC 21-34.

IC 21-35-2.

IC 21-35-3.

IC 21-35-5.

IC 20-24.5-2.

(4) In the case of the trustees of Ivy Tech Community College, one (1) or more of the following:

IC 21-33.

IC 21-34.

(5) In the case of the trustees of Purdue University, one (1) or more of the following:

IC 21-33.

IC 21-34.

IC 21-35-2.

IC 21-35-3.

IC 21-35-5.

IC 20-24.5-2.

(6) In the case of the board of trustees for Vincennes

University, one (1) or more of the following:

IC 21-33.

IC 21-34.

IC 21-35-6.

(7) In the case of the University of Southern Indiana board of trustees, one (1) or more of the following:

IC 21-33.

IC 21-34.

IC 21-35-2.

IC 21-35-5.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-10

"Fund"

Sec. 10. "Fund" refers to the higher education statewide telecommunications fund established by IC 21-28-5-13.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-11

"Office of technology"

Sec. 11. "Office of technology" refers to the office of technology established by IC 4-13.1-2-1.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-12

"Participating educational institution"

Sec. 12. "Participating educational institution" refers to a state educational institution or private postsecondary educational institution that participates in a joint arrangement under IC 21-28-5.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-13

"Separate legal entity"

Sec. 13. "Separate legal entity" refers to a separate legal entity established under an agreement under IC 21-28-4 to carry out the purposes of an agreement.

As added by P.L.2-2007, SEC.269.

IC 21-28-1-14

"Transmission system"

Sec. 14. "Transmission system" refers to services and a telecommunication system provided under an arrangement entered into under IC 21-28-5-2.

As added by P.L.2-2007, SEC.269.

IC 21-28-2

Chapter 2. Cooperative Arrangements

IC 21-28-2-1

Applicability; availability of educational resources

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may cooperate with other educational institutions to assure the availability and use of the state educational institution's total resources and opportunities to provide excellent educational opportunity for all persons.

As added by P.L.2-2007, SEC.269.

IC 21-28-2-2

Cooperative agreements with other educational institutions

Sec. 2. The University of Southern Indiana may enter into cooperative agreements with other educational institutions, including agreements leading to the use of the University of Southern Indiana as a host site for an educational program administered by another college or university.

As added by P.L.2-2007, SEC.269.

IC 21-28-3

Chapter 3. Midwestern Higher Education Compact

IC 21-28-3-1

Enactment

Sec. 1. The Midwestern Higher Education Compact is enacted into law and entered into by the state of Indiana with all other jurisdictions legally joining the compact in the form substantially as provided in sections 2 through 9 of this chapter.

As added by P.L.2-2007, SEC.269.

IC 21-28-3-2

Purpose

Sec. 2. ARTICLE I. PURPOSE. The purpose of the Midwestern Higher Education Compact is to provide greater higher education opportunities and services in the midwestern region, with the aim of furthering regional access to, research in, and choice of higher education for the citizens residing in the several states which are parties to this Compact.

As added by P.L.2-2007, SEC.269.

IC 21-28-3-3

The commission

Sec. 3. ARTICLE II. THE COMMISSION. (a) The compacting states hereby create the Midwestern Higher Education Commission, hereinafter called the Commission. The Commission shall be a body corporate of each compacting state. The Commission shall have all the responsibilities, powers, and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this Compact.

(b) The Commission shall consist of five (5) resident members of each state as follows: the governor or the governor's designee who shall serve during the tenure of office of the governor; two (2) legislators, one (1) from each house (except Nebraska, which may appoint two (2) legislators from its Unicameral Legislature), who shall serve two (2) year terms and be appointed by the appropriate appointing authority in each house of the legislature; and two (2) other at-large members, at least one (1) of whom shall be selected from the field of higher education. The at-large members shall be appointed in a manner provided by the laws of the appointing state. One (1) of the two (2) at-large members initially appointed in each state shall serve a two (2) year term. The other member, and any regularly appointed successor to either at-large member, shall serve a four (4) year term. All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term.

(c) The Commission shall select annually, from among its members, a chairperson, a vice chairperson, and a treasurer.

(d) The Commission shall appoint an executive director who shall serve at the Commission's pleasure and who shall act as secretary to the Commission. The treasurer, the executive director, and such other personnel as the Commission may determine shall be bonded in such amounts as the Commission may require.

(e) The Commission shall meet at least once each calendar year. The chairperson may call additional meetings and upon the request of a majority of the Commission members of three (3) or more compacting states, shall call additional meetings. Public notice shall be given of all meetings, and meetings shall be open to the public.

(f) Each compacting state represented at any meeting of the Commission is entitled to one (1) vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Commission.

As added by P.L.2-2007, SEC.269.

IC 21-28-3-4

Powers and duties of the commission

Sec. 4. ARTICLE III. POWERS AND DUTIES OF THE COMMISSION. (a) The Commission shall adopt a seal and suitable bylaws governing its management and operations.

(b) Irrespective of the civil service, personnel, or other merit system laws of any of the compacting states, the Commission in its bylaws shall provide for the personnel policies and programs of the Compact.

(c) The Commission shall submit a budget to the governor and legislature of each compacting state at such time and for such period as may be required. The budget shall contain specific recommendations of the amount or amounts to be appropriated by each of the compacting states.

(d) The Commission shall report annually to the legislatures and governors of the compacting states, to the Midwestern Governors' Conference, and to the Midwestern Legislative Conference of the Council of State Governments concerning the activities of the Commission during the preceding year. Such reports shall also embody any recommendations that may have been adopted by the Commission.

(e) The Commission may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, foundation, person, firm, or corporation.

(f) The Commission may accept for any of its purposes and functions under the Compact any and all donations and grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, foundation, person, firm, or corporation, and may receive, utilize, and dispose of the same.

(g) The Commission may enter into agreements with any other interstate education organizations or agencies and with higher

education institutions located in nonmember states and with any of the various states of these United States to provide adequate programs and services in higher education for the citizens of the respective compacting states. The Commission shall, after negotiations with interested institutions and interstate organizations or agencies, determine the cost of providing the programs and services in higher education for use of these agreements.

(h) The Commission may establish and maintain offices, which shall be located within one (1) or more of the compacting states.

(i) The Commission may establish committees and hire staff as it considers necessary for the carrying out of its functions.

(j) The Commission may provide for actual and necessary expenses for attendance of its members at official meetings of the Commission or its designated committees.

As added by P.L.2-2007, SEC.269.

IC 21-28-3-5

Activities of the commission

Sec. 5. ARTICLE IV. ACTIVITIES OF THE COMMISSION. (a) The Commission shall collect data on the long-range effects of the Compact on higher education. By the end of the fourth year from the effective date of the Compact and every two (2) years thereafter, the Commission shall review its accomplishments and make recommendations to the governors and legislatures of the compacting states on the continuance of the Compact.

(b) The Commission shall study issues in higher education of particular concern to the Midwestern region. The Commission shall also study the needs for higher education programs and services in compacting states and the resources for meeting such needs. The Commission shall from time to time prepare reports on such research for presentation to the governors and legislatures of the compacting states and other interested parties. In conducting such studies, the Commission may confer with any national or regional planning body. The Commission may draft and recommend to the governors and legislatures of the various compacting states suggested legislation dealing with problems of higher education.

(c) The Commission shall study the need for provision of adequate programs and services in higher education, such as undergraduate, graduate, or professional student exchanges in the region. If a need for exchange in a field is apparent, the Commission may enter into such agreements with any higher education institution and with any of the compacting states to provide programs and services in higher education for the citizens of the respective compacting states. The Commission shall, after negotiations with interested institutions and the compacting states, determine the costs of providing the programs and services in higher education for use in its agreements. The contracting states shall contribute the funds not otherwise provided, as determined by the Commission, for carrying out the agreements. The Commission may also serve as the administrative and fiscal agent in carrying out agreements for higher

education programs and services.

(d) The Commission shall serve as a clearinghouse on information regarding higher education activities among institutions and agencies.

(e) In addition to the activities of the Commission previously noted, the Commission may provide services and research in other areas of regional concern.

As added by P.L.2-2007, SEC.269.

IC 21-28-3-6

Finance

Sec. 6. ARTICLE V. FINANCE. (a) The money necessary to finance the general operations of the Commission not otherwise provided for in carrying forth its duties, responsibilities, and powers as stated in this chapter shall be appropriated to the Commission by the compacting states, when authorized by the respective legislatures by equal apportionment among the compacting states.

(b) The Commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same; nor shall the Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(c) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

(d) The accounts of the Commission shall be open at any reasonable time for inspection by duly authorized representatives of the compacting states and persons authorized by the Commission.

As added by P.L.2-2007, SEC.269.

IC 21-28-3-7

Eligible parties and entry into force

Sec. 7. ARTICLE VI. ELIGIBLE PARTIES AND ENTRY INTO FORCE. (a) The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to become party to this Compact. Additional states are eligible if approved by a majority of the compacting states.

(b) As to any eligible party state, this Compact is effective when its legislature enacts the same into law; however, it is not initially effective until enacted into law by five (5) states prior to December 31, 1995.

(c) Amendments to the Compact shall become effective upon their enactment by the legislatures of all compacting states.

As added by P.L.2-2007, SEC.269.

IC 21-28-3-8

Withdrawal, default, and termination

Sec. 8. ARTICLE VII. WITHDRAWAL, DEFAULT, AND TERMINATION. (a) Any compacting state may withdraw from this Compact by enacting a statute repealing the Compact, but such withdrawal shall not become effective until two (2) years after the enactment of such statute. A withdrawing state shall be liable for any obligations which it may have incurred on account of its party status up to the effective date of withdrawal, except that if the withdrawing state has specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal, it shall remain liable to the extent of such obligation.

(b) If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this Compact, all rights, privileges, and benefits conferred by this Compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the Commission, and the Commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default is remedied under the stipulations and within the time period set forth by the Commission, this Compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other member states. Any such defaulting state may be reinstated by performing all acts and obligations as stipulated by the Commission.

As added by P.L.2-2007, SEC.269.

IC 21-28-3-9

Severability and construction

Sec. 9. ARTICLE VIII. SEVERABILITY AND CONSTRUCTION. The provisions of this Compact entered into hereunder shall be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact entered into hereunder shall be held contrary to the constitution of any compacting state, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this Compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

As added by P.L.2-2007, SEC.269.

IC 21-28-3-10

Indiana residents as members; terms; removal; vacancies

Sec. 10. (a) The five (5) residents of Indiana who shall serve as members of the commission representing the state of Indiana are as

follows:

(1) The governor or the governor's designee. The term of the governor or the governor's designee is the same as the governor's term of office.

(2) One (1) member of the house of representatives appointed by the speaker of the house of representatives for a two (2) year term. A vacancy occurs if an appointee under this subdivision ceases to be a member of the house of representatives.

(3) One (1) member of the senate appointed by the president pro tempore of the senate for a two (2) year term. A vacancy occurs if an appointee under this subdivision ceases to be a member of the senate.

(4) Two (2) persons from the field of higher education appointed by the governor as at-large members for a term of four (4) years. A vacancy occurs if an appointee under this subdivision leaves the field of higher education.

(b) A member serves at the pleasure of the appointing authority and may be removed for any reason.

(c) A member serves until the expiration of the member's term or the appointing authority appoints a successor, whichever is later. However, this subsection does not apply if the vacancy occurs because a member ceases to be the governor or a member of the general assembly.

(d) The appointing authority shall fill a vacancy for the remainder of the term of the vacating member.

As added by P.L.2-2007, SEC.269.

IC 21-28-4

Chapter 4. Joint Building and Financing Agreements; Joint Laboratory School Agreements

IC 21-28-4-1

Applicability of chapter

Sec. 1. This chapter applies to all state educational institutions.
As added by P.L.2-2007, SEC.269.

IC 21-28-4-2

Board; limitation of powers

Sec. 2. This chapter does not authorize the board of trustees of a state educational institution to exercise a power under an agreement that the board of trustees could not otherwise separately exercise under an enabling statute.

As added by P.L.2-2007, SEC.269.

IC 21-28-4-3

Joint powers

Sec. 3. If:

(1) the board of trustees of a state educational institution wants to exercise a power or powers conferred to it under one (1) or more of the state educational institution's enabling statutes; and
(2) the board of trustees of one (1) or more other state educational institutions want to exercise a power or powers conferred to it or them under one (1) or more enabling statutes; both or all of those boards of trustees may exercise the powers jointly as provided in this chapter.

As added by P.L.2-2007, SEC.269.

IC 21-28-4-4

Resolutions

Sec. 4. A board of trustees that wants to exercise powers granted in an enabling act must enter into a written agreement by resolution.

As added by P.L.2-2007, SEC.269.

IC 21-28-4-5

Agreements

Sec. 5. An agreement:

(1) must provide for the following:

(A) Its duration.

(B) Its purpose.

(C) The manner of:

(i) financing, staffing, and supplying the joint undertaking;
and

(ii) establishing and maintaining a budget for the joint undertaking.

(D) The methods that may be employed to:

(i) accomplish the partial or complete termination of the agreement; and

(ii) dispose of property upon partial or complete termination.

(E) Administration through a separate legal entity.

(F) With respect to a separate legal entity:

(i) the nature;

(ii) the organization;

(iii) the composition; and

(iv) the powers;

of the separate legal entity; and

(2) may provide for any other appropriate matters.

As added by P.L.2-2007, SEC.269.

IC 21-28-4-6

Separate legal entities; powers

Sec. 6. A separate legal entity established by an agreement has only the powers delegated to it by the agreement.

As added by P.L.2-2007, SEC.269.

IC 21-28-4-7

Agreement filings

Sec. 7. Before an agreement takes effect, a copy of the agreement must be filed with the board of trustees of each state educational institution that is a party to the agreement.

As added by P.L.2-2007, SEC.269.

IC 21-28-4-8

Agreement filings; state board of accounts

Sec. 8. Not later than sixty (60) days after an agreement takes effect, a copy of the agreement must be filed with:

(1) the state board of accounts for audit purposes; and

(2) the budget agency.

As added by P.L.2-2007, SEC.269.

IC 21-28-5

Chapter 5. Indiana Higher Education Telecommunications System

IC 21-28-5-1

Applicability of chapter

Sec. 1. This chapter applies to the following:

- (1) A state educational institution.
- (2) A private postsecondary educational institution.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-2

Authority to use multipurpose, multimedia, closed circuit statewide telecommunications system

Sec. 2. The board of trustees of any combination of state educational institutions and the board of directors of any combination of private postsecondary educational institutions may, if they find the need exists for a broad dissemination of a wide variety of educational communications for the improvements and the advancement of higher educational opportunity, jointly arrange, for a period not exceeding ten (10) years, for:

- (1) services provided by the office of technology; and
- (2) the use of a multipurpose, multimedia, closed circuit, statewide telecommunications system furnished by communications common carriers subject to the jurisdiction of the Indiana utility regulatory commission;

to interconnect the main campuses and the regional campuses of the participating educational institutions and centers of medical education and service.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-3

Administration and supervision of system and programs in electronic format

Sec. 3. In addition to the closed circuit statewide telecommunications system, the participating educational institutions shall establish, in accordance with federal copyright law, programs in an electronic format to provide for the advancement of higher education opportunity and individualized access to higher education programs. The program may make available a wide variety of higher education courses in electronic format. The participating educational institutions shall make information in an electronic format available to the public by any means of public or private distribution that they determine to be appropriate, including sale or lease. The participating educational institutions may determine policy and establish procedures to administer this program. The participating educational institutions shall maintain and keep current, in an electronic format, a listing of all information.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-4**Use of system or programs in electronic format by other entities**

Sec. 4. A transmission system must be for the exclusive use of the participating educational institutions. However, the participating educational institutions may permit the use of the transmission system, or any part of the transmission system, by others under section 10 of this chapter.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-5**Designation of transmission system; criteria**

Sec. 5. A transmission system must be designed to permit the installation of additional capacity and coverage as accumulating communication needs of higher education may require. The system must:

- (1) be capable of transmitting high fidelity television signals, high fidelity sound signals, data signals for computer communications, and voice traffic; and
- (2) include control circuits.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-6**Transmission system; terms and conditions of use**

Sec. 6. The arrangements for the use of the transmission system may be upon terms and conditions as the participating educational institutions determine are necessary, proper, or desirable.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-7**Approval of coordinating unit**

Sec. 7. Plans or arrangements for the use of the transmission system may not be adopted or entered into under this chapter without the specific approval of the coordinating unit.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-8**Coordinating committee or unit; establishment**

Sec. 8. The participating educational institutions shall establish a coordinating committee or other body composed of persons that the participating educational institutions select. The chief information officer or the chief information officer's designee shall be a member of any coordinating unit. The coordinating unit may administer and supervise the use of the transmission system and the information in designated electronic format as may be delegated to it by the participating educational institutions. The participating educational institutions shall have equal representation on the coordinating unit.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-9**Advisory council; establishment**

Sec. 9. The participating educational institutions must establish an advisory council of representatives of users of the transmission system.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-10

Transmission system; use

Sec. 10. (a) Any arrangements for the use of the transmission system or information in the designated electronic format must provide that the participating educational institutions (or any committee or other body established under this chapter, if power is delegated to them) may permit any of the following entities to use the transmission system or the information in the designated electronic format for educational purposes:

- (1) Postsecondary educational institutions.
- (2) Governmental or public corporations or bodies.
- (3) Other corporations.
- (4) Partnerships.
- (5) Associations.
- (6) Trusts.
- (7) Limited liability companies.
- (8) Other persons.

(b) Any use permitted under this section is subject to the rules, regulations, fees, and charges as the participating educational institutions or coordinating unit may prescribe.

(c) Each entity that uses the transmission system is responsible for the origination of the program to be transmitted by that entity and for the reception and use of the program at the destination.

(d) The payment of all costs that exceed the cost of the use of the transmission system facilities and the information in electronic format shall be borne by the parties using the system as agreed upon.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-11

Power to accept gifts and federal aid

Sec. 11. In connection with the use of the telecommunications system, the information in the designated electronic format, or any other related matter, the participating educational institutions may accept gifts or contributions from individuals, corporations, limited liability companies, partnerships, associations, trusts, or foundations and may accept funds from any federal agency under terms and conditions that the participating educational institutions determine are necessary or desirable.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-12

Power to enter into contracts

Sec. 12. The participating educational institutions may enter into and carry out contracts and agreements in connection with this chapter. All contracts and agreements entered into must be approved

by the coordinating unit.
As added by P.L.2-2007, SEC.269.

IC 21-28-5-13

Higher education statewide telecommunications fund; establishment

Sec. 13. (a) The higher education statewide telecommunications fund is established as a special and distinct fund. Expenditures from the fund may be made only for the following:

- (1) Payments by the participating educational institutions for the use of a transmission system or the lease, purchase, rental, or production of information in a designated electronic format.
- (2) Studies regarding the possibilities of extending the use of the transmission system:
 - (A) to state educational institutions or private postsecondary educational institutions in Indiana that are not participating educational institutions; and
 - (B) for post-high school and other educational uses.
- (3) The expenses of coordinating, planning, and supervising the use of the transmission system and the information in the designated electronic format.
- (4) Equipment for the originating and receiving of instructional communication and educational information by means of the transmission system and the information in the designated electronic format.

(b) The state auditor shall pay, as needed, from the fund amounts to the board of trustees of Indiana University as agent for the participating educational institutions.

(c) The board of trustees of Indiana University, as agent, shall apply the funds to the payment of items as payment becomes due from the fund.

As added by P.L.2-2007, SEC.269.

IC 21-28-5-14

Additional members of and connections to I-Light prohibited

Sec. 14. (a) This section does not apply to a person that:

- (1) is not a state educational institution or a private postsecondary educational institution; and
- (2) is a member of I-Light or is connected to or uses the I-Light network or services made available through I-Light;

before April 1, 2012.

(b) As used in this section, "I-Light" refers to the high speed communications network that connects state educational institutions and private postsecondary educational institutions throughout Indiana. The term includes the networks, and any successor networks, known at any time as I-Light or I-Light 2.

(c) As used in this section, "person" means any individual, corporation, limited liability company, partnership, firm, association, public or private agency, or other organization.

(d) Notwithstanding section 10 of this chapter, and except as

provided in subsection (a) and IC 8-1-32.7-5(b)(2), after March 31, 2012, a person that is not:

(1) a state educational institution; or

(2) a private postsecondary educational institution;

may not become a member of I-Light or otherwise connect to or use the I-Light network or any services made available through I-Light.

As added by P.L. 79-2012, SEC.2.

IC 21-28-6

Chapter 6. Information for Members of the General Assembly

IC 21-28-6-1

"Research tool"

Sec. 1. As used in this chapter, "research tool" includes:

- (1) online research services;
- (2) online and hard copy subscriptions to publications; and
- (3) any other source of information used for research available to an educational institution.

As added by P.L.12-2010, SEC.1.

IC 21-28-6-2

Access to research tools for members of the general assembly and legislative services agency staff

Sec. 2. A state educational institution must provide access to all research tools available to the educational institution to each member of the general assembly and staff of the legislative services agency, at no cost, upon the request of a member of the general assembly or staff of the legislative services agency.

As added by P.L.12-2010, SEC.1.

IC 21-28-6-3

Requests for information must be for purposes related to official duties

Sec. 3. A request made by a member of the general assembly or staff of the legislative services agency under section 2 of this chapter must be for the purpose of obtaining information related to carrying out the official duties of the member of the general assembly.

As added by P.L.12-2010, SEC.1.

IC 21-28-6-4

Educational institutions may deny requests for information if impact on grant funding research tool

Sec. 4. (a) Notwithstanding section 2 of this chapter, a state educational institution may deny a member of the general assembly or staff of the legislative services agency access to a research tool if the research tool was purchased through a grant or other source that limits access to use of the research tool in a way that would make granting access to the research tool a violation of the grant or agreement covering the payment for the research tool.

(b) Nothing in this chapter requires a state educational institution to expend additional funds or to violate the terms of a subscription agreement applicable to a journal or other research tool.

As added by P.L.12-2010, SEC.1.

IC 21-29

ARTICLE 29. STATE EDUCATIONAL INSTITUTIONS: INVESTMENTS

IC 21-29-1

Chapter 1. General Provisions; Definitions

IC 21-29-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.270.

IC 21-29-1-2

"Obligations"

Sec. 2. "Obligations" means bonds, notes, bond anticipation notes, commercial paper, leases, lease-purchases, installment purchases, certificates of participation in agreements or programs, other evidences of indebtedness, or other agreements or purchasing programs.

As added by P.L.2-2007, SEC.270.

IC 21-29-1-3

"Swap agreement"

Sec. 3. "Swap agreement" refers to:

- (1) an agreement (including terms and conditions incorporated by reference in the agreement) that is a rate swap agreement, basis swap, forward rate agreement, interest rate option, rate cap agreement, rate floor agreement, rate collar agreement, or any other similar agreement (including any option to enter into any of the agreements described in this subdivision);
- (2) any combination of the agreements described in subdivision (1); or
- (3) a master agreement for an agreement or a combination of agreements described in subdivisions (1) and (2), together with all supplements to the agreement.

As added by P.L.2-2007, SEC.270.

IC 21-29-2

Chapter 2. General Powers; Board of Trustees

IC 21-29-2-1

Applicability of section; investment of funds

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may establish and carry out written policies for the investment of the funds of the state educational institution in the manner provided by IC 30-4-3-3.

As added by P.L.2-2007, SEC.270.

IC 21-29-2-2

Board; investment of funds

Sec. 2. The board of trustees of Ivy Tech Community College may establish written policies for the investment of the funds of Ivy Tech Community College in the manner provided by IC 30-4-3-3.

As added by P.L.2-2007, SEC.270.

IC 21-29-2-3

Alternative investment of institutional funds; records; disclosure

Sec. 3. (a) Notwithstanding any other law, the following records regarding alternative investments in which institutional investment funds invest are not subject to disclosure under IC 5-14-3, unless the information has already been publicly released by the keeper of the information:

- (1) Due diligence materials that are proprietary to the institutional investment fund or the alternative vehicle.
- (2) Quarterly and annual financial statements of alternative investment vehicles.
- (3) Meeting materials of alternative investment vehicles that contain individual portfolio holdings.
- (4) Records containing information regarding the underlying portfolio positions in which alternative investment vehicles invest.
- (5) Capital call and distribution notices.
- (6) Alternative investment agreements and all related documents.

(b) Notwithstanding subsection (a), the following information contained in records described in subsection (a) regarding alternative investments in which institutional investment funds invest is subject to disclosure under this chapter and is not considered a trade secret or confidential financial information exempt from disclosure:

- (1) The name, address, and vintage year of each alternative

investment vehicle.

(2) The dollar amount of the commitment made to each alternative investment vehicle by the institutional investment fund since inception.

(3) The dollar amount of cash contributions by the institutional investment fund to each alternative investment vehicle since inception.

(4) The dollar amount, on a fiscal year-end basis, of cash distributions received by the institutional investment fund from each alternative investment vehicle.

(5) The dollar amount, on a fiscal year-end basis, of cash distributions received by the institutional investment fund plus the remaining value of partnership assets attributable to the institutional investment fund's investment in each alternative investment vehicle.

(6) The net internal rate of return of each alternative investment vehicle since inception.

(7) The investment multiple of each alternative investment vehicle since inception.

(8) The schedule of management fees and costs assessed by each alternative vehicle to the institutional investment fund.

(9) The dollar amount of cash profit received by institutional investment funds from each alternative vehicle on a fiscal year-end basis.

(c) The following definitions apply throughout this section:

(1) "Alternative investment" means an investment in a private equity fund, real estate fund, venture fund, hedge fund, natural resource, or absolute return fund.

(2) "Alternative investment vehicle" means a limited partnership, limited liability company, or similar legal structure that is not publicly traded through which an institutional investment fund invests in portfolio companies.

(3) "Institutional investment fund" means a fund that consists of money managed in an endowment fund, including a quasi-endowment, and the returns on the endowment fund, that is held and invested by a state educational institution.

(4) "Portfolio positions" means individual portfolio investments made by alternative investment vehicles.

As added by P.L.226-2007, SEC.4. Amended by P.L.1-2010, SEC.84.

IC 21-29-3

Chapter 3. Swap Agreements

IC 21-29-3-1

Liberal construction

Sec. 1. This chapter applies notwithstanding any other law. This chapter shall be liberally construed.

As added by P.L.2-2007, SEC.270.

IC 21-29-3-2

Investment powers

Sec. 2. This chapter shall not be construed as limiting or restricting the investment powers otherwise provided state educational institutions, including the power to adopt and implement investment policies under IC 21-29-2-1 and IC 21-29-2-2.

As added by P.L.2-2007, SEC.270. Amended by P.L.79-2010, SEC.1.

IC 21-29-3-3

Powers and duties of state educational institutions

Sec. 3. (a) Subject to subsections (b) through (d), any state educational institution may enter into and modify, amend, or terminate one (1) or more swap agreements that the state educational institution determines to be necessary or desirable in connection with or incidental to the issuance, carrying, or securing of obligations. Swap agreements entered into by a state educational institution must:

- (1) contain the provisions (including payment, term, security, default, and remedy provisions); and
- (2) be with the parties;

that the state educational institution determines are necessary or desirable after due consideration is given to the creditworthiness of the parties.

(b) A state educational institution may not:

- (1) enter into, modify, amend, or terminate any swap agreement without the specific approval of the public finance director appointed under IC 4-4-11-9;
- (2) enter into any swap agreement under this section other than for the purpose of managing an interest rate or similar risk that arises in connection with or incidental to the issuance, carrying, or securing of obligations by the state educational institution; or
- (3) carry on a business of acting as a dealer in swap agreements.

(c) A swap agreement is considered as being entered into in connection with or incidental to the issuance, carrying, or securing of obligations if:

- (1) the swap agreement is entered into not more than one hundred eighty (180) days after the issuance of the obligations and specifically indicates the agreement's relationship to the obligations;
- (2) the board of trustees of the state educational institution specifically designates the swap agreement as having a relationship to the particular obligations;

(3) the swap agreement amends, modifies, or reverses a swap agreement described in subdivision (1) or (2); or

(4) the terms of the swap agreement bear a reasonable relationship to the terms of the obligations.

(d) Payments to be made by a state educational institution to any other party under a swap agreement are payable only from the same source or sources of funds from which the related obligations are payable.

As added by P.L.2-2007, SEC.270. Amended by P.L.182-2009(ss), SEC.365.

IC 21-29-3-4

Credit enhancement and liquidity agreements

Sec. 4. With regard to entering into any swap agreement, the state educational institution may enter into credit enhancement or liquidity agreements with payment, security, default, remedy, and other terms and conditions as determined by the state educational institution.

As added by P.L.2-2007, SEC.270.

IC 21-29-3-5

Enforcement of swap agreements.

Sec. 5. (a) This section does not apply in cases of bad faith or actual knowledge to the contrary by a party.

(b) A party that enters into any swap agreement with a state educational institution may rely on a representation by that state educational institution that the state educational institution is authorized or empowered to enter into the swap agreement, and notwithstanding the failure by the state educational institution to comply with the provisions of this chapter, that party may enforce the swap agreement against the state educational institution, subject to the terms of the swap agreement and subject to prior claims on sources from which the swap agreement may be payable.

As added by P.L.2-2007, SEC.270.

IC 21-30

**ARTICLE 30. STATE EDUCATIONAL
INSTITUTIONS: DONATIONS; GIFTS, BEQUESTS,
AND DEVICES**

IC 21-30-1

Chapter 1. General Provisions; Definitions

IC 21-30-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.271.

IC 21-30-1-2

"Board of trustees"

Sec. 2. "Board of trustees":

(1) for purposes of IC 21-30-5, refers to the board of trustees of Vincennes University; and

(2) for purposes of IC 21-30-6, refers to the board of trustees of a state educational institution.

As added by P.L.2-2007, SEC.271.

IC 21-30-2

Chapter 2. Gift Annuities; Restrictions on Gifts; Gifts for a Permanent Endowment

IC 21-30-2-1

Power to accept gifts

Sec. 1. Any state educational institution or the state of Indiana may:

- (1) receive gifts, bequests, and devises of real or personal property, or both, for the aid or maintenance of any state educational institution; and
- (2) agree to return to the donor or to any living person named by the donor and living at the time of the gift, an annuity under the provisions and safeguards provided in this chapter.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-2

Annuity gifts; conditions

Sec. 2. If the gift is for the purpose of providing an annuity, the gift may be accepted by any state educational institution or by the state upon condition that the state educational institution or the state shall pay to:

- (1) the donor, for the life of the donor or for a term of years not beyond the lifetime of the donor, as may be agreed; or
- (2) any person or persons named by the donor and living at the time of the gift, for the life of the person or persons or for a term of years not beyond the lifetime of the person or persons, as may be agreed;

an annuity on the value of the property at the time the gift is made. The annuity must not exceed the actual income from the property donated.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-3

Determination of gift value

Sec. 3. The value of the property comprised in the gift shall be determined by three (3) disinterested appraisers appointed by the governor, and a gift may not be accepted by any institution named in section 1 of this chapter or by the state itself unless it is approved by the governor.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-4

Security of payment of annuities

Sec. 4. To secure the payment of annuities, the property comprised in the gift may be pledged, by way of mortgage or otherwise, to the annuitant or annuitants for the full period of the life of the annuity or annuities. The property pledged is the sole guarantee and the state shall not be obligated by the mortgage or other obligation.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-5

Tax exemption

Sec. 5. All annuities provided in connection with a gift are free of all taxation within Indiana.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-6

Restrictions on acceptance of gifts

Sec. 6. A state educational institution may not receive a gift, whether on the payment of an annuity or otherwise, that pledges the state educational institution to engage in a course of instruction, or perform an act other than a course of instruction or act that the state educational institution is permitted by law to engage in or perform.

As added by P.L.2-2007, SEC.271.

IC 21-30-2-7

Trusts; management

Sec. 7. All gifts of money, and all money realized from real and personal property made under this chapter to permanently endow:

- (1) a state educational institution; or
- (2) a chair of learning or department in a state educational institution;

shall be taken in charge by the state of Indiana, as a trust, and managed in all respects the same as the common school fund of the state is managed, and the proceeds arising therefrom shall be paid to the state educational institution being endowed for the purposes provided by the terms of the gift.

As added by P.L.2-2007, SEC.271.

IC 21-30-3

Chapter 3. Gifts, Bequests, and Devises; Annuity Gifts; State Educational Institutions Other Than Ivy Tech Community College and Vincennes University

IC 21-30-3-1

Applicability of chapter

Sec. 1. This chapter applies to the boards of trustees of the following state educational institutions:

- (1) Indiana University.
- (2) Purdue University.
- (3) Indiana State University.
- (4) University of Southern Indiana.
- (5) Ball State University.

As added by P.L.2-2007, SEC.271.

IC 21-30-3-2

Board; acceptance of gifts, devises, and bequests

Sec. 2. The board of trustees of a state educational institution may accept gifts, bequests, and devises of personal and real property:

- (1) for the maintenance, use, or benefit of the state educational institution; or
- (2) to be administered for other public, charitable purposes for the benefit or use of students of any state educational institution.

As added by P.L.2-2007, SEC.271.

IC 21-30-3-3

Board; use of transferred property

Sec. 3. The board of trustees of a state educational institution may receive, accept, hold, administer, and use any property transferred to the board of trustees by gift, bequest, or devise, with the terms, conditions, obligations, liabilities, and burdens imposed on the gift, bequest, or devise, if, in the judgment of the board of trustees, it is for the best interest of the educational institution receiving the gift, bequest, or devise.

As added by P.L.2-2007, SEC.271.

IC 21-30-3-4

Annuity gifts; conditions

Sec. 4. (a) Subject to subsection (b), if a gift, devise, or bequest is made for the purpose of providing an annuity, the gift, devise, or bequest may be accepted by the board of trustees on condition that the state educational institution:

- (1) pay to the donor, for the life of the donor or for a term of years not beyond the lifetime of the donor, as may be agreed upon;
- (2) pay to any person or persons named by the donor or testator and alive at the time of the making of the gift, devise, or bequest, for the life or lives of the named person or persons, as

may be agreed upon; or

(3) pay to the donor or to any person or persons named by the donor or testator and alive at the time of the making of the gift, devise, or bequest, for the life of the donor and the life or lives of the named person or persons, either in succession in a designated order of survivorship or in shares, concurrently, as may be agreed upon;

an annuity on the value of the property at the time the gift, devise, or bequest is made.

(b) The annuity must not exceed the actual income of the property donated, devised, or bequeathed, unless:

(1) a written agreement to pay a greater sum than the annuity is:

(A) executed by the board of trustees of the state educational institution; and

(B) approved by the governor; and

(2) no part of the annuity is paid out of the funds or income:

(A) granted:

(i) to the board of trustees of the state educational institution for any of the state educational institutions; and

(ii) by the general assembly; and

(B) derived from taxation.

As added by P.L.2-2007, SEC.271.

IC 21-30-3-5

Security of payment of annuities

Sec. 5. (a) To secure the payment of annuities, granted under this chapter, the property comprised in the gift, devise, or bequest may be pledged by way of mortgage or otherwise to the annuitant or annuitants for the full period of the life of the annuity or annuities.

(b) Property pledged under subsection (a) is the sole guarantee, and the donee shall not be obligated in any other manner unless by written agreement of the donee approved by the governor as provided in section 4 of this chapter.

As added by P.L.2-2007, SEC.271.

IC 21-30-4

Chapter 4. Gifts, Bequests, and Devises; Ivy Tech Community College

IC 21-30-4-1

Applicability of chapter

Sec. 1. This chapter applies to Ivy Tech Community College.
As added by P.L.2-2007, SEC.271.

IC 21-30-4-2

Board; acceptance of gifts, devises, and bequests

Sec. 2. The board of trustees of Ivy Tech Community College may accept gifts, grants, bequests, and devises absolutely and in trust for support of Ivy Tech Community College or its programs.
As added by P.L.2-2007, SEC.271.

IC 21-30-5

Chapter 5. Gifts, Bequests, and Devises; Vincennes University

IC 21-30-5-1

Applicability of chapter

Sec. 1. This chapter applies to the board of trustees of Vincennes University.

As added by P.L.2-2007, SEC.271.

IC 21-30-5-2

Board; acceptance of gifts, devises, and bequests

Sec. 2. The board of trustees may accept gifts, bequests, and devises of personal and real property:

- (1) for the maintenance, use, or benefit of Vincennes University; or
- (2) to be administered for other public charitable purposes, for the benefit or use of students of Vincennes University.

As added by P.L.2-2007, SEC.271.

IC 21-30-5-3

Board; use of transferred property

Sec. 3. The board of trustees may receive, accept, hold, administer, and use any property transferred to them by gift, bequest, or devise, with the terms and conditions, and with the obligations, liabilities, and burdens that are imposed on the gift, bequest, or devise, when, in the judgment of the board of trustees, it is for the best interest of Vincennes University.

As added by P.L.2-2007, SEC.271.

IC 21-30-5-4

Annuity gifts; conditions

Sec. 4. When any gift, devise, or bequest is made for the purpose of providing an annuity, the gift, devise, or bequest may be accepted by the board of trustees on condition that Vincennes University pay to:

- (1) the donor, for the life of the donor, or for a term of years not beyond the lifetime of the donor, as may be agreed upon;
 - (2) any person or persons named by the donor or testator, in being at the time of the making of the gift, devise, or bequest, for the life or lives of the named person or persons, as may be agreed upon; or
 - (3) the donor or to any person or persons named by the donor or testator and alive at the time of the gift, devise or bequest, or both, for the life of the donor and the life or lives of the named person or persons, either in succession in a designated order of survivorship or in shares, concurrently, as may be agreed upon;
- an annuity on the value of the property at the time the gift, devise or bequest is made. The annuity must not exceed the actual income of the property donated, devised, or bequeathed, unless a written agreement to pay a greater sum than the annuity is executed by the

board of trustees of Vincennes University.
As added by P.L.2-2007, SEC.271.

IC 21-30-5-5

Security of payment of annuities

Sec. 5. To secure the payment of annuities granted under section 4 of this chapter, the property comprised in the gift, devise, or bequest may be pledged by way of mortgage or otherwise to the annuitant or annuitants for the full period of the life of the annuity or annuities. The property pledged is the sole guarantee, and the donee may not be obligated in any other manner unless by written agreement of the donee.

As added by P.L.2-2007, SEC.271.

IC 21-30-5-6

Sale or conveyance of property received by gift or bequest

Sec. 6. The board of trustees may, if not inconsistent with the terms and conditions of the gift, bequest, or devise:

- (1) sell, convey, or otherwise dispose of real property received as a gift, bequest, or devise; and
- (2) invest, reinvest, or use the proceeds derived from the sale, conveyance, or disposition of the real property;

if the board of trustees determines that the action will be of the greatest benefit to Vincennes University.

As added by P.L.2-2007, SEC.271.

IC 21-30-5-7

Proceeds of sale or conveyance; use

Sec. 7. All:

- (1) money; or
- (2) other proceeds;

derived from the sale, conveyance, or other disposition of the gift, bequest, or devise of real property must be kept in a separate and distinct fund. The money or proceeds must be devoted exclusively to the uses that are designated and prescribed in the gift, bequest, or devise under the terms of which the property was originally received and acquired. If the uses to which property is to be devoted are not specifically designated or prescribed in a gift, bequest, or devise, the board of trustees may prescribe the uses to which the proceeds derived from the sale, conveyance, or other disposition of real property must be devoted.

As added by P.L.2-2007, SEC.271.

IC 21-30-5-8

Procedure for the sale of real property received as a gift

Sec. 8. If real property that is received as a gift, bequest, or devise is sold or is to be conveyed or otherwise disposed of, the purchaser shall pay the purchase money for the real property, as agreed, to the treasurer of Vincennes University, and the purchaser shall take the receipt of the treasurer. Upon presentation of the receipt of the

treasurer to the board of trustees, the board of trustees shall cause to be executed a deed of conveyance to the purchases. The deed shall be signed by the board of trustees.

As added by P.L.2-2007, SEC.271.

IC 21-30-6

Chapter 6. Disposition of Gifts, Bequests, and Devises of Real Property

IC 21-30-6-1

Sale or conveyance of property received by gift or bequest

Sec. 1. The board of trustees of a state educational institution that receives a gift, bequest, or devise of real property may, if not inconsistent with the terms and conditions of the gift, bequest, or devise:

- (1) sell, convey, or otherwise dispose of the real property; and
- (2) invest, reinvest, or use the proceeds derived from the sale, conveyance, or disposition of the real property;

if the board of trustees determines that the action will be of the greatest benefit to the state educational institution.

As added by P.L.2-2007, SEC.271.

IC 21-30-6-2

Proceeds of sale or conveyance; use

Sec. 2. (a) A state educational institution shall keep all money or other proceeds derived from the sale, conveyance, or other disposition of real property received as a gift, bequest, or devise in a separate and distinct fund that is devoted exclusively to the uses designated in the gift, bequest, or devise.

(b) If the uses to which the real property may be devoted are not specifically designated or prescribed in a gift, bequest, or devise of real property, the board of trustees of the state educational institution may determine how to use the proceeds derived from the sale, conveyance, or disposition of the real property.

As added by P.L.2-2007, SEC.271. Amended by P.L.3-2008, SEC.138.

IC 21-30-6-3

Appraisal of property to be sold

Sec. 3. (a) If the board of trustees of a state educational institution decides to sell, convey, or dispose of real property received as a gift, bequest, or devise, the board of trustees shall adopt a resolution to that effect.

(b) If the value of the real property, as determined by an independent appraisal procured by the board of trustees, is less than seven hundred fifty thousand dollars (\$750,000), no further authorization is required before the board of trustees may dispose of the real property.

(c) If the board of trustees determines by appraisal or otherwise that the value of the real property is seven hundred fifty thousand dollars (\$750,000) or more, the following apply:

- (1) The value of the real property comprised in and constituting the gift, bequest, or devise shall be determined by three (3) disinterested appraisers appointed by the governor.
- (2) The real property may not be sold, conveyed, or otherwise

disposed of for less than the appraised value of the real property.

(3) The sale, conveyance, or disposition must be approved by the governor.

As added by P.L.2-2007, SEC.271. Amended by P.L.229-2011, SEC.235.

IC 21-30-6-4

Delegation of authority to officer of institution

Sec. 4. Subject to section 3 of this chapter, the board of trustees of a state educational institution may delegate to an officer of the state educational institution the authority to do the following:

(1) Execute a contract for sale of real property upon terms and conditions approved by the board of trustees.

(2) Execute and deliver a deed of conveyance for the real property.

(3) Collect the purchase price for the real property.

As added by P.L.2-2007, SEC.271.

IC 21-31

**ARTICLE 31. STATE EDUCATIONAL
INSTITUTIONS: ACQUISITION AND USE OF
PROPERTY; LEASES**

IC 21-31-1

Chapter 1. General Provisions; Definitions

IC 21-31-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.272.

IC 21-31-1-2

"State library automation standards"

Sec. 2. "State library automation standards" refers to the library automation standards established by the state library board under IC 4-23-7.1-11(b).

As added by P.L.2-2007, SEC.272.

IC 21-31-2

Chapter 2. General Powers

IC 21-31-2-1

Applicability of section; use of property

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may govern the:

- (1) disposition; and
- (2) method and purpose of use;

of property owned, used, or occupied by the state educational institution, including travel over and assembly upon the property.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-2

Ball State board; authority to receive, administer, and dispose of all donations, bequests, grants, funds, and other property

Sec. 2. The board of trustees of Ball State University may receive, administer, and dispose of all donations, bequests, grants, funds, and other property that is given to the state educational institution or is otherwise acquired by Ball State University.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-3

Trusts

Sec. 3. The board of trustees of Indiana State University may hold in trust all funds and property that is provided for Indiana State University.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-4

Indiana University board; authority to acquire real and personal property

Sec. 4. The board of trustees of Indiana University may:

- (1) possess all the real and personal property of Indiana University for its benefit;
- (2) take and hold, in their corporate name, any real or personal property for the benefit of Indiana University; and
- (3) expend the income of Indiana University for its benefit.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-5

Ivy Tech Community College board; authority to acquire, construct, and control real and personal property

Sec. 5. The board of trustees of Ivy Tech Community College may hold, encumber, control, acquire by donation or purchase, construct, own, lease, use, and sell real and personal property as is necessary for the conduct of its program of operation, on whatever terms and for whatever consideration may be appropriate.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-6

Purdue University board; authority to hold and manage personal and real property

Sec. 6. The board of trustees of Purdue University shall take in charge, have, hold, possess, and manage all:

- (1) property and money comprehended in the donations;
- (2) funds derived from the sale of the land scrip donated under the act of Congress and the increase of those funds; and
- (3) money or other property that is at any time donated to and for the use of Purdue University.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-7

University of Southern Indiana board; authority to receive, administer, and dispose of all donations, bequests, grants, funds, and other property

Sec. 7. The University of Southern Indiana may receive, administer, and dispose of all donations, bequests, grants, funds, and other property that is given to the state educational institution or otherwise acquired by the University of Southern Indiana.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-8

Vincennes University board; authority to purchase, hold, lease, or convey real or personal property

Sec. 8. The board of trustees of Vincennes University, in the name of the board of trustees purchasing, holding, leasing, and conveying, may purchase, hold, lease, and convey any estate, real or personal, for the use of Vincennes University.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-9

Vincennes University board; authority to erect, purchase, or hire suitable buildings

Sec. 9. The board of trustees of Vincennes University may erect, purchase, or hire, as the board of trustees determines most expedient, suitable buildings to carry out the purposes of Vincennes University.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-10

Vincennes University board; powers

Sec. 10. (a) The board of trustees of Vincennes University may, when the board of trustees finds a necessity:

- (1) erect, construct, and complete buildings and structures and otherwise improve property owned by the university;
- (2) equip, furnish, operate, control, and manage the properties for the purposes of or for the benefit of the university;
- (3) acquire by purchase, lease, gift, or otherwise property, both real or personal, that the board of trustees finds necessary for the purposes of Vincennes University; and
- (4) use real or personal property acquired by the board of trustees for the purposes of Vincennes University.

(b) Title to all property acquired by the board of trustees of Vincennes University, including improvements on real property, shall be taken and held by and in the name of the board of trustees in their corporate capacities for the purposes of Vincennes University.
As added by P.L.2-2007, SEC.272.

IC 21-31-2-11

Vincennes University board; authority to lease or sell property

Sec. 11. The board of trustees of Vincennes University may lease or sell property of Vincennes University that, in the judgment of the board of trustees of Vincennes University, is not required for educational purposes, together with any improvements constructed on the property or to be constructed on the property. The lease or sale must be made upon the terms and conditions that the board of trustees determines proper.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-12

Acquisition of land; eminent domain

Sec. 12. The acquisition of so much land as may from time to time be needed as a campus by Vincennes University is declared to be for public use. Title to land that is needed as a campus by Vincennes University may be taken under the power of eminent domain.

As added by P.L.2-2007, SEC.272.

IC 21-31-2-13

Vincennes University board; duties

Sec. 13. The board of trustees of Vincennes University shall:

- (1) establish a library, in and for the use of the students, professors and other members of Vincennes University, to consist of the books and experimental apparatus that the board of trustees determines is proper for Vincennes University.
- (2) provide books and experimental apparatus in the manner and by means that the board of trustees by ordinance direct; and
- (3) regulate the terms upon which books and apparatus may be taken out of and returned to the library.

As added by P.L.2-2007, SEC.272.

IC 21-31-3

Chapter 3. Inspections

IC 21-31-3-1

Buildings and grounds committee

Sec. 1. The board of trustees of Indiana University shall annually appoint a committee from the members of the board of trustees to examine Indiana University buildings and grounds. The committee shall report the kind and cost of repairs, if any are needed. A member of the faculty shall be appointed to take care of the buildings and grounds.

As added by P.L.2-2007, SEC.272.

IC 21-31-3-2

Visitation and inspection

Sec. 2. The board of trustees of Vincennes University shall visit and inspect Vincennes University.

As added by P.L.2-2007, SEC.272.

IC 21-31-4
Chapter 4. Leases

IC 21-31-4-1

Application of section; leases

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may lease to any corporation, limited liability company, partnership, association, or individual real estate, title to which is in the name of:

- (1) the state educational institution; or
- (2) the state for the use and benefit of the state educational institution.

As added by P.L.2-2007, SEC.272.

IC 21-31-4-2

Application of section; term of leases

Sec. 2. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may enter into a lease if the board of trustees determines that the lease is in the best interest of the state educational institution. A lease may not be executed under this chapter for a term exceeding four (4) years unless the execution is approved by the:

- (1) governor; and
- (2) budget agency.

As added by P.L.2-2007, SEC.272.

IC 21-31-4-3

Application of section; tax exemption

Sec. 3. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) This chapter does not deny any tax exemption that a lessee would have under other laws if the lessee were the owner in fee simple of the real estate.

(c) A state educational institution is exempt from all property taxes on any real estate leased under this chapter. The lessee of real estate leased under this chapter is liable for property taxes on the leased real estate as if the real estate were owned by the lessee in fee simple, unless the lessee is a student living in facilities owned by the state educational institution.

As added by P.L.2-2007, SEC.272.

IC 21-31-5

Chapter 5. Lease of Property for Military Training

IC 21-31-5-1

Application of chapter

Sec. 1. This chapter applies to the following state educational institutions:

- (1) Ball State University.
- (2) Indiana State University.
- (3) Indiana University.
- (4) Purdue University.

As added by P.L.2-2007, SEC.272.

IC 21-31-5-2

Authority to lease for the establishment of military, naval, or scientific training schools

Sec. 2. The board of trustees of a state educational institution may lease land to the United States for the establishment of military, naval, or scientific training schools or institutions.

As added by P.L.2-2007, SEC.272.

IC 21-31-5-3

Lease; criteria

Sec. 3. A lease described in this chapter:

- (1) must be for consideration;
- (2) must be for a period not in excess of thirty (30) years; and
- (3) may contain other terms determined by the board of trustees of the state educational institution.

As added by P.L.2-2007, SEC.272.

IC 21-31-5-4

Authority to lease land acquired from a trust

Sec. 4. Land leased under this chapter may be land acquired from any source, including from a trust.

As added by P.L.2-2007, SEC.272.

IC 21-31-6

Chapter 6. Purdue University; Dedication of Public Streets

IC 21-31-6-1

Authority to dedicate public streets

Sec. 1. The board of trustees of Purdue University may dedicate as public streets any land extending through or along the grounds owned by Purdue University that the board of trustees determines is in the best interest of Purdue University.

As added by P.L.2-2007, SEC.272.

IC 21-31-7

Chapter 7. Purdue University; Airport

IC 21-31-7-1

Authority to declare public use of the university airport and its facilities

Sec. 1. (a) The board of trustees of Purdue University may:

- (1) declare all or any part of the Purdue University Airport and its facilities a public airport; and
- (2) authorize by contract, license, lease, or otherwise, public use of the airport and its facilities.

(b) The board of trustees may determine the term and application of an agreement entered into under this section. This section does not apply to facilities required solely for educational or research activities at Purdue University.

As added by P.L.2-2007, SEC.272.

IC 21-31-7-2

Tax exemption

Sec. 2. Notwithstanding any other law, the leasehold estate of any lessee or the lessee's assigns described in this chapter, including any permanent structure erected on the property by the lessee, or the lessee's assigns, is exempt from property taxation.

As added by P.L.2-2007, SEC.272.

IC 21-31-7-3

Board; management of university airport

Sec. 3. The control of the Purdue University Airport is under the board of trustees of Purdue University. The board of trustees may do the following:

- (1) Establish standards and promulgate reasonable rules and regulations, consistent with state and federal rules regarding matters governing the use of Purdue University Airport as a public airport.
- (2) Establish, collect, and receive reasonable fees for the use of Purdue University Airport and its facilities.
- (3) Accept, receive, and receipt for federal money, and other money, either public or private:
 - (A) for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of:
 - (i) Purdue University Airport;
 - (ii) other air navigation facilities incident to Purdue University Airport; and
 - (iii) sites for Purdue University Airport; and
 - (B) to comply with the laws of the United States, the state, and any related rules and regulations for the expenditure of the money upon the Purdue University Airport and other air navigation facilities incident to Purdue University Airport.
- (4) Effectuate the purpose and intent of this chapter.

As added by P.L.2-2007, SEC.272.

IC 21-31-8

Chapter 8. Heat or Power Plant; Indiana State University; Ball State University; Vincennes University

IC 21-31-8-1

Application of section

Sec. 1. (a) This section applies to the following state educational institutions:

- (1) Ball State University.
- (2) Indiana State University.

(b) If a heat or power plant belonging to a state educational institution or operated by the board of trustees of a state educational institution has sufficient capacity to furnish and generate heat or power, or both, in excess of that needed by the state educational institution, the board of trustees of the state educational institution may sell and dispose of, upon terms and conditions that the board of trustees determines, any or all of the excess heat or power, or both, to a hospital, charitable or public institution, or developer that:

- (1) has entered into a financing agreement with the board of trustees under IC 21-35-7; and
- (2) agrees to do all piping and make all connections necessary to receive the heat or power, or both.

As added by P.L.2-2007, SEC.272.

IC 21-31-8-2

Authority to furnish heat, light, power, and other like facilities or services

Sec. 2. The board of trustees of Vincennes University may furnish heat, light, power, and other like facilities or service to any or all structures to be constructed by Vincennes University from the plant or facilities of Vincennes University, with or without charge therefor.

As added by P.L.2-2007, SEC.272.

IC 21-31-9

Chapter 9. Other Uses of Property

IC 21-31-9-1

Compliance with state library automation standards

Sec. 1. The board of trustees of each state educational institution shall comply with the state library automation standards.

As added by P.L.2-2007, SEC.272.

IC 21-31-9-2

Application of section; adoption of policies and standards

Sec. 2. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may adopt policies and standards for making property owned by the state educational institution reasonably available to be used free of charge for the production of motion pictures.

As added by P.L.2-2007, SEC.272.

IC 21-31-9-3 Version a

Purchase of mid-level blend fuel, E85, or blended biodiesel fuel by state educational institutions; exemptions

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

Sec. 3. (a) As used in this section, "blended biodiesel" has the meaning set forth in IC 6-3.1-27-2.

(b) As used in this section, "diesel fueled vehicle" refers to a vehicle that is capable of using diesel to fuel its primary motor.

(c) As used in this section, "ethanol" means agriculturally derived ethyl alcohol.

(d) As used in this section, "E85" has the meaning set forth in IC 6-6-1.1-103.

(e) As used in this section, "gasoline fueled vehicle" refers to a vehicle that is capable of using gasoline to fuel its primary motor.

(f) As used in this section, "mid-level blend fuel" means a fuel blend consisting of:

- (1) at least twenty percent (20%) but not more than seventy-three percent (73%) ethanol; and
- (2) gasoline as the balance.

(g) As used in this section, "vehicle" includes the following:

- (1) An automobile.
- (2) A truck.
- (3) A tractor.

(h) Except as provided by subsections (j) and (k), a state educational institution shall whenever possible purchase mid-level

blend fuel or E85 to fuel the gasoline fueled vehicles owned or operated by the state educational institution.

(i) Except as provided by subsections (j) and (k), a state educational institution shall whenever possible purchase blended biodiesel fuel to fuel the diesel fueled vehicles owned or operated by the state educational institution.

(j) The following vehicles are exempt from the requirements of subsections (h) and (i):

(1) A vehicle that is leased by the state educational institution for thirty (30) days or less.

(2) A vehicle that:

(A) is primarily powered by an electric motor; or

(B) can use only propane, compressed or liquified natural gas, or methanol as its fuel source.

(k) The following vehicles are exempt from the requirements of subsection (h) or (i), whichever is appropriate:

(1) A gasoline fueled vehicle in which the use of mid-level blend fuel or E85 has not been approved by the manufacturer.

(2) A diesel fueled vehicle in which the use of blended biodiesel fuel has not been approved by the manufacturer.

(3) A gasoline fueled vehicle in which the use of mid-level blend fuel is prohibited by the federal Clean Air Act (42 U.S.C. 7401 et seq.).

As added by P.L.148-2009, SEC.10.

IC 21-31-9-3 Version b

Purchase of mid-level blend fuel, E85, or blended biodiesel fuel by state educational institutions; exemptions

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

Sec. 3. (a) As used in this section, "blended biodiesel" refers to a blend of biodiesel with petroleum diesel so that the percentage of biodiesel in the blend is at least two percent (2%) (B2 or greater). The term does not include biodiesel (B100).

(b) As used in this section, "diesel fueled vehicle" refers to a vehicle that is capable of using diesel to fuel its primary motor.

(c) As used in this section, "ethanol" means agriculturally derived ethyl alcohol.

(d) As used in this section, "E85" has the meaning set forth in IC 6-6-1.1-103.

(e) As used in this section, "gasoline fueled vehicle" refers to a vehicle that is capable of using gasoline to fuel its primary motor.

(f) As used in this section, "mid-level blend fuel" means a fuel blend consisting of:

(1) at least twenty percent (20%) but not more than seventy-three percent (73%) ethanol; and

(2) gasoline as the balance.

(g) As used in this section, "vehicle" includes the following:

(1) An automobile.

(2) A truck.

(3) A tractor.

(h) Except as provided by subsections (j) and (k), a state educational institution shall whenever possible purchase mid-level blend fuel or E85 to fuel the gasoline fueled vehicles owned or operated by the state educational institution.

(i) Except as provided by subsections (j) and (k), a state educational institution shall whenever possible purchase blended biodiesel fuel to fuel the diesel fueled vehicles owned or operated by the state educational institution.

(j) The following vehicles are exempt from the requirements of subsections (h) and (i):

(1) A vehicle that is leased by the state educational institution for thirty (30) days or less.

(2) A vehicle that:

(A) is primarily powered by an electric motor; or

(B) can use only propane, compressed or liquified natural gas, or methanol as its fuel source.

(k) The following vehicles are exempt from the requirements of subsection (h) or (i), whichever is appropriate:

(1) A gasoline fueled vehicle in which the use of mid-level blend fuel or E85 has not been approved by the manufacturer.

(2) A diesel fueled vehicle in which the use of blended biodiesel fuel has not been approved by the manufacturer.

(3) A gasoline fueled vehicle in which the use of mid-level blend fuel is prohibited by the federal Clean Air Act (42 U.S.C. 7401 et seq.).

As added by P.L.148-2009, SEC.10. Amended by P.L.190-2014, SEC.32.

IC 21-32

**ARTICLE 32. STATE EDUCATIONAL
INSTITUTIONS: BONDS AND BORROWING**

IC 21-32-1

Chapter 1. General Provisions; Definitions

IC 21-32-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.273.

IC 21-32-1-2

"Bonds"

Sec. 2. "Bonds" includes:

- (1) bonds;
- (2) debentures; and
- (3) other evidences of indebtedness.

As added by P.L.2-2007, SEC.273.

IC 21-32-1-3

"Obligations"

Sec. 3. "Obligations" means any of the following issued by a state educational institution:

- (1) Bonds.
- (2) Notes.
- (3) Other evidences of indebtedness.
- (4) Other obligations.

As added by P.L.2-2007, SEC.273.

IC 21-32-1-4

"Person"

Sec. 4. "Person" includes:

- (1) a corporation;
- (2) a limited liability company;
- (3) a partnership;
- (4) a firm;
- (5) an association;
- (6) a joint venture;
- (7) an individual; and
- (8) any combination of the entities listed in this section.

As added by P.L.2-2007, SEC.273.

IC 21-32-2

Chapter 2. Temporary Borrowings; Loans; Lines of Credit; Credit Facilities

IC 21-32-2-1

Supplemental powers

Sec. 1. The powers of a state educational institution under this chapter are in addition to all other powers of the state educational institution to issue obligations.

As added by P.L.2-2007, SEC.273.

IC 21-32-2-2

State educational institution's powers

Sec. 2. A state educational institution may do any of the following:

- (1) Borrow funds on a temporary basis in anticipation of the issuance of long term obligations.
- (2) Use the proceeds of a temporary borrowing for any purpose for which the institution could issue or incur obligations under IC 21-33-3-5, IC 21-34, IC 21-35-2, IC 21-35-3, or IC 21-35-5.
- (3) Issue a temporary borrowing:
 - (A) in the form of a bond, note, commercial paper, or any other form;
 - (B) upon the terms and conditions and with the provisions (including redemption provisions);
 - (C) at the rate or rates of interest (fixed or variable); and
 - (D) subject to subdivision (5), in the denominations;as the state educational institution determines under subdivision (6).
- (4) Negotiate the terms of any temporary borrowing.
- (5) Make the denominations determined under subdivision (3)(D) convertible into different denominations.
- (6) Make the determinations under subdivision (3) by any of the following:
 - (A) The adoption of a resolution.
 - (B) The approval of a form of indenture between the state educational institution and a designated corporate trustee.

As added by P.L.2-2007, SEC.273. Amended by P.L.79-2010, SEC.2.

IC 21-32-2-3

Additional powers of state educational institution

Sec. 3. (a) A state educational institution may:

- (1) negotiate:
 - (A) a loan;
 - (B) a line of credit; or
 - (C) any other credit facility; and
- (2) issue a note for a credit facility;

with any institution or entity on the terms and conditions that the state educational institution determines.

- (b) A state educational institution may make the determinations

under this section by:

- (1) the adoption of a resolution; or
- (2) the approval of an agreement between the state educational institution and the institution or entity.

As added by P.L.2-2007, SEC.273.

IC 21-32-2-4

Authority to pledge and assign security for the payment of bonds or notes

Sec. 4. A state educational institution may pledge and assign for the benefit of holders of:

- (1) temporary obligations; or
- (2) a credit facility;

under this chapter any security that the state educational institution may pledge and assign for the payment of bonds or notes under IC 21-34, IC 21-35-2, IC 21-35-3, or IC 21-35-5.

As added by P.L.2-2007, SEC.273.

IC 21-32-3

Chapter 3. Sale of Bonds

IC 21-32-3-1

Power to issue bonds

Sec. 1. A state educational institution with power to issue bonds may sell bonds at public or negotiated sale:

- (1) for the price or prices;
- (2) in the manner; and
- (3) at the time or times;

determined by the state educational institution.

As added by P.L.2-2007, SEC.273.

IC 21-32-3-2

Sale of bonds; value

Sec. 2. A state educational institution may not sell bonds:

- (1) for less than ninety percent (90%); or
- (2) with an underwriter's discount that exceeds three percent (3%);

of the par value of the bonds.

As added by P.L.2-2007, SEC.273.

IC 21-32-3-3

Sale of bonds; conditions

Sec. 3. (a) A state educational institution that determines to sell bonds at public sale shall give notice under subsection (b) or (c).

(b) A state educational institution that gives notice under this subsection shall:

- (1) publish the notice once each week for two (2) weeks in:
 - (A) an English language newspaper of general circulation published in the county in which the principal office of the state university or college is located; and
 - (B) an English language newspaper of general circulation published in the state capital;
- (2) publish the last of the publications under subdivision (1) at least seven (7) days before the date of sale; and
- (3) include in the notice the following with respect to the bonds:
 - (A) The amount to be offered.
 - (B) The denominations.
 - (C) The dates of maturity.
 - (D) The maximum rate or rates of interest or the maximum net interest cost.
 - (E) The date, time, and place of sale.
 - (F) The minimum price to be paid for the bonds.

(c) A state educational institution that gives notice under this section shall:

- (1) publish the notice once each week for two (2) weeks in:
 - (A) an English language newspaper of general circulation published in the county in which the principal office of the state university or college is located; and

- (B) an English language newspaper of general circulation published in the state capital; and
- (2) include in the notice:
 - (A) a statement that any person interested in submitting a bid for the bonds may furnish in writing to the treasurer of the state educational institution at the address set forth in the notice the person's:
 - (i) name, address, and telephone number; and
 - (ii) telex number, if any; and
 - (B) the following with respect to the bonds:
 - (i) The amount to be offered.
 - (ii) The denominations.
 - (iii) The dates of maturity.
 - (iv) The maximum rate or rates of interest or the maximum net interest cost.
 - (v) The place of sale.
 - (vi) The time within which the information referred to in clause (A) must be furnished. The time within which the information referred to in clause (A) must be furnished must be at least seven (7) days after the last publication of the notice of intent to sell.
 - (vii) The minimum price to be paid.

As added by P.L.2-2007, SEC.273.

IC 21-32-3-4

Notice of sale of bond

Sec. 4. (a) This section applies when notice is given under section 3 of this chapter for a public sale.

- (b) The treasurer of the state educational institution:
 - (1) shall cause each person furnishing the information required under section 3(c) of this chapter to be notified of the date and time bids will be received at least twenty-four (24) hours before the date and time;
 - (2) shall give the notification under subdivision (1):
 - (A) by telephone at the number furnished by the person; and
 - (B) by telex if the person furnishes a telex number; and
 - (3) may not receive bids for more than ninety (90) days after the first publication of the notice of intent to sell bonds.

As added by P.L.2-2007, SEC.273.

IC 21-32-3-5

Determination of interest cost

Sec. 5. A state educational institution shall award bonds sold at public sale to the bidder offering the lowest interest cost to be determined by:

- (1) computing the total interest on the bonds from the date of the sale to the date of maturity; and
- (2) either:
 - (A) deducting from the total interest the amount of any premium bid; or

(B) adding to the total interest the amount of any discount.
As added by P.L.2-2007, SEC.273.

IC 21-32-3-6

Acceptability of bids

Sec. 6. If no acceptable bid is received at the time fixed for sale of the bonds at a public sale, the state educational institution:

- (1) may continue the sale from day to day for a period not to exceed thirty (30) days without readvertising; and
- (2) may not accept a bid during the continuation of the sale that offers a higher interest cost than the best bid received at the time fixed for the sale under section 3 of this chapter.

The acceptability of a bid is within the sole discretion of the state educational institution issuing the bonds. A state educational institution may not negotiate a sale for an issue of bonds without public bidding under section 1 of this chapter until the thirty (30) day period required by this section has passed for that issue if the state educational institution has conducted a public sale for that issue under sections 3 and 4 of this chapter.

As added by P.L.2-2007, SEC.273.

IC 21-32-3-7

Restrictions on the acceptability of bids

Sec. 7. (a) As used in this section, "check" includes electronic transfer by wire transfer or other similar means.

(b) A state educational institution may not:

- (1) accept a bid for the bonds, other than a bid submitted by the federal government or any agency of the federal government; or
- (2) execute and deliver a contract of sale for the bonds;

unless the bid or contract is accompanied by a certified check or cashier's check in an amount equal to one percent (1%) of the principal amount of the bonds sold.

(c) The check required by subsection (b) must be:

- (1) payable to the state educational institution issuing the bonds; and
- (2) drawn on a bank or trust company, in or out of state, that is insured by the Deposit Insurance Fund of the Federal Deposit Insurance Corporation.

(d) The state educational institution shall:

- (1) hold the check required by subsection (b) as a guaranty of the performance of:
 - (A) the bid, if the bid is accepted; or
 - (B) the contract, if the contract is signed; and
- (2) return the check required under subsection (b) to a bidder if that bidder's bid is not accepted.

(e) If a bid is accepted and the bidder fails to perform the bid, the check required under subsection (b) and the proceeds of the check are:

- (1) the property of the state educational institution; and
- (2) considered liquidated damages to the state educational

institution arising from the default.

(f) A contract for the purchase of bonds at negotiated sale must provide that if the purchaser fails to perform the purchaser's obligation to pay for the bonds, the check required under subsection (b) and the proceeds from the check are:

- (1) the property of the state university or college; and
- (2) considered liquidated damages to the state educational institution arising from the default.

As added by P.L.2-2007, SEC.273. Amended by P.L.79-2010, SEC.3.

IC 21-32-3-8

Filing of affidavit

Sec. 8. Before the delivery of the bonds to a successful bidder at a public sale, other than the federal government or any agency of the federal government, the bidder shall cause to be filed with the secretary of state before the published date of sale a sworn affidavit that:

- (1) is acceptable to the secretary of state; and
- (2) states that no collusion or binding agreement existed between:
 - (A) the successful bidder; and
 - (B) an official of the issuing state university or college;

As added by P.L.2-2007, SEC.273.

IC 21-32-3-9

Applicability of chapter

Sec. 9. This chapter is not applicable to bonds advertised for sale or sold or contracted to be sold before March 13, 1959.

As added by P.L.2-2007, SEC.273.

IC 21-33

ARTICLE 33. STATE EDUCATIONAL INSTITUTIONS: APPROVAL OF PROJECTS; FUNDING

IC 21-33-1

Chapter 1. General Provisions; Definitions

IC 21-33-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.274.

IC 21-33-1-2

"Cost"

Sec. 2. "Cost", for purposes of IC 21-33-3, refers to costs described in IC 21-33-3-8.

As added by P.L.2-2007, SEC.274.

IC 21-33-1-3

"Energy cost savings contract"

Sec. 3. "Energy cost savings contract" means a contract between a state educational institution and a qualified provider for the implementation of at least one (1) qualified energy savings project and related measures.

As added by P.L.2-2007, SEC.274.

IC 21-33-1-4

"Fund"

Sec. 4. "Fund", for purposes of IC 21-33-2, refers to a facilities planning fund established under IC 21-33-2-2.

As added by P.L.2-2007, SEC.274.

IC 21-33-1-5

"Project"

Sec. 5. "Project", for purposes of IC 21-33-3, refers to a project that is authorized under IC 21-33-3.

As added by P.L.2-2007, SEC.274.

IC 21-33-1-6

"Qualified energy savings project"

Sec. 6. "Qualified energy savings project" means a facility alteration designed to reduce energy consumption costs or other operating costs, including the following:

- (1) Providing insulation of the facility and systems within the facility.
- (2) Installing or providing for window and door systems, including:
 - (A) storm windows and storm doors;
 - (B) caulking or weatherstripping;

- (C) multiglazed windows and doors;
 - (D) heat absorbing or heat reflective glazed and coated windows and doors;
 - (E) additional glazing;
 - (F) reduction in glass area; and
 - (G) other modifications that reduce energy consumption.
- (3) Installing automatic energy control systems.
 - (4) Modifying or replacing heating, ventilating, or air conditioning systems.
 - (5) Unless an increase in illumination is necessary to conform to Indiana laws or rules or local ordinances, modifying or replacing lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility.
 - (6) Providing for other energy conservation measures that reduce energy consumption or reduce operating costs.

As added by P.L.2-2007, SEC.274.

IC 21-33-1-7

"Qualified provider"

Sec. 7. "Qualified provider" means a person or business experienced in the design, implementation, and installation of energy and operational cost savings systems.

As added by P.L.2-2007, SEC.274.

IC 21-33-1-8

"Regional campus"

Sec. 8. "Regional campus" means Indiana State University – Regional Campus Evansville, a regional campus managed by the Indiana State University board of trustees before July 1, 1985.

As added by P.L.2-2007, SEC.274.

IC 21-33-1-9

"Repair and rehabilitation project"

Sec. 9. "Repair and rehabilitation project" means a project to do any of the following:

- (1) Repair, rehabilitate, remodel, renovate, reconstruct, or finish existing facilities or buildings, or both, or take any combination of those actions.
- (2) Improve, replace, or add utilities, fixed equipment, or both, or take any combination of those actions.
- (3) Perform site improvement work without substantially changing the exterior dimensions of existing facilities, buildings, or any combination of facilities and buildings.

As added by P.L.2-2007, SEC.274.

IC 21-33-2

Chapter 2. Facilities Planning Fund

IC 21-33-2-1

Application of chapter

Sec. 1. This chapter applies to all state educational institutions.
As added by P.L.2-2007, SEC.274.

IC 21-33-2-2

Facilities planning fund; established

Sec. 2. The facilities planning fund is established at each state educational institution.
As added by P.L.2-2007, SEC.274.

IC 21-33-2-3

Facilities planning fund; use

Sec. 3. The assets of the fund may be used only to pay for the preliminary planning of academic facilities.
As added by P.L.2-2007, SEC.274.

IC 21-33-2-4

Academic facility construction budget

Sec. 4. An academic facility construction budget must include sufficient funds to reimburse the fund for all funds allocated under section 3 of this chapter for the preliminary planning of an academic facility.
As added by P.L.2-2007, SEC.274.

IC 21-33-2-5

Ball State University; health and basic science facilities

Sec. 5. If approved by the commission for higher education, Ball State University may pay for project costs related to architectural, engineering, and consulting services for the construction and renovation of health and basic sciences facilities, including Cooper Science, in excess of the limits set forth in IC 21-33-3-5 and IC 21-33-3-6. If the project is recommended by the commission for higher education to the general assembly, these costs may be reimbursed.
As added by P.L.143-2014, SEC.6.

IC 21-33-3

Chapter 3. Projects for Land, Buildings, and Facilities; Repair and Rehabilitation Projects

IC 21-33-3-1

Application of chapter; state educational institutions

Sec. 1. This chapter applies to all state educational institutions.
As added by P.L.2-2007, SEC.274.

IC 21-33-3-2

Application of chapter; property

Sec. 2. This chapter applies to the following property:

- (1) Land.
- (2) Buildings.
- (3) Facilities.
- (4) Equipment.

As added by P.L.2-2007, SEC.274.

IC 21-33-3-3

Approved or authorized projects subject to review by the commission

Sec. 3. (a) The commission for higher education shall complete a review of a project approved or authorized by the general assembly.

(b) This subsection does not apply to a project approved or authorized by the general assembly for which a state appropriation will be used. The commission for higher education shall complete the review required under subsection (a) within ninety (90) days after the project is submitted for review. If the review is not completed within ninety (90) days, the budget agency or the budget committee may proceed without the commission's review.

*As added by P.L.2-2007, SEC.274. Amended by P.L.31-2010, SEC.3;
P.L.229-2011, SEC.236.*

IC 21-33-3-4

Advisory recommendation

Sec. 4. (a) The budget agency may refer to the budget committee budgetary and fiscal matters under this chapter for which it would like an advisory recommendation.

(b) If a matter is referred to the budget committee, the budget committee:

- (1) shall hold hearings;
- (2) may exercise any powers under IC 4-12-1-11; and
- (3) shall make an advisory recommendation to the budget agency.

The advisory recommendation may recommend that the matter as referred be approved, disapproved, referred to the general assembly, or resolved in another way.

As added by P.L.2-2007, SEC.274.

IC 21-33-3-5

Board; authority to engage in certain projects

Sec. 5. (a) Subject to this section, in addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a project to:

- (1) construct buildings or facilities of a cost greater than two million dollars (\$2,000,000); or
- (2) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds two million dollars (\$2,000,000);

only if there are funds available for the project, the project meets any of the applicable conditions, and the project is reviewed by the commission for higher education and approved by the governor upon recommendation of the budget agency. The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.

(b) If:

- (1) any part of the cost of a project described in subsection (a) is paid by state appropriated funds or by mandatory student fees assessed all students for the project; and
- (2) the project is to:
 - (A) construct new buildings or facilities of a cost greater than two million dollars (\$2,000,000); or
 - (B) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds two million dollars (\$2,000,000);

the project must also be approved by the general assembly.

(c) This section does not limit the board of trustees in supplementing a project approved by the general assembly from gifts or other available funds so long as approval for the expansion of the project is given by the governor on review by the commission for higher education and recommendation of the budget agency.

(d) The review and approval requirements of this section do not apply to a project to:

- (1) construct buildings or facilities; or
- (2) purchase or lease-purchase land, buildings, or facilities;

if the project involves the expansion or improvement of housing for students undertaken entirely by a fraternity or sorority at the state educational institution.

As added by P.L.2-2007, SEC.274. Amended by P.L.31-2010, SEC.4; P.L.229-2011, SEC.237; P.L.143-2014, SEC.7.

IC 21-33-3-6

Board; authority to engage in repair and rehabilitation projects

Sec. 6. (a) Subject to subsection (b), in addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a repair and rehabilitation project for which:

- (1) the cost of the project exceeds two million dollars (\$2,000,000); and
- (2) any part of the cost of the project is paid by state

appropriated funds or by mandatory student fees assessed all students for the project;
only if the project is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency. The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.

(b) If no part of the cost of a repair and rehabilitation project is paid by state appropriated funds or by mandatory student fees assessed all students for the project, the review and approval requirements of this section apply only if the project exceeds two million dollars (\$2,000,000).

As added by P.L.2-2007, SEC.274. Amended by P.L.31-2010, SEC.5; P.L.229-2011, SEC.238; P.L.143-2014, SEC.8.

IC 21-33-3-7

Board; authority to lease property

Sec. 7. In addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a project:

- (1) to lease, other than a project to lease-purchase, a building or facility; and
- (2) for which the annual cost of the project exceeds five hundred thousand dollars (\$500,000);

only if the project is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency. The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.

As added by P.L.2-2007, SEC.274. Amended by P.L.31-2010, SEC.6; P.L.143-2014, SEC.9.

IC 21-33-3-8

Items included in cost of projects

Sec. 8. The cost of any project authorized under this chapter includes the following:

- (1) The estimated cost of architectural, engineering, and consulting services.
- (2) The estimated cost of the construction and any repair and rehabilitation project.
- (3) The purchase price of any land to be purchased for the project.
- (4) For lease-purchase projects, the total rent to be paid over the terms of the lease and over any additional period for which the state educational institution has an option for extension or renewal.
- (5) The cost of equipment.
- (6) The interest costs during construction.
- (7) Other costs approved by the budget agency.

As added by P.L.2-2007, SEC.274.

IC 21-33-3-9

Use of certain funds for the cost of projects

Sec. 9. To pay the cost of a project authorized under this chapter, the following funds may be used:

(1) Funds appropriated in any state fiscal year for the project by the general assembly, subject to allocation of the funds by the budget agency, with approval of the governor.

(2) Funds derived from the issuance and sale of bonds by the board of trustees of any of the state educational institutions, so long as the issuance of the bonds that are to be supported by mandatory student fees assessed all students has been approved by the general assembly for each applicable project.

(3) Funds derived from earnings, farm and miscellaneous sales, or other receipts, so long as a project to:

(A) construct buildings or facilities with a cost greater than three hundred thousand dollars (\$300,000); or

(B) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds one hundred fifty thousand dollars (\$150,000);

is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency.

(4) Federal funds granted and allowed a state educational institution for a project to construct buildings or facilities, so long as each project:

(A) with a cost greater than three hundred thousand dollars (\$300,000); or

(B) to purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds one hundred fifty thousand dollars (\$150,000);

is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency.

(5) Available funds derived from gifts, bequests, devises, or other source not listed in subdivisions (1) through (4), so long as each project to:

(A) construct buildings or facilities with a cost greater than three hundred thousand dollars (\$300,000); or

(B) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds one hundred fifty thousand dollars (\$150,000);

is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency.

As added by P.L.2-2007, SEC.274. Amended by P.L.229-2011, SEC.239.

IC 21-33-3-10

Fee replacement money

Sec. 10. The general assembly may appropriate fee replacement

money for the replacement of student fees dedicated to pay:
 (1) the principal and interest costs of bonds as approved by the
 general assembly; and
 (2) lease-purchase costs.
As added by P.L.2-2007, SEC.274.

IC 21-33-4

Chapter 4. Qualified Energy Savings Projects

IC 21-33-4-1

Authority to undertake a qualified energy savings project

Sec. 1. A state educational institution may undertake a qualified energy savings project as provided in this chapter. If the part of the qualified energy savings project related to real property improvements is greater than seven hundred fifty thousand dollars (\$750,000), the project must be reviewed by the commission for higher education and approved by the governor and the budget director on the recommendation of the budget committee. A qualified energy savings project does not require the prior approval of the general assembly, notwithstanding the source of payment for the project or bonds issued to fund the project.

As added by P.L.2-2007, SEC.274. Amended by P.L.229-2011, SEC.240.

IC 21-33-4-2

Proposals; contracts; bonds

Sec. 2. A state educational institution may submit a request for proposals to qualified providers for an energy cost savings contract and may enter into an energy cost savings contract with a qualified provider under this chapter. The contract must provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time. The contract may provide that energy cost savings are guaranteed by the qualified provider to the extent necessary to make payments for the qualified energy savings project. A qualified provider shall provide a sufficient bond to the state educational institution for the installation and the faithful performance of all the measures included in the contract. The contract may also include contracts for building operation programs and maintenance and management or similar agreements with the qualified provider to reduce energy or operational costs.

As added by P.L.2-2007, SEC.274.

IC 21-33-4-3

Proposals; contents

Sec. 3. A request for proposals must include the following:

- (1) The name and address of the state educational institution.
- (2) The name, address, title, and phone number of a contact person.
- (3) The date, time, and place where proposals must be received.
- (4) Evaluation criteria for assessing the proposals.
- (5) A reasonably functional description of the facilities to be covered by the request for proposals or the maximum dollar cost of the qualified energy savings project subject to the request for proposals, or both.
- (6) Any other stipulations and clarifications the state educational institution may require.

As added by P.L.2-2007, SEC.274.

IC 21-33-4-4

Selection of qualified energy savings projects; notice

Sec. 4. The state educational institution shall select the qualified provider and enter into an energy cost savings contract or contracts for a qualified energy savings project that best meets the needs of the state educational institution. The state educational institution shall provide public notice of the meeting at which it proposes to award an energy cost savings contract by publication one (1) time, at least ten (10) days in advance, in newspapers described in IC 21-32-3-3. The public notice must disclose the names of parties to the proposed energy cost savings contract and contain a reasonably functional description of the qualified energy savings project and the measures covered by the contract and project.

As added by P.L.2-2007, SEC.274.

IC 21-33-4-5

Cost savings contracts

Sec. 5. After reviewing proposals submitted under this chapter, a state educational institution may enter into energy cost savings contracts with a qualified provider if the state educational institution reasonably expects that the cost of a qualified energy savings project recommended in the proposal would not exceed the amount to be saved in either energy or operational costs, or both, within the ten (10) year period following the date installation is complete if the recommendations in the proposal are followed. An energy cost savings contract may also include a guaranty from the qualified provider to the state educational institution that either the energy or operational cost savings, or both, will meet or exceed the cost of the energy cost savings projects not later than ten (10) years after the date installation is complete.

As added by P.L.2-2007, SEC.274.

IC 21-33-4-6

Effect of energy cost and operational savings on state appropriations

Sec. 6. Energy cost and operational savings realized from a qualified energy savings project and an energy cost savings contract do not reduce the amount of state appropriations otherwise available to the state educational institution.

As added by P.L.2-2007, SEC.274.

IC 21-33-5

Chapter 5. Ball State University

IC 21-33-5-1

Ball State University board; power to borrow money and issue bonds

Sec. 1. The board of trustees of Ball State University may borrow money and issue bonds as authorized by the general assembly.

As added by P.L.2-2007, SEC.274.

IC 21-33-6

Chapter 6. University of Southern Indiana

IC 21-33-6-1

University of Southern Indiana board; power to issue refunding bonds or advance refunding bonds

Sec. 1. In addition to authority to issue bonds as may be periodically provided, the board of trustees of the University of Southern Indiana may issue refunding bonds or advance refunding bonds under IC 21-34, IC 21-35-2, and IC 21-35-5 for bonds of the Indiana State University board of trustees issued to finance facilities on the regional campus comprising part of the University of Southern Indiana after July 1, 1985.

As added by P.L.2-2007, SEC.274.

IC 21-34

ARTICLE 34. STATE EDUCATIONAL INSTITUTIONS: ACQUISITION AND IMPROVEMENT OF BUILDING FACILITIES AND EQUIPMENT; BONDS

IC 21-34-1

Chapter 1. General Provisions; Definitions

IC 21-34-1-1

Applicability of article

Sec. 1. This article applies to all state educational institutions.
As added by P.L.2-2007, SEC.275.

IC 21-34-1-2

Limitations on applicability of article

Sec. 2. This article does not apply to the acquisition, construction, financing, or refinancing of any revenue producing facility that a state educational institution is authorized to acquire, construct, or finance under IC 21-35-2 or IC 21-35-3.
As added by P.L.2-2007, SEC.275.

IC 21-34-1-3

Supplemental effect of article

Sec. 3. This article does not repeal, modify, or amend any Indiana law in effect on March 10, 1965, but is supplemental to the laws of this state in effect on March 10, 1965.
As added by P.L.2-2007, SEC.275.

IC 21-34-1-4

Prior contracts validated

Sec. 4. This article does not affect the validity of any contracts executed before March 10, 1965.
As added by P.L.2-2007, SEC.275.

IC 21-34-1-5

Definitions

Sec. 5. The definitions in this chapter apply throughout this article.
As added by P.L.2-2007, SEC.275.

IC 21-34-1-6

"Bond"

Sec. 6. "Bond" means

- (1) bonds (including refunding bonds);
- (2) notes;
- (3) temporary, interim, or permanent certificates of indebtedness;
- (4) debentures; or
- (5) other obligations;

evidencing indebtedness for borrowed money under this article. The term does not include installment contracts or similar instruments under IC 21-34-3-4.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-7

"Building facility"

Sec. 7. "Building facility" means the following:

- (1) Any buildings, structures, improvements, or facilities.
- (2) Any utilities, other services, and appurtenances related to an item described in subdivision (1) (including facilities for the production and transmission of heat, light, water and power, sewage disposal facilities, streets and walks, and parking facilities).
- (3) The land required for items described in subdivision (1) or (2).

The term includes equipment.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-8

"Building facilities fee"

Sec. 8. "Building facilities fee" refers to a building facilities fee imposed under IC 21-34-5-1.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-9

"Building facilities fund"

Sec. 9. "Building facilities fund" refers to a building facilities fund established under IC 21-34-5-3.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-10

"Cost"

Sec. 10. "Cost" means:

- (1) all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or used under this article.
- (2) the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which the buildings or structures may be moved;
- (3) the cost of all machinery and equipment, financing charges, and interest before, during, and for a period not exceeding one (1) year after the estimated date of completion of construction or acquisition;
- (4) the reserves for debt service and for extensions, enlargements, additions, replacements, renovations, and improvements to building facilities;
- (5) the cost of architectural, engineering, trustee, financial, legal, and related services;

- (6) the act of underwriters;
- (7) the cost of plans, specifications, studies, surveys, and estimates of cost and of revenues;
- (8) the administrative expenses, expenses necessary or incident to determining the feasibility or practicability of any undertaking under this article; and
- (9) other expenses as may be necessary or incident to the construction, acquisition, and the financing of any undertaking under this article.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-11

"Eligible members"

Sec. 11. "Eligible members" includes all:

- (1) state educational institutions; and
- (2) private postsecondary educational institutions.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-12

"Fee replacement"

Sec. 12. "Fee replacement" means payments to a state educational institution to be used to pay indebtedness resulting from financing the cost of:

- (1) planning;
- (2) purchasing;
- (3) rehabilitation;
- (4) construction;
- (5) repair;
- (6) leasing;
- (7) lease-purchasing; or
- (8) otherwise acquiring;

land, buildings, facilities, and equipment to be used for academic and instructional purposes.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-13

"Grant"

Sec. 13. "Grant" means money received under a written agreement or written agreements for a grant or gift from any one (1) or more of the following sources:

- (1) The United States government or its agencies.
- (2) The state or any of its agencies.
- (3) A private corporation, individual, trust, or foundation, if the money is provided for the purpose of acquisition, improvement, renovation, or construction of building facilities that a state educational institution may lawfully undertake.

As added by P.L.2-2007, SEC.275. Amended by P.L.79-2010, SEC.4.

IC 21-34-1-14

"Grant anticipation loan"

Sec. 14. "Grant anticipation loan" refers to a loan entered into under IC 21-34-7-1.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-14.2

"Grant anticipation note"

Sec. 14.2. "Grant anticipation note" refers to a note executed to evidence a grant anticipation loan.

As added by P.L.79-2010, SEC.5.

IC 21-34-1-15

"Indenture"

Sec. 15. "Indenture" refers to an indenture issued under this article for the issuance of bonds.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-16

"Joint use agreements"

Sec. 16. "Joint use agreements" means agreements between two (2) or more state educational institutions providing for the joint use of building facilities.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-17

"Liability"

Sec. 17. "Liability" means legal liability for damages (including costs of defense, legal costs and fees, and other claims expenses) because of injuries to other persons or entities, damage to their property or business, or other damage or loss to those persons or entities resulting from or arising out of activity of an eligible member.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-18

"Liability or other loss insurance reserves"

Sec. 18. "Liability or other loss insurance reserves" means a fund set aside as a reserve to cover risk retained by the corporation in connection with a liability claim or other loss.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-19

"Resolution"

Sec. 19. "Resolution" in a provision of this article concerning the issuance of bonds refers to a resolution adopted by the board of trustees of a state educational institution related to the issuance of bonds.

As added by P.L.2-2007, SEC.275.

IC 21-34-1-20

"Risk retention group"

Sec. 20. "Risk retention group" means a trust, pool, corporation, partnership, or joint venture funded by and owned and operated for the benefit of more than one (1) eligible member.

As added by P.L.2-2007, SEC.275.

IC 21-34-2

Chapter 2. Liability or Other Loss Insurance Reserves; Risk Retention Groups

IC 21-34-2-1

Board; authority to establish liability or loss insurance reserves

Sec. 1. The board of trustees of a state educational institution may establish liability or other loss insurance reserves or contribute those reserves or other capital to a risk retention group to provide insurance coverage against liability claims.

As added by P.L.2-2007, SEC.275.

IC 21-34-3

Chapter 3. Building Facilities, Equipment, Land

IC 21-34-3-1

Board; authority to acquire, construct, improve, and operate building facilities

Sec. 1. The board of trustees of a state educational institution may, as the board of trustees finds necessary, acquire, erect, construct, reconstruct, improve, rehabilitate, remodel, repair, complete, extend, enlarge, equip, furnish, and operate building facilities for:

- (1) carrying on the educational research, the public service programs, or the statutory responsibilities of the state educational institution and the various divisions of the state educational institution under the jurisdiction of the board of trustees; or
- (2) managing, operating, or servicing the state educational institution.

As added by P.L.2-2007, SEC.275.

IC 21-34-3-2

Location of buildings

Sec. 2. A building facility may be located at any place within Indiana at which the board of trustees of a state educational institution determines the need exists for the building facilities.

As added by P.L.2-2007, SEC.275.

IC 21-34-3-3

Authority to acquire, erect, construct, rehabilitate, and operate equipment

Sec. 3. The board of trustees of a state educational institution may acquire, erect, construct, reconstruct, improve, rehabilitate, remodel, repair, complete, extend, enlarge, furnish, and operate any equipment that the board of trustees of a state educational institution considers necessary for:

- (1) carrying on the educational research or public service programs or discharging the statutory responsibilities of the state educational institution and the various divisions of the state educational institution; or
- (2) managing, operating, or servicing the state educational institution.

As added by P.L.2-2007, SEC.275.

IC 21-34-3-4

Authority to acquire or improve real and personal property

Sec. 4. (a) The board of trustees of a state educational institution may:

- (1) acquire, under this article or any other applicable law, by:
 - (A) purchase (for cash or on contract);
 - (B) lease or sublease for a period not exceeding forty (40)

- years that the board of trustees approves;
- (C) condemnation;
- (D) trade or exchange;
- (E) gift, devise, or bequest; or
- (F) other means; and

(2) improve;

real property (improved or unimproved) and personal property that the board of trustees determines necessary for the purposes set forth in subsection (b) on the terms and conditions and subject to the liens and encumbrances that the board of trustees approves.

(b) Any action may be taken under subsection (a) that the board of trustees of the state educational institution considers necessary for:

(1) carrying on the educational research, the public service programs, or the statutory responsibilities of the state educational institution and the various divisions of the state educational institution under the jurisdiction of the board of trustees; or

(2) managing, operating, or servicing the state educational institution.

As added by P.L.2-2007, SEC.275.

IC 21-34-3-5

Title to real and personal property

Sec. 5. Except as otherwise provided in IC 21-34-4, title to all property acquired, including improvements on acquired property, must be taken and held by and in the name of the board of trustees in its corporate capacity for the purposes of this article. The board of trustees of a state educational institution may use for these purposes real or personal property:

(1) acquired before or after March 10, 1965; or

(2) available on or after March 10, 1965, to the state educational institution, including real estate (improved or unimproved), the title to which on or after March 10, 1965, may be in the name of the state of Indiana for the use and benefit of the board of trustees of the state educational institution or the state educational institution under its control.

As added by P.L.2-2007, SEC.275.

IC 21-34-3-6

Approval of plans and specifications; bids; contracts

Sec. 6. (a) A lessor leasing fifty percent (50%) or more of a building facility or building facilities:

(1) to a state educational institution or to more than one (1) state educational institution jointly pursuant to sections 4 and 5 of this chapter for a term of five (5) years or more; and

(2) that are to be acquired or constructed and erected by the lessor;

shall, before commencing the acquisition or construction and erection, obtain approval of the plans and specifications for the

building facility or building facilities by the lessee or lessees and also by any other public agencies that are required to approve plans and specifications for similar building facilities acquired or constructed and erected by the lessee or lessees.

(b) The lessor shall take bids and enter into a contract or contracts for the construction and erection of the building facility or building facilities in accordance with the same procedures required by law to be followed by the lessee or lessees in the acquisition or construction and erection of similar building facilities.

As added by P.L.2-2007, SEC.275.

IC 21-34-3-7

Approval of governor; conveyance of deed

Sec. 7. (a) If the board of trustees of a state educational institution determines to locate a building facility upon real estate, the title to which is in the name of the state of Indiana for the use and benefit of:

- (1) the board of trustees of the state educational institution; or
- (2) the state educational institution under its control;

the parcel of real estate reasonably required for the building facility may, upon request in writing by the board of trustees of the state educational institution to the governor and with the approval of the governor, be conveyed by deed from the state of Indiana to the board of trustees of the state educational institution.

(b) The governor may execute and deliver a deed:

- (1) in the name of the state of Indiana;
- (2) signed on behalf of the state by the governor;
- (3) attested by the auditor of state; and
- (4) with the seal of the state affixed to the deed.

As added by P.L.2-2007, SEC.275.

IC 21-34-4

Chapter 4. Joint Use Agreements

IC 21-34-4-1

Joint use agreements; use

Sec. 1. (a) It is the policy of the state to encourage the joint use of building facilities by any two (2) or more state educational institutions under the jurisdiction of the board of trustees of each state educational institution whenever the boards of trustees of the respective state educational institutions find that the joint use would:

- (1) benefit their respective state educational institutions; and
- (2) be to the advantage of the state.

(b) When the findings described in subsection (a) are made by the boards of trustees of the respective state educational institutions, the board of trustees of each state educational institution that makes the findings may enter into and perform a joint use agreement providing for the joint use of building facilities.

(c) A joint use agreement may contain the provisions, terms, and conditions pertaining to the acquisition, construction, financing, and use of building facilities, not inconsistent with this article, as may be approved by the boards of trustees of each state educational institution that is a party to the joint use agreement.

As added by P.L.2-2007, SEC.275.

IC 21-34-4-2

Joint use agreements; contents

Sec. 2. A joint use agreement may provide, among other things, that any board of trustees of a state educational institution that is a party to the joint use agreement may lease or sublease for any term not exceeding forty (40) years any building facility acquired by the board of trustees of the state educational institution or the use of which is or may be available to the board of trustees of the state educational institution or any part of the building facilities to one (1) or more other boards of trustees of a state educational institution that are parties to the joint use agreement.

As added by P.L.2-2007, SEC.275.

IC 21-34-4-3

Joint use agreements; power to acquire property by condemnation

Sec. 3. A joint use agreement may provide, among other things, that the board of trustees of each state educational institution that is a party to the joint use agreement may for the purpose of performing the joint use agreement, exercise jointly any and all of the powers that are severally conferred on the board of trustees of each state educational institution that is a party to the joint use agreement by this article, including the power to acquire property by condemnation.

As added by P.L.2-2007, SEC.275.

IC 21-34-4-4

Joint use agreements; title to real and personal property

Sec. 4. A joint use agreement may provide, among other things, that:

(1) title to the real and personal property acquired or to be acquired for the joint use of the board of trustees of each state educational institution that is a party to the joint use agreement may be taken and held in the name of the board of trustees of any one (1) of the state educational institutions, subject to the provisions of the joint use agreement respecting the joint use of the property; or

(2) title to some or all of the real or personal property acquired or to be acquired for the joint use of the board of trustees of each state educational institution that is a party to the joint use agreement may be taken and held jointly in the names of all the boards of trustees of the state educational institutions that are parties to the joint use agreement, as tenants in common, with the divisions of ownership interests that are provided in the joint use agreement and in the documents evidencing the title to the property.

As added by P.L.2-2007, SEC.275.

IC 21-34-5

Chapter 5. Building Facilities Fees; Building Facilities Fund

IC 21-34-5-1

Authority to collect building facilities fees

Sec. 1. In order to:

- (1) provide funds with which to pay part or all of the cost of any building facility, work, act, or undertaking authorized by IC 21-34-2, IC 21-34-3-1, or IC 21-34-3-3;
- (2) pay part or all of the cost of acquiring real or personal property by purchase, lease, sublease, condemnation, trade or exchange, or otherwise as provided in section IC 21-34-3-4;
- (3) pay part or all of the cost of improving any of the property;
- (4) pay the principal of and interest on bonds issued under this article; or
- (5) perform the obligations of any joint-use agreements made under IC 21-34-4;

the board of trustees of a state educational institution may, as necessary, fix, charge, and collect a building facilities fee or fees.

As added by P.L.2-2007, SEC.275.

IC 21-34-5-2

Collection of building facilities fees

Sec. 2. A building facilities fee may be collected from:

- (1) the students attending the state educational institution and the various divisions of the state educational institution; and
- (2) other persons enjoying the use of the facilities of the state educational institution and the divisions of the state educational institution.

As added by P.L.2-2007, SEC.275.

IC 21-34-5-3

Building facilities fund

Sec. 3. The board of trustees of each state educational institution shall deposit to the credit of a special fund to be established and designated as the building facilities fund of the board of trustees of the state educational institution or the state educational institution under its control:

- (1) all building facilities fees collected by the state educational institution; and
- (2) to the extent provided or required by any resolution or trust indenture that is adopted or approved by the board of trustees of the issuing state educational institution, all other fees, income, or funds pledged to secure the payment of bonds, and the interest on the bonds issued under this article.

As added by P.L.2-2007, SEC.275.

IC 21-34-5-4

Building facilities fund; use

Sec. 4. Each building facilities fund may be used only:

(1) for the purposes stated in section 1 of this chapter; and
(2) in connection with the issuance of bonds under this article.
The uses may be further limited by the provisions stated in a resolution or a trust indenture that is adopted or approved by the board of trustees of the issuing state educational institution.
As added by P.L.2-2007, SEC.275.

IC 21-34-5-5

Building facilities fund; deposits

Sec. 5. (a) The board of trustees of a state educational institution may:

(1) deposit to the credit of the building facilities funds of the state educational institution; or
(2) use for any of the purposes of this article without making a deposit in the building facilities funds;
any other funds from any source that may be available for any of the purposes of the building facilities funds from whatever source derived.

(b) The funds subject to subsection (a) include the following:

- (1) Student tuition and other fees, earnings, charges, rentals, interest on permanent endowment funds or other interest, or other income.
- (2) Gifts or grants from the federal government or any federal agency or instrumentality or any public or private corporation, association, or person.
- (3) State appropriations made specifically for any of the purposes of this article.

As added by P.L.2-2007, SEC.275.

IC 21-34-5-6

Building facilities fees

Sec. 6. The building facilities fees and any other funds that are deposited to the credit of the respective building facilities funds are appropriated to the state educational institution for the uses provided in this article without the necessity for any future appropriations.

As added by P.L.2-2007, SEC.275.

IC 21-34-5-7

Investments

Sec. 7. The money in the building facilities funds may be accumulated and held by a state educational institution for purposes of this article and invested by a state educational institution pending the use of the money. Interest, dividends, or gains resulting from investments must be credited to the building facilities funds.

As added by P.L.2-2007, SEC.275.

IC 21-34-5-8

Issuance of bonds

Sec. 8. If bonds are issued in anticipation of the collection of building facilities fees, the issuing board of trustees of a state

educational institution shall fix, charge, and collect the building facilities fees in amounts sufficient, together with other available funds, to pay the interest on and the principal of the bonds, in accordance with the terms of the bonds, so long as any of the bonds are outstanding.

As added by P.L.2-2007, SEC.275.

IC 21-34-5-9

Board; powers and duties

Sec. 9. The board of trustees of each state educational institution that is a party to a joint use agreement shall:

- (1) fix, charge, and collect its own building facilities fees; and
- (2) establish, hold, invest, and use its own building facilities fund.

The board of trustees may use the building facilities fees and the money in the building facilities fund and any other available funds to pay its portion of the cost of the joint building facility as provided in the joint use agreement. The board of trustees of a state educational institution may not have any authority or responsibility with respect to the building facilities fees or fund of any other state educational institution.

As added by P.L.2-2007, SEC.275.

IC 21-34-6

Chapter 6. Issuance of Bonds

IC 21-34-6-1

Issuance and sale of bonds

Sec. 1. The board of trustees of a state educational institution may borrow money and evidence the loans by the issuance and sale of bonds of the board of trustees of the state educational institution to provide funds with which to:

- (1) pay part or all of the cost of any building facility, work, act, or undertaking authorized by IC 21-34-2, IC 21-34-3-1, or IC 21-34-3-3;
- (2) pay part or all of the cost of acquiring (by purchase, lease, sublease, condemnation, trade, or otherwise) or improving real or personal property under IC 21-34-3-4; or
- (3) perform the obligations of any joint-use agreements under IC 21-34-4.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-2

Security of bonds

Sec. 2. Bonds and the interest on bonds may be secured by the following:

- (1) A pledge or mortgage of:
 - (A) any property, real or personal, used, acquired, or to be acquired and used for the purposes of this article; and
 - (B) the improvements made or to be made on the property.However, no real estate, the title to which is on or after March 10, 1965, in the name of the state for the use and benefit of the board of trustees of a state educational institution or the state educational institution under its control, may not be pledged or mortgaged until the title to the real estate has been conveyed to the board of trustees of the state educational institution under this article.
- (2) A pledge of the building facilities fees to be collected and deposited in the building facilities fund.
- (3) Subject to outstanding liens and encumbrances, and any covenants, agreements, or encumbrances on the funds existing at the time of a pledge, a pledge of general student tuition fees or any other available funds from whatever source derived that under IC 21-34-5-5 may be used for any of the purposes of this article.
- (4) A pledge of any other money deposited in a building facilities fund.
- (5) A pledge of the proceeds of bonds issued under this article.
- (6) Any one (1) or more of the ways described in this section that the board of trustees of the issuing state educational institution determines.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-3

Liens

Sec. 3. The lien of the pledges or mortgages, to the extent of the lien, unless otherwise determined by the board of trustees of the state educational institution, is a first and primary lien for the payment of the bonds secured and the interest on the bonds.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-4

Issuance of bonds; limitations on amount

Sec. 4. In authorizing the issuance of bonds for any building facility or facilities, the board of the issuing state educational institution may:

- (1) limit the amount of bonds that may be issued as a first lien and charge against the property, fees, income, and funds; and
- (2) provide, after the original issuance of bonds, for the issuance of additional bonds secured by the same lien to provide funds to:
 - (A) pay the cost of acquiring, erecting, constructing, reconstructing, improving, rehabilitating, remodeling, repairing, completing, extending, enlarging, equipping, or furnishing the building facility or facilities for which the original bonds were issued;
 - (B) provide funds to pay the cost of additional building facilities under this article; or
 - (C) perform actions under both clauses (A) and (B).

As added by P.L.2-2007, SEC.275.

IC 21-34-6-5

Additional bonds; terms and conditions of issuance

Sec. 5. Additional bonds:

- (1) shall be issued on the terms and conditions that the board of trustees of the issuing state educational institution determines; and
- (2) may be:
 - (A) secured equally and ratably, without preference, priority, or distinction, with the original issue of bonds; or
 - (B) made junior to the original issue of bonds.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-6

Issuance of bonds; refunding and advance refunding bonds; purpose

Sec. 6. (a) The board of trustees of a state educational institution may issue bonds for the purpose of:

- (1) reimbursing the state educational institution for funds expended or advanced for interim financing of the cost of any building facility or facilities before the issuance of bonds for the facility or facilities; or
- (2) subject to subsection (b) and to existing covenants and

agreements with the holders of the outstanding obligations:

(A) funding outstanding obligations incurred or refunding outstanding bonds issued either under:

- (i) this article; or
- (ii) other applicable law;

for building facilities approved by the governor and the budget agency or its predecessor; or

(B) in part for funding or refunding purposes and in part for any other purpose authorized by this article; and

may secure the payment of the bonds as provided in this article.

(b) Bonds for refunding or advance refunding of any outstanding bonds approved under this article for which the general assembly has made a fee replacement appropriation may not be issued by a state educational institution under this chapter without the specific approval of the budget agency and before the board of trustees of the issuing state educational institution finds that the refunding or advance refunding will benefit the state educational institution because:

- (1) a net savings to the state educational institution will be effected; or
- (2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.

The length of the term may not be extended for refunding or advance refunding bonds that are approved under this subsection compared to the term of the outstanding bonds being refunded.

As added by P.L.2-2007, SEC.275. Amended by P.L.143-2014, SEC.10.

IC 21-34-6-7

Refunding bonds

Sec. 7. Refunding bonds may be exchanged for the bonds being funded or refunded or may be sold and the proceeds applied to the funding or refunding.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-8

Maximum amount of bonds

Sec. 8. Subject to any approval required under IC 21-34-10, bonds may be issued in an amount or amounts that do not exceed the maximum amount determined by the board of trustees of the issuing state educational institution.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-9

Form; terms; conditions of bonds

Sec. 9. Bonds may be issued in the form and upon the terms and conditions, at the rate or rates of interest, and in the denominations that may be made convertible into different denominations as the governing board of the board of trustees of the state educational

institution determines by:

- (1) the adoption of a resolution;
- (2) approval of a form of trust indenture between the board of trustees of the state educational institution and a designated corporate trustee; or
- (3) both subdivisions (1) and (2).

As added by P.L.2-2007, SEC.275.

IC 21-34-6-10

Resolutions and indenture for bonds

Sec. 10. A resolution or indenture for bonds may include provisions for:

- (1) protecting and enforcing the rights and remedies of the holders of the bonds being issued;
- (2) covenants setting forth the duties of the state educational institution and its officers in relation to:
 - (A) the acquisition, construction, operation, maintenance, use, and abandonment of the building facility; and
 - (B) insurance of the building facility;
- (3) the custody, safeguarding, application, and investment of all money;
- (4) the rights and remedies of the trustee and the holders of the bonds being issued;
- (5) the issuance of additional bonds as provided in the resolution or indenture; and
- (6) other terms, conditions, and covenants as the board of trustees of the state educational institution determine are proper, including provision for the establishment of a debt service reserve by:
 - (A) the use of bond proceeds or other sources;
 - (B) the furnishing of an insurance policy, surety bond, or letter of credit; or
 - (C) any combination of clause (A) or (B).

As added by P.L.2-2007, SEC.275.

IC 21-34-6-11

Public sale of bonds

Sec. 11. Bonds must be sold at public or negotiated sale as provided by IC 21-32-3.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-12

Bonds and interest coupons

Sec. 12. All bonds and the interest coupons appertaining to bonds issued under this article must be negotiable instruments within the meaning and for all purposes under Indiana laws, subject only to the provisions of the bonds for registration as to principal or as to principal and interest. Any bonds registered as to principal and interest may be made convertible to bearer bonds with coupons.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-13

Actions to contest the validity of bonds

Sec. 13. (a) An action to contest the validity of any bonds issued under this article may not be brought after the fifteenth day following:

- (1) the first publication of notice of the sale or intent to sell the bonds under IC 21-32-3 if the bonds are sold at public sale; or
- (2) the publication one (1) time in newspapers described in IC 21-32-3-3 of notice of execution and delivery of the contract of sale for the bonds if the bonds are sold at negotiated sale.

(b) The board of trustees of a state educational institution shall publish notice under subsection (a)(2) if it sells bonds at negotiated sale within thirty (30) days of execution of the contract of sale for the bonds.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-14

Rates of interest of bonds

Sec. 14. The rate or rates of interest of bonds may be fixed or variable. Variable rates shall be determined in the manner and in accordance with the procedures set forth in the resolution or indenture authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest to the extent and in the manner set forth in the resolution or indenture under which the bonds are issued.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-15

Payment of interest

Sec. 15. Interest may be:

- (1) payable semiannually, annually, or at any other interval or intervals as may be provided in the resolution or indenture; or
- (2) compounded and paid at maturity or at any other times as specified in the resolution or indenture.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-16

Mandatory redemption

Sec. 16. Bonds may be made subject, at the option of the holders, to mandatory redemption by the board of trustees of the state educational institution at the times and under the circumstances set forth in the authorizing resolution or indenture.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-17

Resolutions and indentures

Sec. 17. A resolution or indenture may contain provisions regarding:

- (1) the investment of money, sale, exchange, or disposal of property; and

(2) the manner of authorizing and making payments, notwithstanding IC 5-13 or any general statute relating to these matters.

As added by P.L.2-2007, SEC.275.

IC 21-34-6-18

Execution of bonds and coupons

Sec. 18. (a) Bonds and coupons appertaining to bonds shall be executed in the name of the issuing state educational institution by the manual or facsimile signatures of the officer or officers of the state educational institution that the board of trustees of the state educational institution designates.

(b) One (1) signature on the obligation must be manual and may be either the signature of one (1) of the officers or of any trustee, fiscal agent, or other fiduciary charged with authenticating the bonds.

(c) The seal or a facsimile of the seal of the state educational institution shall be affixed, imprinted, engraved, or otherwise reproduced on each bond.

(d) If any officer whose manual or facsimile signature appears on any bond or coupon ceases to be an officer before the delivery of the bonds, the officer's signature is valid and sufficient for all purposes as if the officer had remained in office until delivery.

(e) The resolution or indenture under which the bonds are issued may provide for the authentication of the bonds by the trustee, fiscal agent, or other fiduciary designated in the resolution or indenture.

As added by P.L.2-2007, SEC.275.

IC 21-34-7

Chapter 7. Grant Anticipation Loans

IC 21-34-7-1

Written contract for grants

Sec. 1. (a) The board of trustees of a state educational institution that has entered into a written contract for a grant, pending the receipt of the grant, but within the limitations set forth in section 2 of this chapter, may:

- (1) borrow from any person; and
- (2) evidence the debt by a note or a series of notes of equal or unequal amounts containing the terms and conditions that the board of trustees of the state educational institution prescribes.

(b) Any note may pledge, for the payment of the principal and interest of the note:

- (1) the proceeds of the grant; and
- (2) any revenue that may be derived from the building facility being constructed, acquired, renovated, or improved by the proceeds of the note or notes.

As added by P.L.2-2007, SEC.275. Amended by P.L.3-2008, SEC.139.

IC 21-34-7-2

Maximum amount of grant anticipation loan; sources of payment

Sec. 2. A grant anticipation loan may not exceed the estimated aggregate amount of the grant or grants in anticipation of which the loan is made. The grant anticipation note must be structured to amortize and to pay principal of and interest on the loan in accordance with anticipated receipts of the grant or grants. A grant anticipation note may also be payable from other revenues or amounts available for pledge under IC 21-34-6-2.

As added by P.L.2-2007, SEC.275. Amended by P.L.79-2010, SEC.6.

IC 21-34-7-3

Notes for a grant anticipation loan

Sec. 3. The notes for a grant anticipation loan must be:

- (1) executed in the same manner as provided for bonds in IC 21-34-6-18; and
- (2) sold in the same manner as provided for bonds in IC 21-34-6-8 through IC 21-34-6-17.

As added by P.L.2-2007, SEC.275.

IC 21-34-7-4

Proceeds of a grant anticipation loan

Sec. 4. The board of trustees of a state educational institution shall apply the proceeds of any grant anticipation notes to those items of cost for which the grant has been allocated by the granting agencies.

The purchaser of any notes:

- (1) is not liable for any improper use of the proceeds; and
- (2) does not have to insure that the amount of the loan stays

within the maximum limits specified in section 2 of this chapter
as grant funds are received by the state educational institution.
As added by P.L.2-2007, SEC.275.

IC 21-34-8

Chapter 8. Bonds: Liability for Debt; Tax Exempt Status; Eligibility as Investments

IC 21-34-8-1

Liability of trustees for indebtedness limited

Sec. 1. IC 21-34-4 or another provision of this article may not be construed to make any board of trustees of a state educational institution liable for any indebtedness, bonds, or obligations incurred, created, or issued under the authority of this article by any other state educational institution.

As added by P.L.2-2007, SEC.275.

IC 21-34-8-2

Liability of state or institutions for indebtedness limited

Sec. 2. All indebtedness, bonds, or obligations incurred, created, or issued under the authority of this article:

- (1) are payable solely out of the building facilities fund and the property, fees, income, and funds pledged or mortgaged as authorized; and
- (2) may not be or become an indebtedness of or liability against the state of Indiana or a state educational institution, except to the extent of the property, fees, income, and funds pledged or mortgaged as authorized.

As added by P.L.2-2007, SEC.275.

IC 21-34-8-3

Tax exemption

Sec. 3. All:

- (1) the:
 - (A) property acquired under authority of this article or used for the purposes provided for in this article; and
 - (B) income from property described in clause (A);are exempt from all taxation in Indiana; and
- (2) bonds issued under the authority of this article, the interest on the bonds, and the proceeds of the bonds are exempt from taxation to the extent provided in IC 6-8-5.

As added by P.L.2-2007, SEC.275.

IC 21-34-8-4

Investments; deposits

Sec. 4. Any bonds issued under the provisions of this article are:

- (1) eligible investments for the funds of any kind or character of every financial institution, insurance company, or private trust; and
- (2) eligible for deposit by any financial institution, insurance company, or trustee under any Indiana law providing for the deposit of securities or funds.

As added by P.L.2-2007, SEC.275.

IC 21-34-9

Chapter 9. Contracts; Approval by the Budget Agency

IC 21-34-9-1

Issuance of bonds; contracts; fees; approval of budget agency and governor

Sec. 1. Except as provided by this chapter, contracts to:

(1) acquire land for or to construct, purchase, lease, sublease, or otherwise acquire; or

(2) engage architectural or engineering services in connection with;

any building facilities to be financed in whole or in part by the issuance of bonds under this article or by student building facilities fees charged and collected under this article, may not be made by a state educational institution without the specific approval of the budget agency and the governor.

As added by P.L.2-2007, SEC.275.

IC 21-34-9-2

Applicability of chapter

Sec. 2. This chapter does not apply to any contract:

(1) relating to a building facility the cost of which does not exceed three hundred fifty thousand dollars (\$350,000); or

(2) for architectural or engineering services relating to the planning of a building facility.

As added by P.L.2-2007, SEC.275. Amended by P.L.229-2011, SEC.241.

IC 21-34-10

Chapter 10. Bonds; Review and Approval

IC 21-34-10-1

Bonds; approval of budget committee, budget agency, and governor

Sec. 1. (a) Bonds may not be issued by the board of trustees of a state educational institution under this article without the specific approval of the:

- (1) budget committee;
- (2) budget agency; and
- (3) governor.

(b) The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

As added by P.L.2-2007, SEC.275.

IC 21-34-10-2

Actions of general assembly

Sec. 2. (a) Except:

- (1) for grant anticipation notes; and
- (2) as provided in this chapter;

no bonds shall be issued for a project by the board of trustees of a state educational institution under this article unless the general assembly has taken the actions described in subsection (b).

(b) As a condition of issuing bonds, the general assembly must have:

- (1) specifically approved the project to be financed through the issuance and sale of these bonds; and
- (2) provided the amount of bonds that may be issued to fund the costs of acquiring, constructing, remodeling, renovating, furnishing, or equipping the specific project approved.

As added by P.L.2-2007, SEC.275.

IC 21-34-10-3

Issuance of bonds; debt service reserves; bond or reserve insurance; other costs

Sec. 3. In addition to and in connection with the amount of bonds that may be issued by a state educational institution for a specific project as provided in section 2(b)(2) of this chapter, the board of trustees of a state educational institution may also issue bonds in amounts necessary to provide funds for:

- (1) debt service reserves;
- (2) bond or reserve insurance; and
- (3) other costs;

without additional approval by the general assembly, if these costs are incidental to the issuance of bonds for the project.

As added by P.L.2-2007, SEC.275.

IC 21-34-10-4

Maximum amount of bonds

Sec. 4. Bonds, regardless of when the amount of bonds is approved by the general assembly, may be issued in an amount not exceeding the sum of the following:

- (1) The amount of bonds approved by the general assembly.
- (2) The amounts described in section 3 of this chapter.
- (3) The amount of the discount below par value, if bonds are sold at a price below par value under IC 21-32-3-2.

As added by P.L.2-2007, SEC.275. Amended by P.L.3-2008, SEC.140.

IC 21-34-10-5

Power to issue bonds

Sec. 5. A power granted under this chapter to issue bonds without the specific approval of the general assembly shall not be construed to permit the issuance of the bonds without the specific approvals required under section 1 of this chapter. Bonds issued without the specific approval of the general assembly are not eligible for fee replacement.

As added by P.L.2-2007, SEC.275.

IC 21-34-10-6

Issuance of bonds without approval of the general assembly; maximum amount

Sec. 6. Bonds may be issued by the board of trustees of a state educational institution without the approval of the general assembly if, after the issuance, the total amount of outstanding bonds issued by the board of trustees of a state educational institution without approval will not exceed two million dollars (\$2,000,000). However, the bonds must be approved as provided in section 1 of this chapter.

As added by P.L.2-2007, SEC.275.

IC 21-34-10-7

Issuance of energy savings bonds; limitations; general assembly approval

Sec. 7. (a) Bonds may be issued by the board of trustees of a state educational institution without the approval of the general assembly to finance a qualified energy savings project if annual operating savings to the state educational institution arising from the implementation of a qualified energy savings project are reasonably expected to be at least equal to annual debt service requirements on bonds issued for this purpose in each fiscal year. However, the amount of bonds outstanding for the state educational institution at any time for qualified energy savings projects, other than refunding bonds and exclusive of costs described in sections 3 and 4 of this chapter, and except as provided in subsection (c), may not exceed the greater of:

- (1) fifteen million dollars (\$15,000,000) for each campus of the state educational institution; or
- (2) the product of:

- (A) the total replacement value of all structures located on each campus of the state educational institution; multiplied by
- (B) two percent (2%).

(b) Bonds issued under this section are not eligible for fee replacement.

(c) If a particular qualified energy savings project for a state educational institution, other than Ivy Tech Community College, results in the amount of bonds outstanding at any time for all qualified energy savings projects for the state educational institution, other than refunding bonds and exclusive of costs described in sections 3 and 4 of this chapter, to exceed fifteen million dollars (\$15,000,000), the operating savings to the state educational institution arising from the implementation of that project must at least equal the original amount of bonds issued for that project in not more than ten (10) years.

As added by P.L.2-2007, SEC.275. Amended by P.L.182-2009(ss), SEC.366; P.L.173-2011, SEC.11; P.L.143-2014, SEC.11.

IC 21-34-10-8

Issuance of bonds without approval of the general assembly for deferred expenditures

Sec. 8. Bonds may be issued by the board of trustees of Purdue University without the approval of the general assembly for deferred expenditures, as determined under accounting principles approved by the state board of accounts, to:

- (1) repair, rehabilitate, remodel, renovate, or reconstruct existing facilities or buildings;
- (2) improve or replace utilities or fixed equipment; or
- (3) perform related site improvement work.

However, the total amount of bonds issued for Purdue University under this section without the approval of the general assembly, other than refunding bonds and exclusive of costs described in sections 3 and 4 of this chapter, may not exceed sixty million dollars (\$60,000,000).

As added by P.L.2-2007, SEC.275.

IC 21-35

ARTICLE 35. STATE EDUCATIONAL INSTITUTIONS: REVENUE BONDS AND OTHER FINANCING ARRANGEMENTS

IC 21-35-1

Chapter 1. General Provisions; Definitions

IC 21-35-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.276.

IC 21-35-1-2

"Bond"

Sec. 2. "Bond" means the following:

- (1) For purposes of IC 21-35-2, any bond evidencing indebtedness for borrowed money under IC 21-35-2.
- (2) For purposes of IC 21-35-3, any bond evidencing indebtedness for borrowed money under IC 21-35-3.
- (3) For purposes of IC 21-35-4, any bond evidencing indebtedness for borrowed money under IC 21-35-4.
- (4) For purposes of IC 21-35-5, any bond evidencing indebtedness for borrowed money under IC 21-35-5.
- (5) For purposes of IC 21-35-6, any:
 - (A) bonds (including refunding bonds);
 - (B) notes;
 - (C) temporary, interim, or permanent certificates of indebtedness;
 - (D) debentures; or
 - (E) other obligations;evidencing indebtedness for borrowed money under IC 21-35-6.

As added by P.L.2-2007, SEC.276.

IC 21-35-1-3

"Developer"

Sec. 3. "Developer", for purposes of IC 21-35-7, means a for profit or nonprofit:

- (1) person;
- (2) firm;
- (3) partnership;
- (4) limited liability company;
- (5) trust;
- (6) association; or
- (7) corporation;

that enters or proposes to enter into a financing agreement with a state educational institution for construction of facilities or management of facilities, or both.

As added by P.L.2-2007, SEC.276.

IC 21-35-1-4
"Facilities"

Sec. 4. "Facilities", for purposes of IC 21-35-7, means buildings and equipment located on or immediately adjacent to a university campus, the primary purpose of which is to make available or provide:

- (1) offstreet parking;
- (2) alternative transportation systems;
- (3) office space;
- (4) convenience, retail, and service establishments;
- (5) bookstores;
- (6) research;
- (7) outpatient and extended care;
- (8) food service;
- (9) temporary lodging quarters or similar structures used by:
 - (A) students;
 - (B) faculty;
 - (C) staff;
 - (D) patients; or
 - (E) visitors;
- (10) housing used by students in connection with:
 - (A) hospitals; or
 - (B) health care units; or
- (11) any combination of the buildings and services listed in this section.

The term does not include undergraduate dormitories.

As added by P.L.2-2007, SEC.276.

IC 21-35-1-5
"Financing"

Sec. 5. "Financing", for purposes of IC 21-35-7, means the activities listed in IC 21-35-7-4.

As added by P.L.2-2007, SEC.276.

IC 21-35-1-6
"Financing agreement"

Sec. 6. "Financing agreement", for purposes of IC 21-35-7, means any agreement between a state educational institution and a developer or user concerning:

- (1) the:
 - (A) acquisition;
 - (B) construction; or
 - (C) management;of facilities;
- (2) the:
 - (A) financing;
 - (B) leasing; or
 - (C) possession;

- of facilities; or
- (3) any combination of the items listed in subdivisions (1) and (2); and
- (4) payments to or from the university in respect of the items listed in subdivisions (1) and (2).

As added by P.L.2-2007, SEC.276.

IC 21-35-1-7

"Income"

Sec. 7. "Income":

- (1) for purposes of IC 21-35-2, with respect to any property, includes the sum of all mandatory student service fees:
 - (A) collected for the use of the property; and
 - (B) assessed against the students of the institution; to provide security for bonds issued under IC 21-35-2; and
- (2) for purposes of IC 21-35-3, with respect to a campus facility, includes the sum of all mandatory student service fees:
 - (A) collected for the use of the facility; and
 - (B) assessed against the students of the institution; to provide security for bonds issued under IC 21-35-3.

As added by P.L.2-2007, SEC.276.

IC 21-35-1-8

"Net income"

Sec. 8. "Net income" for purposes of IC 21-35-2 and IC 21-35-3, with respect to any property, means income minus the costs of operating, maintaining, and repairing the property except when these costs are otherwise paid.

As added by P.L.2-2007, SEC.276.

IC 21-35-1-9

"Property"

Sec. 9. "Property":

- (1) for purposes of IC 21-35-2, means any property that the board of trustees of a state educational institution is authorized to finance under IC 21-35-2 and under IC 21-35-5 by the issuance of bonds, refunding bonds, or advance refunding bonds;
- (2) for purposes of IC 21-35-3, means any property that the board of trustees of a state educational institution is authorized to finance under IC 21-35-3 and under IC 21-35-5 by the issuance of bonds, refunding bonds, or advance refunding bonds; and
- (3) for purposes of IC 21-35-5, means any property that the board of trustees of a state educational institution is authorized to finance by the issuance of revenue obligations issued under IC 21-35-5.

As added by P.L.2-2007, SEC.276.

IC 21-35-1-10

"Research facility"

Sec. 10. "Research facility", for purposes of IC 21-35-3, refers to property described in IC 21-35-3-2(2).

As added by P.L.2-2007, SEC.276.

IC 21-35-1-11

"Revenue obligations"

Sec. 11. "Revenue obligations", for purposes of IC 21-35-5, means any obligations, including:

- (1) bonds;
- (2) notes;
- (3) temporary, interim, or permanent certificates of indebtedness;
- (4) debentures; or
- (5) other obligations;

payable out of revenues derived from properties described in IC 21-35-5.

As added by P.L.2-2007, SEC.276.

IC 21-35-1-12

"Support facility"

Sec. 12. "Support facility", for purposes of IC 21-35-3, refers to property described in IC 21-35-3-2(1).

As added by P.L.2-2007, SEC.276.

IC 21-35-1-13

"User"

Sec. 13. "User", for purposes of IC 21-35-7, means any of the following that has entered into a financing agreement with a state educational institution or developer in contemplation of the user's use of the facilities referred to in the agreement:

- (1) A person.
- (2) A firm.
- (3) A partnership.
- (4) A limited liability company.
- (5) A trust.
- (6) An association.
- (7) A corporation.

As added by P.L.2-2007, SEC.276.

IC 21-35-2

Chapter 2. Construction and Operation of Fieldhouses, Gymnasiums, Student Unions, and Halls of Music; Revenue Bonds

IC 21-35-2-1

Applicability of chapter

Sec. 1. This chapter applies to the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-2

Applicable properties

Sec. 2. This chapter applies to the following property:

- (1) Athletic field houses.
- (2) Gymnasiums.
- (3) Student unions.
- (4) Halls of music.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-3

Supplemental effect of chapter

Sec. 3. This chapter may not be construed to repeal, modify, or amend any Indiana law in effect on March 8, 1929, but shall be construed to be supplemental to any Indiana law in effect on March 8, 1929.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-4

Prior contracts validated

Sec. 4. (a) Sections 20 through 23 of this chapter may not be construed to affect the validity of:

- (1) any contracts executed before March 9, 1965; or
 - (2) any bonds contracted to be sold before March 9, 1965.
- (b) Sections 20 through 23 of this chapter do not apply to:
- (1) any facilities:
 - (A) approved by:
 - (i) the budget agency or any predecessor to the budget agency; and
 - (ii) the governor;before March 9, 1965; or
 - (B) for which temporary or interim financing commitments were made before March 9, 1965; or
 - (2) the issuance of bonds for any facilities described in subdivision (1).

As added by P.L.2-2007, SEC.276.

IC 21-35-2-5

Effect of Acts 1977, P.L. 250

Sec. 5. (a) Acts 1977, P.L.250 does not affect the issuance of bonds for projects approved by the budget committee and the governor before July 1, 1977.

(b) The termination of bonding authority under Acts 1977, P.L.250 does not prevent, limit, or affect the issuance of bonds under IC 5-1-5.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-6

Authority to erect, construct, complete, equip, furnish, operate, control, and manage property

Sec. 6. The board of trustees of a state educational institution may, as the board of trustees finds necessary, erect, construct, complete, equip, furnish, operate, control, and manage property with another state educational institution for the purposes of the state educational institution.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-7

Authority to acquire real and personal property

Sec. 7. The board of trustees of a state educational institution may acquire under this chapter or any other law, by:

- (1) purchase;
- (2) lease;
- (3) condemnation;
- (4) gift; or
- (5) other means;

any property, real or personal, that in the judgment of the board of trustees is necessary for the state educational institution's purposes.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-8

Authority to use real or personal property acquired

Sec. 8. The board of trustees may use for the state educational institution's purposes any real or personal property acquired by the state educational institution.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-9

Title to acquired property

Sec. 9. Title to all property acquired by the state educational institution, including the improvements on the property, shall be taken and held in the name of the board of trustees in their corporate capacity for purposes of this chapter.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-10

Acquisition of real property; approval of governor; conveyance and execution of deed

Sec. 10. (a) If:

(1) a state educational institution receives by gift, benefaction, or other means any structures or equipment:

(A) located on real estate, title to which is in the name of the state, for the use and benefit of:

- (i) the state educational institution; or
- (ii) the board of trustees of the state educational institution; and

(B) that:

- (i) is incomplete; or
- (ii) in the judgment of its board of trustees, is insufficient for the needs of the state educational institution; or

(2) the board of trustees of a state educational institution decides to locate and construct any structures or equipment on real estate, title to which is in the name of the state for the use and benefit of:

- (A) the state educational institution; or
- (B) the board of trustees of the state educational institution;

the parcel of real estate on which the structures or equipment is located or on which it is proposed to locate the structures and equipment and reasonably required by the state educational institution for any of the purposes enumerated in this chapter may, upon request in writing of the board of trustees of the state educational institution to the governor and the approval of the governor, be conveyed by deed from the state to the board of trustees of the state educational institution in their corporate capacity for the purposes, or any of the purposes, of this chapter.

(b) The governor may execute and deliver the deed:

- (1) in the name of the state of Indiana;
- (2) signed on behalf of the state by the governor;
- (3) attested by the auditor of state; and
- (4) with the seal of the state affixed to the deed.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-11

Issuance and sale of bonds

Sec. 11. To raise funds for the acquisition of property and the erection, construction, remodeling, renovation, furnishing, and equipping of property, the board of trustees of a state educational institution may issue and sell bonds of the state educational institution.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-12

Bonds and interest on bonds secured by pledges or mortgages

Sec. 12. Bonds, and the interest on the bonds, may be secured by pledge or mortgage of:

- (1) any property, real or personal, used or acquired or to be acquired and used for the purposes described under this chapter and the improvements made or to be made on the property;
- (2) the net income from the property;
- (3) the property and the net income from the property; or
- (4) any unobligated net income of any property financed under this chapter;

as the board of trustees determines.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-13

Liens

Sec. 13. The lien of the pledge or mortgage, to the extent of the lien, as:

- (1) determined and provided by the board of trustees; and
- (2) authorized under this chapter;

is a first and primary lien for the payment of the bonds secured and the interest on the bonds.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-14

Maximum amount of bonds

Sec. 14. Bonds may be issued for the amount or amounts as the board of trustees determines. However, these amounts may not exceed:

- (1) the total estimated cost of acquiring, erecting, constructing, remodeling, renovating, completing, equipping, and furnishing any property as the respective trustees determine the cost to be; plus
- (2) incidental expenses, financing costs, underwriter's discount, funded or capitalized interest, municipal bond insurance premiums, or funding debt service reserve funds from bond proceeds.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-15

Determination of denomination and maturation of bonds; rates of interest

Sec. 15. (a) Bonds may be issued in the denominations and with the maturities as the respective trustees determine, and, in the discretion of the respective trustees, the bonds may be sold either at public or negotiated sale as provided by IC 21-32-3.

(b) The rate or rates of interest on the bonds may be fixed or variable. Variable rates shall be determined in the manner and in accordance with the procedures set forth in the resolution or indenture authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest to the extent and in the manner set forth in the resolution or indenture under which the bonds are issued.

(c) The interest may be:

- (1) payable semiannually, annually, or at any other interval or intervals provided in the resolution; or
- (2) compounded and paid at maturity or at any other time as specified in the resolution or indenture.

(d) The bonds may be made subject to redemption by the state educational institution at the times and under the circumstances set forth in the authorizing resolution or indenture.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-16

Bonds and pledges or mortgages made in the name of the state educational institution

Sec. 16. Bonds and the pledge or mortgage securing the bonds, shall be issued, and made in the name, and on behalf of the state educational institution by the officer or officers that the board of trustees designates.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-17

Liability of state or institutions for indebtedness limited

Sec. 17. Indebtedness, a bond, or an obligation incurred or created under the authority of this chapter may not be or become:

- (1) an indebtedness of or liability against the state of Indiana or a state educational institution; or
- (2) a lien or charge against the property or funds of a state educational institution;

except to the extent of the property or income pledged or mortgaged as authorized.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-18

Authority to furnish heat, light, power, and other like facilities or services with or without charge

Sec. 18. The board of trustees may furnish heat, light, power, and other like facilities or service to any or all of the buildings, structures, or improvements contemplated by this chapter from the plant or plants or facilities of the state educational institution with or without charge.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-19

Tax exemption

Sec. 19. All:

- (1) property acquired under authority of this chapter or used for the purposes provided in this chapter; and
- (2) bonds issued under the authority of this chapter, together with the interest on the bonds;

are exempt from taxation.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-20

Contracts; approval of the budget agency and governor

Sec. 20. (a) Except as provided in this section, contracts to acquire land for or to construct, purchase, lease, sublease, or otherwise acquire, or to engage architectural or engineering services in connection with any buildings, structures, equipment, and improvements to be financed in whole or in part by the issuance of bonds under this chapter may not be made by the board of trustees of a state educational institution without the specific approval of the budget agency and the governor.

(b) This section does not apply to any contract relating to a facility, the cost of which does not exceed fifty thousand dollars (\$50,000).

As added by P.L.2-2007, SEC.276.

IC 21-35-2-21

Issuance of bonds; approval of the budget agency, budget committee, and governor; recommendations; refunds

Sec. 21. (a) Bonds may not be issued by the board of trustees of a state educational institution under this chapter without the specific approval of:

(1) the budget agency if:

(A) the bonds are issued for the refunding or advance refunding of any outstanding bonds approved as required by this chapter; and

(B) the board of trustees of the state educational institution makes the findings described in subsection (b); and

(2) the budget committee, budget agency, and the governor, if subdivision (1) does not apply.

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) The board of trustees of a state educational institution may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the state educational institution finds that the refunding or advance refunding will benefit the state educational institution because:

(1) a net savings to the state educational institution will result; or

(2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-22

Bond issuance; limitations

Sec. 22. Bonds may not be issued by any of the institutions under this chapter unless the general assembly has provided for the bonds by establishing in the appropriation act the amount of bonds that the institutions may issue for the purposes described in section 14(1) of

this chapter. However, the bonds, regardless of when the appropriation law was enacted, may be issued in an amount not exceeding:

- (1) the amount of bonds approved in the appropriation law together with the amounts described in section 14(2) of this chapter; plus
- (2) the amount of the discount below par value, if the bonds are sold at a price below par value under IC 21-32-3-2.

As added by P.L.2-2007, SEC.276.

IC 21-35-2-23

Actions to contest validity of bonds

Sec. 23. An action to contest the validity of any bonds issued under this chapter may not be brought after the fifteenth day following:

- (1) the first publication of notice of the sale or intent to sell the bonds under IC 21-32-3 if the bonds are sold at public sale; or
- (2) the publication one (1) time in newspapers described in IC 21-32-3-3 of notice of the execution and delivery of the contract of sale for the bonds if the bonds are sold at negotiated sale.

The state educational institution shall publish notice under subdivision (2) if it sells bonds at negotiated sale no later than thirty (30) days after the execution of the contract of sale for the bonds.

As added by P.L.2-2007, SEC.276.

IC 21-35-3

Chapter 3. Acquisition of Certain Support Facilities and Research Facilities; Revenue Bonds

IC 21-35-3-1

Applicability of chapter

Sec. 1. This chapter applies to the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-2

Applicable properties

Sec. 2. This chapter applies to the following property:

- (1) With respect to any state educational institution to which this chapter applies, the following support facilities:
 - (A) Dormitories and other housing facilities for single and married students and school personnel.
 - (B) Food service facilities.
 - (C) Student infirmaries and other health service facilities, including revenue producing hospital facilities serving the general public, together with parking facilities and other appurtenances in connection with student infirmaries and other health service facilities.
 - (D) Parking facilities in connection with academic facilities.
- (2) With respect to Indiana University and Purdue University only, the following research facilities:
 - (A) Facilities used for clinical, medical, scientific, or engineering research.
 - (B) Facilities used for other similar qualitative, quantitative, or experimental research.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-3

Supplemental effect of chapter

Sec. 3. This chapter does not repeal, modify, or amend any Indiana law in force on March 9, 1927, but shall be considered as supplemental to that law.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-4

Prior contracts and bonds unaffected; limited applicability of chapter

Sec. 4. This chapter may not be construed to affect the validity of any contracts executed before March 10, 1965, or the validity of any bonds contracted to be sold before March 10, 1965. This chapter

does not apply to any facilities approved by the budget agency or any predecessor of the budget agency and the governor before March 10, 1965, or to any facilities for which temporary or interim financing commitments were made before March 10, 1965, or to the issuance of bonds for any such facilities.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-5

Effect of Acts 1977 P.L. 250

Sec. 5. (a) Acts 1977, P.L.250 does not affect the issuance of bonds for projects approved by the budget committee and the governor before July 1, 1977.

(b) The termination of bonding authority under Acts 1977, P.L.250 does not prevent, limit, or affect the issuance of bonds under IC 5-1-5.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-6

Construction, improvement, operation, and control of various facilities; acquisition of real and personal property for facilities; authorized

Sec. 6. The board of trustees of a state educational institution may, if the board of trustees finds that a necessity exists, erect, construct, reconstruct, extend, remodel, improve, complete, equip, furnish, operate, control, and manage support facilities at or in connection with the state educational institution or another state educational institution for purposes of the respective state educational institutions.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-7

Indiana University and Purdue University boards; power to construct, improve, operate, and control various facilities; limitations on use of fees

Sec. 7. (a) This section and any other provisions of this chapter related to implementing this section apply only to the following state educational institutions:

(1) Indiana University.

(2) Purdue University.

(b) The board of trustees of Indiana University and the board of trustees of Purdue University may, if the boards of trustees of the state educational institutions find that a necessity exists, erect, construct, reconstruct, extend, remodel, improve, complete, equip, furnish, operate, control, and manage research facilities, if revenue from state, federal, local, or private gifts, grants, contractual payments, or reimbursements is available in an amount that is reasonably expected to at least equal the annual debt service requirements of the bonds and the costs to operate the research facility for each fiscal year that the bonds are outstanding at or in connection with any of the following campuses of Indiana University

or Purdue University:

- (1) Purdue University-West Lafayette Campus.
- (2) Indiana University-Purdue University at Indianapolis (IUPUI).
- (3) Indiana University-Bloomington Campus.

(c) Student fees and money appropriated by the general assembly may not be used to pay the debt service requirements or the maintenance expenses of a research facility.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-8

Authority to acquire personal and real property

Sec. 8. A state educational institution may acquire by:

- (1) purchase;
- (2) lease;
- (3) condemnation;
- (4) gift; or
- (5) other means;

any property, real or personal, that in the judgment of the state educational institution is necessary for a support facility or a research facility.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-9

Authority to improve and use acquired property

Sec. 9. A state educational institution may improve and use any property acquired for a support facility or a research facility.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-10

Title to acquired property

Sec. 10. Title to all property acquired by a state educational institution, including the improvements located on the property, shall be taken and held by and in the name of the state educational institution.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-11

Acquisition of real property; approval of governor; conveyance and execution of deed

Sec. 11. (a) If the board of trustees of any state educational institution determines that real estate, the title to which is in the name of the state, for the use and benefit of the board of trustees or the state educational institution under the board's control, is reasonably required for use as a support facility or a research facility, the real estate may, upon:

- (1) request in writing of the board of trustees of the state educational institution to the governor; and
- (2) the approval of the governor;

be conveyed by deed from the state to the board of trustees of the

state educational institution.

(b) The governor may execute and deliver the deed:

- (1) in the name of the state of Indiana;
- (2) signed on behalf of the state by the governor;
- (3) attested by the auditor of state; and
- (4) with the seal of the state affixed to the deed.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-12

Issuance and sale of bonds

Sec. 12. To raise funds for the acquisition of property and the erection, construction, reconstruction, extension, remodeling, improvement, completion, equipping, and furnishing of property, the board of trustees of a state educational institution may issue and sell bonds of the state educational institution.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-13

Bonds and interest on bonds secured by pledge or mortgage

Sec. 13. The bonds and the interest on the bonds may be secured by pledge or mortgage of:

- (1) any property, real or personal, used or acquired or to be acquired and used for the property and the improvements made or to be made on the property;
- (2) the net income from the property;
- (3) the property and the net income from the property; or
- (4) any unobligated net income of any property financed under this chapter;

as the board of trustees may determine.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-14

Liens

Sec. 14. The lien of the pledge or mortgage, to the extent of the lien:

- (1) as determined and provided by the board of trustees; and
- (2) as authorized under this chapter;

is a first and primary lien for the payment of the bonds and the interest on the bonds.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-15

Maximum bond amounts

Sec. 15. The bonds may be issued for an amount or amounts as the board of trustees determines. However, these amounts may not exceed:

- (1) the total estimated cost of acquiring property for and erecting, constructing, reconstructing, extending, remodeling, improving, completing, equipping, furnishing, and financing the proposed property as the board of trustees determines the cost

to be; plus

(2) incidental expenses, financing costs, underwriter's discount, funded or capitalized interest, municipal bond insurance premiums, or funding debt service reserve funds from bond proceeds.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-16

Determination of denominations and maturation of bonds; rates of interest

Sec. 16. (a) The bonds may be:

(1) issued in the denominations and with the maturities as the board of trustees determines; and

(2) in the discretion of the board of trustees, sold either at public or negotiated sale, as provided by IC 21-32-3-1.

(b) The rate or rates of interest on the bonds may be fixed or variable. Variable rates must be determined in the manner and in accordance with the procedures set forth in the resolution or indenture authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest to the extent and in the manner set forth in the resolution or indenture under which the bonds are issued.

(c) Interest on bonds may be:

(1) payable semiannually, annually, or at any other interval or intervals provided in the resolution; or

(2) compounded and paid at maturity or at any other time as specified in the resolution or indenture.

(d) The bonds may be made subject to redemption by the state educational institution at the times and under the circumstances set forth in the authorizing resolution or indenture.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-17

Bonds and pledges or mortgages made in the name of the state educational institution

Sec. 17. Bonds and the pledge or mortgage securing bonds, shall be issued and made in the name and on behalf of the state educational institution by the officer or officers that the board of trustees designates.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-18

Limitation on state or institutional liability for indebtedness

Sec. 18. Indebtedness, a bond, or an obligation incurred or created under the authority of this chapter may not be or become a lien, charge, or liability against:

(1) the state of Indiana;

(2) the state educational institution issuing the bonds; or

(3) the property or funds of the state or the state educational institution issuing the bonds, except to the extent of the

property or income authorized to be pledged or mortgaged.
As added by P.L.2-2007, SEC.276.

IC 21-35-3-19

Authority to furnish heat, light, power, and other like facilities or services with or without charge

Sec. 19. The board of trustees of a state educational institution may furnish heat, light, power, and other like services to any or all property with or without charge.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-20

Tax exemption

Sec. 20. All:

(1) property:

(A) acquired under authority of this chapter; or

(B) used as a support facility or a research facility; and

(2) bonds issued under the authority of this chapter, together with the interest on the bonds;

are exempt from taxation.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-21

Contracts; approval of the budget agency and governor

Sec. 21. (a) Subject to this section, contracts to:

(1) acquire land for;

(2) construct, purchase, lease, sublease, or otherwise acquire; or

(3) engage architectural or engineering services in connection with;

any property to be financed in whole or in part by the issuance of bonds under this chapter may not be made by any state educational institution without the specific approval of the budget agency and the governor.

(b) This section does not apply to any contract relating to property, the cost of which does not exceed fifty thousand dollars (\$50,000).

As added by P.L.2-2007, SEC.276.

IC 21-35-3-22

Issuance of bonds; approval of the budget agency, budget committee, and governor; recommendations; refunds

Sec. 22. (a) Bonds may not be issued by a state educational institution under this chapter without the specific approval of:

(1) the budget agency, if:

(A) the bonds are issued for the refunding or advance refunding of any outstanding bonds approved under this chapter; and

(B) the board of trustees of the issuing state educational institution makes the findings described in subsection (b); or

(2) the budget committee, the budget agency, and the governor,

if subdivision (1) does not apply.

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) The board of trustees of a state educational institution may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the state educational institution finds that the refunding or advance refunding will benefit the state educational institution because:

(1) a net savings to the state educational institution will be effected; or

(2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-23

Maximum aggregate principal amount of bonds each biennium

Sec. 23. The general assembly may establish each biennium in the appropriation act the maximum aggregate principal amount of bonds that any one (1) or more state educational institution may issue during the ensuing biennium under this chapter.

As added by P.L.2-2007, SEC.276.

IC 21-35-3-24

Actions to contest validity of bonds

Sec. 24. An action to contest the validity of any bonds issued under this chapter may not be brought after the fifteenth day following:

(1) the first publication of notice of the sale or intent to sell the bonds under IC 21-32-3 if the bonds are sold at public sale; or

(2) the publication one (1) time in newspapers described in IC 21-32-3-3 of notice of the execution and delivery of the contract of sale for the bonds if the bonds are sold at negotiated sale.

The state educational institution shall publish notice under subdivision (2) if the state educational institution sells bonds at negotiated sales no later than thirty (30) days after the execution of the contract of sale for the bonds.

As added by P.L.2-2007, SEC.276.

IC 21-35-4

Chapter 4. Indiana State University; Dormitories

IC 21-35-4-1

Applicability of chapter

Sec. 1. This chapter applies to Indiana State University.

As added by P.L.2-2007, SEC.276.

IC 21-35-4-2

Application of chapter; student housing

Sec. 2. This chapter applies to a project for a dormitory for the housing of students.

As added by P.L.2-2007, SEC.276.

IC 21-35-4-3

Issuance of bonds for the erection and construction of dormitories

Sec. 3. Whenever the board of trustees of Indiana State University finds that:

(1) a necessity exists for the building of a dormitory for the housing of students; and

(2) sufficient funds for the erection and construction of the dormitory for the housing of students will not be available out of the revenues and funds of Indiana State University in the year in which the necessity exists;

the board of trustees may issue and sell the bonds of the board of trustees.

As added by P.L.2-2007, SEC.276.

IC 21-35-4-4

Bonds for a project; maximum amount

Sec. 4. Bonds for a project:

(1) may be in any amount that the board of trustees finds is not available out of the revenues and funds of Indiana State University for the year; and

(2) may not exceed the total estimated cost of the erection and construction of the dormitory.

As added by P.L.2-2007, SEC.276.

IC 21-35-4-5

Estimations and findings of costs

Sec. 5. The board of trustees shall first estimate and make a finding specifying the costs of erecting and constructing the project before issuing bonds.

As added by P.L.2-2007, SEC.276.

IC 21-35-4-6

Bonds for a project; denomination, maturation, and interest rates

Sec. 6. Bonds for a project:

(1) may be issued by the board of trustees in the denomination and with the maturities; and

(2) must bear the rate of interest, payable semiannually; as the board of trustees may fix and determine. However, the bonds may not be sold for less than par.
As added by P.L.2-2007, SEC.276.

IC 21-35-4-7

Bonds for a project; sale

Sec. 7. Bonds for a project may be sold either privately, or at public letting, as the board of trustees may determine.
As added by P.L.2-2007, SEC.276.

IC 21-35-4-8

Bonds for a project; principal and interest

Sec. 8. The principal and interest of the bonds for a project, when sold, are a primary, fixed charge against the net income of the project being constructed and erected. The net income must be applied by the board of trustees in payment of the principal and interest of the bonds as the principal and interest become due until full and final payment of all of the bonds and interest is made.
As added by P.L.2-2007, SEC.276. Amended by P.L.3-2008, SEC.141.

IC 21-35-4-9

Net income of project; principal and interest on bond

Sec. 9. If the net income of a project in any year is not sufficient to meet the total amount of the principal and interest on the bonds that fall due in the year, the board of trustees may pay the balance of the principal and interest falling due in the year out of any other revenues and funds of Indiana State University that are available to pay the principal and interest.
As added by P.L.2-2007, SEC.276.

IC 21-35-4-10

Bonds for a project; criteria

Sec. 10. Bonds for a project shall be:
(1) executed by the name;
(2) signed by the president and treasurer; and
(3) attested by the secretary;
of the board of trustees.
As added by P.L.2-2007, SEC.276.

IC 21-35-4-11

Proceeds of sale of bonds

Sec. 11. The proceeds of sale of any bonds for a project shall be applied solely to:
(1) the building of the project; and
(2) the payment of principal and interest of the bonds if a surplus should exist after completion and full payment for the erection and construction of the project.
As added by P.L.2-2007, SEC.276.

IC 21-35-5

Chapter 5. Revenue Producing Property; Supplemental Procedures for Financing Revenue Producing Properties With Revenue Obligations

IC 21-35-5-1

Applicability of chapter

Sec. 1. This chapter applies to the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

As added by P.L.2-2007, SEC.276.

IC 21-35-5-2

Applicable property

Sec. 2. This chapter applies to the following property:

- (1) Property described in IC 21-35-2.
- (2) Property described in IC 21-35-3.

As added by P.L.2-2007, SEC.276.

IC 21-35-5-3

Construction of chapter

Sec. 3. This chapter may not be construed to repeal, modify, or amend any law of Indiana in force on March 9, 1959.

As added by P.L.2-2007, SEC.276.

IC 21-35-5-4

Supplemental effect of chapter

Sec. 4. This chapter may be construed as supplemental to IC 21-35-2 and IC 21-35-3.

As added by P.L.2-2007, SEC.276.

IC 21-35-5-5

Issuance of revenue obligations; use

Sec. 5. The board of trustees of a state educational institution may issue revenue obligations under IC 21-35-2 or IC 21-35-3 for any one (1) or more of the following:

- (1) For any purpose or purposes for which IC 21-35-2 or IC 21-35-3 authorizes the borrowing of money.
- (2) To reimburse the state educational institution for funds expended or advanced for interim financing of the cost of any revenue producing property before the issuance of revenue obligations on account of revenue producing property.
- (3) Subject to applicable covenants and agreements with the holders of outstanding obligations, to fund or refund revenue obligations.

If the board of trustees determines that it would be advantageous to

the state educational institution to exchange funding or refunding obligations for the revenue obligations being funded or refunded, the exchange may be made, if the actual interest cost is not increased. *As added by P.L.2-2007, SEC.276. Amended by P.L.3-2008, SEC.142.*

IC 21-35-5-6

Security of revenue obligations

Sec. 6. Revenue obligations:

- (1) must be secured in the manner provided in IC 21-35-2 and IC 21-35-3; and
- (2) in addition, may be secured by the pledge or mortgage of the unobligated net revenues of any one (1) or more other revenue producing properties of the issuing state educational institution and by any other available income or funds.

As added by P.L.2-2007, SEC.276.

IC 21-35-5-7

Board; power to limit amount of obligations or issue additional obligations

Sec. 7. In authorizing the issuance of revenue obligations for any particular property or properties, the board of trustees may:

- (1) limit the amount of the obligations that may be issued as a first lien and charge against the property or properties and the net income from the property or properties; or
- (2) authorize the issuance periodically thereafter of additional obligations secured by the same lien to provide funds:
 - (A) for the completion of the property or properties on account of which the original obligations were issued;
 - (B) to pay the cost of additional revenue producing properties under IC 21-35-2 or IC 21-35-3; or
 - (C) for the purposes described in clauses (A) and (B).

The additional obligations shall be issued on the terms and conditions as the board may determine, and may be secured equally and ratably, without preference, priority, or distinction, with the original issue of obligations or may be made junior to the original issue of bonds.

As added by P.L.2-2007, SEC.276.

IC 21-35-5-8

Revenue obligations authorized by resolution; terms; conditions

Sec. 8. Revenue obligations must be authorized by resolution adopted by the board of trustees. The terms, conditions, and form of the revenue obligations must be set out in the resolution or in a form of trust indenture between the state educational institution and a designated corporate trustee, or both.

As added by P.L.2-2007, SEC.276.

IC 21-35-5-9

Revenue obligations; contents

Sec. 9. The resolution or the indenture for revenue obligations may include:

- (1) provisions for protecting and enforcing the rights and remedies of the holders of the revenue obligations being issued;
- (2) covenants setting forth the duties of the state educational institution and its officers in relation to:
 - (A) the:
 - (i) acquisition, construction, operation, and maintenance of; and
 - (ii) insurance to be carried on; the property or properties on account of which the revenue obligations are being issued; and
 - (B) the maintenance of fees and charges to be collected on account of the properties;
- (3) provisions for:
 - (A) the custody, safeguarding, and application of all money;
 - (B) the rights and remedies of the trustee and the holders of the obligations being issued; and
 - (C) the issuance of additional parity obligations or junior lien obligations secured by pledge or mortgage of the revenues and property described in the resolution or indenture; and
- (4) the other terms, conditions, limitations, and covenants that the board of trustees determines proper.

As added by P.L.2-2007, SEC.276.

IC 21-35-5-10

Revenue obligations and interest coupons

Sec. 10. Revenue obligations and any interest coupons appertaining to revenue obligations are negotiable instruments within the meaning and for all purposes under the laws of Indiana, subject only to the provisions of the obligations for registration.

As added by P.L.2-2007, SEC.276.

IC 21-35-5-11

Authority to furnish heat, light, power, and other like services with or without charge

Sec. 11. In connection with the issuance of revenue obligations, a board of trustees of a state educational institution may covenant to and furnish or supply heat, light, power, and other like services to any building, structure, or improvement with or without charge so long as any of the revenue obligations are outstanding.

As added by P.L.2-2007, SEC.276.

IC 21-35-5-12

Revenue obligations; eligible investments

Sec. 12. Any revenue obligations issued under IC 21-35-2 or IC 21-35-3 are eligible investments for the funds of any kind or character of every financial institution, insurance company, or private trust. The revenue obligations are eligible for deposit by any

financial institution, insurance company, or trustee under any law of
Indiana providing for the deposit of securities or funds.
As added by P.L.2-2007, SEC.276.

IC 21-35-6

Chapter 6. Revenue Bonds; Vincennes University

IC 21-35-6-1

Applicability of chapter

Sec. 1. This chapter applies to Vincennes University.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-2

Applicable property

Sec. 2. This chapter applies to all property acquired or improved for Vincennes University.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-3

Issuance and sale of bonds

Sec. 3. For the purpose of:

- (1) raising funds for improving property;
- (2) acquiring property;
- (3) the interim financing of the cost of any such improvement or acquisition;
- (4) the reimbursing of the trustees for funds expended or advanced for interim financing of the cost of any such improvement or acquisition, or, subject to existing covenants and agreements with the holders of outstanding bonds, for funding or refunding bonds issued under this chapter; or
- (5) for any one (1) or more of the activities described in subdivisions (1) through (4);

the board of trustees may issue and sell revenue bonds.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-4

Security of bonds

Sec. 4. The revenue bonds and the interest on revenue bonds of Vincennes University may be secured in any one (1) or more of the following ways, as the board of trustees may determine:

- (1) By pledge or mortgage of any property, real or personal, used or acquired or to be acquired and used for the purposes of Vincennes University and the improvements made or to be made on the property.
- (2) By pledge or mortgage of the net income from the property.
- (3) By the pledge or mortgage of the unobligated net revenues of any one (1) or more other properties of the board of trustees.
- (4) In the case of revenue bonds issued under this chapter for interim financing of any property, by pledge of the funds derived from the sale of the bonds issued and sold under this chapter for the permanent financing of property.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-5

Liens

Sec. 5. (a) The lien of a pledge or mortgage under section 4 of this chapter, as determined and provided by the board of trustees and as authorized by this chapter, shall be a first and primary lien for the payment of the bonds and the interest on the bonds. In authorizing the issuance of the revenue bonds for any particular property or properties, the board of trustees may:

- (1) limit the amount of bonds that may be issued as a first lien and charge against the property or properties and the net income from the properties; or
- (2) subsequently authorize the issuance periodically of additional obligations secured by the same lien:
 - (A) to provide funds for the completion of the property or properties on account of which the original bonds were issued;
 - (B) for any other purpose for which Vincennes University has authority to issue bonds; or
 - (C) for purposes of both clauses (A) and (B).

(b) Additional bonds:

- (1) shall be issued on the terms and conditions that the board of trustees determines; and
- (2) may be secured equally and ratably, without preference, priority, or distinction, with the original issue of bonds or may be made junior to the original bonds.

As added by P.L.2-2007, SEC.276. Amended by P.L.3-2008, SEC.143.

IC 21-35-6-6

Authority to exchange funding or refund bonds

Sec. 6. If the board of trustees determines that it would be advantageous to Vincennes University to exchange funding or refunding bonds for bonds being refunded, the exchange may be made, if the actual interest cost is not increased.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-7

Maximum amount of bonds

Sec. 7. Bonds authorized under this chapter may be issued in an amount or amounts as the board of trustees determines. However, the bonds may not exceed:

- (1) the total estimated cost of any proposed building, facility, work, act, or undertaking authorized, including interest during construction, incidental expenses, debt service reserves, and financing costs; or
- (2) the amount required to effect any proposed funding or refunding operation.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-8

Bonds; form; terms and conditions; rates of interest

Sec. 8. The bonds authorized under this chapter may be issued in the form, upon the terms and conditions, at the rates of interest, and in the denominations (which may be made convertible into different denominations) determined by:

- (1) the adoption of a resolution;
- (2) approval of a form of trust indenture between Vincennes University and a designated corporate trustee; or
- (3) both subdivisions (1) and (2).

As added by P.L.2-2007, SEC.276.

IC 21-35-6-9

Resolution and indenture for bonds; contents

Sec. 9. The resolution or the indenture for bonds authorized under this chapter may include:

- (1) provisions for protecting and enforcing the rights and remedies of the holders of the bonds being issued;
- (2) covenants setting forth the duties of Vincennes University and its officers in relation to the acquisition, construction, operation, maintenance, use, abandonment, insurance to be carried on its property, and the maintenance of fees and charges to be collected on account of its property;
- (3) provisions for the custody, safeguarding, application of all money, and the rights and remedies of the trustee and the holders of the bonds being issued;
- (4) provisions for the issuance of additional bonds as provided in the resolution or indenture; and
- (5) other terms, conditions, limitations, and covenants as the board of trustees of Vincennes University considers proper.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-10

Public sale of bonds

Sec. 10. The bonds authorized under this chapter shall be sold at public sale or negotiated sale to the highest bidder as provided by IC 21-32-3. All bonds and the interest coupons appertaining to the bonds issued under this chapter are negotiable instruments within the meaning and for all purposes under the laws of Indiana, subject only to the provisions of the bonds for registration as to principal, or as to principal and interest. Any bonds registered as to principal and interest may be made convertible to bearer bonds with coupons.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-11

Actions to contest validity of bonds

Sec. 11. An action to contest the validity of any bonds issued under this chapter may not be brought after the fifteenth day following:

- (1) the first publication of notice of the sale or intent to sell the bonds under IC 21-32-3 if the bonds are sold at public sale; or
- (2) the publication one (1) time in newspapers described in

IC 21-32-3-3 of notice of execution and delivery of the contract of sale for the bonds if the bonds are sold at negotiated sale.
As added by P.L.2-2007, SEC.276.

IC 21-35-6-12

Bonds; notice of sale

Sec. 12. Vincennes University shall publish notice under section 11(2) of this chapter if it sells bonds at negotiated sale not later than thirty (30) days after the execution of the contract of sale for the bonds.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-13

Bonds; rates of interest

Sec. 13. The rate or rates of interest of the bonds may be fixed or variable. Variable rates are determined under the procedures set forth in the resolution or indenture authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest as set forth in the resolution or indenture. The interest may be payable semiannually, annually, or at other intervals provided in the resolution or indenture, or the interest may be compounded and paid at maturity or at any other time specified in the resolution or indenture.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-14

Bonds and coupons; seal

Sec. 14. The bonds and coupons pertaining to the bonds shall be executed in the corporate name by the manual or facsimile signatures of the officer or officers of Vincennes University that the board of trustees designates. The signature of at least one (1) designated officer on each bond must be a manual signature. The seal or a facsimile of Vincennes University must be affixed, imprinted, engraved, or otherwise reproduced on each bond. In case any officer whose manual or facsimile signature appears on any bond or coupon ceases to be a designated officer before the delivery of the bonds, the signature is valid and sufficient for all purposes as if the officer had remained in office until delivery. The resolution or trust agreement under which the bonds are issued may provide for the authentication of the bonds by the trustee designated in the resolution of trust agreement.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-15

Bonds; eligible investments

Sec. 15. Any bonds issued under this chapter are eligible investments for the funds of any kind or character of every financial institution, insurance company, or private trust. The bonds are eligible for deposit by any financial institution, insurance company, or trustee under any law of Indiana providing for the deposit of

securities or funds.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-16

Liability of institution limited

Sec. 16. Indebtedness, a bond, or an obligation incurred or created under the authority of this chapter may not be or become a lien, charge, or liability against Vincennes University or against the property or funds of Vincennes University except to the extent authorized by this chapter.

As added by P.L.2-2007, SEC.276.

IC 21-35-6-17

Tax exemption

Sec. 17. All bonds issued under the authority of this chapter together with the interest on the bonds are exempt from taxation as provided by IC 6-8-5.

As added by P.L.2-2007, SEC.276.

IC 21-35-7

Chapter 7. Revenue Producing Property; Financing Agreements With a Developer or User

IC 21-35-7-1

Purpose

Sec. 1. It is found and declared that:

- (1) there is a need for the development of various facilities to properly service the various campuses of state educational institutions;
- (2) an additional and alternative method for developing and financing facilities should be provided; and
- (3) facilities would provide additional employment opportunities and would otherwise fulfill the public purposes set forth in IC 36-7-12.

This chapter applies to any state educational institution.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-2

Applicability of chapter

Sec. 2. This chapter applies to buildings and equipment located on or immediately adjacent to a campus of a state educational institution, the primary purpose of which is to make available or provide:

- (1) offstreet parking;
- (2) alternative transportation systems;
- (3) office space;
- (4) convenience, retail, and service establishments;
- (5) bookstores;
- (6) research;
- (7) outpatient and extended care;
- (8) food service;
- (9) temporary lodging quarters or similar structures used by students, faculty, staff, patients, or visitors; or
- (10) housing used by students in connection with hospitals, health care units, or hospitality facilities.

The term does not include undergraduate dormitories.

As added by P.L.2-2007, SEC.276. Amended by P.L.205-2013, SEC.332.

IC 21-35-7-3

Supplemental effect of chapter

Sec. 3. This chapter is supplemental to other laws pertaining to state educational institutions and does not repeal any other laws or impair any other powers or responsibilities granted to state educational institutions.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-4

Power of state educational institutions to acquire real and personal

property

Sec. 4. In addition to any other powers that a state educational institution has, the board of trustees of a state educational institution may:

- (1) enter into agreements concerning and to acquire by:
 - (A) gift;
 - (B) purchase; or
 - (C) lease;

land or interests in land and personal property needed for the purposes of this chapter;

- (2) purchase, lease as lessee or lessor, construct, remodel, rebuild, enlarge, or substantially improve property;
- (3) enter into financing agreements, including leasing land or property to users or developers, subject to this chapter; and
- (4) enter into agreements with users or developers to allow users or developers to wholly or partially construct and manage property.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-5

Adoption of resolution to develop property

Sec. 5. If the board of trustees of a state educational institution determines that it is desirable to develop property under this chapter, the board of trustees shall adopt a resolution finding that:

- (1) the property is needed to adequately furnish services to the students, faculty, staff, patients in hospitals or health care units operated by the state educational institution, or visitors to hospitals or health care units operated by the state educational institution; and
- (2) the services are not now being adequately furnished by others in the immediate area of the campus.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-6

Resolution; contents

Sec. 6. The resolution under section 5 of this chapter must provide that the plans and specifications for the property and for the development and management of the property shall be approved by the board of trustees.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-7

Requirements for management and operation of property

Sec. 7. If the management and operation of the property are to be by a developer or user, the specifications for the property must require that the property will be generally available to:

- (1) the students, faculty, staff, patients in hospitals or health care units;
- (2) visitors to hospitals or health care units; and
- (3) students, faculty, staff, or visitors to a hospitality facility;

without discrimination and at reasonable charges. These charges shall be reviewed and revised periodically by the board of trustees of the state educational institution to assure that the charges are at all times nondiscriminatory and reasonable.

As added by P.L.2-2007, SEC.276. Amended by P.L.3-2008, SEC.144; P.L.205-2013, SEC.333.

IC 21-35-7-8

Proposals for the development, use, and management of property

Sec. 8. The board of trustees of a state educational institution shall take action to invite proposals for the development, use, and management, if applicable, of property to provide open and competitive proposals.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-9

Award for the development, use, and management of property; considerations

Sec. 9. In making an award for the development, use, and management, if applicable, of property, the board of trustees of a state educational institution may consider:

- (1) the experience and financial ability of a developer or user;
- (2) the plans and specifications for the property;
- (3) the size and cost of the property;
- (4) payments to be made to or from the state educational institution;
- (5) the method of financing and the terms and conditions of any proposed financing agreement; and
- (6) any other factors of benefit to the state educational institution.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-10

Award for the development, use, and management of property; approval by budget agency and governor

Sec. 10. An award for the development, use, and management, if applicable, of property is not final until:

- (1) approved by the governor and the budget agency, with the recommendation of the budget committee; and
- (2) the notice is provided as specified in section 11 of this chapter.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-11

Notice of determination to make an award

Sec. 11. (a) A notice of the determination to make an award for the development, use, and management, if applicable, of property that briefly describes:

- (1) the property;
- (2) the purpose of the property; and

(3) the principal terms of any financing agreement;
shall be published under this section.

(b) The notice under subsection (a) shall be published in:

- (1) two (2) newspapers of general circulation in Indianapolis;
- (2) one (1) newspaper of general circulation in the city where the property is to be located; and
- (3) one (1) newspaper of general circulation in the city where the principal campus of the state educational institution is located.

(c) The notice under subsection (a) must be published once each week for two (2) successive weeks.

(d) An action to contest the validity of any financing agreement may not be commenced more than thirty (30) days following the last publication under this section of notice of the determination to make an award.

As added by P.L.2-2007, SEC.276.

IC 21-35-7-12

Tax exemption

Sec. 12. All payments received by a state educational institution under a financing agreement authorized by this chapter are exempt from all taxation.

As added by P.L.2-2007, SEC.276.

IC 21-36

**ARTICLE 36. STATE EDUCATIONAL
INSTITUTIONS: DISPOSITION OF PROPERTY**

IC 21-36-1

Chapter 1. General Provisions; Definitions

IC 21-36-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.277.

IC 21-36-1-2

"Political subdivision"

Sec. 2. "Political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.2-2007, SEC.277.

IC 21-36-1-3

"State agency"

Sec. 3. "State agency" has the meaning set forth in IC 2-2.1-3-1.

As added by P.L.2-2007, SEC.277.

IC 21-36-1-4

"Trust"

Sec. 4. "Trust" has the meaning set forth in IC 30-4-1-1(a).

As added by P.L.2-2007, SEC.277.

IC 21-36-2

Chapter 2. Disposition of Property to a Trust

IC 21-36-2-1

Applicability of chapter

Sec. 1. This chapter applies to the disposal of surplus real or personal property by a state educational institution.

As added by P.L.2-2007, SEC.277.

IC 21-36-2-2

Bids; criteria

Sec. 2. Whenever surplus real property or personal property is disposed of by acceptance of bids, a bid submitted by a trust must identify each:

- (1) beneficiary of the trust; and
- (2) settlor empowered to revoke or modify the trust.

As added by P.L.2-2007, SEC.277.

IC 21-36-3

Chapter 3. Sale of Real Estate

IC 21-36-3-1

Applicability of chapter

Sec. 1. This chapter applies to the following state educational institutions:

- (1) Indiana University.
- (2) Purdue University.
- (3) Indiana State University.
- (4) Ball State University.
- (5) Ivy Tech Community College.
- (6) University of Southern Indiana.
- (7) Vincennes University.

As added by P.L.2-2007, SEC.277. Amended by P.L.205-2013, SEC.334.

IC 21-36-3-2

Supplemental effect of chapter

Sec. 2. This chapter shall at all times be construed as supplemental to all other statutes providing for the sale of real estate by a state educational institution.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-3

Authority to sell or convey real property

Sec. 3. The board of trustees of a state educational institution may sell and convey any real estate title that is in the name of the:

- (1) board of trustees of the state educational institution; or
- (2) state of Indiana for the use and benefit of the state educational institution;

as provided in this chapter.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-4

Sale or conveyance of property received by gift or bequest

Sec. 4. The board of trustees of a state educational institution may determine that any real estate:

- (1) that was not acquired by gift or devise; and
- (2) for which the title of the real estate is in the name of the:
 - (A) state educational institution; or
 - (B) state of Indiana for the use and benefit of the state educational institution;

is not needed for any of the purposes of the state educational institution and that it would be advantageous for the state educational institution to give or sell the real estate.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-5

Determination on disposition of property; resolution

Sec. 5. If a determination is made under section 4 of this chapter to dispose of real estate, the board of trustees of the state educational institution shall adopt a resolution and send a copy of the resolution, duly certified, to the governor.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-6

Real property value determination by appraisal

Sec. 6. Except as provided in section 7 of this chapter, the value of the real estate to be sold and conveyed under this chapter shall be determined by three (3) disinterested appraisers appointed by the governor. Real estate may not be sold or conveyed for less than the appraised value.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-7

Disposition of real property; procedures

Sec. 7. The board of trustees of a state educational institution may give or sell real estate in the manner provided by this chapter to:

- (1) the state;
- (2) a state agency; or
- (3) a political subdivision;

for any or no consideration, as determined by the board of trustees of the state educational institution and the governmental entity to which the real estate is transferred.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-8

Sale price

Sec. 8. The price that is agreed on by the purchaser and the board of trustees under this chapter shall be certified by the board of trustees of the state educational institution to the treasurer of the state educational institution.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-9

Purchase money

Sec. 9. The purchaser or purchasers of real estate that:

- (1) has been sold; or
- (2) is to be conveyed;

under this chapter shall pay the purchase money to the treasurer of the state educational institution selling the real estate for the use and benefit of the state educational institution.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-10

Issuance of receipt

Sec. 10. The treasurer of the state educational institution shall issue a receipt to the purchaser of real estate being sold or conveyed under this chapter.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-11

Purchaser of real property; duties

Sec. 11. A purchaser of real property under this chapter shall submit to the auditor of the state:

- (1) the receipt issued from the treasurer of the state educational institution selling real estate under this chapter; and
- (2) a request to convey title to real estate in the form of a certified copy of the resolution of the board of trustees of the state educational institution setting forth the terms and conditions of the sale and conveyance of the real estate.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-12

Presentation of documents; procedures

Sec. 12. Upon presentation of the documents required under section 11 of this chapter:

- (1) the auditor of state shall execute a deed of conveyance to the purchaser;
- (2) the governor shall sign the deed; and
- (3) the auditor of state shall officially attest the deed with the seal of the state of Indiana.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-13

Proceeds of sale or conveyance; use

Sec. 13. The proceeds derived from the sale and conveyance of real estate under this chapter must be received and kept by the state educational institution selling the real estate in a separate and distinct fund.

As added by P.L.2-2007, SEC.277.

IC 21-36-3-14

Authority to reinvest proceeds from the sale of real property

Sec. 14. The board of trustees of a state educational institution, with the approval of the governor, may reinvest and use the proceeds from the sale of real estate under this chapter, as the board of trustees of the state educational institution finds will provide the greatest benefit to the state educational institution, for the purchase or improvement, or both, of other real estate acquired or to be acquired in the name of the:

- (1) state educational institution; or
- (2) state of Indiana for the use and benefit of the state educational institution.

As added by P.L.2-2007, SEC.277.

IC 21-36-4

Chapter 4. Monetizing Capital Assets

IC 21-36-4-1

Applicability

Sec. 1. This chapter applies to all state educational institutions.
As added by P.L.205-2013, SEC.335.

IC 21-36-4-2

Rule of statutory construction

Sec. 2. This chapter shall be construed as supplemental to all other statutes governing an agreement regarding a capital asset entered into by a state educational institution.
As added by P.L.205-2013, SEC.335.

IC 21-36-4-3

"Monetize"

Sec. 3. As used in this chapter, "monetize" refers to an exchange of part or all of the possession and control of a capital asset or security of a state educational institution, without a transfer of ownership, for a period of time in return for cash or future revenue as specified in a written agreement between the state educational institution and a third party.
As added by P.L.205-2013, SEC.335.

IC 21-36-4-4

Approval of agreement to monetize a capital asset; conditions

Sec. 4. Before the board of trustees of a state educational institution may enter into an agreement with a third party to monetize a capital asset, the proposed principal terms of the agreement (including an estimated amount of the monetization proceeds) must be approved by the governor and the budget agency, after the recommendation of the budget committee, if the agreement will have:

- (1) an annual transactional value that exceeds one million dollars (\$1,000,000);
- (2) a total transactional value that exceeds five million dollars (\$5,000,000); or
- (3) a term, including the initial term and any renewal terms, that exceeds ten (10) years.

As added by P.L.205-2013, SEC.335.

IC 21-36-4-5

Property tax exemption

Sec. 5. Notwithstanding the provisions of IC 21-31-4-3 and IC 6-1.1-10-37:

- (1) tangible real property that is owned by a state educational institution; and
- (2) tangible real property that is constructed or used on real property described in subdivision (1), to the extent that tangible

real property is described in IC 21-35-7-2;
and that is licensed, leased, or otherwise conveyed to a developer or operator in accordance with the provisions of an agreement under this chapter is exempt from all ad valorem property taxes and special assessments levied against that tangible real property by the state or any political subdivision of the state. The exemption applies to the tangible real property and to the developer's or operator's leasehold estate interest, franchise interest, license interest, and other interests in the tangible real property. Property satisfying the requirements of this section is considered to be public property devoted to an essential public and governmental function and purpose.

As added by P.L.205-2013, SEC.335.

IC 21-37

**ARTICLE 37. STATE EDUCATIONAL
INSTITUTIONS: CONTRACTS; PROCUREMENT**

IC 21-37-1

Chapter 1. General Provisions; Definitions

IC 21-37-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.278.

IC 21-37-1-2

"Biodegradation"

Sec. 2. "Biodegradation" has the meaning set forth in IC 5-22-5-6.

As added by P.L.2-2007, SEC.278.

IC 21-37-1-3

"Chemical degradation"

Sec. 3. "Chemical degradation" has the meaning set forth in IC 5-22-5-6.

As added by P.L.2-2007, SEC.278.

IC 21-37-1-4

"Photodegradation"

Sec. 4. "Photodegradation" has the meaning set forth in IC 5-22-5-6.

As added by P.L.2-2007, SEC.278.

IC 21-37-1-5

"Refuse bag"

Sec. 5. "Refuse bag" has the meaning set forth in IC 5-22-5-6.

As added by P.L.2-2007, SEC.278.

IC 21-37-1-6

"Supplies"

Sec. 6. "Supplies" has the meaning set forth in IC 5-22-2-38.

As added by P.L.2-2007, SEC.278.

IC 21-37-1-7

"Trust"

Sec. 7. "Trust" has the meaning set forth in IC 30-4-1-1(a).

As added by P.L.2-2007, SEC.278.

IC 21-37-2

Chapter 2. Contracts

IC 21-37-2-1

Ball State University board; authority to let contracts

Sec. 1. The board of trustees of Ball State University may let contracts.

As added by P.L.2-2007, SEC.278.

IC 21-37-2-2

University of Southern Indiana board; authority to let contracts

Sec. 2. The University of Southern Indiana may let contracts.

As added by P.L.2-2007, SEC.278.

IC 21-37-3

Chapter 3. Supplemental Procurement Procedures; Professional and Expert Services; Construction, Alteration, and Repair of Facilities

IC 21-37-3-1

Supplemental effect of chapter

Sec. 1. The authority conferred by this chapter is an independent authority not limited by, but supplemental to, any other statute concerning the same subject matter.

As added by P.L.2-2007, SEC.278.

IC 21-37-3-2

Authority to contract for professional or expert services

Sec. 2. A state educational institution may contract for professional or expert services and may contract with agents for the construction, alteration, or repair of any of the state educational institution's buildings or facilities.

As added by P.L.2-2007, SEC.278.

IC 21-37-3-3

Bids; procedures

Sec. 3. (a) Before securing services described in section 2 of this chapter, the state educational institution must invite bids from at least three (3) bidders. The state educational institution must mail a notice to each bidder not less than ten (10) days before the time fixed for receiving bids. Each bidder shall submit under oath as a part of the bid a statement of:

- (1) the bidder's professional experience;
- (2) the bidder's proposed plan for performing the work;
- (3) the equipment and personnel available for the performance of the work;
- (4) the bidder's current financial status;
- (5) the bidder's best estimate of the cost of each item of work to be performed including a breakdown of all labor and materials required to complete the work; and
- (6) if a trust, the name of each beneficiary of the trust and settlor empowered to revoke or modify the trust.

(b) After the bids have been submitted to the institution, the state educational institution may only contract with the lowest and best bidder using terms and conditions that will accomplish the work at the lowest possible cost to the state.

As added by P.L.2-2007, SEC.278.

IC 21-37-4

Chapter 4. Purchasing Preferences

IC 21-37-4-1

Duty to comply with purchasing preferences

Sec. 1. A state educational institution shall comply with IC 5-22-15 when purchasing supplies.

As added by P.L.2-2007, SEC.278.

IC 21-37-5

Chapter 5. Recycled Paper Products

IC 21-37-5-1

Duty to collect recycled paper products

Sec. 1. A state educational institution shall, when economically feasible, make reasonable efforts to collect the recyclable paper that the state educational institution uses.

As added by P.L.2-2007, SEC.278.

IC 21-37-5-2

Procurement of recycled paper products

Sec. 2. A state educational institution shall procure recycled paper products if:

- (1) the recycled paper products are available; and
- (2) it is economically feasible for the state educational institution to use the recycled paper products.

As added by P.L.2-2007, SEC.278.

IC 21-37-6

Chapter 6. Degradable Plastic Products

IC 21-37-6-1

Procurement of disposable plastic products

Sec. 1. When procuring disposable plastic products, including refuse bags, a state educational institution shall procure disposable plastic products that are degradable if:

- (1) degradable products are available at the time of the procurement;
- (2) it is economically feasible to procure degradable products;
- (3) the procurement of degradable products is not inappropriate because of:
 - (A) federal regulations or policy in matters involving the federal government; or
 - (B) the special requirements of scientific uses;
- (4) the degradable product to be procured is economically and functionally the equivalent of disposable plastic products that:
 - (A) meet applicable specifications; and
 - (B) are not degradable; and
- (5) the degradable product to be procured is, in the determination of the state educational institution, a type of product for which the use of degradable materials is appropriate based upon:
 - (A) the functional use of the product; and
 - (B) whether the product will probably be recycled or disposed of in a final disposal facility.

As added by P.L.2-2007, SEC.278.

IC 21-37-7

Chapter 7. Disqualification of Contractors Dealing with the Government of Iran

IC 21-37-7-1

Application of IC 5-22-16.5 to award of contracts under title

Sec. 1. IC 5-22-16.5 (Disqualification of Contractors Dealing with the Government of Iran) applies to the awarding of contracts, including contracts for professional services, under this title.

As added by P.L.21-2012, SEC.7.

IC 21-37-7-2

Procedures

Sec. 2. For purposes of applying IC 5-22-16.5 to contracts awarded under this title, the following apply:

(1) A reference to an "offer" in IC 5-22-16.5 refers to:

(A) a bid for a contract; or

(B) a proposal to provide professional services;

under this title.

(2) A person may not be awarded a contract under this title if the person would be disqualified from being awarded a contract under IC 5-22-16.5.

(3) The procedures, rights, and application of penalties described in IC 5-22-16.5 shall be applied in the context of this title so that the public policy of IC 5-22-16.5 and this title are both implemented.

As added by P.L.21-2012, SEC.7.

IC 21-38

ARTICLE 38. STATE EDUCATIONAL INSTITUTIONS: PERSONNEL; COMPENSATION; BENEFITS

IC 21-38-1

Chapter 1. General Provisions; Definitions

IC 21-38-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-2

"Compensation"

Sec. 2. "Compensation" means the sum of the following:

- (1) The fiscal year salary received by an employee.
- (2) An amount not to exceed two thousand dollars (\$2,000) received from the state educational institution in contemplation of the employee's retirement, including severance pay, termination pay, retirement bonus, or commutation of sick leave or personal leave.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-3

"Council"

Sec. 3. "Council" refers to the Indiana excellence in teaching council.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-4

"Covered individual"

Sec. 4. "Covered individual" means an individual entitled to coverage under an employee health plan.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-5

"Distinguished teacher"

Sec. 5. "Distinguished teacher" means an individual who:

- (1) has demonstrated excellence in teaching as judged by the individual's students and peers; and
- (2) is or will be employed in a full-time faculty position at a state educational institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-6

"Early intervention services"

Sec. 6. "Early intervention services" means services provided to

a first steps child under IC 12-12.7-2 and 20 U.S.C. 1432(4).
As added by P.L.2-2007, SEC.279.

IC 21-38-1-7

"Employee"

Sec. 7. "Employee" refers to an employee of a state educational institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-8

"Employee health plan"

Sec. 8. "Employee health plan" means:

- (1) a program of self-insurance established and maintained by a state educational institution to cover the provision of health care services (as defined in IC 27-8-11-1) to the institution's employees;
- (2) a group contract entered into or renewed by a state educational institution with a health maintenance organization (as defined in IC 27-13-1-19) to provide services to employees of the state educational institution; or
- (3) a policy of accident and sickness insurance (as defined in IC 27-8-5-1) issued or renewed on a group basis to a state educational institution to provide coverage for employees of the state educational institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-9

"Endowment"

Sec. 9. "Endowment" refers to an endowment described in IC 21-38-8-2.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-10

"First steps child"

Sec. 10. "First steps child" means an infant or toddler from birth through two (2) years of age who is enrolled in the Indiana first steps program and is a covered individual.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-11

"First steps program"

Sec. 11. "First steps program" means the program established under IC 12-12.7-2 and 20 U.S.C. 1431 et seq. to meet the needs of:

- (1) children who are eligible for early intervention services; and
- (2) families of children who are eligible for early intervention services.

The term includes the coordination of all available federal, state, local, and private resources available to provide early intervention services within Indiana.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-12**"Foundation"**

Sec. 12. "Foundation" refers to a tax exempt foundation related to a state educational institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-13**"Fund"**

Sec. 13. "Fund":

(1) for purposes of IC 21-38-7, refers to the Indiana state teachers' retirement fund established by IC 5-10.4-2-1; and

(2) for purposes of IC 21-38-8, refers to the Indiana excellence in teaching endowment established under IC 21-38-8-2.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-14**"Fund member"**

Sec. 14. "Fund member", for purposes of IC 21-38-7, means an individual who qualifies for membership in the fund described in section 13(1) of this chapter under IC 5-10.4-4-1.

As added by P.L.2-2007, SEC.279.

IC 21-38-1-15**"Retirement benefit system"**

Sec. 15. "Retirement benefit system" means a retirement benefit system established under IC 21-38-7 by a state educational institution after June 30, 1980.

As added by P.L.2-2007, SEC.279.

IC 21-38-2

Chapter 2. Compensation of Members of a Board of Trustees

IC 21-38-2-1

Applicability of chapter

Sec. 1. (a) This section applies to the boards of trustees of the following state educational institutions:

- (1) Indiana University.
- (2) Purdue University.
- (3) Indiana State University.
- (4) Ball State University.

(b) Each member of the board of trustees of a state educational institution is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.2-2007, SEC.279.

IC 21-38-2-2

Organization

Sec. 2. The board of trustees of Indiana University may:

- (1) elect one (1) member from the board to serve as president of the board of trustees;
- (2) elect a treasurer, secretary, and other officers they determine necessary; and
- (3) prescribe the duties and fix the compensation of:
 - (A) the president, treasurer, and secretary of the board of trustees; and
 - (B) the other officers of the board of trustees determined by the board to be necessary.

As added by P.L.2-2007, SEC.279.

IC 21-38-2-3

Benefits; salary per diem; travel expenses

Sec. 3. (a) A member of the board of trustees of Ivy Tech Community College is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), unless the member holds another position that is considered a lucrative office within the meaning of Article 2, Section 9 of the Constitution of the State of Indiana.

(b) A member of the board of trustees of Ivy Tech Community College is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.2-2007, SEC.279. Amended by P.L.3-2008, SEC.145.

IC 21-38-2-4**Reimbursement of expenses**

Sec. 4. Members of a regional board of Ivy Tech Community College shall serve without pay but shall receive reimbursement for necessary expenses incurred in the conduct of business of the regional board.

As added by P.L.2-2007, SEC.279.

IC 21-38-2-5**Benefits; salary per diem; travel expenses**

Sec. 5. Each member of the board of trustees of the University of Southern Indiana is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.2-2007, SEC.279.

IC 21-38-2-6**Benefits; salary per diem; reimbursement of expenses**

Sec. 6. The members of the board of trustees of Vincennes University shall serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.2-2007, SEC.279.

IC 21-38-3

Chapter 3. Employment of Personnel

IC 21-38-3-1

Applicability of section; employment powers

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may employ:

- (1) officers;
- (2) faculty;
- (3) employees;
- (4) consultants; and
- (5) counsel;

necessary or convenient to aid in the formulation and implementation of the state educational institution's policies and to execute the will of the board of trustees within its particular institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-3-2

Applicability of section; delegation powers

Sec. 2. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) To carry out the purposes described in section 1 of this chapter, the board of trustees of a state educational institution may delegate to:

- (1) persons employed by the board of trustees; and
- (2) others;

the authority that the board of trustees possesses. No manner of delegation is irrevocable.

As added by P.L.2-2007, SEC.279.

IC 21-38-3-3

Ball State University board; power to define the duties and provide compensation for faculty and staff

Sec. 3. The board of trustees of Ball State University may define the duties and provide compensation for faculty and staff of the university. The authority of the board under this section includes the authority to establish fringe benefit programs, including retirement benefits, that may be supplemental to, or instead of, state retirement

programs for teachers or other public employees as authorized by law.

As added by P.L.2-2007, SEC.279. Amended by P.L.3-2008, SEC.146.

IC 21-38-3-4

Indiana University board; power to elect officers, employ persons, and establish benefit programs for employees

Sec. 4. The board of trustees of Indiana University may:

- (1) elect a president, the professors, and other officers for Indiana University as necessary and prescribe the duties and salaries of those positions;
- (2) employ other persons as necessary; and
- (3) establish programs of fringe benefits and retirement benefits for Indiana University's officers, faculty, and other employees that may be supplemental to, or instead of, state retirement programs established by statute for public employees;

As added by P.L.2-2007, SEC.279.

IC 21-38-3-5

Indiana State University board; power to prescribe the duties and provide the compensation for employees

Sec. 5. The board of trustees of Indiana State University may prescribe the duties and provide the compensation, including retirement and other benefits, of the faculty, administration, and employees of Indiana State University.

As added by P.L.2-2007, SEC.279.

IC 21-38-3-6

Ivy Tech Community College board; power to select and employ a president and other staff

Sec. 6. The board of trustees of Ivy Tech Community College shall select and employ a president of the state educational institution, with qualifications set out, and other staff and professional employees as are required.

As added by P.L.2-2007, SEC.279.

IC 21-38-3-7

Trustees; employment of personnel

Sec. 7. The board of trustees of Ivy Tech Community College may do the following:

- (1) Develop a statewide salary structure and classification system, including provisions for employee group insurance, employee benefits, and personnel policies.
- (2) Employ the chief administrator of each region.
- (3) Authorize the chief administrator of a region to employ the necessary personnel for the region, determine qualifications for positions, and fix compensation for positions in accordance with statewide policies established under subdivision (1).

As added by P.L.2-2007, SEC.279. Amended by P.L.169-2007,

SEC.27.

IC 21-38-3-8

Purdue University board; power to elect professors and teachers, fix and regulate compensation

Sec. 8. The board of trustees of Purdue University may elect all professors and teachers, removable at the board's pleasure; fix and regulate compensations, including programs of fringe benefits and retirement benefits that may be supplemental to or in lieu of state retirement programs established by statute for public employees.

As added by P.L.2-2007, SEC.279.

IC 21-38-3-9

University of Southern Indiana board; power to employ faculty and staff and provide compensation

Sec. 9. The University of Southern Indiana may employ a faculty and staff for the university, define the duties of the faculty and staff, and provide compensation for the faculty and staff, including a program of fringe benefits and a program of retirement benefits that may supplement or supersede the state retirement programs established by statute for teachers or other public employees.

As added by P.L.2-2007, SEC.279.

IC 21-38-3-10

Vincennes University board; power to appoint subordinate officers

Sec. 10. The board of trustees of Vincennes University may:

(1) appoint subordinate officers the board believes convenient for:

(A) the police of Vincennes University; and

(B) carrying the statutory powers and duties of Vincennes University into effect; and

(2) by ordinance:

(A) require such sureties from the subordinate officers;

(B) annex the fees to the subordinate officers of Vincennes University; and

(C) impose such fines for a neglect of duty or misconduct in office;

as the board of trustees of Vincennes University determines proper.

As added by P.L.2-2007, SEC.279.

IC 21-38-3-11

Vincennes University board; additional powers

Sec. 11. The board of trustees of Vincennes University may elect and appoint persons of suitable learning and talents to be president and professors of Vincennes University and agree with them for their salaries and emoluments. The board of trustees shall appoint a president to preside over and govern Vincennes University.

As added by P.L.2-2007, SEC.279.

IC 21-38-3-12

Officers serve at the pleasure of the board

Sec. 12. The president and professors of Vincennes University hold offices at the pleasure of the board of trustees of Vincennes University.

As added by P.L.2-2007, SEC.279.

IC 21-38-3-13

OPEB report; GASB Statements 43 and 45 information required

Sec. 13. A state educational institution that provides or sponsors a post-employment benefit (as defined in IC 5-10-16-5) shall submit to the office of management and budget not later than November 1 each year an OPEB (as defined in IC 5-10-16-4) report for the state educational institution. Each state educational institution shall provide information required under GASB Statements 43 and 45 and any other information requested by the OMB or the budget committee.

As added by P.L.138-2012, SEC.5.

IC 21-38-4

Chapter 4. Litigation Expenses

IC 21-38-4-1

Applicability of section; powers of the board of trustees of state educational institutions

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may provide:

- (1) for the defense of persons described in IC 21-38-3-1 and members of the board of trustees in any suit arising out of the performance of the person's duties for, or employment with, the state educational institution, whenever the board of trustees, by resolution, determines that the action was taken in good faith; and
- (2) for protecting any person described in IC 21-38-3-1 or a member of the board of trustees harmless from any liability, cost, or damage in connection with the performance of the person's duties for, or employment with, the state educational institution, including the payment of any legal fees, except when the liability, cost, or damage is:
 - (A) predicated on, or arises out of, the bad faith of the person; or
 - (B) based on the person's malfeasance in office or employment.

As added by P.L.2-2007, SEC.279.

IC 21-38-5

Chapter 5. University Faculty Oath

IC 21-38-5-1

Faculty oath or affirmation

Sec. 1. Except as provided in section 2 of this chapter, before beginning employment, each professor or other individual serving in a teaching capacity in a state educational institution shall subscribe, before an officer authorized by law to administer oaths, to the following oath or affirmation:

"I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the constitution of Indiana and the laws of the United States and of Indiana, and will, by precept and example, promote respect for the flag and the institutions of the United States and of Indiana, reverence for law and order and undivided allegiance to the government of the United States."

Two (2) copies of this oath or affirmation shall be executed. One (1) copy shall be filed with the president of the state educational institution. The individual subscribing to the oath or affirmation shall retain the other copy.

As added by P.L.2-2007, SEC.279.

IC 21-38-5-2

Alien faculty oath

Sec. 2. Before beginning employment, each person who is:

(1) a citizen or subject of any country other than the United States; and

(2) to serve as a professor or in another teaching capacity in a state educational institution;

shall subscribe to an oath to support the United States' institutions and policies during the individual's stay in Indiana.

As added by P.L.2-2007, SEC.279.

IC 21-38-6

Chapter 6. Health Plans; First Steps Program Coverage

IC 21-38-6-1

Reimbursement of first steps program for early intervention services payments

Sec. 1. An employee health plan that provides coverage for early intervention services shall reimburse the first steps program a monthly fee established by the division of disability and rehabilitative services. The monthly fee shall be provided instead of claims processing of individual claims.

As added by P.L.2-2007, SEC.279. Amended by P.L.229-2011, SEC.242.

IC 21-38-6-2

Reimbursement not to be applied to lifetime coverage limit

Sec. 2. The reimbursement required under section 1 of this chapter may not be applied to any annual or aggregate lifetime limit on the first steps child's coverage under the employee health plan.

As added by P.L.2-2007, SEC.279.

IC 21-38-6-3

Payment of deductibles, copayments, or other expenses

Sec. 3. The first steps program may pay required deductibles, copayments, or other out-of-pocket expenses for a first steps child directly to a provider. An employee health plan shall apply any payments made by the first steps program to the employee health plan's deductibles, copayments, or other out-of-pocket expenses according to the terms and conditions of the employee health plan.

As added by P.L.2-2007, SEC.279.

IC 21-38-7

Chapter 7. Transfer of Membership From Indiana State Teachers' Retirement Fund; State Appropriation

IC 21-38-7-1

Applicability of chapter

Sec. 1. This chapter applies to a state educational institution that had at least one (1) employee who was a fund member on July 1, 1980.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-2

Interpretation

Sec. 2. This chapter does not limit the authority given to a state educational institution under any other law.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-3

Powers of state educational institutions

Sec. 3. A state educational institution may establish a retirement benefit system for the employees of the state educational institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-4

Restricted participation in retirement benefit system

Sec. 4. An employee may not be both an active:

- (1) fund member; and
- (2) retirement benefit system participant;

at the same time.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-5

Participation in retirement benefit system

Sec. 5. If a state educational institution establishes a retirement benefit system that includes as participants employees who otherwise qualify as fund members, the state educational institution must allow an employee who otherwise qualifies as a fund member to elect whether to participate in the retirement benefit system.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-6

Employee election to participate in retirement benefit system

Sec. 6. An employee's election under section 5 of this chapter must be in writing and is not effective until filed with the state educational institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-7

Noncontributing fund members; date participation is effective

Sec. 7. If an employee is not a contributing fund member at the

time the employee is initially hired by a state educational institution that has established a retirement benefit system, the employee may file an election under section 5 of this chapter to participate in the employer's retirement benefit system not later than sixty (60) calendar days after the employee's initial employment date. The election is effective as if it had been made on the employee's initial employment date.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-8

Contributing fund members; date participation is effective

Sec. 8. If an employee is a contributing fund member at the time the employee elects under section 5 of this chapter to participate in a retirement benefit system:

- (1) the employee's rights in the fund on the date the employee's election is effective are the same as if the employee had terminated employment on that date; and
- (2) the employee's election and suspension of membership in the fund are effective on July 1 immediately following the date the employee files the election with the state educational institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-9

Prohibition on rejoining fund

Sec. 9. After an employee's election under section 5 of this chapter becomes effective, the employee is not entitled to rejoin the fund while the employee remains employed by the state educational institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-10

Service credit

Sec. 10. The service of an employee who is participating in a retirement benefit system may not be used to earn service credit, years of service, or for any other purpose by the fund.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-11

State educational institutions; duties

Sec. 11. The state educational institution shall inform the board of trustees of the fund of:

- (1) the employee's election to participate in the retirement benefit system established by the state educational institution; and
- (2) the effective date of the employee's election.

As added by P.L.2-2007, SEC.279.

IC 21-38-7-12

Amount of state contribution

Sec. 12. (a) If a state educational institution establishes a retirement benefit system applicable to employees of the institution who otherwise qualify as members of the fund under IC 5-10.4-4-1, the general assembly shall appropriate to a state educational institution that establishes a retirement benefit system to fund the retirement benefit system an amount estimated to be equal to seven and four-tenths percent (7.4%) of the compensation of an employee who:

(1) makes the election described in section 5 of this chapter;
and

(2) becomes a participant in the retirement benefit system of the state educational institution for all or a part of the period of the appropriation.

(b) The state educational institution shall:

(1) estimate the sum described in subsection (a); and

(2) submit the estimate to the budget agency and to the commission for higher education for inclusion in the operating appropriation of the state educational institution.

(c) The estimate described in subsection (b) must be submitted at the same time but separately from the request of the state educational institution for an operating appropriation.

As added by P.L.2-2007, SEC.279.

IC 21-38-8

Chapter 8. Indiana Excellence in Teaching Endowment

IC 21-38-8-1

Indiana excellence in teaching council; establishment

Sec. 1. The Indiana excellence in teaching council is established. The council consists of nine (9) members as follows:

- (1) One (1) representative of the commission for higher education.
- (2) One (1) representative of the budget agency.
- (3) One (1) representative from each state educational institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-8-2

Indiana excellence in teaching endowment; administration

Sec. 2. (a) The Indiana excellence in teaching endowment is established to provide state educational institutions with grants to match interest income generated by an endowment to attract and retain distinguished teachers. The fund shall be administered by the council.

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

(c) The treasurer of state shall invest the money in the fund not currently needed to meet obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of the state fiscal year does not revert to the state general fund but remains available to be used for providing money for grants as allowed under this chapter.

As added by P.L.2-2007, SEC.279. Amended by P.L.234-2007, SEC.56.

IC 21-38-8-3

Qualifications

Sec. 3. To qualify for a matching grant from the fund, a state educational institution or a foundation must establish an endowment subject to the following criteria:

- (1) The endowment must be created after July 1, 1990.
- (2) Funds in the endowment must be solely dedicated for use in matching money granted from the fund.
- (3) A donor to the endowment must restrict the gift for the sole purpose of generating income to attract and retain distinguished scholars.
- (4) An institution or a foundation may not designate an unrestricted donation, endowment, or any other contribution made before July 1, 1990, to qualify for a matching grant.

As added by P.L.2-2007, SEC.279.

IC 21-38-8-4

Application for matching grants

Sec. 4. A state educational institution must apply for a matching grant in the manner prescribed by the council.

As added by P.L.2-2007, SEC.279.

IC 21-38-8-5

Distribution of endowment funds; considerations

Sec. 5. When determining a distinguished teacher's prominence, the council shall consider the following criteria when distributing endowment funds:

- (1) Evidence of excellent teaching ability.
- (2) Distinguished accomplishments.
- (3) Either:
 - (A) productive scholarship; or
 - (B) artistic achievement and superior talent.

The council may consider any other criteria for distributing endowment funds that the council determines appropriate.

As added by P.L.2-2007, SEC.279.

IC 21-38-8-6

Approval or disapproval of matching funds

Sec. 6. (a) The council shall approve or disapprove a matching grant application within sixty (60) days after the application is received by the council.

(b) The council may approve a grant application with an amount that is the same or less than the amount requested by the state educational institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-8-7

Matching grants; use

Sec. 7. (a) Each matching grant from the fund is intended to be used to supplement, and may not be used instead of, a distinguished teacher's regular annual salary.

(b) The council may not approve a matching grant from the fund that exceeds income generated from the endowment of the institution.

As added by P.L.2-2007, SEC.279.

IC 21-38-8-8

Staff

Sec. 8. Staff for the council shall be provided by the commission for higher education.

As added by P.L.2-2007, SEC.279.

IC 21-38-8-9

Appropriation

Sec. 9. An appropriation to the fund or a grant from the fund to a state educational institution does not constitute a commitment to match endowment income in excess of the current appropriation in any subsequent biennium.

As added by P.L.2-2007, SEC.279.

IC 21-38-8-10

Council powers

Sec. 10. The council may:

(1) develop guidelines; and

(2) adopt rules under IC 4-22-2;

to administer the fund and this chapter.

As added by P.L.2-2007, SEC.279.

IC 21-38-9

**Chapter 9. Vincennes University; Faculty and Student
Exemption From Militia Duty**

IC 21-38-9-1

Exemption from militia duty

Sec. 1. The professors of Vincennes University during their professorship, and the students, while at Vincennes University, are exempt from militia duty.

As added by P.L.2-2007, SEC.279.

IC 21-39

**ARTICLE 39. STATE EDUCATIONAL
INSTITUTIONS: REGULATION OF CONDUCT**

IC 21-39-1

Chapter 1. General Provisions; Definitions

IC 21-39-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article
As added by P.L.2-2007, SEC.280.

IC 21-39-1-2

"Police officer"

Sec. 2. "Police officer" refers to a police officer employed by a
state educational institution under IC 21-39-4.
As added by P.L.2-2007, SEC.280.

IC 21-39-1-3

"Political subdivision"

Sec. 3. "Political subdivision" has the meaning set forth in
IC 36-1-2-13.
As added by P.L.2-2007, SEC.280.

IC 21-39-1-4

"Violation"

Sec. 4. "Violation" refers to the existence of:

- (1) a violation of a federal law or regulation;
- (2) a violation of a state law or rule;
- (3) a violation of an ordinance of a political subdivision; or
- (4) the misuse of public resources.

As added by P.L.2-2007, SEC.280.

IC 21-39-2

Chapter 2. Regulations; Discipline

IC 21-39-2-1

Status of students and faculty intact

Sec. 1. Sections 2 through 5 of this chapter may not be construed to discourage or disparage the status of students, faculty, and other persons or the valid concerns of the public in matters of policy and of management of a state educational institution.

As added by P.L.2-2007, SEC.280.

IC 21-39-2-2

Authority to govern by regulations

Sec. 2. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may govern, by regulation and other means, the conduct of students, faculty, employees, and others while upon the property owned, used, or occupied by the state educational institution.

As added by P.L.2-2007, SEC.280.

IC 21-39-2-2.1

State educational institutions; bullying prevention policies

Sec. 2.1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) As used in this section, "bullying" means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student and create for the targeted student, while the targeted student is on the property owned, used, or occupied by the state educational institution, an objectively hostile environment that:

- (1) places the targeted student in reasonable fear of harm to the targeted student's person or property;
- (2) has a substantially detrimental effect on the targeted student's physical or mental health;
- (3) has the effect of substantially interfering with the targeted

student's academic performance; or

(4) has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the state educational institution.

(c) If the board of trustees of a state educational institution elects to govern, by regulation or another means, the conduct of students, faculty, employees, and others on the property owned, used, or occupied by the state educational institution, the regulation must include a policy prohibiting bullying.

As added by P.L.285-2013, SEC.8.

IC 21-39-2-3

Authority to govern by lawful means

Sec. 3. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may govern, by lawful means, the conduct of the state educational institution's students, faculty, and employees, wherever the conduct might occur, to prevent unlawful or objectionable acts that:

- (1) seriously threaten the ability of the state educational institution to maintain the state educational institution's facilities; or
- (2) violate the reasonable rules and standards of the state educational institution designed to protect the academic community from unlawful conduct or conduct presenting a serious threat to person or property of the academic community.

As added by P.L.2-2007, SEC.280.

IC 21-39-2-4

Authority to punish violators of the institution's rules and standards of conduct

Sec. 4. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may dismiss, suspend, or otherwise punish any student, faculty member, or employee of the state educational institution who violates the institution's rules or standards of conduct, after determination of guilt by lawful proceedings.

As added by P.L.2-2007, SEC.280.

IC 21-39-2-5

Violation of rules of institution; punishment

Sec. 5. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) Conduct that constitutes a violation of the rules of the state educational institution may be punished, after determination of guilt by lawful procedures, without regard to whether the conduct also constitutes an offense under the criminal laws of any state or of the United States or whether it might result in civil liability of the violator to other persons.

As added by P.L.2-2007, SEC.280.

IC 21-39-2-6

Ball State University board; power to set fines and penalties

Sec. 6. The board of trustees of Ball State University may set fines and penalties.

As added by P.L.2-2007, SEC.280.

IC 21-39-2-7

Powers of Indiana University faculty

Sec. 7. The faculty of Indiana University may do the following:

- (1) Enforce the regulations adopted by the board of trustees of Indiana University for the government of the students.
- (2) To carry out subdivision (1):
 - (A) reward and censure students; and
 - (B) suspend students who continue to violate the regulations adopted under subdivision (1) until a determination of the board of trustees concerning the students can be made.

As added by P.L.2-2007, SEC.280.

IC 21-39-2-8

University of Southern Indiana; power to set fines and penalties

Sec. 8. The University of Southern Indiana may set fines and other sanctions for noncompliance with a University of Southern Indiana contract or rule.

As added by P.L.2-2007, SEC.280.

IC 21-39-2-9

Vincennes University board; duties

Sec. 9. The board of trustees of Vincennes University shall:

- (1) make ordinances for the government and discipline of Vincennes University;
- (2) examine the state of education and discipline at Vincennes University; and
- (3) make a yearly report of the items described in subdivisions

(1) and (2) to the general assembly in an electronic format under IC 5-14-6.

As added by P.L.2-2007, SEC.280.

IC 21-39-2-10

Vincennes University faculty; power to enforce rules and regulations adopted by the board

Sec. 10. The faculty of Vincennes University may enforce the rules and regulations adopted by the board of trustees for the government and discipline of Vincennes University.

As added by P.L.2-2007, SEC.280.

IC 21-39-3

Chapter 3. Report of Violation

IC 21-39-3-1

Reporting violations; procedures

Sec. 1. An employee of a state educational institution may report in writing the existence of a violation first to a supervisor or appointing authority, unless the supervisor or appointing authority is the person whom the employee believes is committing the violation.
As added by P.L.2-2007, SEC.280.

IC 21-39-3-2

Reporting violations; additional procedures

Sec. 2. If a supervisor or appointing authority is the person an employee of a state educational institution believes is committing a violation, the employee may report the violation in writing to:

- (1) the supervisor;
- (2) the appointing authority; or
- (3) any official or agency entitled to receive a report from the state ethics commission under IC 4-2-6-4(b)(2)(J) or IC 4-2-6-4(b)(2)(K).

As added by P.L.2-2007, SEC.280.

IC 21-39-3-3

Correcting a violation

Sec. 3. If a good faith effort is not made to correct a violation within a reasonable time, the employee of a state educational institution may submit a written report of the incident to any person, agency, or organization.

As added by P.L.2-2007, SEC.280.

IC 21-39-3-4

Reasonable attempt to ascertain the correctness of information

Sec. 4. (a) An employee must make a reasonable attempt to ascertain the correctness of any information that the employee reports.

(b) An employee may be subject to disciplinary actions, including suspension or dismissal, for knowingly furnishing false information as determined by the employee's appointing authority or the appointing authority's designee.

(c) An employee disciplined under this section is entitled to process an appeal of the disciplinary action under the procedure set forth in any personnel policy or collective bargaining agreement adopted by the state educational institution.

As added by P.L.2-2007, SEC.280.

IC 21-39-3-5

Protection of employees reporting violations

Sec. 5. Subject to section 4 of this chapter, if an employee makes a report of a violation in conformity with this chapter, the employee

may not:

- (1) be dismissed from employment;
- (2) have salary increases or employment related benefits withheld;
- (3) be transferred or reassigned;
- (4) be denied a promotion that the employee otherwise would have received; or
- (5) be demoted.

As added by P.L.2-2007, SEC.280.

IC 21-39-3-6

Violation

Sec. 6. An employer who violates this chapter commits a Class A infraction.

As added by P.L.2-2007, SEC.280.

IC 21-39-4

Chapter 4. Powers to Appoint Police Officers

IC 21-39-4-1

Supplemental effect of chapter

Sec. 1. This chapter is supplemental to all other statutes relating to the power of a state educational institution to appoint police officers.

As added by P.L.2-2007, SEC.280.

IC 21-39-4-2

Authority of trustees

Sec. 2. The board of trustees of a state educational institution may:

- (1) appoint police officers for the state educational institution for which the board is responsible;
- (2) prescribe duties and direct the conduct of the appointed police officers;
- (3) prescribe distinctive uniforms for the police of the state educational institution or campus; and
- (4) designate and operate emergency vehicles.

As added by P.L.2-2007, SEC.280.

IC 21-39-4-3

Appointed police officer oath

Sec. 3. Police officers appointed under this chapter shall take an appropriate oath of office in the form and manner prescribed by the appointing board of trustees.

As added by P.L.2-2007, SEC.280.

IC 21-39-4-4

Police officer serves at pleasure of the appointing board

Sec. 4. A police officer serves at the pleasure of the appointing board of trustees.

As added by P.L.2-2007, SEC.280.

IC 21-39-4-5

Powers and duties of police officers

Sec. 5. (a) Police officers have the following powers, privileges, immunities, and duties:

- (1) General police powers including the power to arrest, without process, all persons who commit an offense within the view of the officer.
- (2) The same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that the officers are empowered to serve civil process only to the extent authorized by the employing board of trustees.
- (3) The duty to enforce and to assist the officials of the state educational institutions at which the officers are employed in the enforcement of the rules and regulations of the state

educational institution.

(4) The duty to assist and cooperate with other law enforcement agencies and officers.

(b) The board of trustees employing a police officer may expressly prohibit a police officer from exercising any of the powers otherwise granted by law.

As added by P.L.2-2007, SEC.280.

IC 21-39-4-6

Jurisdiction of police officers appointed under this chapter

Sec. 6. (a) A police officer may exercise the powers granted under this chapter as follows:

(1) A police officer may exercise the officer's powers upon real property owned or occupied by the state educational institution employing the police officer, including the streets passing through and adjacent to the state educational institution.

(2) This subdivision applies only to a police officer who meets the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer. An institution may extend a police officer's territorial jurisdiction to the entire state, or to any part of the state, if:

(A) the board of trustees adopts a resolution specifically describing the territorial jurisdiction of a police officer appointed under this chapter; and

(B) the board of trustees notifies the:

(i) superintendent of the state police department; and

(ii) sheriff of the county in which the institution is primarily located (or the chief of police of the consolidated city, if the institution is primarily located in a consolidated city);

of the boundaries of the extended territorial jurisdiction.

The institution shall provide the persons described in clause (B)(i) and (B)(ii) with notice of the extended jurisdiction every two (2) years, by January 31 of the second year.

(b) If a police officer appointed under this section exercises the officer's police powers outside of the county in which the institution is primarily located, the officer shall notify the sheriff (or, in the case of a consolidated city, the chief of police) as soon as practicable.

As added by P.L.2-2007, SEC.280. Amended by P.L.30-2011, SEC.2.

IC 21-39-4-7

Police officer retirement benefits

Sec. 7. Whenever a police officer retires after at least twenty (20) years of service, the police officer may retain the officer's service weapon. The officer is entitled to receive, in recognition of the service to the state educational institution and the public, a badge that indicates that the officer is retired. Upon retirement, the state police department shall issue to the police officer an identification card that:

- (1) states the police officer's name and rank at retirement;
- (2) states the officer's retired status; and
- (3) notes the officer's authority to retain the service weapon.

A police officer described in this section is entitled to a lifetime license to carry a handgun under IC 35-47-2-3(e).

As added by P.L.2-2007, SEC.280.

IC 21-39-5

Chapter 5. Traffic Regulation

IC 21-39-5-1

Authority of governmental authorities

Sec. 1. This chapter does not limit or restrict the powers of any other governmental authority having jurisdiction over public streets, roads, alleys, or ways.

As added by P.L.2-2007, SEC.280.

IC 21-39-5-2

Traffic regulations

Sec. 2. The board of trustees of a state educational institution may regulate the traffic of:

- (1) motor vehicles;
- (2) bicycles;
- (3) other vehicles; and
- (4) pedestrians;

on all streets, roads, paths, and grounds of real property owned, used, occupied, or controlled by the state educational institution.

As added by P.L.2-2007, SEC.280.

IC 21-39-5-3

Traffic and parking regulations

Sec. 3. Regulations adopted by the board of trustees of a state educational institution that are applicable to traffic and parking may include the following provisions:

- (1) Provisions governing the registration, speed, operation, and parking and the times, places, and manner of use of motor vehicles, bicycles, and other vehicles.
- (2) Provisions prescribing penalties for the violation of regulations. Penalties may include the following:
 - (A) Imposition of reasonable charges.
 - (B) Removing and impounding (at the expense of the violator) vehicles that are operated or parked in violation of regulations.
 - (C) Denial of permission to operate vehicles on the property of the state educational institution.
- (3) Provisions establishing reasonable charges and fees for the registration of vehicles and for the use of parking spaces or facilities owned or occupied by the state educational institution.

As added by P.L.2-2007, SEC.280.

IC 21-39-6

Chapter 6. Request for Assistance From Law Enforcement Officers

IC 21-39-6-1

Request for additional police assistance

Sec. 1. The board of trustees of a state educational institution may empower one (1) or more officials of the state educational institution to request the assistance of law enforcement officers of the:

- (1) state;
- (2) counties;
- (3) cities; and
- (4) towns;

when necessary.

As added by P.L.2-2007, SEC.280.

IC 21-39-6-2

Additional powers of police officers

Sec. 2. When any law enforcement officer is on the property of the state educational institution by virtue of a request under this chapter, the law enforcement officer possesses all powers conferred by this article upon police officers appointed by the board of trustees of the state educational institution, in addition to the powers otherwise conferred upon the law enforcement officers by law.

As added by P.L.2-2007, SEC.280.

IC 21-39-7

Chapter 7. Purdue University Fire and Emergency Services

IC 21-39-7-1

"Board of trustees"

Sec. 1. As used in this chapter, "board of trustees" refers to the board of trustees of Purdue University.

As added by P.L.29-2011, SEC.2.

IC 21-39-7-2

"Fire and safety personnel"

Sec. 2. As used in this chapter, "fire and safety personnel" means individuals employed by Purdue University at the West Lafayette campus as firefighters or safety personnel to render fire suppression, fire prevention, emergency response, and emergency medical services on campus.

As added by P.L.29-2011, SEC.2.

IC 21-39-7-3

"Fire department"

Sec. 3. As used in this chapter, "fire department" means a fire department established by the board of trustees to render fire suppression, fire prevention, and related services on the West Lafayette campus of Purdue University.

As added by P.L.29-2011, SEC.2.

IC 21-39-7-4

Board of trustees; supplemental power

Sec. 4. This chapter is supplemental to all other statutes relating to the power of the board of trustees to possess, operate, manage, and protect the facilities and property of Purdue University and to protect persons on, in, or near the facilities and property.

As added by P.L.29-2011, SEC.2.

IC 21-39-7-5

West Lafayette campus fire department

Sec. 5. The board of trustees may:

- (1) establish a fire department and employ fire and safety personnel at the West Lafayette campus;
- (2) determine the duties and direct the conduct of fire and safety personnel;
- (3) prescribe distinctive uniforms for fire and safety personnel;
- and
- (4) obtain emergency vehicles and equipment for the fire department.

As added by P.L.29-2011, SEC.2.

IC 21-39-7-6

Fire department jurisdiction

Sec. 6. A fire department and fire and safety personnel may

provide the services authorized under this chapter:

- (1) upon real property owned or occupied by Purdue University's West Lafayette campus, including the streets passing through and adjacent to the campus; and
- (2) at any other location in Indiana if the board of trustees approves and the fire and safety personnel are engaged in the discharge of official duties.

As added by P.L.29-2011, SEC.2.

IC 21-39-7-7

Authority to enter into agreements

Sec. 7. (a) The board of trustees may enter into:

(1) an agreement with:

- (A) the fire chief of a municipality or of a volunteer fire department;
- (B) the state fire marshal; or
- (C) another appropriate fire and emergency service agency official;

to establish additional operational authority where property or persons to be protected are located; and

(2) an interlocal cooperation agreement under IC 36-1-7 to supply and receive fire suppression, fire prevention, emergency response, and emergency medical services.

(b) The board of trustees may choose not to participate in the statewide mutual aid program by following the procedure set forth in IC 10-14-3-10.6(c).

As added by P.L.29-2011, SEC.2.

IC 21-40

ARTICLE 40. STATE EDUCATIONAL INSTITUTIONS: ADMISSION STANDARDS

IC 21-40-1

Chapter 1. General Provisions; Definitions

IC 21-40-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.281.

IC 21-40-1-2

"Academic term"

Sec. 2. "Academic term" means the regularly scheduled period of on-campus instruction offered by a state educational institution that is substantially comparable to a traditional semester.

As added by P.L.2-2007, SEC.281.

IC 21-40-1-3

"Certificate of immunity"

Sec. 3. "Certificate of immunity" means a form that meets the following requirements:

- (1) Is acceptable to a state educational institution.
- (2) Establishes the immunity of the certificate holder.
- (3) Consists of:
 - (A) a physician's certificate, if available;
 - (B) immunization records forwarded from another school or state educational institution;
 - (C) a record maintained by the student or a parent of the student showing the month and year during which each dose of vaccine was administered;
 - (D) a form developed by the department that may be used by state educational institutions to meet the requirements of IC 21-40-5; or
 - (E) evidence of having met alternative criteria defined by rules adopted under IC 4-22-2 by the department.
- (4) Includes a line to be signed by the student or the student's parent or guardian that indicates compliance with IC 21-40-5-5.

As added by P.L.2-2007, SEC.281.

IC 21-40-1-4

"Department"

Sec. 4. "Department" refers to the state department of health.

As added by P.L.2-2007, SEC.281.

IC 21-40-1-5

"Designated record keeping office"

Sec. 5. "Designated record keeping office" refers to the office

designated by a state educational institution as being responsible for maintaining student immunization records under IC 21-40-5.

As added by P.L.2-2007, SEC.281.

IC 21-40-1-6

"Documentation of exemption"

Sec. 6. "Documentation of exemption" means a form that:

- (1) is acceptable to a state educational institution; and
- (2) indicates the circumstances as described in IC 21-40-5-4 and IC 21-40-5-6 entitling the student to an exemption from the requirements in sections IC 21-40-5-2 and IC 21-40-5-3.

As added by P.L.2-2007, SEC.281.

IC 21-40-1-7

"Enroll"

Sec. 7. "Enroll" means the process:

- (1) enabling a student to become a bona fide member of the student body of the state educational institution; and
- (2) entitling the student to officially audit or receive academic credit for on-campus instruction in Indiana.

As added by P.L.2-2007, SEC.281.

IC 21-40-1-8

"Health care provider"

Sec. 8. "Health care provider" means a:

- (1) local health authority;
- (2) licensed physician;
- (3) licensed physician assistant;
- (4) licensed pharmacist; or
- (5) registered nurse.

As added by P.L.2-2007, SEC.281.

IC 21-40-1-9

"Student"

Sec. 9. "Student", for purposes of IC 21-40-5, means an individual who, for the first time:

- (1) physically attends classes at a residential campus of a state educational institution; and
- (2) is enrolled in a state educational institution as a full-time student (as defined in 585 IAC 1-9-1(27)).

As added by P.L.2-2007, SEC.281.

IC 21-40-2

Chapter 2. Equal Education Opportunity

IC 21-40-2-1

Policy

Sec. 1. The following is the public policy of the state:

(1) To provide:

- (A) equal;
- (B) nonsegregated; and
- (C) nondiscriminatory;

educational opportunities and facilities for all, regardless of race, creed, national origin, color, or sex.

(2) To provide and furnish state educational institutions open equally to all, and prohibited and denied to none because of race, creed, color, or national origin.

(3) To reaffirm the principles of:

- (A) the Bill of Rights;
- (B) civil rights; and
- (C) the Constitution of the State of Indiana.

(4) To provide a uniform democratic system of public education to the state and the citizens of Indiana.

(5) To:

- (A) abolish;
- (B) eliminate; and
- (C) prohibit;

segregated and separate departments or divisions of a state educational institution on the basis of race, creed, or color.

(6) To eliminate and prohibit:

- (A) segregation;
- (B) separation; and
- (C) discrimination;

on the basis of race, color, or creed in state educational institutions.

As added by P.L.2-2007, SEC.281.

IC 21-40-2-2

Supplemental effect of chapter

Sec. 2. This chapter is supplemental to:

- (1) all common law, statutory law, and civil rights applicable to state educational institutions; and
- (2) the rights and remedies arising from these laws of the state and to the citizens of Indiana.

As added by P.L.2-2007, SEC.281.

IC 21-40-2-3

State educational institutions open to all

Sec. 3. State educational institutions are open to all children until the children complete their courses of study, subject to the authority vested in the state educational institutions by law.

As added by P.L.2-2007, SEC.281.

IC 21-40-2-4

Segregation prohibited

Sec. 4. (a) The board of trustees of a state educational institution may not build or erect, establish, maintain, continue, or permit any segregated or separate state educational institutions on the basis of race, color, creed, or national origin of students.

(b) The officials described in subsection (a) may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in state educational institutions for whatever cause, including:

- (1) site selection; or
- (2) revision of:
 - (A) districts;
 - (B) curricula; or
 - (C) enrollment policies;

to implement equalization of educational opportunity for all.

As added by P.L.2-2007, SEC.281.

IC 21-40-2-5

Segregation prohibited; pupils

Sec. 5. (a) A student may not be prohibited, segregated, or denied attendance or enrollment to a state educational institution because of the student's race, creed, color, or national origin.

(b) Every student is free to attend a state educational institution within the laws applicable alike to noncitizen and nonresident students.

As added by P.L.2-2007, SEC.281.

IC 21-40-2-6

Segregation prohibited; state educational institutions

Sec. 6. (a) A state educational institution may not segregate, separate, or discriminate against any of its students on the basis of race, creed, or color.

(b) Admission to a state educational institution may not be approved or denied on the basis of race, creed, or color.

As added by P.L.2-2007, SEC.281.

IC 21-40-2-7

Segregation prohibited; teachers

Sec. 7. A state educational institution may not discriminate in any way in the hiring, upgrading, tenure, or placement of any teacher on the basis of race, creed, color, or national origin.

As added by P.L.2-2007, SEC.281.

IC 21-40-3

Chapter 3. General Powers

IC 21-40-3-1

Applicability of section; power to set conditions and standards of admission of students

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may set the conditions and standards of admission of students upon criteria that are in the best interests of the state and the state educational institution.

As added by P.L.2-2007, SEC.281.

IC 21-40-3-2

Ball State University board; power to prescribe conditions for admission

Sec. 2. The board of trustees of Ball State University may prescribe conditions for admission.

As added by P.L.2-2007, SEC.281.

IC 21-40-3-3

University of Southern Indiana board; power to prescribe conditions for admission

Sec. 3. The University of Southern Indiana may prescribe conditions for admission.

As added by P.L.2-2007, SEC.281.

IC 21-40-3-4

Vincennes University board; power to regulate admission of students

Sec. 4. The board of trustees of Vincennes University shall regulate the admission of students and pupils into Vincennes University.

As added by P.L.2-2007, SEC.281.

IC 21-40-4

Chapter 4. Admission Standards; Completion of Core 40 Curriculum

IC 21-40-4-1

Applicability of chapter

Sec. 1. This chapter applies beginning with the class of students who enter a state educational institution as freshmen during the 2011-2012 academic year.

As added by P.L.2-2007, SEC.281.

IC 21-40-4-2

Core 40 curriculum as requirement for regular admission

Sec. 2. (a) This section does not apply to:

- (1) Ivy Tech Community College; and
- (2) Vincennes University with respect to two (2) year degree programs.

(b) Except as provided in sections 5 and 6 of this chapter, each state educational institution must require a student who is an Indiana resident to have completed either:

- (1) the Core 40 curriculum established under IC 20-30-10; or
 - (2) a curriculum that is equivalent to the Core 40 curriculum;
- as a general requirement for regular admission as a freshman to the state educational institution.

(c) Each state educational institution must establish the institution's:

- (1) requirements for regular admission; and
- (2) exceptions to the institution's requirements for regular admission.

As added by P.L.2-2007, SEC.281.

IC 21-40-4-3

Core 40 curriculum not required for admission to two-year degree programs

Sec. 3. (a) This section applies to:

- (1) Ivy Tech Community College; and
- (2) Vincennes University with respect to two (2) year degree programs.

(b) A student who enters a state educational institution to which this section applies to obtain a two (2) year degree is not required to have completed either:

- (1) the Core 40 curriculum established under IC 20-30-10; or
 - (2) a curriculum that is equivalent to the Core 40 curriculum;
- to be admitted to the state educational institution.

As added by P.L.2-2007, SEC.281.

IC 21-40-4-4

Commission on higher education to encourage private institutions to adopt similar requirements

Sec. 4. The commission for higher education shall encourage

accredited private postsecondary educational institutions to adopt general regular admissions requirements and exceptions to the regular admissions requirements that are similar to the requirements set forth in section 2 of this chapter.

As added by P.L.2-2007, SEC.281.

IC 21-40-4-5

Students not completing Core 40 curriculum; admissions requirement

Sec. 5. (a) This section applies to a student who has not completed:

- (1) the Core 40 curriculum established under IC 20-30-10; or
- (2) a curriculum that is equivalent to the Core 40 curriculum.

(b) A student to whom this section applies may apply for acceptance as a transfer student at a state educational institution to which section 2 of this chapter applies if the student has successfully completed at least twelve (12) credit hours of college level courses with at least a "C" average or the equivalent in each course.

As added by P.L.2-2007, SEC.281.

IC 21-40-4-6

Core 40 curriculum not required for students at least 21 years of age

Sec. 6. The requirement set forth in section 2(b) of this chapter that a student must have completed the Core 40 curriculum or a curriculum equivalent to the Core 40 curriculum for regular admission does not apply to a student who will be at least twenty-one (21) years of age during the semester for which the student seeks admission.

As added by P.L.2-2007, SEC.281.

IC 21-40-5

Chapter 5. Immunization Requirements at State Educational Institutions

IC 21-40-5-1

Development of form

Sec. 1. The department shall develop a form that can be used by state educational institutions to meet the requirements of this chapter concerning the use of a certificate of immunity.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-2

Necessary student documentation

Sec. 2. (a) Except as provided in section 7 of this chapter, a state educational institution may not permit a student to matriculate in a residential campus of a state educational institution unless the student provides the documentation required by section 3 of this chapter for the following diseases:

- (1) Diphtheria.
- (2) Tetanus.
- (3) Measles.
- (4) Mumps.
- (5) Rubella.

(b) A state educational institution shall notify a student before the student's matriculation of the following requirements:

- (1) That the student must be immunized and that the immunization is required for matriculation at the state educational institution unless the student provides the documentation required by section 3 of this chapter.
- (2) That the:
 - (A) student; or
 - (B) student's parent or guardian;must comply with section 5 of this chapter.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-3

Form of documentation; effect of noncompliance

Sec. 3. (a) Before matriculating in a residential campus of a state educational institution, a student shall provide the state educational institution with one (1) of the following documents:

- (1) A certificate of immunity.
- (2) Documentation of exemption as described in sections 4 and 6 of this chapter.

(b) Before matriculating in a residential campus of a state educational institution, a student who is not a citizen or resident of the United States shall provide the state educational institution with:

- (1) medical documentation that the student has been tested for tuberculosis in the United States;
- (2) the date on which the tuberculosis test was taken; and
- (3) the results of the tuberculosis test.

(c) If a student fails to comply with subsection (a) or (b) by the beginning of the student's second academic term, the state educational institution shall prohibit the student from matriculating in the residential campus of the state educational institution until the requirements are met.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-4

Exemption from immunization

Sec. 4. An exemption relieving a student from the requirements of section 3 of this chapter may be accepted by the state educational institution as part of the documentation of exemption for the following reasons:

- (1) If a health care provider makes a written statement indicating the nature and probable duration of a medical condition or circumstances that contraindicate an immunization, identifying the specific vaccine that could be detrimental to the student's health.
- (2) If pregnancy or suspected pregnancy is certified in a written statement from a health care provider.
- (3) If a health care provider provides written documentation that the student is in the course of completing an approved schedule of all necessary doses of the vaccines required for the diseases listed in section 2 of this chapter.

If the student's medical condition or circumstances subsequently permit immunization, the exemptions granted by this section terminate and the student shall obtain the immunizations from which the student has been exempted.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-5

Providing information on the risks of meningococcal disease

Sec. 5. (a) A state educational institution in which an individual intends to enroll shall provide detailed information on the risks associated with meningococcal disease and the availability and effectiveness of vaccination to:

- (1) the individual, if the individual is at least eighteen (18) years of age; or
- (2) the individual's parent or guardian, if the individual is less than eighteen (18) years of age.

(b) A state educational institution described in subsection (a) must receive a certificate of immunity:

- (1) that is signed by:
 - (A) the individual, if the individual is at least eighteen (18) years of age; or
 - (B) the individual's parent or guardian, if the individual is less than eighteen (18) years of age; and
- (2) that states that the information provided under subsection (a) has been reviewed by:
 - (A) the individual, if the individual is at least eighteen (18)

years of age; or

(B) the individual's parent or guardian, if the individual is less than eighteen (18) years of age.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-6

Religious objections

Sec. 6. (a) Except as otherwise provided, a student may not be required to undergo testing, examination, immunization, or treatment required under this chapter when the student objects on religious grounds.

(b) A religious objection does not exempt a student from testing, examination, immunization, or treatment required under this chapter unless the request for an exemption is:

(1) made in writing;

(2) signed by the student; and

(3) delivered to the individual who might order a test, an examination, an immunization, or a treatment absent the religious objection.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-7

Time for student compliance with documentation; noncompliance

Sec. 7. (a) Upon the commencement of a student's first academic term at a state educational institution and not later than the commencement of the student's second academic term, the state educational institution shall require the student to comply with the requirements of section 3 of this chapter. If the student fails to comply with the requirements of section 3 of this chapter by the commencement of the student's first academic term, the state educational institution shall do the following:

(1) Notify the student of the requirement that the student must be immunized and that the immunizations may be administered by a health care provider.

(2) Notify the student that the immunization is required for the student's continued:

(A) enrollment in;

(B) attendance at; or

(C) residence on;

the campus of the state educational institution unless the student provides the documentation required by section 3 of this chapter.

(b) If a student fails to comply with section 3 of this chapter by the beginning of the student's second academic term, the postsecondary institution shall prohibit the student from matriculating in the postsecondary institution's residential campus until the requirements are met.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-8

State educational institution nonenforcement; action by department

Sec. 8. The department may commence an action against a state educational institution under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of an order of compliance for failure to enforce this chapter. *As added by P.L.2-2007, SEC.281.*

IC 21-40-5-9

State educational institution records of student immunization status

Sec. 9. (a) The designated record keeping office shall maintain records obtained under section 7 of this chapter containing the required elements of the immunization status of an enrolled student. The information required on the certificate of immunity and the documentation of exemption, whichever applies, constitutes the required elements of an enrolled student's immunization status. The information on the certificate of immunity and the documentation of exemption, whichever applies:

- (1) is sufficient for accurate compliance with section 11 of this chapter; and
- (2) must be accepted by each state educational institution for purposes of this chapter.

(b) The department and the local health department shall, for good cause shown that there exists a substantial threat to the:

- (1) health and safety of a student; or
- (2) community of an educational institution;

be able to validate immunization reports by onsite reviews or examinations of nonidentifying immunization record data. This section does not independently authorize the department, a local department of health, or an agent of the state or local department of health to have access to identifying medical or academic record data of individual students attending nonaccredited private postsecondary educational institutions.

(c) The records referred to in subsection (a) are sufficient to enable the state educational institution to generate a listing of the students who have filed documentation of exemption forms. The state educational institution shall develop sufficient plans for excluding these students from the state educational institution for the protection of these students if an outbreak of a vaccine preventable disease listed in section 2 of this chapter occurs at or near the campus of the state educational institution.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-10

Transfer of student to other state educational institution; record copies for transferee institute

Sec. 10. A state educational institution may furnish, not later than twenty (20) days after a student transfer, a copy of a student's immunization record to the state educational institution to which the student transfers and enrolls. The state educational institution to

which the student transfers and enrolls may request a copy of the student's immunization record from any state educational institution that the student attended.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-11

Annual summary reports

Sec. 11. A state educational institution shall submit a summary report to the department and the local health department having jurisdiction by March 15 of each year. The annual summary report:

- (1) must be signed by an official of the designated record keeping office certifying that the information included in the summary report is accurate; and
- (2) must include the following:
 - (A) A statement of the number of students with certificates of immunity, categorized by disease.
 - (B) A statement of the number of students with appropriate documentation of exemption, categorized by disease.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-12

Private institutions; voluntary compliance with chapter

Sec. 12. This chapter does not prohibit a postsecondary educational institution that:

- (1) provides education, degrees, or certificates above the high school level; and
 - (2) is not a state educational institution;
- from voluntarily complying with this chapter.

As added by P.L.2-2007, SEC.281.

IC 21-40-5-13

Rules; communicable diseases list

Sec. 13. The department shall adopt rules under IC 4-22-2 necessary to implement this chapter. However, the department may not adopt rules to expand or modify the list of communicable diseases in section 2 of this chapter.

As added by P.L.2-2007, SEC.281.

IC 21-41

ARTICLE 41. STATE EDUCATIONAL INSTITUTIONS: CURRICULA; COURSES OF STUDY; PROGRAMS

IC 21-41-1

Chapter 1. General Provisions; Definitions

IC 21-41-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.282.

IC 21-41-1-2

"Board of trustees"

Sec. 2. "Board of trustees":

(1) for purposes of IC 21-41-3, refers to the board of trustees of Ball State University; and

(2) for purposes of IC 21-41-4, refers to the board of trustees of Indiana University.

As added by P.L.2-2007, SEC.282.

IC 21-41-1-3

"Regional campus"

Sec. 3. "Regional campus" means Indiana State University – Regional Campus Evansville, a regional campus managed by the board of trustees of Indiana State University before July 1, 1985.

As added by P.L.2-2007, SEC.282.

IC 21-41-2

Chapter 2. General Powers

IC 21-41-2-1

Applicability of chapter; power to prescribe curricula

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may prescribe the curricula and courses of study offered by the state educational institution and define the standards of proficiency and satisfaction within the curricula and courses established by the state educational institution.

As added by P.L.2-2007, SEC.282.

IC 21-41-2-2

Powers needing approval

Sec. 2. After March 29, 1971, a state educational institution may not:

- (1) establish any new branch, regional campus, or extension center;
- (2) establish any new or additional academic college or school;
- or
- (3) offer any:
 - (A) new associate, baccalaureate, or graduate degree; or
 - (B) additional program of two (2) semesters or an equivalent duration leading to a certificate or other indication of accomplishment;

without the approval of the commission for higher education or without specific authorization by the general assembly.

As added by P.L.2-2007, SEC.282.

IC 21-41-2-3

Power to enter into agreements with governmental units

Sec. 3. Any state educational institution may enter into contractual agreements with governmental units or with business and industry for specific programs to be wholly supported by the governmental unit or business and industry without the approval of the commission for higher education.

As added by P.L.2-2007, SEC.282.

IC 21-41-3

Chapter 3. Ball State University; College of Architecture

IC 21-41-3-1

Applicability of chapter

Sec. 1. This chapter applies only to Ball State University.

As added by P.L.2-2007, SEC.282.

IC 21-41-3-2

Power to grant degrees

Sec. 2. The board of trustees of Ball State University may grant degrees and issue diplomas or certificates.

As added by P.L.2-2007, SEC.282.

IC 21-41-3-3

Construction and operation authorized

Sec. 3. The board of trustees may:

- (1) erect;
- (2) construct;
- (3) equip;
- (4) furnish;
- (5) operate; and
- (6) control;

as a division of Ball State University, a college of architecture and planning to be known as the Ball State college of architecture and planning.

As added by P.L.2-2007, SEC.282.

IC 21-41-3-4

Acquisition of real property authorized; use

Sec. 4. The board of trustees may acquire by:

- (1) purchase;
- (2) lease;
- (3) condemnation;
- (4) gift; or
- (5) other means;

property, real and personal, that, in the judgment of the board of trustees, is necessary to establish the Ball State University college of architecture and planning. The board of trustees may use any property that Ball State University acquired before July 1, 1965, for the Ball State University college of architecture and planning. Title to all property acquired by the university for the Ball State University college of architecture and planning, including improvements to property, shall be taken and held by and in the name of the board of trustees in its corporate capacity for the purposes of this chapter.

As added by P.L.2-2007, SEC.282.

IC 21-41-3-5

Contracts for construction or alteration

Sec. 5. The construction, alteration, or repair of any facility for

the Ball State University college of architecture and planning shall
be contracted for in accordance with IC 21-37-3.
As added by P.L.2-2007, SEC.282.

IC 21-41-4

Chapter 4. Indiana University; Curricula; Dental College

IC 21-41-4-1

Applicability of chapter

Sec. 1. This chapter applies only to Indiana University.

As added by P.L.2-2007, SEC.282.

IC 21-41-4-2

Power to prescribe course of study and discipline

Sec. 2. The board of trustees of Indiana University shall prescribe the course of study and discipline.

As added by P.L.2-2007, SEC.282.

IC 21-41-4-3

Power to confer degrees

Sec. 3. The faculty of Indiana University may confer, with the consent of the board of trustees, the literary degrees that are usually conferred in other universities, and, in testimony to the degrees, give suitable diplomas, under the seal of Indiana University and signature of the faculty.

As added by P.L.2-2007, SEC.282.

IC 21-41-4-4

Religious qualifications not required

Sec. 4. A student, trustee, president, professor, or officer of Indiana University is not required to hold any religious qualification as a condition for admission to any privilege in Indiana University.

As added by P.L.2-2007, SEC.282.

IC 21-41-4-5

Sectarian instruction prohibited

Sec. 5. A professor at Indiana University may not teach sectarian tenets.

As added by P.L.2-2007, SEC.282.

IC 21-41-4-6

Authority to operate dental college

Sec. 6. The board of trustees shall operate and maintain a dental college as a department of Indiana University.

As added by P.L.2-2007, SEC.282.

IC 21-41-4-7

Name of dental college

Sec. 7. The dental college shall be known as the Indiana University School of Dentistry.

As added by P.L.2-2007, SEC.282.

IC 21-41-5

Chapter 5. Ivy Tech Community College; Educational Programs

IC 21-41-5-1

Applicability of chapter

Sec. 1. This chapter applies to Ivy Tech Community College.
As added by P.L.2-2007, SEC.282.

IC 21-41-5-2

Mission

Sec. 2. Ivy Tech Community College shall be devoted primarily to providing the following:

- (1) The educational opportunities for the citizens of Indiana described in this chapter.
- (2) The assessment and training services described in this chapter.

As added by P.L.2-2007, SEC.282.

IC 21-41-5-3

Purpose

Sec. 3. It is the primary purpose of Ivy Tech Community College to provide educational opportunities and appropriate workforce development, assessment, and training services to:

- (1) employees of employers whose productivity and competitiveness will be enhanced by targeted employee education and training courses and programs delivered in the employer's workplace;
- (2) students who require additional education before enrolling in college level courses at either a two (2) year or a four (4) year institution;
- (3) individuals who have graduated from high school and are more interested in continuing their education in a general, liberal arts, occupational, or technical program at a two (2) year, nonresidential college;
- (4) individuals who have graduated from high school and want to earn credits that will transfer to a four (4) year college;
- (5) students who do not complete work at a four (4) year college or who are referred by a four (4) year college to Ivy Tech Community College;
- (6) students who complete their work at a four (4) year college but would like to supplement that education to improve existing skills or acquire new skills; and
- (7) adult workers who need and desire retraining or additional training of an occupational or technical nature for the workplace.

As added by P.L.2-2007, SEC.282.

IC 21-41-5-4

Promotion of education and economic development

Sec. 4. Ivy Tech Community College shall help promote education and economic development by providing assessment and training services for the citizens of Indiana that include the following:

- (1) Determining the skills needed for specific jobs.
- (2) Determining whether particular individuals have the skills needed to:
 - (A) do specific jobs; or
 - (B) qualify for specific skill certifications.
- (3) Developing and delivering training programs designed to help individuals:
 - (A) acquire the skills needed to do specific jobs;
 - (B) obtain specific skill certifications; or
 - (C) improve the quality of the individual's work product.

As added by P.L.2-2007, SEC.282.

IC 21-41-5-5

Assessment and training services

Sec. 5. Ivy Tech Community College shall meet the needs of state and local officials, employers, and labor organizations by designing and delivering educational and training courses and programs. The primary objective of this effort is to provide economic and workforce development support to the state's employers and communities by meeting their needs for better educated and trained, more productive, and more competitive employees and citizens.

As added by P.L.2-2007, SEC.282.

IC 21-41-5-6

Establishment of system

Sec. 6. A statewide community college system is established. The community college system consists of:

- (1) the campuses and other instructional sites of Ivy Tech Community College; and
- (2) the various courses, programs, and services provided by Ivy Tech Community College throughout Indiana.

As added by P.L.2-2007, SEC.282.

IC 21-41-5-7

Duties

Sec. 7. As Indiana's community college system, Ivy Tech Community College shall:

- (1) offer a community college curriculum and training services as described in IC 21-22 and this chapter at all of the college's major instructional sites; and
- (2) provide an opportunity for students to earn associate degrees that are accepted by four (4) year colleges and universities.

As added by P.L.2-2007, SEC.282.

IC 21-41-5-8

Development of education programs

Sec. 8. Subject to IC 21-22-6-10, the board of trustees of Ivy Tech

Community College may develop and adopt the appropriate education programs to be offered and workforce services to be provided.

As added by P.L.2-2007, SEC.282. Amended by P.L.169-2007, SEC.28.

IC 21-41-5-9

Power to grant certificates

Sec. 9. The board of trustees of Ivy Tech Community College may grant appropriate certificates of achievement and associate degrees, including associate of applied science, associate of science, and associate of arts degrees, to students who complete prescribed and authorized courses or series of courses.

As added by P.L.2-2007, SEC.282.

IC 21-41-5-10

Development of education programs and training services

Sec. 10. The board of trustees of Ivy Tech Community College may do the following:

- (1) Initiate, promote, inaugurate, and develop occupational and technical education programs and appropriate workforce development, assessment, and training services in a manner consistent with sections 2 through 4 of this chapter.
- (2) Operate either through committee or through subordinate corporate entities, statewide general, liberal arts, occupational, and technical education programs, that in the board's opinion should be established due to:
 - (A) the specialized nature of the programs;
 - (B) the limited number of students involved; or
 - (C) other unique features requiring special attention.
- (3) Contract with appropriate education institutions, including local public schools or other agencies, to carry out specific programs that can best and most economically be provided through this approach.

As added by P.L.2-2007, SEC.282. Amended by P.L.169-2007, SEC.29.

IC 21-41-5-11

Contracts for equipment for data processing school

Sec. 11. Ivy Tech Community College may enter into the contracts that are necessary to provide equipment for a data processing school on or off the premises of:

- (1) Ivy Tech Community College; or
- (2) any of the college's regions.

As added by P.L.2-2007, SEC.282. Amended by P.L.3-2008, SEC.147.

IC 21-41-6

Chapter 6. University of Southern Indiana

IC 21-41-6-1

Applicability of chapter

Sec. 1. This chapter applies to the University of Southern Indiana.
As added by P.L.2-2007, SEC.282.

IC 21-41-6-2

University of Southern Indiana; power to grant degrees

Sec. 2. The University of Southern Indiana may grant degrees and issue diplomas or certificates signifying that a course of postsecondary study has been completed or a degree has been conferred.

As added by P.L.2-2007, SEC.282.

IC 21-41-6-3

Establishment of regional campuses

Sec. 3. Any:

- (1) branch, campus, extension center, college, or school;
- (2) associate, baccalaureate, or graduate degree; or
- (3) program of two (2) semesters, or the equivalent, leading to a certificate or other indication of accomplishment;

that the University of Southern Indiana intends to establish or offer must be approved in compliance with IC 21-41-2-2. For purposes of IC 21-41-2-2, the University of Southern Indiana is approved to accept and administer the campus, extension centers, colleges, and schools established for the regional campus before July 1, 1985, and to offer the degrees and programs offered through the regional campus before July 1, 1985.

As added by P.L.2-2007, SEC.282.

IC 21-41-7

Chapter 7. Vincennes University

IC 21-41-7-1

Applicability of chapter

Sec. 1. This chapter applies to Vincennes University.

As added by P.L.2-2007, SEC.282.

IC 21-41-7-2

Board of trustees duty to establish a plan of education

Sec. 2. The board of trustees of Vincennes University shall establish plans of education. The plans of education shall embrace each of the languages, sciences, and branches of learning directed to be taught in Vincennes University.

As added by P.L.2-2007, SEC.282.

IC 21-41-7-3

Powers and duties

Sec. 3. The president and professors of Vincennes University shall instruct and give lectures to the students of Vincennes University, according to the plan of education that the board of trustees of Vincennes University may approve and direct.

As added by P.L.2-2007, SEC.282.

IC 21-41-7-4

Faculty powers

Sec. 4. The faculty of Vincennes University may:

(1) with the consent of the board of trustees, grant to students of Vincennes University the degrees in the liberal arts and sciences that:

(A) the professors of Vincennes University believe, by the students' proficiency in learning, that the students are entitled; and

(B) are usually granted and conferred in other universities in the United States; and

(2) grant diplomas, under the common seal of Vincennes University, to authenticate, and perpetuate the memory of the graduations.

As added by P.L.2-2007, SEC.282.

IC 21-41-7-5

Election and appointment of professors

Sec. 5. (a) The board of trustees of Vincennes University shall from time to time:

(1) elect and appoint a professor of divinity, of law, and of physic, whenever:

(A) the board of trustees considers it necessary for the good of Vincennes University; or

(B) the progressed state of education in Vincennes University may require;

(2) agree with them for their salaries; and

(3) point out the duties of the professors.

(b) The professors elected and appointed under this section shall be considered to be members of the faculty of Vincennes University. Professors hold their appointments at the pleasure of the board of trustees of Vincennes University.

As added by P.L.2-2007, SEC.282.

IC 21-41-7-6

No particular tenet of religion taught

Sec. 6. No particular tenets of religion shall be taught in Vincennes University, by the president or by the professors of divinity, law, or physic.

As added by P.L.2-2007, SEC.282.

IC 21-41-8

Chapter 8. American Sign Language

IC 21-41-8-1

Authority to offer instruction in American Sign Language

Sec. 1. A state educational institution may offer classes in American Sign Language as:

- (1) a foreign language; or
- (2) part of another discipline.

As added by P.L.2-2007, SEC.282.

IC 21-41-8-2

Credit awarded for classes in American Sign Language

Sec. 2. If a state educational institution offers classes in American Sign Language under this chapter, the state educational institution may award credit for the courses to satisfy a requirement for the study of a foreign language or another discipline.

As added by P.L.2-2007, SEC.282.

IC 21-41-9

Repealed

(Repealed by P.L.2-2014, SEC.96; P.L.2-2014, SEC.97.)

IC 21-41-10

Chapter 10. Combat to College Program

IC 21-41-10-1

Application

Sec. 1. This chapter applies to a state educational institution only if at least two hundred (200) veteran students are enrolled in the state educational institution.

As added by P.L.2-2014, SEC.98.

IC 21-41-10-2

"Armed forces"

Sec. 2. As used in this chapter, "armed forces" has the meaning set forth in IC 10-17-12-2.

As added by P.L.2-2014, SEC.98.

IC 21-41-10-3

"Coordinator"

Sec. 3. As used in this chapter, "coordinator" refers to a program coordinator designated under section 10 of this chapter.

As added by P.L.2-2014, SEC.98.

IC 21-41-10-4

"National guard"

Sec. 4. As used in this chapter, "national guard" means a state's:

(1) army national guard; or

(2) air national guard.

As added by P.L.2-2014, SEC.98.

IC 21-41-10-5

"Postsecondary credit"

Sec. 5. As used in this chapter, "postsecondary credit" means credit toward:

(1) an associate degree;

(2) a baccalaureate degree; or

(3) a career and technical education certification;

granted by a state educational institution.

As added by P.L.2-2014, SEC.98.

IC 21-41-10-6

"Program"

Sec. 6. As used in this chapter, "program" refers to the combat to college program established under section 8 of this chapter.

As added by P.L.2-2014, SEC.98.

IC 21-41-10-7

"Veteran student"

Sec. 7. As used in this chapter, "veteran student" refers to a student of a state educational institution who has been or is currently serving as a member of the:

- (1) armed forces; or
- (2) national guard.

As added by P.L.2-2014, SEC.98.

IC 21-41-10-8

Establishment of program

Sec. 8. Each state educational institution shall establish a combat to college program to create a positive educational environment for veteran students to successfully graduate from academic and vocational degree programs while recognizing the skills, training, and experiences associated with military service.

As added by P.L.2-2014, SEC.98.

IC 21-41-10-9

Responsibilities of state educational institution

Sec. 9. Each state educational institution shall do the following:

- (1) Provide on its application for admission a question asking whether the applicant is currently or has ever been a member of the armed forces and an instruction directing the applicant, if the applicant has been a member of the armed forces, to indicate on the application whether the applicant received an honorable discharge.
- (2) To the extent possible exercising financial prudence, provide a centralized location for admissions, registration for classes, and financial administration services for veteran students.
- (3) Provide reasonable accommodations, in compliance with the federal Americans with Disabilities Act (42 U.S.C. 12101 et seq.), at a state educational institution's fitness facility for veteran students who are disabled.
- (4) Develop programs to provide academic and career counseling specifically designed for veteran students.
- (5) Develop programs to provide reasonable access to specialized counseling services or resources for veteran students who are disabled or veteran students suffering from posttraumatic stress disorder.
- (6) Develop job search assistance programs designed for veteran students during the veteran student's enrollment at the state educational institution.

As added by P.L.2-2014, SEC.98.

IC 21-41-10-10 Version a

Establishment of program coordinator; duties

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 10. (a) Each state educational institution shall designate a program coordinator.

(b) The duties of the coordinator include the following:

- (1) Develop programs to create a positive educational environment for veteran students while the veteran student is

enrolled at the state educational institution.

(2) Develop training programs for the state educational institution's personnel relating to:

(A) issues associated with identifying and assisting veteran students with posttraumatic stress disorder;

(B) veteran benefits; and

(C) any issue that the coordinator determines will educate a state educational institution's faculty or staff of the special needs of veteran students.

(3) Make recommendations to the commission for higher education established under IC 21-18-2 concerning ways to improve the education of veteran students.

(4) Coordinate access to stress management, counseling programs, and other resources available to a veteran student at the state educational institution.

(5) Coordinate with the Indiana department of veterans' affairs established by IC 10-17-1-2 to educate veteran students about state benefits available to Indiana veterans.

(6) Coordinate with the United States Department of Veterans Affairs to educate veteran students about federal benefits available to veterans.

(7) Coordinate with the adjutant general or the adjutant general's designee to educate veteran students about benefits and programs available to veteran students who served or are currently serving in the national guard.

(8) Coordinate activities, seminars, and programs for veteran students presented by a veterans organization listed in IC 10-18-8-1.

(9) Coordinate campus activities and social events designed for veteran students.

(10) Develop programs to assist a veteran student to locate employment.

(11) Develop internship programs designed specifically for veteran students.

(12) Develop an Internet web site to provide veteran students access to veteran resources.

As added by P.L.2-2014, SEC.98.

IC 21-41-10-10 Version b

Establishment of program coordinator; duties

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 10. (a) Each state educational institution shall designate a program coordinator.

(b) The duties of the coordinator include the following:

(1) Develop programs to create a positive educational environment for veteran students while the veteran student is enrolled at the state educational institution.

(2) Develop training programs for the state educational institution's personnel relating to:

- (A) issues associated with identifying and assisting veteran students with posttraumatic stress disorder;
 - (B) veteran benefits; and
 - (C) any issue that the coordinator determines will educate a state educational institution's faculty or staff of the special needs of veteran students.
- (3) Make recommendations to the commission for higher education established under IC 21-18-2 concerning ways to improve the education of veteran students.
 - (4) Coordinate access to stress management, counseling programs, and other resources available to a veteran student at the state educational institution.
 - (5) Coordinate with the Indiana department of veterans' affairs established by IC 10-17-1-2 to educate veteran students about state benefits available to Indiana veterans.
 - (6) Coordinate with the United States Department of Veterans Affairs to educate veteran students about federal benefits available to veterans.
 - (7) Coordinate with the adjutant general or the adjutant general's designee to educate veteran students about benefits and programs available to veteran students who served or are currently serving in the national guard.
 - (8) Coordinate activities, seminars, and programs for veteran students presented by a veterans organization.
 - (9) Coordinate campus activities and social events designed for veteran students.
 - (10) Develop programs to assist a veteran student to locate employment.
 - (11) Develop internship programs designed specifically for veteran students.
 - (12) Develop an Internet web site to provide veteran students access to veteran resources.

As added by P.L.2-2014, SEC.98. Amended by P.L.4-2014, SEC.3.

IC 21-41-11

Chapter 11. Indiana State University; Principal Institute

IC 21-41-11-1

"Advisory board"

Sec. 1. As used in this chapter, "advisory board" refers to the advisory board for the principal institute established by this chapter.
As added by P.L.2-2014, SEC.99.

IC 21-41-11-2

"Institute"

Sec. 2. As used in this chapter, "institute" refers to the principal institute established by section 4 of this chapter.
As added by P.L.2-2014, SEC.99.

IC 21-41-11-3

"University"

Sec. 3. As used in this chapter, "university" refers to Indiana State University.
As added by P.L.2-2014, SEC.99.

IC 21-41-11-4

Institute established; purpose

Sec. 4. The principal institute is established within the university to achieve excellence in teacher and student performance by strengthening leadership and management skills of practicing Indiana public school principals.
As added by P.L.2-2014, SEC.99.

IC 21-41-11-5

Duties of university; annual report

Sec. 5. (a) The university shall:

- (1) appoint a full-time director to administer the institute;
- (2) employ staff necessary to implement this chapter;
- (3) appoint members of the advisory board; and
- (4) submit to the general assembly an annual report before July 1 of each year.

(b) The annual report of the institute must be in an electronic format under IC 5-14-6 and must include the following:

- (1) A summary of the activities of the institute.
- (2) Data on the number of individuals trained.
- (3) An analysis of the extent to which the purposes of the institute have been accomplished.
- (4) A proposal for a program and budget for the two (2) years following the year that is the subject of the report.

As added by P.L.2-2014, SEC.99.

IC 21-41-11-6

Advisory board; membership; duties; terms

Sec. 6. (a) There is established an advisory board for the institute

to advise and assist the director appointed under section 5 of this chapter.

(b) The advisory board consists of eight (8) members appointed by the president of the university, and one (1) member appointed by the state superintendent of public instruction. Each of the following groups must be represented by at least one (1) member of the advisory board:

- (1) Practicing public school principals.
- (2) Members of the general assembly.
- (3) Experts in administration, supervision, curriculum development, or evaluation who are members of the faculty of a state supported university.
- (4) Practicing school superintendents.
- (5) Practicing public school teachers.
- (6) Members of the business or industry community.
- (7) Parents of public school age children.

(c) The advisory board shall:

- (1) annually elect a chairperson;
- (2) advise the director about the curriculum of the institute;
- (3) review the plan developed by the director under section 7 of this chapter;
- (4) approve an evaluation plan for the institute;
- (5) review the director's plan for continuing education;
- (6) review the institute budget and make recommendations to the director;
- (7) set criteria for the selection of institute participants;
- (8) review the operation of the institute and make recommendations to the director;
- (9) assist the director in compiling the annual report for submission to the general assembly;
- (10) consider coordinating the programs and curriculum offered at the institute with the programs and curriculum required in principal certification programs offered at postsecondary educational institutions in Indiana; and
- (11) complete other tasks requested of the advisory board by the president of the university or the director.

(d) Each member of the advisory board serves a four (4) year term beginning on May 1 in the year the member is appointed.

(e) The president of the university shall fill a vacancy on the advisory board:

- (1) for the unexpired part of the term; and
- (2) in a manner that preserves the composition of the advisory board under subsection (b).

As added by P.L.2-2014, SEC.99.

IC 21-41-11-7

Goals; plan

Sec. 7. (a) The director of the institute shall, with staff support, develop a plan to accomplish the goals of the institute. The plan must be approved by the advisory board and must include procedures to

teach principals the following:

- (1) How to develop the leadership skills and management techniques necessary for providing quality education in Indiana schools.
- (2) How to improve teacher and student performance, including how to conduct meaningful and relevant staff evaluations.
- (3) How to strengthen communication and leadership skills required for the establishment of a broad based support for public education.
- (4) Management skills for use in improving curriculum and instruction.
- (5) How to improve the school environment.

(b) The director of the institute shall, with staff support, and subject to approval by the advisory board, develop a plan for continuing education by the institute of public school principals who have completed initial training at the institute.

As added by P.L.2-2014, SEC.99.

IC 21-41-11-8

Eligibility

Sec. 8. To be eligible for admission to the institute, a participant must be a practicing public school principal for a public school located in Indiana. Admission preference must be given to those school principals who have at least three (3) years of administrative experience in Indiana public schools and intend to continue as public school principals.

As added by P.L.2-2014, SEC.99.

IC 21-41-12

Chapter 12. Second Service for Veterans

IC 21-41-12-1

"Program"

Sec. 1. As used in this chapter, "program" refers to the second service for veterans program established by section 3 of this chapter.
As added by P.L.101-2014, SEC.1.

IC 21-41-12-2

"Veteran student"

Sec. 2. As used in this chapter, "veteran student" refers to a student of a state educational institution who has been or is currently serving as a member of the:

- (1) armed forces; or
- (2) national guard.

As added by P.L.101-2014, SEC.1.

IC 21-41-12-3

Establishment of program

Sec. 3. The second service for veterans program is established for the purpose of attracting veteran students to the teaching profession.
As added by P.L.101-2014, SEC.1.

IC 21-41-12-4

Purpose

Sec. 4. Each school of education, or its equivalent, within a state educational institution shall establish a program for veteran students to encourage veteran students to pursue a career in the teaching profession.

As added by P.L.101-2014, SEC.1.

IC 21-41-12-5

Responsibilities of state educational institution

Sec. 5. Each state educational institution shall, at a minimum, do the following:

- (1) Provide academic and career counseling specifically designed for veteran students in the school of education or the school of education equivalent.
- (2) Offer in-state tuition to:
 - (A) Indiana resident veteran students; and
 - (B) out-of-state veteran students in accordance with IC 21-14-12.2;who apply for and are accepted into the program.
- (3) Develop a proactive initiative to attract and recruit veteran students to the school of education or the school of education equivalent.
- (4) Coordinate the second service for veterans program with the combat to college program.

As added by P.L.101-2014, SEC.1.

IC 21-41-12-6

Rules

Sec. 6. The commission for higher education may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.101-2014, SEC.1.

IC 21-42

ARTICLE 42. STATE EDUCATIONAL INSTITUTIONS: TRANSFER OF ACADEMIC CREDITS

IC 21-42-1

Chapter 1. General Provisions; Definitions

IC 21-42-1-1

Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.283.

IC 21-42-1-2

"Articulation degree programs"

Sec. 2. (a) "Articulation degree programs", for purposes of IC 21-42-5, refers to the articulation degree programs established under IC 21-42-5-2 before July 1, 2013.

(b) This section expires July 1, 2014.

As added by P.L.2-2007, SEC.283. Amended by P.L.120-2013, SEC.2.

IC 21-42-1-3

"Core transfer library"

Sec. 3. "Core transfer library" refers to the core transfer library established under IC 21-42-5-1.

As added by P.L.2-2007, SEC.283.

IC 21-42-1-4

"School for biblical and religious instruction"

Sec. 4. "School for biblical and religious instruction" means a school that teaches biblical and religious education conducted and maintained by:

- (1) an association;
- (2) a college;
- (3) a seminary;
- (4) a foundation; or
- (5) a school organized for religious instruction;

and incorporated under the laws of Indiana.

As added by P.L.2-2007, SEC.283.

IC 21-42-1-5

"Statewide transfer of credit agreements"

Sec. 5. (a) "Statewide transfer of credit agreements" refers to an agreement developed under IC 21-42-6 before July 1, 2013, for courses that are most frequently taken by undergraduates.

(b) This section expires July 1, 2014.

As added by P.L.2-2007, SEC.283. Amended by P.L.120-2013, SEC.3.

IC 21-42-2

Chapter 2. Elimination of Home Campus Requirement; Advanced Standing for Vocational Courses

IC 21-42-2-1

Elimination of home campus requirements

Sec. 1. A state educational institution having a regional campus may not have a rule, regulation, or policy stating that a student who is pursuing education at a regional campus of the state educational institution must obtain any hours of credit in residence on the home campus of the state educational institution in order to obtain a degree, if courses to obtain the degree are available on the regional campus.

As added by P.L.2-2007, SEC.283.

IC 21-42-2-2

Advanced standing award; terms

Sec. 2. A state educational institution may award advanced standing to a student who has successfully completed career and technical education courses at another postsecondary institution or at a secondary school. However, the state educational institution may require the student to successfully complete:

- (1) equivalency testing;
- (2) testing of competency; or
- (3) an additional course;

in the subject area before awarding credit for those career and technical education courses.

As added by P.L.2-2007, SEC.283. Amended by P.L.234-2007, SEC.83.

IC 21-42-2-3

Advanced standing award; conditions

Sec. 3. A state educational institution and:

- (1) a school corporation; or
- (2) another postsecondary institution;

may enter into a contract providing the terms and conditions under which the state educational institution will award advanced standing to a student who has successfully completed career and technical education courses offered by the school corporation or other postsecondary institution.

As added by P.L.2-2007, SEC.283. Amended by P.L.234-2007, SEC.84.

IC 21-42-3

Chapter 3. Transfer of Credits Among State Educational Institutions

IC 21-42-3-1

Transfer credits; equivalency testing

Sec. 1. A state educational institution shall:

- (1) accept the transfer credit of an appropriate course successfully completed by a student at another state educational institution having the same level of accreditation; or
- (2) allow the student to receive equal credit by successfully completing equivalency testing in the subject area.

As added by P.L.2-2007, SEC.283.

IC 21-42-3-2

Graduation requirements

Sec. 2. Each state educational institution, in collaboration with the commission for higher education, shall:

- (1) not later than December 1, 2012, create and report to the commission for higher education a statewide transfer general education core, to be implemented not later than May 15, 2013. The core must be based upon a set of core competencies, translated into at least thirty (30) semester credit hours in areas agreed upon by the state educational institutions, which apply for credit toward undergraduate degrees, including associate degrees and baccalaureate degrees at all campuses of state educational institutions; and
- (2) jointly establish statewide standards for use by all state educational institutions to document an individual's completion of the statewide transfer general education core on the individual's transcripts.

As added by P.L.2-2007, SEC.283. Amended by P.L.88-2012, SEC.2.

IC 21-42-3-3

Transferability of general education course credits

Sec. 3. Credits earned in a course identified under section 2 of this chapter must be transferable among all state educational institutions.

As added by P.L.2-2007, SEC.283.

IC 21-42-3-4

Offering of identified courses

Sec. 4. Based upon the demand for enrollment in a course identified under section 2 of this chapter and the resources available to the state educational institutions, an identified course shall be offered through:

- (1) onsite instruction;
- (2) telecommunication; or
- (3) a combination of methods described in subdivisions (1) and (2);

at on-campus or off-campus sites.

As added by P.L.2-2007, SEC.283.

IC 21-42-3-5

Statewide transfer general education core

Sec. 5. (a) After May 15, 2013, an individual who has satisfactorily completed the statewide transfer general education core at a state educational institution, as indicated on the individual's official transcript, may not be required to complete additional courses in the statewide transfer general education core at the state educational institution to which the individual transfers, regardless of whether the individual has received an associate degree or the delivery method of the statewide transfer general education core the individual completed.

(b) If an individual does not complete the statewide transfer general education core of a state educational institution before transferring to another state educational institution, the individual must complete the statewide transfer general education core required by the state educational institution to which the individual has transferred. The state educational institution to which the individual has transferred shall award credit to the individual for courses the individual has satisfactorily completed, based on the course to course equivalencies of the core transfer library established under IC 21-42-5.

(c) An individual who holds an associate of arts or associate of science degree approved by the commission who is admitted to a four (4) year state educational institution is considered to have met at least thirty (30) semester credit hours of the state educational institution's general education requirement.

As added by P.L.88-2012, SEC.3.

IC 21-42-4

Chapter 4. Credits From School for Biblical or Religious Instruction

IC 21-42-4-1

Religious instruction

Sec. 1. A state educational institution may permit a student enrolled in the state educational institution to elect part of the work required for graduation from the state educational institution in a school for biblical and religious instruction.

As added by P.L.2-2007, SEC.283.

IC 21-42-4-2

Religious instruction; restrictions

Sec. 2. A school for biblical and religious instruction may not:

- (1) be supported by state funds; and
- (2) conduct classes in any building or on any property owned by the state.

As added by P.L.2-2007, SEC.283.

IC 21-42-4-3

Religious instruction; teacher qualifications

Sec. 3. A teacher at a school for biblical and religious instruction must have the ability and educational preparation for teaching the subjects offered equal to the ability and education requirements of the teachers in the state educational institution in which credit is to be given.

As added by P.L.2-2007, SEC.283.

IC 21-42-4-4

Course equivalency

Sec. 4. The hours of recitation, content of instruction, requirements of attendance, and standards of work by the students electing courses in a school of biblical and religious instruction must be the same as in the state educational institution in which credit is granted.

As added by P.L.2-2007, SEC.283.

IC 21-42-5

Chapter 5. Statewide Core Transfer Library; Degree Program Articulation Agreement

IC 21-42-5-1

Core transfer library of courses

Sec. 1. The commission for higher education may establish, with the assistance of the committee on statewide transfer and articulation, a statewide core transfer library of at least seventy (70) courses that are transferable on all campuses of the state educational institutions in accordance with the principles in section 4 of this chapter.

As added by P.L.2-2007, SEC.283.

IC 21-42-5-2

Articulation agreements for degree programs

Sec. 2. (a) The commission for higher education may establish, before July 1, 2013, with the assistance of the committee on statewide transfer and articulation, articulation agreements for at least twelve (12) degree programs:

(1) for which articulation agreements apply to any campus in the Ivy Tech Community College system and to Vincennes University; and

(2) that draw from liberal arts and the technical, professional, and occupational fields.

(b) An articulation agreement established under this section expires on the date specified by the commission for higher education or July 1, 2014, whichever is earlier.

(c) This section expires July 1, 2014.

As added by P.L.2-2007, SEC.283. Amended by P.L.120-2013, SEC.4.

IC 21-42-5-3

Powers of commission

Sec. 3. The commission for higher education shall exercise its powers and duties under this chapter to facilitate the use of:

(1) the core transfer library at state educational institutions; and

(2) articulation degree programs at Ivy Tech Community College and Vincennes University.

As added by P.L.2-2007, SEC.283.

IC 21-42-5-4

Core transfer library; principles

Sec. 4. The core transfer library shall be developed in accordance with the following principles:

(1) Each course in the core transfer library must transfer in and apply toward meeting degree requirements in the same way as the receiving state educational institution's equivalent course.

(2) Courses in the core transfer library must draw from the liberal arts and introductory or foundational courses in

technical, professional, and occupational fields that are part of the single articulation pathways established under IC 21-42-6-4.

(3) At least seventy (70) courses must be identified for inclusion in the core transfer library. The identified courses must emphasize the courses most frequently taken by undergraduates.

(4) With respect to core transfer library courses being transferred from a state educational institution to Indiana University or Purdue University, Indiana University and Purdue University must identify transfer equivalents so that a course accepted by one (1) regional campus is accepted by all other regional campuses that offer the same transfer equivalent course.

(5) Within the Indiana University system and Purdue University system, equivalent courses, including courses with the same course number and title, must count in the same way at all campuses within the system where the course is offered.

As added by P.L.2-2007, SEC.283. Amended by P.L.120-2013, SEC.5.

IC 21-42-5-5

Rules

Sec. 5. The commission for higher education shall adopt rules under IC 4-22-2 and prescribe procedures to facilitate the use of the core transfer library, including designating courses in the course transfer library in the materials that colleges and universities use to communicate widely with students, such as online catalogs and course schedules.

As added by P.L.2-2007, SEC.283.

IC 21-42-5-6

Rules

Sec. 6. (a) The commission for higher education shall adopt rules under IC 4-22-2 and prescribe procedures to facilitate the use of the articulation degree programs at Ivy Tech Community College and Vincennes University.

(b) This section expires July 1, 2014.

As added by P.L.2-2007, SEC.283. Amended by P.L.120-2013, SEC.6.

IC 21-42-6

Chapter 6. Transfer of Credit Agreements; Articulation Agreements

IC 21-42-6-1

Authority to develop transfer of credit agreements; frequently taken undergraduate courses

Sec. 1. (a) The commission for higher education may, before July 1, 2013, develop through the committee on statewide transfer and articulation statewide transfer of credit agreements for courses that are most frequently taken by undergraduates.

(b) A statewide transfer of credit agreement developed under this section expires July 1, 2014.

(c) This section expires July 1, 2014.

As added by P.L.2-2007, SEC.283. Amended by P.L.120-2013, SEC.7.

IC 21-42-6-2

Authority to develop transfer of credit agreements; associate of arts and associate of science programs

Sec. 2. (a) The commission for higher education may, before July 1, 2013, develop through the committee on statewide transfer and articulation statewide transfer of credit agreements under which associate of arts and associate of science programs articulate fully with related baccalaureate degree programs.

(b) A statewide transfer of credit agreement developed under this section expires July 1, 2014.

(c) This section expires July 1, 2014.

As added by P.L.2-2007, SEC.283. Amended by P.L.120-2013, SEC.8.

IC 21-42-6-3

Publication of master list

Sec. 3. (a) The commission for higher education may, before July 1, 2013, publicize by all appropriate means, including an Internet web site, a master list of statewide transfer of credit agreements and program articulation agreements.

(b) This section expires July 1, 2014.

As added by P.L.2-2007, SEC.283. Amended by P.L.120-2013, SEC.9.

IC 21-42-6-4

Single articulation pathways

Sec. 4. (a) Each state educational institution, in collaboration with the commission for higher education, shall, not later than July 1, 2014, work together to create a single articulation pathway for each programmatic area specified in subsection (b)(2), and implement the single articulation pathways not later than May 15, 2015, for students entering state educational institutions in the fall of 2015.

(b) The state educational institutions, in collaboration with the

commission for higher education, shall:

- (1) determine the programmatic areas in which to develop single articulation pathways to degrees;
- (2) develop single articulation pathways for programmatic areas in which significant numbers of students may first obtain an associate of science or an associate of arts degree with the intent of obtaining a related baccalaureate degree; and
- (3) take into account emerging innovations in technology and practices implemented by the state educational institutions from which a student transfers.

(c) The single articulation pathways must:

- (1) incorporate the statewide transfer general education core developed under IC 21-42-3-2;
- (2) match complementary competencies and learning outcomes for both associate and baccalaureate degrees;
- (3) allow a student who completes an associate degree for which a single articulation pathway has been developed to:
 - (A) pursue a single, common curriculum in a particular programmatic area that will articulate, without alteration, with related baccalaureate degrees at all four (4) year state educational institutions that offer the baccalaureate degrees; and
 - (B) apply all the credits earned for the student's associate degree toward the related baccalaureate degree so that the student may begin the baccalaureate degree as a junior status student; and
- (4) be developed after consultation with employers regarding the competencies and learning outcomes considered especially important for successful careers and employment.

As added by P.L.120-2013, SEC.10.

IC 21-42-6-5

Implementation and monitoring of single articulation pathways

Sec. 5. The state educational institutions, in collaboration with the commission for higher education, shall monitor the implementation of the single articulation pathways created under section 4 of this chapter.

As added by P.L.120-2013, SEC.11.

IC 21-42-6-6

Publicizing of single articulation pathways

Sec. 6. The commission for higher education and each state educational institution shall publicize by all appropriate means, including publication on the Internet web site of the commission for higher education and the Internet web site of each state educational institution, the availability of and requirements for the completion of a degree through a single articulation pathway created under section 4 of this chapter.

As added by P.L.120-2013, SEC.12.

IC 21-42-6-7

Single articulation pathways; communications task force

Sec. 7. The commission for higher education shall convene a task force of representatives from each state educational institution to establish mechanisms to facilitate effective communication:

(1) among state educational institutions; and

(2) of accurate, consistent information to students and parents; about single articulation pathways created under section 4 of this chapter. The initial mechanisms developed under this section must be implemented not later than July 1, 2015.

As added by P.L.120-2013, SEC.13.

IC 21-42-6-8

Single articulation pathways; reports

Sec. 8. Not later than July 1, 2016, and by July 1 of each subsequent year, each state educational institution shall provide data driven reports to the commission for higher education concerning the performance of transfer students who are graduates with an associate degree at the state educational institution in single articulation pathways created under section 4 of this chapter.

As added by P.L.120-2013, SEC.14.

IC 21-42-7

Chapter 7. Military Education

IC 21-42-7-1

"Military service"

Sec. 1. As used in this chapter, "military service" means service performed while an active member of any of the following:

- (1) The armed forces of the United States.
- (2) A reserve component of the armed forces of the United States.
- (3) The National Guard.

As added by P.L.57-2012, SEC.1.

IC 21-42-7-2

Credit for military service courses

Sec. 2. (a) Each state educational institution shall adopt a policy to award educational credit to an individual who:

- (1) is enrolled in a state educational institution; and
- (2) successfully:
 - (A) completes courses that:
 - (i) are part of the individual's military service;
 - (ii) meet the standards of the American Council on Education, or the council's successor organization, for awarding academic credit; and
 - (iii) meet the state educational institution's role, scope, and mission;
 - (B) completes:
 - (i) a College-Level Examination Program (CLEP) exam developed by the College Board and receives a score of fifty (50) or higher;
 - (ii) a United States Department of Defense's Defense Activity for Non-Traditional Education Support Program examination; or
 - (iii) an Excelsior College Examination;
that meets the state educational institution's role, scope, and mission during the individual's military service in an active or reserve component of the armed forces of the United States or the Indiana National Guard or upon the individual's receiving an honorable discharge from the armed forces of the United States or the Indiana National Guard; or
 - (C) completes courses at a postsecondary educational institution accredited by a regional accrediting agency or association:
 - (i) during the individual's military service in an active or reserve component of the armed forces of the United States or the Indiana National Guard or upon the individual's receiving an honorable discharge from the armed forces of the United States or the Indiana National Guard; and
 - (ii) that meet the state educational institution's role, scope,

and mission.

(b) The state educational institution's policy described in subsection (a) must provide that educational credit awarded to an individual under this section applies to the individual's undergraduate degree requirements if the credit is comparable and applicable, as reasonably determined by the state educational institution, to credit offered by the state educational institution and is necessary for the individual to meet the individual's undergraduate degree requirements at the state educational institution.

(c) Each state educational institution's policy described in subsection (a):

- (1) shall be reviewed by the commission for higher education and subsequently published on the commission for higher education's Internet web site; and
- (2) shall be published on the state educational institution's Internet web site.

(d) The amount of educational credits that may be applied to an individual's degree requirements under subsection (b) may not exceed:

- (1) seventy-five percent (75%) of an individual's degree requirements, as determined by the state educational institution, if the state educational institution in which the individual is enrolled requires the individual to attend in person any course during any part of the student's enrollment at the state educational institution; or
- (2) seventy percent (70%) of an individual's degree requirements, as determined by the state educational institution, if one hundred percent (100%) of the degree requirements for the degree program is available online by the state educational institution.

As added by P.L.57-2012, SEC.1. Amended by P.L.101-2014, SEC.2.

IC 21-42-7-3

Rules

Sec. 3. The commission for higher education shall adopt rules under IC 4-22-2 that establish uniform guidelines for state educational institutions to follow when implementing the requirements under section 2 of this chapter.

As added by P.L.57-2012, SEC.1.

IC 21-43

ARTICLE 43. DUAL ENROLLMENT; COLLEGE CREDIT EARNED BY HIGH SCHOOL STUDENTS; TECHNICAL CERTIFICATES OF ACHIEVEMENT

IC 21-43-1

Chapter 1. General Provisions; Definitions

IC 21-43-1-1

Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.284.

IC 21-43-1-2

"Core transfer library"

Sec. 2. "Core transfer library" has the meaning set forth in IC 21-42-1-3.

As added by P.L.2-2007, SEC.284.

IC 21-43-1-2.5

"Dual credit course"

Sec. 2.5. "Dual credit course" means a course taught by a high school faculty member, a college faculty member, or a college adjunct faculty member that a high school student may take to earn both high school and college credits. Dual credit courses may include any of the following:

- (1) A concurrent enrollment college course that is taught:
 - (A) in a high school classroom;
 - (B) by a regular high school faculty member who is approved by an eligible institution; and
 - (C) to high school students who earn high school credit for the course and may also earn college credit through an agreement between an eligible institution and a school corporation under IC 21-43-4-3.5.
- (2) An on-campus course, that:
 - (A) is taught:
 - (i) on the campus of an eligible institution;
 - (ii) by a faculty member of the eligible institution; and
 - (iii) as a regular course offering to postsecondary students attending the eligible institution in which a high school student enrolls and attends; and
 - (B) is approved by the high school that the high school student attends for secondary credit requirements.
- (3) A college course, that is taught:
 - (A) in a high school classroom;
 - (B) by a faculty member of an eligible institution; and
 - (C) to high school students who may earn both secondary and postsecondary credits.

- (4) An online college course, that:
- (A) is taught:
 - (i) by a faculty member of an eligible institution; and
 - (ii) as a regular course offering to postsecondary students attending the eligible institution in which a high school student enrolls and attends; and
 - (B) is approved by the high school that the high school student attends for secondary credit requirements.

As added by P.L.125-2013, SEC.4.

IC 21-43-1-2.7

"Early college"

Sec. 2.7. "Early college" means an academic program consisting of a series of dual credit courses or concurrent enrollment courses, or both, which allow high school students to earn both a high school diploma and:

- (1) an associate degree that has been approved by the commission for higher education; or
- (2) up to two (2) years of academic credit toward a baccalaureate degree.

As added by P.L.125-2013, SEC.5.

IC 21-43-1-3

"Eligible institution"

Sec. 3. "Eligible institution", for purposes of IC 21-43-4, means an accredited public or private:

- (1) college; or
- (2) university;

located in Indiana that grants a baccalaureate or an associate degree and offers postsecondary enrollment opportunities.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.6.

IC 21-43-1-4

"High school diploma"

Sec. 4. As used in this chapter, "high school diploma", for purposes of IC 21-43-8, refers to a high school diploma earned under IC 21-43-8.

As added by P.L.2-2007, SEC.284. Amended by P.L.7-2011, SEC.16; P.L.125-2013, SEC.7.

IC 21-43-1-5

"Postsecondary credit"

Sec. 5. "Postsecondary credit" means credit toward:

- (1) an associate degree;
- (2) a baccalaureate degree; or
- (3) a career and technical education certification;

that is granted by an eligible institution upon the successful completion of a course taken in a high school setting under a postsecondary enrollment opportunity established under this article.

As added by P.L.2-2007, SEC.284. Amended by P.L.234-2007, SEC.111; P.L.229-2011, SEC.243; P.L.125-2013, SEC.8.

IC 21-43-1-5.2

"Postsecondary enrollment opportunity"

Sec. 5.2. "Postsecondary enrollment opportunity", for purposes of IC 21-43-4, refers to programs established under IC 21-43-4, including dual credit courses, concurrent enrollment courses, and early college programs.

As added by P.L.125-2013, SEC.9.

IC 21-43-1-5.5

"Priority dual credit course"

Sec. 5.5. "Priority dual credit course" refers to a course of study for postsecondary credit that the commission designates as a priority dual credit course under IC 21-43-1.5-1.

As added by P.L.229-2011, SEC.244.

IC 21-43-1-6

Repealed

(Repealed by P.L.125-2013, SEC.10.)

IC 21-43-1-7

Repealed

(Repealed by P.L.140-2007, SEC.9.)

IC 21-43-1-8

Repealed

(Repealed by P.L.140-2007, SEC.9.)

IC 21-43-1-9

"Secondary credit"

Sec. 9. "Secondary credit" means credit toward graduation requirements granted by a student's school corporation upon the successful completion of a course taken under a postsecondary enrollment opportunity established under IC 21-43-4.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.11.

IC 21-43-1-10

Repealed

(Repealed by P.L.140-2007, SEC.9.)

IC 21-43-1.5

Chapter 1.5. Priority Dual Credit Courses

IC 21-43-1.5-1

Identification of courses

Sec. 1. The commission may identify a set of concurrent enrollment college courses that:

- (1) are offered in the high school setting for postsecondary credit; and
- (2) receive state funding;

as priority dual credit courses.

As added by P.L.229-2011, SEC.245. Amended by P.L.125-2013, SEC.12.

IC 21-43-1.5-2

Limitation on fees

Sec. 2. The rate charged to a student for a priority dual credit course shall be set by the commission.

As added by P.L.229-2011, SEC.245.

IC 21-43-2

Chapter 2. Postsecondary Credit for Secondary School Certificate of Achievement

IC 21-43-2-1

Postsecondary level academic credit

Sec. 1. A state educational institution may permit a student who:

(1) receives a secondary school level certificate of achievement in a particular subject or skill area; and

(2) satisfies the standards for receipt of academic credit as determined by the state educational institution;

to receive postsecondary credit at the state educational institution for the secondary school level certificate of achievement.

As added by P.L.2-2007, SEC.284.

IC 21-43-2-2

Report to guidance counselors and students

Sec. 2. Each state educational institution shall prepare and make available to students and high school guidance counselors a report indicating the:

(1) extent to which; and

(2) conditions under which;

postsecondary credit may be granted under this chapter.

As added by P.L.2-2007, SEC.284.

IC 21-43-3

Repealed

(Repealed by P.L.140-2007, SEC.9.)

IC 21-43-4

Chapter 4. Postsecondary Enrollment Program

IC 21-43-4-1

Repealed

(Repealed by P.L.125-2013, SEC.13.)

IC 21-43-4-1.5

Postsecondary enrollment opportunities established

Sec. 1.5. Postsecondary enrollment opportunities are established for secondary school students. School corporations and eligible institutions may collaborate to offer:

- (1) early college programs;
- (2) college courses taught by faculty members of eligible institutions; or
- (3) concurrent enrollment college courses;

that meet the educational objectives of the school corporation and are offered by eligible institutions in secondary school locations.

As added by P.L.125-2013, SEC.14.

IC 21-43-4-2

Actions not prohibited

Sec. 2. This chapter does not prohibit:

- (1) a student from enrolling in or attending an education program when the student is not required to be in attendance at the student's school corporation;
- (2) a school corporation from:
 - (A) providing a supplemental postsecondary education program to students; and
 - (B) permitting a student to attend an education program during the regular school day or regular school year; or
- (3) an eligible institution from permitting a student of a school corporation to enroll in or attend a course offered or sponsored by the eligible institution.

As added by P.L.2-2007, SEC.284.

IC 21-43-4-3

Repealed

(Repealed by P.L.125-2013, SEC.15.)

IC 21-43-4-3.5

Eligible institution; allowable actions

Sec. 3.5. (a) An eligible institution that participates in:

- (1) an early college program;
- (2) a college course taught by a faculty member of an eligible institution; or
- (3) a concurrent enrollment college course;

shall, by agreement with a school corporation, take any action described in subsection (b).

- (b) The eligible institution shall:

- (1) ensure that the content and rigor of a course offered is adequate to warrant providing credit to a student as if the student took the course as a student at the eligible institution, including determining prerequisites, if any, for enrollment in a dual credit course and standards for assessment;
- (2) set the criteria for a faculty member, an instructor, or other individual responsible for teaching a course with the:
 - (A) eligible institution responsible for hiring the personnel to instruct dual credit courses taught by faculty members from the eligible institution; and
 - (B) school corporation responsible for hiring personnel to instruct concurrent enrollment college courses taught by the high school; and
- (3) determine:
 - (A) the terms and conditions under which a student may be eligible to participate in concurrent enrollment college courses, postsecondary courses taught by faculty members of the eligible institution, and early college programs while attending high school;
 - (B) with the school corporation, the terms and conditions under which the school corporation will award credit, if any, for a specified course successfully completed by a student through the school corporation; and
 - (C) the terms and conditions under which the school corporation will award secondary credit, if any, for a specific course successfully completed through the eligible institution.

As added by P.L.125-2013, SEC.16.

IC 21-43-4-4

Enrollment in courses

Sec. 4. A student may enroll in courses offered by an eligible institution on a full-time or part-time basis during secondary school upon the recommendation of a school administrator.

As added by P.L.2-2007, SEC.284. Amended by P.L.229-2011, SEC.247; P.L.125-2013, SEC.17.

IC 21-43-4-5

Credits

Sec. 5. If a school corporation has approved a course offered by an eligible institution for secondary credit, a student is entitled to secondary credit toward graduation requirements for each course the student successfully completes at the eligible institution. The student's high school transcript must reflect that the secondary credits were earned at an eligible institution.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.18.

IC 21-43-4-5.2

Courses included in statewide core transfer library

Sec. 5.2. (a) If a dual credit course or concurrent enrollment college course is a course listed by an eligible institution that is a state educational institution in the statewide core transfer library under the principles set forth in IC 21-42-5-4, and a student satisfactorily completes the course, the course must transfer to other state educational institutions under the terms established by the core transfer library.

(b) If a student enrolls in a state educational institution other than the state educational institution at which a course was completed, the other state educational institution:

- (1) shall grant credit for successfully completed courses that:
 - (A) have articulations that are listed in the core transfer library; or
 - (B) are subject to an articulation agreement; and
- (2) may grant credit for other successfully completed courses.

As added by P.L.125-2013, SEC.19.

IC 21-43-4-5.5

Methods of offering courses

Sec. 5.5. Based on the demand for enrollment in the identified courses and the resources available to eligible institutions, the identified courses may be offered through:

- (1) onsite instruction;
- (2) telecommunication; or
- (3) a combination of methods described in subdivisions (1) and (2);

at on-campus or off-campus sites.

As added by P.L.125-2013, SEC.20.

IC 21-43-4-6

Information concerning program

Sec. 6. Before February 1 each year, each school corporation shall provide each student in grades 8, 9, 10, and 11 with information concerning postsecondary enrollment opportunities.

As added by P.L.2-2007, SEC.284. Amended by P.L.229-2011, SEC.248; P.L.125-2013, SEC.21.

IC 21-43-4-7

Students; notice of intent to enroll in program

Sec. 7. A student who intends to enroll in an eligible institution shall notify the principal of the school in which the student is enrolled.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.22.

IC 21-43-4-8

Preenrollment meeting with student

Sec. 8. A representative of the school corporation, by agreement with an eligible institution and using information that may be provided by the eligible institution, shall meet with each student who

intends to participate in a postsecondary enrollment opportunity to offer counseling at which the following are discussed:

- (1) The courses in which the student may enroll, including prerequisites needed for completion.
- (2) The postsecondary credit the student earns upon successful completion of a course.
- (3) The consequences of the student's failure to successfully complete a course.
- (4) Notice of the course and schedule.
- (5) The financial obligations of the student and the school under the postsecondary enrollment opportunity.
- (6) The responsibilities of the student, the student's parent, and the school under the postsecondary enrollment opportunity.
- (7) Other matters concerning the postsecondary enrollment opportunity.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.23.

IC 21-43-4-9

Governing body; adoption of policies to implement program

Sec. 9. The governing body of each school corporation shall:

- (1) adopt policies to implement postsecondary enrollment opportunities, based on guidelines established by the department of education; and
- (2) work with eligible institutions to grant secondary credits to a student who attends an eligible institution while the student also is attending secondary school.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.24.

IC 21-43-4-10

Application for enrollment in eligible institution; admission

Sec. 10. A student may apply for enrollment to an eligible institution. The eligible institution shall accept or reject the student based on the standards ordinarily used to decide student enrollments. However, a student applying to participate in a postsecondary enrollment opportunity may not be refused admission solely because the student has not graduated from a secondary school.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.25.

IC 21-43-4-11

Repealed

(Repealed by P.L.125-2013, SEC.26.)

IC 21-43-4-12

Financial assistance

Sec. 12. Upon demonstration of financial need, an eligible institution may grant financial assistance, including a waiver of tuition under IC 21-14-8, to a student accepted for admission to the

eligible institution.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.27.

IC 21-43-4-13

Dual credit contracts

Sec. 13. If a student enrolls in a concurrent enrollment college course, a postsecondary course taught by a faculty member of the eligible institution at the high school, or an early college program offered by an eligible institution, the eligible institution and the student's school corporation shall enter into a contract for the postsecondary enrollment opportunity. The contract must establish the terms and conditions under which:

- (1) except as provided in section 15 of this chapter, the eligible institution will award credit for specified classes successfully completed by students in the school corporation; and
- (2) the school corporation will award credit for specified classes successfully completed by students at the eligible institution.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.28; P.L.268-2013, SEC.12.

IC 21-43-4-14

Repealed

(Repealed by P.L.125-2013, SEC.29.)

IC 21-43-4-15

Postsecondary credits

Sec. 15. (a) Except as provided in subsection (b), a student is entitled to receive postsecondary credit toward meeting the degree requirements at the eligible institution offering a postsecondary enrollment opportunity upon the student's successful completion of a course.

(b) This subsection applies to a course taught in a high school setting in which a student enrolls after June 30, 2014. A student must achieve at least the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, in order for the student to enroll in subsequent related dual credit course work in the same subject area.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.30; P.L.268-2013, SEC.13; P.L.49-2014, SEC.3.

IC 21-43-4-16

List of students and courses

Sec. 16. At the end of each school year, each school corporation shall submit to the department of education the following:

- (1) A list of the students in the school corporation who are enrolled in postsecondary enrollment opportunities.
- (2) A list of the courses successfully completed by each student who is enrolled in postsecondary enrollment opportunities.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013,

SEC.31.

IC 21-43-4-17

Secondary schools; records

Sec. 17. (a) A school corporation shall make and maintain, for each student enrolled in a postsecondary enrollment opportunity, records of the following:

- (1) The courses and credit hours in which the student enrolls.
- (2) The courses that the student successfully completes and fails to complete.
- (3) The secondary credit granted to the student.
- (4) Other information requested by the department of education.

(b) The department of education is entitled to have access to the records made and maintained under subsection (a).

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.32.

IC 21-43-4-18

Eligible institutions; records

Sec. 18. (a) An eligible institution shall make and maintain, for each student enrolled in a postsecondary enrollment opportunity, records of the following:

- (1) The courses in which the student enrolls and the credit hours awarded for those courses.
- (2) The courses that the student successfully completes and the courses that the student fails to complete.
- (3) The postsecondary credit granted to the student.
- (4) Other information requested by the commission for higher education.

(b) The commission for higher education is entitled to have access to the records made and maintained under subsection (a).

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.33.

IC 21-43-4-19

Duties of department

Sec. 19. (a) The department of education, in consultation with the commission for higher education, shall:

- (1) establish guidelines to carry out this chapter; and
- (2) evaluate postsecondary enrollment opportunities annually and report to the Indiana state board of education concerning the postsecondary enrollment opportunities.

(b) The guidelines established under this section must encourage participation by students:

- (1) at all achievement levels; and
- (2) in a variety of academic and vocational subjects.

As added by P.L.2-2007, SEC.284. Amended by P.L.125-2013, SEC.34.

IC 21-43-4-19.2

State educational institutions and campuses; accreditation or approval requirements

Sec. 19.2. A state educational institution or campus of a state educational institution that offers concurrent college courses in liberal arts, professional, or career and technical disciplines must be either:

- (1) accredited by the National Alliance of Concurrent Enrollment Partnerships; or
- (2) approved by the commission for higher education.

As added by P.L.125-2013, SEC.35.

IC 21-43-4-19.5

Ivy Tech Community College; reimbursement

Sec. 19.5. Ivy Tech Community College is entitled to reimbursement for the costs incurred to deliver courses under this chapter that are taken:

- (1) at an Ivy Tech Community College site; and
- (2) by a student for whom Ivy Tech Community College has waived tuition under this chapter or IC 21-14-8.

The school corporation in which the student described in subdivision (2) resides shall pay the individual's tuition to Ivy Tech Community College for each year the student is included in the school corporation's ADM.

As added by P.L.125-2013, SEC.36.

IC 21-43-4-20

Adoption of rules

Sec. 20. The:

- (1) Indiana state board of education; and
- (2) commission for higher education;

shall adopt rules under IC 4-22-2 to carry out this chapter.

As added by P.L.2-2007, SEC.284.

IC 21-43-5

Repealed

(Repealed by P.L.125-2013, SEC.37.)

IC 21-43-6

Repealed

(Repealed by P.L.125-2013, SEC.38.)

IC 21-43-7

Repealed

(Repealed by P.L.125-2013, SEC.39.)

IC 21-43-8

Chapter 8. State Educational Institutions: High School Fast Track Program

IC 21-43-8-1

Establishment of program allowed

Sec. 1. Any state educational institution may establish a high school fast track to college program that offers qualified individuals an opportunity to earn a high school diploma while earning credits for a degree.

As added by P.L.2-2007, SEC.284.

IC 21-43-8-2

Eligibility

Sec. 2. (a) To be eligible to earn a high school diploma, an individual participating in the program established under this chapter must be either:

- (1) at least nineteen (19) years of age and not enrolled in a school corporation; or
- (2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently.

(b) The school corporation in which an individual to whom this subdivision applies resides shall pay the individual's tuition for high school level courses taken at the state educational institution during each year the individual is included in the school corporation's ADM.
As added by P.L.2-2007, SEC.284. Amended by P.L.3-2008, SEC.152.

IC 21-43-8-3

Requirements to receive high school diploma

Sec. 3. To complete the requirements for a high school diploma, an individual participating in the program established under this chapter must have:

- (1) passed:
 - (A) the graduation examination given under IC 20-32-4;
 - (B) an examination for a general educational development diploma;
 - (C) an examination equivalent to the graduation examination:
 - (i) administered by the state educational institution; and
 - (ii) approved by the department of education; or
 - (D) an examination that demonstrates the student is ready for college level work:
 - (i) administered by the state educational institution; and
 - (ii) approved by the department of education; and
- (2) completed the course work necessary to meet:
 - (A) the minimum high school course requirements established by the Indiana state board of education; and
 - (B) the requirements of the state educational institution.

As added by P.L.2-2007, SEC.284. Amended by P.L.3-2008,

SEC.153.

IC 21-43-8-4

Transfer of high school credits required

Sec. 4. In addition to meeting the requirements set forth in sections 2 and 3 of this chapter, an individual must have the credits toward graduation that the individual successfully completed in high school transferred to the state educational institution.

As added by P.L.2-2007, SEC.284.

IC 21-43-8-5

Notice to state board of education of program completion; diploma award

Sec. 5. The state educational institution shall notify the Indiana state board of education that an individual has successfully completed the requirements of a program. Upon receiving the notification, the Indiana state board of education shall:

- (1) grant to the individual a high school diploma that states the name of the state educational institution at which the individual earned the high school diploma; and
- (2) provide the diploma to the state educational institution to award to the individual.

As added by P.L.2-2007, SEC.284.

IC 21-43-8-6

Annual report to education roundtable

Sec. 6. A state educational institution that establishes a program under this section shall report annually to the education roundtable established under IC 20-19-4 the number of program participants and diplomas granted.

As added by P.L.2-2007, SEC.284.

IC 21-44

ARTICLE 44. MEDICAL EDUCATION SYSTEM

IC 21-44-1

Chapter 1. General Provisions; Definitions

IC 21-44-1-1

Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.285.

IC 21-44-1-2

"Anatomical education program"

Sec. 2. "Anatomical education program" means a program that provides for the:

- (1) acquisition of cadavers for educational purposes for use in health education programs at postsecondary educational institutions;
- (2) distribution of the cadavers to eligible institutions;
- (3) use of the cadavers for educational purposes by eligible institutions; and
- (4) final disposition of the cadavers.

As added by P.L.2-2007, SEC.285.

IC 21-44-1-3

"Board"

Sec. 3. (a) "Board", for purposes of IC 21-44-5, refers to the medical education board established by IC 21-44-5-1.

(b) "Board", for purposes of IC 21-44-6, refers to the mental health and addiction services development programs board established by IC 21-44-6-1.

As added by P.L.2-2007, SEC.285. Amended by P.L.170-2009, SEC.5; P.L.142-2014, SEC.1.

IC 21-44-1-4

"Cadaver"

Sec. 4. "Cadaver" means a whole human postmortem body that:

- (1) has been donated under IC 29-2-16.1;
 - (2) is unclaimed by a relative or other legal representative and that would otherwise be required to be buried at public expense;
- or
- (3) is otherwise legally procured by the Indiana University School of Medicine.

As added by P.L.2-2007, SEC.285. Amended by P.L.147-2007, SEC.10.

IC 21-44-1-5

"Center"

Sec. 5. "Center", for purposes of IC 21-44-4, refers to a center for

comprehensive medical education established under IC 21-44-4.
As added by P.L.2-2007, SEC.285.

IC 21-44-1-6

"Clinical teaching and training program"

Sec. 6. "Clinical teaching and training program", for purposes of IC 21-44-5, refers to a clinical teaching and training program established under the plan under IC 21-44-5.

As added by P.L.2-2007, SEC.285.

IC 21-44-1-7

"Family practice"

Sec. 7. "Family practice" means that medical specialty that:

- (1) is called family practice; and
- (2) provides personal physicians who:
 - (A) serve as first medical contacts for patients;
 - (B) provide a means of entering the health care system; and
 - (C) accept responsibility for a patient's total health care.

As added by P.L.2-2007, SEC.285.

IC 21-44-1-8

"Fund"

Sec. 8. "Fund" refers to the family practice residency fund established by IC 21-44-5-18.

As added by P.L.2-2007, SEC.285.

IC 21-44-1-9

"Director"

Sec. 9. "Director", for purposes of IC 21-44-4, refers to the director appointed under IC 21-44-4 for a center.

As added by P.L.2-2007, SEC.285.

IC 21-44-1-10

"Eligible institution"

Sec. 10. "Eligible institution", for purposes of:

- (1) sections 2 and 11 of this chapter and IC 21-44-2, means a university, college, or other educational institution that:
 - (A) operates in the United States; and
 - (B) offers a health education program leading to a baccalaureate, graduate, or postgraduate degree in a health related field including:
 - (i) medicine;
 - (ii) dentistry;
 - (iii) optometry;
 - (iv) nursing;
 - (v) physical therapy;
 - (vi) occupational therapy; or
 - (vii) other allied health fields; and

(2) IC 21-44-3, refers to a postsecondary educational institution that qualifies as an eligible institution under IC 21-44-3-1(4).

As added by P.L.2-2007, SEC.285. Amended by P.L.126-2009, SEC.1.

IC 21-44-1-11

"Health education program"

Sec. 11. "Health education program" refers to an accredited program of study offered by an eligible institution in which the curriculum requires the observation, examination, or dissection of a cadaver by a student enrolled in the program.

As added by P.L.2-2007, SEC.285.

IC 21-44-1-12

"Intern, residency, and graduate program"

Sec. 12. "Intern, residency, and graduate program", for purposes of IC 21-44-5, refers to an intern, residency, and graduate program for which the medical education board establishes policies under IC 21-44-5.

As added by P.L.2-2007, SEC.285. Amended by P.L.170-2009, SEC.6.

IC 21-44-1-13

"Plan"

Sec. 13. "Plan", for purposes of IC 21-44-5, refers to the plan for statewide medical education established by the Indiana University School of Medicine under IC 21-44-5-7.

As added by P.L.2-2007, SEC.285. Amended by P.L.3-2008, SEC.154.

IC 21-44-1-15

"Public sector psychiatry"

Sec. 15. "Public sector psychiatry" refers to the practice of psychiatry in:

- (1) state institutions;
- (2) community mental health centers; and
- (3) other settings determined by the board to be public sector psychiatry settings.

As added by P.L.170-2009, SEC.7.

IC 21-44-1-16

"Training track program"

Sec. 16. "Training track program", for purposes of IC 21-44-6, refers to the program for individuals in the public sector psychiatry development program.

As added by P.L.170-2009, SEC.8.

IC 21-44-2

Chapter 2. Anatomical Education Program

IC 21-44-2-0.3

Treatment of references to state anatomical board; transfer of property

Sec. 0.3. (a) After June 30, 1987, any reference to the state anatomical board in any statute or rule is considered a reference to the anatomical education program operated under this article.

(b) On July 1, 1987, the Indiana University School of Medicine, as authorized by P.L.238-1987, becomes the owner of all the personal property of the state anatomical board abolished by P.L.238-1987.

As added by P.L.220-2011, SEC.358.

IC 21-44-2-1

Administration of program

Sec. 1. (a) The dean of the Indiana University School of Medicine or the dean's designee shall administer the anatomical education program in accordance with policies adopted by the dean or the dean's designee under section 2(1) of this chapter.

(b) In administering the anatomical education program, the dean or the dean's designee shall:

- (1) administer body bequests made to eligible institutions under IC 29-2-16.1; and
- (2) maintain written records of all transactions undertaken under the anatomical education program.

(c) In administering the anatomical education program, the dean or the dean's designee may through the trustees of Indiana University:

- (1) enter into contracts; and
- (2) employ qualified staff either on a full-time or part-time basis, including a licensed funeral director to assist in the operation and coordination of the anatomical education program.

As added by P.L.2-2007, SEC.285. Amended by P.L.147-2007, SEC.11.

IC 21-44-2-2

Anatomical education program; administrator's duties

Sec. 2. The dean of the Indiana University School of Medicine or the dean's designee shall do the following:

- (1) Adopt policies necessary to administer the anatomical education program, including the formulation of standards governing the following:
 - (A) Acceptance of cadavers under the anatomical education program.
 - (B) Anatomical health education programs.
 - (C) Embalming procedures.
 - (D) Facilities in which cadavers may be stored and

examined.

(E) Security.

(F) Use of the cadavers.

(G) Transportation of cadavers.

(H) Maintenance of written records.

(I) Final disposition of cadavers.

(2) Approve for involvement in the anatomical education program of eligible institutions that satisfactorily comply with all standards and policies adopted by the dean or the dean's designee.

(3) Annually review the operation and administration of the anatomical education program, including review of the following aspects of the anatomical education program:

(A) Budget appropriation.

(B) Revenue received.

(C) Costs incurred.

(D) Written records maintained by the program.

(4) Determine the fees eligible institutions must pay for the use of cadavers under the anatomical education program.

(5) Address current issues that directly or indirectly affect the operation of the anatomical education program.

As added by P.L.2-2007, SEC.285.

IC 21-44-3

Chapter 3. School of Medicine; Indianapolis

IC 21-44-3-1

Indiana University; medical school; power to accept certain gifts

Sec. 1. The trustees of Indiana University may conduct a medical school in Marion County and may receive gifts of real estate and other property on behalf of the state of Indiana for the maintenance of medical education in Marion County if the following conditions are satisfied:

- (1) The board of trustees of Indiana University must provide for the conduct of a full four (4) year course in medicine as an integral part of the Indiana University School of Medicine in Marion County.
- (2) The board of trustees of Indiana University may not discriminate for or against any school or system of medicine in Indiana University. Each of the schools or systems of medicine recognized by the state on April 5, 1909, must have adequate opportunity to teach the practice of medicine in Indiana university according to the principles advocated by each of the schools or systems of medicine respectively.
- (3) The board of trustees of Indiana University must:
 - (A) provide instruction in the practice of medicine in as thorough a manner as the means at their disposal will permit; and
 - (B) as nearly as possible provide the same quality of instruction whenever a reasonable demand is made for the same.
- (4) Premedical or other collegiate work done in any college or university of Indiana that is recognized by the Indiana state board of education as an eligible institution, must be received and credited in the Indiana University School of Medicine upon the same conditions as work of the same kind, grade, and amount done in the department of liberal arts of Indiana University.

As added by P.L.2-2007, SEC.285.

IC 21-44-4

Chapter 4. Statewide Medical Education System

IC 21-44-4-1

Statewide medical education system established

Sec. 1. There is established the Indiana statewide medical education system.

As added by P.L.2-2007, SEC.285.

IC 21-44-4-2

Centers located around state

Sec. 2. The Indiana statewide medical education system must include centers for comprehensive medical education established in cooperation with existing medical and educational institutions in the following:

- (1) Gary.
- (2) Fort Wayne.
- (3) Lafayette.
- (4) Evansville.
- (5) South Bend.
- (6) Terre Haute.
- (7) Muncie.

As added by P.L.2-2007, SEC.285.

IC 21-44-4-3

Center locations

Sec. 3. The centers are the following:

- (1) The Gary center on the campus of Indiana University-Northwest shall be known as Indiana University School of Medicine-Northwest.
- (2) The Fort Wayne center on the campus of Indiana University-Purdue University Fort Wayne shall be known as Indiana University School of Medicine-Fort Wayne.
- (3) The Lafayette center on the campus of Purdue University shall be known as Indiana University School of Medicine-Lafayette.
- (4) The Evansville center on the campus of the University of Southern Indiana shall be known as University School of Medicine-Evansville.
- (5) The South Bend center on the campus of the University of Notre Dame shall be known as Indiana University School of Medicine-South Bend.
- (6) Indiana University School of Medicine-Terre Haute (on the campus of Indiana State University).
- (7) The Muncie center on the campus of Ball State University shall be known as Indiana University School of Medicine-Muncie.

As added by P.L.2-2007, SEC.285.

IC 21-44-4-4

Center directors

Sec. 4. A director shall be jointly appointed for each center in the Indiana statewide medical education system by the office of dean of the Indiana University School of Medicine and the local cooperating state educational institutions. The director holds a joint appointment with the local cooperating state educational institutions.

As added by P.L.2-2007, SEC.285.

IC 21-44-4-5**Local advisory councils**

Sec. 5. An advisory council shall be appointed by each local center to provide as effectively as possible for a high degree of support and advice from the lay and professional communities.

As added by P.L.2-2007, SEC.285.

IC 21-44-4-6**Development and expansion of center programs**

Sec. 6. The administration of the Indiana University School of Medicine shall plan and implement the orderly development and expansion of a medical education program in each center in cooperation with the director and staff of the cooperating state educational institutions.

As added by P.L.2-2007, SEC.285.

IC 21-44-4-7**Fiscal administration**

Sec. 7. The dean of the Indiana University School of Medicine is responsible for the fiscal administration of the medical education programs established in each center. The director of each center shall submit budgets for review and approval by the dean of the Indiana University School of Medicine.

As added by P.L.2-2007, SEC.285.

IC 21-44-4-8**Faculty appointments**

Sec. 8. Joint faculty appointments shall be made by the Indiana University School of Medicine and the participating state educational institutions.

As added by P.L.2-2007, SEC.285.

IC 21-44-4-9**Responsibilities of Indiana University School of Medicine**

Sec. 9. The Indiana University School of Medicine is responsible for:

- (1) selection, admission, and assignment of students;
- (2) curricular development and evaluation; and
- (3) accreditation.

As added by P.L.2-2007, SEC.285.

IC 21-44-4-10

Periodic evaluations

Sec. 10. To insure continuing educational excellence, the Indiana University School of Medicine shall provide for periodic, systematic evaluation of the Indiana statewide medical education system in cooperation with the governor's commission on medical education or its successor body.

As added by P.L.2-2007, SEC.285.

IC 21-44-5

Chapter 5. Medical Education Board; Resident and Internship Training; Postgraduate Programs

IC 21-44-5-1

Medical education board established

Sec. 1. There is established a medical education board, consisting of seven (7) persons.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-2

Members; terms

Sec. 2. (a) The board consists of the following members:

(1) The dean of the Indiana University School of Medicine, who serves as an ex officio member of the board. The dean of the Indiana University School of Medicine shall serve as the chairman of the board.

(2) The commissioner of the state department of health, who serves as an ex officio member of the board.

(3) Five (5) members appointed by the governor as follows:

(A) One (1) member appointed by the governor who is a director of medical education of an Indiana hospital not owned or operated by Indiana University.

(B) One (1) member who:

(i) is a hospital administrator in a hospital not owned or operated by Indiana University; and

(ii) is not the hospital administrator for the hospital that employs the member appointed under clause (A).

(C) One (1) member who:

(i) is a citizen of Indiana; and

(ii) is not a physician and not a hospital administrator.

(D) Two (2) members who are physicians holding unlimited licenses to practice medicine in Indiana. The two (2) physicians appointed under this subdivision may not be directors of medical education. One (1) of the members appointed under this subdivision must practice in the specialty of family practice.

(b) The terms of the five (5) members appointed to the board by the governor are for three (3) years beginning January 1 of the year of appointment and continuing until the member's successor is appointed and qualified. If a membership on the board becomes vacant before the expiration of the term, the governor shall appoint a replacement with the same representative status to fill the unexpired term.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-3

Meetings

Sec. 3. The board shall meet initially at the call of the governor. After the initial meeting, the board shall meet at least twice each

year.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-4

Members; per diem

Sec. 4. The board members may not receive a salary. The board members must be allowed a per diem for each day actually spent upon the business of the board and may be reimbursed for any travel expenses incurred in the performance of their responsibilities under this chapter.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-5

Offices; personnel; expenses

Sec. 5. (a) The budget agency shall provide for necessary office space and secretarial personnel that are:

- (1) requested by the board; and
- (2) required for the conduct of the board's business.

(b) Board expenses may include necessary rent, salaries, and other necessary administrative expenses.

As added by P.L.2-2007, SEC.285. Amended by P.L.3-2008, SEC.155.

IC 21-44-5-6

Work of accrediting bodies not compromised

Sec 6. This chapter does not in any way compromise the accreditation of the participating hospital by the American Hospital Association, the American Medical Association, the American Osteopathic Hospital Association, the American Osteopathic Association or the Association of American Medical Colleges.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-7

Statewide plan for physician recruitment and retention

Sec. 7. To retain and attract more physicians by the state, the Indiana University School of Medicine shall establish a plan for statewide medical education.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-8

Recommended components of plan

Sec. 8. The general assembly recommends that the plan do the following:

- (1) Provide supplemental income for interns and residents based on the policies recommended by the board.
- (2) Include a statewide communications network for television, audio, and computer library service.
- (3) Provide for the Indiana University School of Medicine to establish working relationships or community clinical teaching and training programs with the cooperation of the medical

profession, hospitals, and clinics.
As added by P.L.2-2007, SEC.285.

IC 21-44-5-9

Community clinical teaching and training programs

Sec. 9. The board shall choose the sites for its community clinical teaching and training programs. The board shall consider site candidates in:

- (1) Indianapolis;
- (2) Lafayette;
- (3) cities of Lake County;
- (4) Michigan City;
- (5) South Bend;
- (6) Fort Wayne;
- (7) Bluffton;
- (8) Marion;
- (9) Muncie;
- (10) Kokomo;
- (11) Richmond;
- (12) Terre Haute;
- (13) Vincennes;
- (14) Evansville;
- (15) Jeffersonville; and
- (16) other areas;

when adequate preparation and funds allow a program.
As added by P.L.2-2007, SEC.285.

IC 21-44-5-10

Recommended program components

Sec. 10. The general assembly recommends that the plan do the following:

- (1) Include formal teaching opportunities for intern and resident training and advanced medical education throughout Indiana.
- (2) Establish the positions and partially or wholly fund additional off-campus Indiana University medical faculty and directors of medical education located throughout Indiana with appointment mainly in local communities.
- (3) Expand continuing medical education programs for interns and residents on a statewide basis.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-11

Medical institutions; applications for funding support

Sec. 11. Medical institutions throughout Indiana may apply for grants-in-aid to the board or the Indiana University School of Medicine for financial support of personnel or programs. The grants may permit funding of programs not affiliated with Indiana University School of Medicine.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-12

Board; establishment of policies for expenditures for intern, residency, and graduate programs

Sec. 12. The board shall establish policies for the use and expenditure of money appropriated for intern, residency, and graduate programs. The board shall set standards for qualification for participation under this chapter.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-13

Medical education advisory board; establishment of policies for expenditures for intern, residency, and graduate programs

Sec. 13. (a) The medical education advisory board shall establish policies for the use and expenditure of money appropriated for intern, residency, and graduate programs.

(b) The medical education advisory board shall not establish or recommend policies for the clinical teaching and training programs or any related educational programs.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-14

Policy components

Sec. 14. The policies established by the board for intern, residency, and graduate programs must include the following:

(1) A hospital must present an educational plan and a training schedule to the board for each program for which the hospital desires assistance under this chapter at the time the hospital submits its application to the board.

(2) The board must be reasonably certain that the educational program of the hospital will provide a high degree of academic excellence.

(3) A physician, who is not the hospital administrator, must be charged with the primary responsibility of supervising the educational program of the hospital.

(4) One (1) individual must be charged with directing each resident training program in a medical specialty in the hospital in order for the residency to receive funds provided under this chapter. The designated individual must attend one (1):

(A) professional state or national meeting; or

(B) postgraduate course, other than a course provided in the local hospital with which the designated individual is affiliated;

in the individual's specialty each year. The individual should show evidence of progressive competence in the field of medical education.

(5) Each hospital participating in this program must provide a postgraduate education program that must be made available to physicians in private practice in the local area. For each residency training program, there must be at least one (1) postgraduate course in the specialty covered by the residency

training program each year.

(6) The board shall periodically review the educational program provided by a participating hospital to assure that the:

(A) program provides a reasonable amount of both formal and practical training; and

(B) formal sessions are presented insofar as practicable as often as scheduled in the educational plan of the hospital.

The review must include at least one (1) visit to each participating hospital by the board or the board's delegated representative each year.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-15

Intent

Sec. 15. The intent of this chapter is to establish intern, residency, and graduate programs to assist in annually preparing, educating, and retaining more than one hundred (100) physicians for family practice in Indiana. Family practice programs are necessary to teach the latest scientific care of common diseases to provide health care for the maximum number of citizens in Indiana.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-16

Board; financial support for family practice training programs

Sec. 16. In addition to the intern, residency, and graduate programs established under this chapter, the board shall provide financial support for the development, enlargement, and continuation of graduate training programs in family practice for physicians that prepare the physicians for the specialty of family practice.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-17

Use of funding for family practice resident education

Sec. 17. Funding for family practice residency programs must be used to provide supplemental support to eligible hospitals on behalf of the education of family medicine residents in accordance with the policies recommended by the board.

As added by P.L.2-2007, SEC.285.

IC 21-44-5-18

Family practice residency fund

Sec. 18. Appropriations to the board from the general fund for the board's use in developing, enlarging, and continuing graduate training programs in family practice must be placed in a separate fund to be called the "family practice residency fund". Amounts in this fund do not revert to the general fund at the close of any fiscal year.

As added by P.L.2-2007, SEC.285.

IC 21-44-6

Chapter 6. Mental Health Services Development Programs

IC 21-44-6-1

Board established

Sec. 1. There is established the mental health and addiction services development programs board.

As added by P.L.170-2009, SEC.9. Amended by P.L.142-2014, SEC.2.

IC 21-44-6-2

Composition of board

Sec. 2. The board consists of the following ten (10) members:

(1) The dean of the Indiana University School of Medicine or the dean's designee. The dean of the Indiana University School of Medicine or the dean's designee shall serve as the chairperson of the board.

(2) The chairperson of the department of psychiatry of the Indiana University School of Medicine or the chairperson's designee.

(3) The director of the division of mental health and addiction created by IC 12-21-1-1 or the director's designee.

(4) The commissioner of the state department of health or the commissioner's designee.

(5) The dean of the department of family practice of the Marian University College of Osteopathic Medicine or the dean's designee.

(6) The administrator of a graduate program in an institution of higher education in Indiana engaged in training psychologists.

(7) The administrator of a program in an institution of higher education in Indiana engaged in training advanced practice psychiatric nurses.

(8) One (1) psychiatrist who practices psychiatry in Indiana.

(9) The administrator of a program in an institution of higher education in Indiana engaged in training addiction counselors.

(10) The director of the Indiana department of veterans' affairs or the director's designee.

The governor shall appoint the members of the board described in subdivisions (6) through (9).

As added by P.L.170-2009, SEC.9. Amended by P.L.142-2014, SEC.3.

IC 21-44-6-3

Board meetings

Sec. 3. The board shall meet at least quarterly each year at the call of the chairperson.

As added by P.L.170-2009, SEC.9. Amended by P.L.142-2014, SEC.4.

IC 21-44-6-4

Board member per diem; voting

Sec. 4. (a) Each board member who is not a state employee is not entitled to a salary per diem. The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) The affirmative votes of a majority of the members appointed to the board are required for the board to take action on any measure. *As added by P.L.170-2009, SEC.9. Amended by P.L.142-2014, SEC.5.*

IC 21-44-6-5**Duties of board**

Sec. 5. The purpose of the board is to do the following:

(1) To establish and oversee a loan forgiveness program designed to attract:

- (A) psychiatrists, including psychiatrists pursuing fellowship training and certification in addiction psychiatry;
- (B) psychologists;
- (C) psychiatric nurses;
- (D) addiction counselors; and
- (E) mental health professionals;

to provide services to individuals with mental illness and addictive disorders in behavioral health and addiction treatment settings in Indiana by assisting the individuals listed in this section to pay off loans incurred in the training needed to practice psychiatry and psychology and as a psychiatric nurse, an addiction counselor, or a mental health professional in Indiana.

(2) To establish and oversee an integrated behavioral health and addiction treatment development program to attract and train psychiatrists, psychologists, psychiatric nurses, addiction counselors, or mental health professionals who will engage in the practice of integrated behavioral health and addiction treatment in:

- (A) state mental health institutions;
- (B) community mental health centers;
- (C) state funded addiction treatment centers; or
- (D) other behavioral health and addiction treatment settings determined by the board to be mental health and addiction dual diagnoses treatment settings.

(3) To develop and oversee an integrated behavioral health and

addiction treatment training track program through the Indiana University School of Medicine, Department of Psychiatry residency training program. The training track program must provide an opportunity for residents to work in mental health and addiction dual diagnoses treatment settings, including:

- (A) state psychiatric hospitals;
 - (B) community mental health centers;
 - (C) state funded addiction treatment centers; or
 - (D) other behavioral health and addiction treatment settings determined by the board to be mental health and addiction dual diagnoses treatment settings.
- (4) To develop standards for participation in the training track program that include:
- (A) guidelines for the amounts of grants and other assistance a participant receives;
 - (B) guidelines for the type of training in integrated behavioral health and addiction treatment the participant receives;
 - (C) guidelines for agreements with mental health hospitals, community mental health centers, and other entities participating in the training track program; and
 - (D) other guidelines and standards necessary for governing the training track program.

As added by P.L.170-2009, SEC.9. Amended by P.L.142-2014, SEC.6.

IC 21-44-6-6

Loan repayment guidelines

Sec. 6. The board shall establish guidelines for the repayment of the loans incurred by a psychiatrist, psychologist, psychiatric nurse, addiction counselor, or mental health professional, including the following:

- (1) A participant may not receive more than twenty-five thousand dollars (\$25,000) in a year.
- (2) Except as provided in subdivision (3), a participant may not receive grants for more than four (4) years.
- (3) A participant who is a psychiatrist pursuing fellowship training and certification in addiction psychiatry may not receive grants for more than five (5) years.
- (4) A participant must commit to a full year of service in an integrated behavioral health and addiction treatment setting as described in section 5(2) or 5(3) of this chapter for each year of loan repayment.
- (5) A participant must be a practitioner who:
 - (A) is:
 - (i) from Indiana; and
 - (ii) accepting a new position in Indiana; or
 - (B) is:
 - (i) from outside Indiana;
 - (ii) not currently practicing in Indiana and has not

practiced in Indiana for three (3) years before applying for the program; and

(iii) establishing a new practice in Indiana.

As added by P.L.170-2009, SEC.9. Amended by P.L.142-2014, SEC.7.

IC 21-44-6-7

Mental health and addiction services loan forgiveness account

Sec. 7. (a) As used in this section, "account" refers to the mental health and addiction services loan forgiveness account established in subsection (b).

(b) The mental health and addiction services loan forgiveness account within the state general fund is established for the purpose of providing grants for loan repayment under this chapter. The account shall be administered by the board. Money in the account shall be used to fund loan forgiveness grants under this chapter.

(c) The account consists of:

- (1) appropriations made by the general assembly;
- (2) grants; and
- (3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.170-2009, SEC.9. Amended by P.L.142-2014, SEC.8.

IC 21-44-6-8

Integrated behavioral health and addiction treatment account

Sec. 8. (a) As used in this section, "account" refers to the integrated behavioral health and addiction treatment development program account established in subsection (b).

(b) The integrated behavioral health and addiction treatment development program account within the state general fund is established for the purpose of providing funding for the integrated behavioral health and addiction treatment development program established under this chapter. The account shall be administered by the division of mental health and addiction. Money in the account shall be used to fund residency positions, fellowship training, and certification in addiction psychiatry, including:

- (1) educational expenses;
- (2) grants and scholarships;
- (3) salaries; and
- (4) benefits.

(c) The account consists of:

- (1) appropriations made by the general assembly;

- (2) grants; and
- (3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(g) The board shall give due consideration to annually funding two (2) psychiatrists pursuing fellowship training and certification in addiction psychiatry. A participant who is a psychiatrist pursuing fellowship training and certification in addiction psychiatry must agree to establish a new practice in Indiana for at least five (5) years upon completion of the fellowship training and certification in addiction psychiatry.

As added by P.L.170-2009, SEC.9. Amended by P.L.142-2014, SEC.9.

IC 21-44-6-9

Administrative support

Sec. 9. The division of mental health and addiction shall provide administrative support for the board.

As added by P.L.142-2014, SEC.10.

IC 21-44.5

ARTICLE 44.5. EPINEPHRINE ADMINISTRATION PROGRAM

IC 21-44.5-1

Chapter 1. Definitions

IC 21-44.5-1-1

Definitions; applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.45-2014, SEC.1.

IC 21-44.5-1-2

"Licensed campus medical professional"

Sec. 2. "Licensed campus medical professional" means any of the following individuals who are employed by or have contracted with a postsecondary educational institution and are designated by the postsecondary educational institution to serve in such a capacity under IC 21-44.5-2-2(b):

(1) A physician licensed under IC 25-22.5.

(2) A physician assistant licensed under IC 25-27.5.

(3) An advanced practice nurse or registered nurse who is licensed under IC 25-23.

As added by P.L.45-2014, SEC.1.

IC 21-44.5-1-3

"Member of the campus community"

Sec. 3. "Member of the campus community" refers to an individual who is a student, faculty member, or staff member of a postsecondary educational institution.

As added by P.L.45-2014, SEC.1.

IC 21-44.5-1-4

"Trained designee"

Sec. 4. "Trained designee" means a member of the campus community trained by a licensed campus medical professional in the emergency administration of auto-injectable epinephrine.

As added by P.L.45-2014, SEC.1.

IC 21-44.5-2

Chapter 2. Emergency Administration of Epinephrine Policies and Guidelines

IC 21-44.5-2-1

Authorization of policy on emergency administration of epinephrine

Sec. 1. A postsecondary educational institution may develop a policy in accordance with this chapter and guidelines issued under section 4 of this chapter for the emergency administration of auto-injectable epinephrine to a member of the campus community for anaphylaxis when a medical professional is not available.

As added by P.L.45-2014, SEC.1.

IC 21-44.5-2-2

Policy requirements; designation of licensed campus medical professional; authority

Sec. 2. (a) A policy described in section 1 of this chapter must include the following:

- (1) Permission for a trained designee to do the following:
 - (A) Under the guidance of a licensed campus medical professional, administer auto-injectable epinephrine to a member of the campus community for anaphylaxis when a licensed campus medical professional is unavailable.
 - (B) When responsible for the safety of at least one (1) member of the campus community, carry in a secure but accessible location a supply of auto-injectable epinephrine that is prescribed under a standing protocol from a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication.
- (2) Provisions that a licensed campus medical professional has responsibility for training designees in the following:
 - (A) The administration of auto-injectable epinephrine.
 - (B) Identification of an anaphylactic reaction and indications for when to use epinephrine.

(b) Each postsecondary educational institution that develops a policy under this chapter shall designate a licensed campus medical professional.

- (c) A licensed campus medical professional may do the following:
- (1) Establish and administer a standardized training protocol for the emergency administration of epinephrine by trained designees.
 - (2) Ensure that trained designees have satisfactorily completed the training protocol.
 - (3) Obtain a supply of auto-injectable epinephrine under a standing protocol from a physician licensed under IC 25-22.5.
 - (4) Control distribution to trained designees of auto-injectable epinephrine.

As added by P.L.45-2014, SEC.1.

IC 21-44.5-2-3

Trained designee requirements

Sec. 3. An individual must meet the following requirements in order to be a trained designee:

- (1) Be at least eighteen (18) years of age.
- (2) Have, or reasonably expect to have, responsibility for at least one (1) other member of the campus community as a result of the individual's employment.
- (3) Have satisfactorily completed the standardized training protocol established and administered by a licensed campus medical professional in accordance with guidelines developed under section 4 of this chapter.

As added by P.L.45-2014, SEC.1.

IC 21-44.5-2-4

Establishment of guidelines by state department of health; requirements

Sec. 4. The state department of health, in consultation with the commission for higher education, shall establish guidelines for the development of a policy by a postsecondary educational institution for the emergency administration of epinephrine to a member of the campus community for anaphylaxis when a medical professional is unavailable. In the emergency administration of epinephrine, the guidelines must address the responsibilities of the following:

- (1) The postsecondary educational institution.
- (2) The licensed campus medical professional.
- (3) The trained designee.

As added by P.L.45-2014, SEC.1.

IC 21-44.5-2-5

Filling of epinephrine prescription; storage; prescription

Sec. 5. (a) A postsecondary educational institution may fill a prescription for auto-injectable epinephrine and store the auto-injectable epinephrine on the campus if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes the prescription for auto-injectable epinephrine for the postsecondary educational institution.

(b) The postsecondary educational institution shall store the auto-injectable epinephrine in a safe location in which only postsecondary educational institution personnel have access.

(c) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write a prescription, drug order, or protocol for auto-injectable epinephrine for the postsecondary educational institution.

(d) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, or protocol for auto-injectable epinephrine issued in the name of a postsecondary educational institution.

As added by P.L.45-2014, SEC.1.

IC 21-44.5-2-6

Civil immunity

Sec. 6. (a) A licensed campus medical professional who acts in accordance with this chapter is not liable for civil damages for any act or omission committed in accordance with this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(b) A trained designee who administers auto-injectable epinephrine in accordance with this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(c) A licensed health care provider who writes a prescription, drug order, or protocol under this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

As added by P.L.45-2014, SEC.1.

IC 21-44.5-2-7**Performance of duties, scope of practice; lawful prescription**

Sec. 7. Nothing in this chapter may be construed to:

- (1) permit a trained designee to perform the duties or fill the position of a licensed campus medical professional;
- (2) prohibit the administration of a pre-filled auto-injector of epinephrine by a person acting under a lawful prescription; or
- (3) prevent a licensed and qualified member of a health care profession from acting within the individual's scope of practice in administering auto-injectable epinephrine.

As added by P.L.45-2014, SEC.1.

IC 21-45

**ARTICLE 45. LIFE SCIENCES RESEARCH AND
EDUCATION CENTERS**

IC 21-45-1

Chapter 1. General Provisions; Definitions

IC 21-45-1-1

Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.286.

IC 21-45-1-2

"Center"

Sec. 2. "Center":

(1) for purposes of IC 21-45-4, refers to an adult stem cell research center established under IC 21-45-4-1 to carry out the duties specified by IC 21-45-4; and

(2) for purposes of IC 21-45-5, refers to a spinal cord and head injury research center established under IC 21-45-5.

As added by P.L.2-2007, SEC.286.

IC 21-45-1-3

"Data bank"

Sec. 3. "Data bank" refers to the data bank for DNA population statistics established by IC 21-45-6-1.

As added by P.L.2-2007, SEC.286.

IC 21-45-1-4

"Department"

Sec. 4. "Department", for purposes of IC 21-45, refers to the department of medical genetics of the Indiana University School of Medicine.

As added by P.L.2-2007, SEC.286.

IC 21-45-1-5

"DNA"

Sec. 5. "DNA" refers to deoxyribonucleic acid.

As added by P.L.2-2007, SEC.286.

IC 21-45-2

Chapter 2. Public Health Department

IC 21-45-2-1

School of public health

Sec. 1. The board of trustees of Indiana University may establish a school of public health. The board of trustees shall provide adequate equipment and competent personnel for the school of public health. The school of public health may use any property acquired before July 1, 2007, by Indiana University for the medical school department of public health.

As added by P.L.2-2007, SEC.286. Amended by P.L.234-2007, SEC.54.

IC 21-45-2-2

Purpose; duties

Sec. 2. (a) The Indiana University school of public health shall provide instruction of students in public health problems, personnel, and equipment. The Indiana University school of public health may provide short courses in:

- (1) public health practice for physicians;
- (2) dental health practice for dentists; and
- (3) public health for nurses and all other persons desiring to develop a technical understanding in public health matters.

The courses provided under this section may also be provided for lay groups in phases of public health and sanitary measures appropriate to the occupation or profession of the groups.

(b) The courses provided under this section may be held at any convenient place in Indiana.

(c) The courses provided under this section for nurses must be planned in cooperation with the director of nursing education for Indiana University.

As added by P.L.2-2007, SEC.286. Amended by P.L.21-2013, SEC.1.

IC 21-45-2-3

Tuition and fees

Sec. 3. The school of public health may charge and collect a tuition fee for courses provided under section 2 of this chapter. The amount of the tuition fee for a course may not exceed the actual cost of providing the course. However, if, in the discretion of the board of trustees acting in conjunction with the state department of health, a tuition fee at cost would discourage attendance in any course provided under section 2 of this chapter, the tuition fee may be decreased or waived entirely for all persons taking the course.

As added by P.L.2-2007, SEC.286. Amended by P.L.234-2007, SEC.55.

IC 21-45-3

Repealed

(Repealed by P.L.158-2011, SEC.5.)

IC 21-45-4

Chapter 4. Adult Stem Cell Research Center

IC 21-45-4-1

Adult stem cell research center; establishment

Sec. 1. The board of trustees of Indiana University may establish an adult stem cell research center.

As added by P.L.2-2007, SEC.286.

IC 21-45-4-2

Administration

Sec. 2. The center must be under the administration of the Indiana University School of Medicine.

As added by P.L.2-2007, SEC.286.

IC 21-45-4-3

Director

Sec. 3. The dean of the Indiana University School of Medicine shall appoint the director of the center.

As added by P.L.2-2007, SEC.286.

IC 21-45-4-4

Funding

Sec. 4. The board of trustees of Indiana University may receive, accept, hold, and apply donations, bequests of funds, property, gifts, and other income in support of the center's purposes.

As added by P.L.2-2007, SEC.286.

IC 21-45-4-5

Duties

Sec. 5. The center shall:

- (1) conduct a thorough and comprehensive needs assessment of the state of science of adult stem cell research; and
- (2) develop strategies to move Indiana University into the forefront of the nation in its capacity to attract and retain adult stem cell researchers.

As added by P.L.2-2007, SEC.286.

IC 21-45-5

Chapter 5. Spinal Cord and Head Injury Research Centers

IC 21-45-5-1

Spinal cord and head injury research centers; Indiana University and Purdue University

Sec. 1. The board of trustees of Indiana University and the board of trustees of Purdue University may establish, in total, two (2) spinal cord and head injury research centers to advance the methods of treatment of spinal cord and head injuries.

As added by P.L.2-2007, SEC.286.

IC 21-45-5-2

Indianapolis center; medical treatment emphasis

Sec. 2. One (1) center established under section 1 of this chapter must be located in Indianapolis, with faculty and staff from Indiana University. This center must focus on basic research with an emphasis on clinical research into medical treatments for injuries to the central nervous system.

As added by P.L.2-2007, SEC.286.

IC 21-45-5-3

West Lafayette center; injuries to animals

Sec. 3. One (1) center established under section 1 of this chapter must be located in West Lafayette, with faculty and staff from Purdue University. This center must focus on basic research with an emphasis on applied research for the pre-clinical testing of injuries to the central nervous system that have occurred in animals.

As added by P.L.2-2007, SEC.286.

IC 21-45-5-4

Projects with other entities allowed

Sec. 4. A center established under section 1 of this chapter may participate in research projects:

- (1) with another center; or
- (2) with hospitals and medical centers.

As added by P.L.2-2007, SEC.286.

IC 21-45-6

Chapter 6. Data Bank for DNA Population Statistics

IC 21-45-6-1

Data bank for DNA statistics; establishment

Sec. 1. The data bank for DNA population statistics is established. The department shall administer the data bank. The data bank consists of information obtained under section 2 of this chapter.
As added by P.L.2-2007, SEC.286.

IC 21-45-6-2

Inclusion of nonidentifying data

Sec. 2. All nonidentifying data concerning allele frequencies and demographics that are generated by a laboratory conducting DNA analysis for use in Indiana shall be submitted by the laboratory to the department for inclusion in the data bank.
As added by P.L.2-2007, SEC.286.

IC 21-45-6-3

Request for statistics

Sec. 3. The department shall provide DNA population statistics derived from information in the data bank to a person who requests the statistics and has paid the fee required by the department under section 4 of this chapter.
As added by P.L.2-2007, SEC.286.

IC 21-45-6-4

Fee allowed

Sec. 4. The department may impose a reasonable fee for distribution by the department of DNA population statistics under section 3 of this chapter.
As added by P.L.2-2007, SEC.286.

IC 21-46

**ARTICLE 46. AGRICULTURAL RESEARCH AND
EDUCATION CENTERS**

IC 21-46-1

Chapter 1. General Provisions; Definitions

IC 21-46-1-1

Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.287.

IC 21-46-1-2

Repealed

(Repealed by P.L.2-2008, SEC.83.)

IC 21-46-1-3

"Laboratory"

Sec. 3. "Laboratory", for purposes of IC 21-46-3, refers to an animal disease diagnostic laboratory or branch established under IC 21-46-3-1.

As added by P.L.2-2007, SEC.287.

IC 21-46-2

Chapter 2. Center for Value Added Research

IC 21-46-2-1

Repealed

(Repealed by P.L.2-2008, SEC.83.)

IC 21-46-2-2

Cooperation with colleges and universities

Sec. 2. The center for value added research (IC 15-11-9) shall cooperate with and may use the resources of Purdue University and other colleges and universities located in Indiana.

As added by P.L.2-2007, SEC.287. Amended by P.L.2-2008, SEC.45.

IC 21-46-2-3

Repealed

(Repealed by P.L.2-2008, SEC.83.)

IC 21-46-2-4

Repealed

(Repealed by P.L.2-2008, SEC.83.)

IC 21-46-3

Chapter 3. Animal Disease Diagnostic Laboratory

IC 21-46-3-1

Animal disease diagnostic laboratory; establishment

Sec. 1. The animal disease diagnostic laboratory is established at Purdue University in West Lafayette, Indiana, with a branch laboratory in Dubois County.

As added by P.L.2-2007, SEC.287.

IC 21-46-3-2

Purpose

Sec. 2. The purpose of the animal disease diagnostic laboratory is to:

- (1) aid Indiana residents in the diagnosis of diseases of domestic animals by developing and applying accepted laboratory techniques and methods of diagnosis with a primary emphasis on cases submitted after a field diagnosis of a clinically apparent disease; and
- (2) add to the wealth of Indiana by aiding the Indiana state board of animal health in the prevention, control, and eradication of diseases of domestic animals.

As added by P.L.2-2007, SEC.287.

IC 21-46-3-3

Purdue University; administration of laboratory

Sec. 3. (a) The board of trustees of Purdue University shall:

- (1) administer, manage, and control the laboratory; and
- (2) appoint the director of the laboratory.

(b) Subject to the approval of the board of trustees of Purdue University, the director of the laboratory shall make all appointments of personnel required to operate the laboratory efficiently.

As added by P.L.2-2007, SEC.287.

IC 21-46-3-4

Services provided without fees

Sec. 4. The services of the laboratory must be furnished to any Indiana resident without charge for the services required by the rules of the Indiana state board of animal health.

As added by P.L.2-2007, SEC.287.

IC 21-46-3-5

State board of animal health; requests for funding increases and policy changes; fees

Sec. 5. (a) Requests for any increases in funds for the expansion or other alteration of the facilities of the laboratory including:

- (1) all changes in policies, including approval of a charge for any services furnished by the laboratory or the level of the charges; or
- (2) the establishment of branch laboratories;

must originate from the Indiana state board of animal health, subject to the written approval of the treasurer of Purdue University.

(b) The proceeds from the fees under this chapter may not be used for faculty salaries. All fees collected must be deposited into a separate fund within the treasury of Purdue University.

As added by P.L.2-2007, SEC.287. Amended by P.L.13-2009, SEC.1.

IC 21-46-3-6

Expenses; funding

Sec. 6. (a) The expense of operating and maintaining the laboratory must be paid from funds appropriated for the administration of the Indiana state board of animal health.

(b) All funds used for the operating and maintaining of the laboratory shall be used by the board of trustees of Purdue University out of funds appropriated to the Indiana state board of animal health, subject to the approval of the Indiana state board of animal health.

(c) Money collected from fees charged under this chapter shall be used by the board of trustees of Purdue University to carry out the purpose of this chapter.

As added by P.L.2-2007, SEC.287.

IC 21-46-4

Chapter 4. Purdue University: Agricultural Statistics

IC 21-46-4-1

Agricultural statistics service; establishment

Sec. 1. The Indiana agricultural statistics service is established at Purdue University.

As added by P.L.2-2007, SEC.287.

IC 21-46-4-2

Duties

Sec. 2. The Indiana agricultural statistics service shall collect, compile, systematize, tabulate, and publish statistical information relating to agriculture, livestock, and crop production.

As added by P.L.2-2007, SEC.287.

IC 21-46-5

Chapter 5. Purdue University: Cooperative Extension Service

IC 21-46-5-1

Cooperative extension service; county office; appropriations by county for staff and office expenses

Sec. 1. (a) The office of the cooperative extension service is established in each county.

(b) Each county council shall annually appropriate the amount of money that the county council considers necessary to pay secretarial and clerical employees, travel expenses of the county cooperative extension service educators, rent, office supplies, equipment, and incidental expenses. Each county council may appropriate additional money for the salaries and other personnel costs of the county cooperative extension service educators.

As added by P.L.2-2007, SEC.287.

IC 21-46-5-2

Cooperative extension administrators and educators

Sec. 2. (a) Each county cooperative extension service must have one (1) administrator and may have other staff members in agriculture, home economics, youth, and other subject matter specialties.

(b) The director of the state cooperative extension service of Purdue University, with the approval of the president and board of trustees of Purdue University, shall appoint all county cooperative extension service personnel. These appointees are members of the Purdue University staff. When the county cooperative extension service personnel appointments are made, the state shall pay Purdue University for the state cooperative extension service the sums appropriated in the biennial budget to maintain staff in each county. The state cooperative extension service shall pay to the county cooperative extension service educators, as a part of their salaries, at least the sum paid by the state to Purdue University for cooperative extension service educator salaries.

As added by P.L.2-2007, SEC.287.

IC 21-46-5-3

State cooperative extension service; duties

Sec. 3. Each county cooperative extension service educator under the supervision of the state cooperative extension service of Purdue University shall do the following:

- (1) Provide and carry on educational programs in agricultural production, home economics, family living, management, public affairs, community development, and recreation.
- (2) Assist other university programs of education, research, and assistance established for the welfare of Indiana residents.
- (3) Conduct 4-H club and other work with youth.
- (4) Give information and advice to producers, distributors, and consumers regarding production, processing, marketing, and use

of agricultural products.

(5) Give advice and technical assistance concerning soil fertility and other natural resources.

(6) Cooperate with farmers, farmers' organizations, home economics organizations, and other rural and urban organizations.

As added by P.L.2-2007, SEC.287.

IC 21-46-5-4

Cooperative extension educators; federal matching funds

Sec. 4. (a) All claims covering the salaries and travel expenses of county cooperative extension service educators that are payable from county funds must be submitted monthly to the state cooperative extension service of Purdue University for approval for matching federal funds. The county cooperative extension service educators may file any approved claims with the county auditor. The county auditor shall draw a warrant on the county treasury for the payment of approved claims.

(b) All claims covering other expenses of the county cooperative extension service office must be filed directly with the county auditor. The county auditor shall draw a warrant on the county treasury for payment.

(c) The county auditor shall provide an annual summary of the county's expenditures for the county cooperative extension service office to the state cooperative extension service of Purdue University.

As added by P.L.2-2007, SEC.287.

IC 21-46-6

Chapter 6. Agricultural Experiment Station

IC 21-46-6-1

Agricultural experiment station

Sec. 1. The board of trustees of Purdue University may maintain and operate at Purdue University an agricultural experiment station.
As added by P.L.2-2007, SEC.287.

IC 21-46-6-2

Office of agricultural research programs

Sec. 2. The agricultural experiment station shall be known as the office of agricultural research programs.
As added by P.L.2-2007, SEC.287.

IC 21-46-6-3

Authority to receive federal funds

Sec. 3. The office of agricultural research programs may, as the agency of the state, receive cooperative funds from the United States Department of Agriculture that are provided to agricultural experiment stations.
As added by P.L.2-2007, SEC.287.

IC 21-47

ARTICLE 47. GEOLOGICAL SURVEY; ENERGY RESEARCH AND EDUCATION CENTERS

IC 21-47-1

Chapter 1. General Provisions; Definitions

IC 21-47-1-1

Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2007, SEC.288.

IC 21-47-1-2

"Center"

Sec. 2. "Center", for purposes of IC 21-47-4, refers to the center for coal technology research established by IC 21-47-4-1.

As added by P.L.2-2007, SEC.288.

IC 21-47-1-3

"Fund"

Sec. 3. "Fund", for purposes of IC 21-47-4, refers to the coal technology research fund established by IC 21-47-4-5.

As added by P.L.2-2007, SEC.288.

IC 21-47-1-4

"Indiana coal"

Sec. 4. "Indiana coal" means coal from a mine whose coal deposits are located in the ground wholly or partially in Indiana regardless of the location of the mine's tippie.

As added by P.L.2-2007, SEC.288.

IC 21-47-1-5

"State agency"

Sec. 5. "State agency" has the meaning set forth in IC 4-13-1-1.

As added by P.L.2-2007, SEC.288.

IC 21-47-1-6

"Survey"

Sec. 6. "Survey", as used in IC 21-47-2, refers to the Indiana geological survey established as a part of Indiana University by IC 21-47-2.

As added by P.L.2-2007, SEC.288.

IC 21-47-1-7

"Unit"

Sec. 7. "Unit" has the meaning set forth in IC 36-1-2-23.

As added by P.L.2-2007, SEC.288.

IC 21-47-2

Chapter 2. State Geologist; Geological Survey

IC 21-47-2-1

State geologist; Indiana University faculty member; appointment; duties

Sec. 1. (a) The state geologist, while holding the office of state geologist, shall be regarded as a member of the faculty of Indiana University. The state geologist may be appointed to a full-time or part-time position on the faculty of Indiana University.

(b) The state geologist shall be chosen by Indiana University. The state geologist shall serve for an indefinite period at the pleasure of Indiana University.

(c) The state geologist shall direct the collection and archiving of rock, mineral, soil, and other geologic samples. These samples shall be retained, as considered proper by the state geologist, at Indiana University.

As added by P.L.2-2007, SEC.288.

IC 21-47-2-2

Geological survey; establishment; purpose

Sec. 2. (a) The Indiana geological survey is established as a part of Indiana University.

(b) The head of the survey is the state geologist.

(c) The survey is under the direction and control of the board of trustees of Indiana University to:

- (1) continue the geological and scientific survey of Indiana;
- (2) continue the work of discovering, developing, and preserving the mineral, energy, and ground water resources of Indiana; and
- (3) have charge of the state geological sample collection.

As added by P.L.2-2007, SEC.288.

IC 21-47-2-3

Geological survey; duties; powers

Sec. 3. (a) The survey shall do the following:

- (1) Provide geologic information about the energy, mineral, and ground water resources and geologic related hazards of Indiana.
- (2) Provide services that include:
 - (A) the archiving of rock cores, well cuttings, other subsurface geologic information, and other physical and chemical data on geologic materials; and
 - (B) the collection and storage of data.
- (3) Provide public service, information, and educational programs.
- (4) Engage in research.
- (5) Participate in cooperative studies and contractual projects with the department of natural resources and other agencies of state and federal government.
- (6) Participate in cooperative studies and contractual projects

with state educational institutions and private educational institutions.

(7) Disseminate published maps and reports.

(b) The survey may also do the following through contractual agreements:

(1) Provide the department of natural resources with information on the geologic occurrence of ground water and the vulnerability of this resource to contamination.

(2) Provide to the department of natural resources and other state agencies geologic information needed for the effective regulation of the mineral, water, and energy resources of Indiana.

(3) At the request of the department of natural resources, perform geotechnical investigations for a variety of mine reclamation programs.

(4) Provide general geotechnical consultation and assistance as may be needed from time to time.

As added by P.L.2-2007, SEC.288.

IC 21-47-2-4

Geological survey advisory council

Sec. 4. (a) The president of Indiana University may appoint a geological survey advisory council.

(b) The council, if appointed, consists of nine (9) or more members who shall be selected with regard to their experience and knowledge concerning the public needs or enterprises served by the geological survey.

(c) The president of Indiana University shall specify the length of the term for which members of the council are appointed.

(d) Each member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member is also entitled to reimbursement for traveling expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) The council shall meet with the state geologist from time to time, at the call of the state geologist, to make recommendations concerning:

(1) the functions and performance of the survey; and

(2) appropriations and funding for the survey.

(f) The council may make recommendations concerning the effectiveness and efficiency of the survey and other matters.

(g) Recommendations and reports of the council shall be directed to the following:

(1) The governor.

(2) The budget agency.

(3) The president of Indiana University.

(4) The director of the department of natural resources.

As added by P.L.2-2007, SEC.288.

IC 21-47-2-5

State geologist; duty to confer with department of natural resources

Sec. 5. The state geologist and Indiana University shall confer periodically with the director of the department of natural resources concerning the enforcement of laws that address conservation issues and the development of natural resources.

As added by P.L.2-2007, SEC.288.

IC 21-47-2-6

Geological survey; appropriations; responsibility of Indiana University; responsibility of state

Sec. 6. (a) Appropriations to support the operations of the survey shall be made to Indiana University by separate line item.

(b) Indiana University is not responsible for the expenses and cost of operating and maintaining the survey except to the extent that the appropriations and the income generated by contracts and other operations of the survey are sufficient. If at any time the board of trustees of Indiana University determines that it is no longer feasible for the survey to be a part of Indiana University, the director of the department of natural resources and the governor shall be advised as promptly as possible so that the state may make other arrangements to fulfill the mission of the survey.

(c) The state, and not Indiana University or the department of natural resources, shall defend against and be liable to satisfy claims against the survey arising from the performance by the survey of the powers and duties set forth in section 3 of this chapter.

As added by P.L.2-2007, SEC.288.

IC 21-47-3

Chapter 3. Geodetic Adviser

IC 21-47-3-1

Geodetic adviser; Purdue University; appointment

Sec. 1. (a) Purdue University shall establish the office of geodetic adviser for the state.

(b) The geodetic adviser is appointed by and serves at the discretion of Purdue University. Purdue University shall determine the amount of compensation for the geodetic adviser.

As added by P.L.2-2007, SEC.288.

IC 21-47-3-2

Duties

Sec. 2. (a) The geodetic adviser is responsible for implementing a new system of geodetic control monuments in the form of a high accuracy geodetic reference network that is part of the National Spatial Reference System and that meets the needs of geodetic and geographic information users.

(b) The geodetic adviser shall coordinate and assist in the following:

- (1) The design of the geodetic reference network.
- (2) The establishment of any geodetic reference monument.
- (3) The maintenance of data base control stations, to the extent that funding is available.
- (4) The establishment and implementation of quality control and quality assurance programs for the geodetic reference network.
- (5) The assistance and training of users of the geodetic reference network.

As added by P.L.2-2007, SEC.288.

IC 21-47-3-3

Funding

Sec. 3. (a) The state, a state agency, or a unit may provide funding from available funds for the activities described in this chapter.

(b) A unit may pay the cost of any geodetic reference monument that is established within the boundaries of that unit.

(c) Money in the county surveyor's corner perpetuation fund collected under IC 36-2-7-10 or IC 36-2-19 may be used for purposes of this chapter.

As added by P.L.2-2007, SEC.288.

IC 21-47-3-4

County ordinances

Sec. 4. (a) A county legislative body may adopt an ordinance:

- (1) prohibiting a person from moving, changing, or otherwise altering a monument that is part of the National Spatial Reference System; and
- (2) prescribing a monetary penalty for violation of the

ordinance.

(b) Any money collected for a violation of the ordinance shall be deposited in the county surveyor's corner perpetuation fund.

As added by P.L.2-2007, SEC.288.

IC 21-47-4

Chapter 4. Center for Coal Technology Research

IC 21-47-4-1

Center for coal technology research; establishment; duties

Sec. 1. The center for coal technology research is established to perform the following duties:

- (1) Develop technologies that can use Indiana coal in an environmentally and economically sound manner.
- (2) Investigate the reuse of clean coal technology byproducts including fly ash and coal bed methane.
- (3) Generate innovative research in the field of coal use.
- (4) Develop new, efficient, and economical sorbents for effective control of emissions.
- (5) Investigate ways to increase coal combustion efficiency.
- (6) Develop materials that withstand higher combustion temperatures.
- (7) Carry out any other duty concerning coal technology research, including public education, as determined by the center.
- (8) Administer the Indiana coal research grant fund under IC 4-23-5.5-16.
- (9) Investigate the use of coal bed methane in the production of renewable or alternative fuels and renewable energy sources.
- (10) Determine whether a building is a qualified building for purposes of a property tax deduction under IC 6-1.1-12-34.5.

As added by P.L.2-2007, SEC.288.

IC 21-47-4-2

Authority of lieutenant governor to adopt rules

Sec. 2. The Indiana office of energy development may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of the center.

As added by P.L.2-2007, SEC.288. Amended by P.L.34-2013, SEC.15.

IC 21-47-4-3

Location; Purdue University

Sec. 3. The center must be located at Purdue University at West Lafayette. In carrying out its duties under this chapter, the center must cooperate with and may use the resources of the following:

- (1) Indiana geological survey and other state educational institutions.
- (2) A state or federal department or agency.
- (3) A political subdivision.
- (4) Interest groups representing business, environment, industry, science, and technology.

As added by P.L.2-2007, SEC.288.

IC 21-47-4-4

Powers

Sec. 4. To carry out the center's duties described in section 1 of this chapter, the director of the Indiana office of energy development or the director's designee, acting on behalf of the center, may do the following:

- (1) Organize the center in the manner necessary to implement this chapter.
- (2) Execute contractual agreements, including contracts for:
 - (A) the operation of the center;
 - (B) the performance of any of the duties described in section 1 of this chapter; and
 - (C) any other services necessary to carry out this chapter.
- (3) Receive money from any source for purposes of this chapter.
- (4) Expend money for an activity appropriate to the purposes of this chapter.
- (5) Execute agreements and cooperate with the following:
 - (A) Purdue University and other state educational institutions.
 - (B) A state or federal department or agency.
 - (C) A political subdivision.
 - (D) Interest groups representing business, the environment, industry, science, and technology.
- (6) Employ personnel as necessary for the efficient administration of this chapter subject to the approval of the budget agency.

As added by P.L.2-2007, SEC.288. Amended by P.L.34-2013, SEC.16.

IC 21-47-4-5

Coal technology research fund

Sec. 5. (a) The coal technology research fund is established to provide money for the center and for the Indiana office of energy development to carry out the duties specified under this chapter. The office of energy development shall administer the fund.

(b) The fund consists of the following:

- (1) Money appropriated or otherwise designated or dedicated by the general assembly.
- (2) Gifts, grants, and bequests.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as the treasurer may invest other public funds.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.2-2007, SEC.288. Amended by P.L.34-2013, SEC.17.