



February 13, 2019

SENATE BILL No. 374

DIGEST OF SB 374 (Updated February 12, 2019 11:21 am - DI 133)

Citations Affected: IC 21-14.

Synopsis: Veterans education benefits. Provides that a student who is eligible to receive a tuition and fee exemption because the student is a child of a veteran must maintain at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress, which may not be less than a cumulative grade point average of 2.0 on a 4.0 grading scale or its equivalent as established by the eligible institution. (Current law requires the student to maintain at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress.) Provides that if the Indiana department of veterans' affairs approves a request for a determination of eligibility for a person after the person initially enrolls in a state educational institution (institution) and while the person is attending the institution, the determination of eligibility shall be made retroactive to the date of submission to the United States Department of Veterans Affairs of the application to recognize the person's mother's or father's service related death or disability. Provides that the applicant may receive a refund equal to the amount of the tuition and fees paid to the institution by the applicant. Repeals a provision that limits the tuition exemption amount for a child of a veteran who served in the armed forces after June 30, 2011, based on the percentage of the parent's disability rating. Makes conforming amendments.

Effective: July 1, 2019.

Mrvan, Tomes

January 8, 2019, read first time and referred to Committee on Veterans Affairs and The Military.

February 12, 2019, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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February 13, 2019

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 374

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

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

1 SECTION 1. IC 21-14-4-2, AS AMENDED BY P.L.217-2015,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 2. (a) Subject to this section, ~~and section 2.5 of~~
4 ~~this chapter~~, an eligible applicant is entitled to enter, remain, and
5 receive instruction in a state educational institution upon the same
6 conditions, qualifications, and regulations prescribed for other
7 applicants for admission to or scholars in the state educational
8 institutions, without the payment of any educational costs for one
9 hundred twenty-four (124) semester credit hours in the state
10 educational institution.

11 (b) The maximum amount that an eligible applicant is exempt from
12 paying for a semester hour is an amount equal to the cost of an
13 undergraduate semester credit hour at the state educational institution
14 in which the eligible applicant enrolls.

15 (c) ~~This subsection applies only to an individual who qualifies for~~
16 ~~a benefit under this chapter because of a father or mother (or in the~~
17 ~~case of section 1(1) of this chapter, a related member) who enlisted or~~

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1 otherwise initially served in the armed forces of the United States after
 2 June 30, 2011. This subsection applies to a student who initially enrolls
 3 in an eligible institution for a semester (or its equivalent) beginning
 4 after June 30, 2012. Subject to subsection (d), any benefits awarded
 5 under this chapter may not be renewed, subject to subsections (a) and
 6 (b), if the eligible individual fails to maintain at least a cumulative
 7 grade point average that the eligible institution determines is
 8 satisfactory academic progress, **which may not be less than a**
 9 **cumulative grade point average of 2.0 on a 4.0 grading scale or its**
 10 **equivalent as established by the eligible institution.**

11 (d) After the first semester or its equivalent at the eligible institution
 12 that a person does not achieve the requisite cumulative grade point
 13 average specified in subsection (c), the person is considered to be on
 14 probation and must achieve the requisite cumulative grade point
 15 average by the next semester or its equivalent at the eligible institution
 16 in order to continue to receive benefits under this chapter.

17 (e) Notwithstanding any other provision of this chapter or another
 18 law, a change in the criteria for or the amount of a benefit awarded
 19 under this chapter enacted in the 2011 session of the general assembly
 20 applies only to an individual who qualifies for a benefit under this
 21 chapter because of a father or mother (or in the case of section 1(1) of
 22 this chapter, a related member) who enlisted or otherwise initially
 23 served in the armed forces of the United States after June 30, 2011.

24 SECTION 2. IC 21-14-4-2.5 IS REPEALED [EFFECTIVE JULY
 25 1, 2019]. Sec. 2.5: (a) This section applies to an individual who
 26 qualifies as an eligible applicant under section 1(3) of this chapter
 27 because the individual's father or mother:

28 (1) enlisted or otherwise initially served in the armed forces of the
 29 United States after June 30, 2011; and

30 (2) suffered a disability as determined by the United States
 31 Department of Veterans Affairs.

32 (b) This subsection does not apply to an individual who:

33 (1) is an eligible applicant under section 1(3) of this chapter; and

34 (2) qualifies as an eligible applicant under section 1(1) or 1(2) of
 35 this chapter.

36 (c) Subject to subsection (d) and section 2(b) of this chapter, the
 37 eligible applicant is entitled to a reduction in the educational costs that
 38 would otherwise apply as follows:

39 (1) If the individual's father or mother suffered a disability as
 40 determined by the United States Department of Veterans Affairs
 41 with a rating of eighty percent (80%) or more, the individual is
 42 entitled to a one hundred percent (100%) reduction in education



1 costs:

2 (2) If the individual's father or mother suffered a disability as
 3 determined by the United States Department of Veterans Affairs
 4 with a rating of less than eighty percent (80%), the individual is
 5 entitled to a reduction in education costs equal to the sum of:

6 (A) twenty percent (20%); plus

7 (B) the disability rating of the individual's father or mother.

8 (d) The latest disability rating determined by the United States
 9 Department of Veterans Affairs for an individual's father or mother
 10 shall be used to compute the percentage by which education costs are
 11 reduced under this section. If the disability rating of the individual's
 12 father or mother changes after the beginning of an academic semester,
 13 quarter, or other period for which educational costs have been reduced
 14 under this section, the change in disability rating shall be applied
 15 beginning with the immediately following academic semester, quarter,
 16 or other period.

17 SECTION 3. IC 21-14-4-5, AS AMENDED BY P.L.169-2011,
 18 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 5. (a) Determination of eligibility for higher
 20 education benefits authorized under this chapter is vested exclusively
 21 in the Indiana department of veterans' affairs. Any applicant for
 22 benefits under this chapter may make a written request for a
 23 determination of eligibility by the Indiana department of veterans'
 24 affairs. The director or deputy director of the Indiana department of
 25 veterans' affairs shall make a written determination of eligibility in
 26 response to each request. In determining the amount of an applicant's
 27 benefit, the commission shall consider other higher education financial
 28 assistance in conformity with this chapter.

29 **(b) If the Indiana department of veterans' affairs approves a**
 30 **request for a determination of eligibility for a person described in**
 31 **section 1(3) of this chapter after the person initially enrolls in a**
 32 **state educational institution and while the person is attending the**
 33 **state educational institution, the determination of eligibility shall**
 34 **be made retroactive to the date of submission to the United States**
 35 **Department of Veterans Affairs of the application to recognize the**
 36 **person's mother's or father's service related death or disability.**
 37 **The applicant may receive a refund equal to the amount of the**
 38 **tuition and fees paid to the state educational institution by the**
 39 **applicant back to the later of:**

40 **(1) the date the applicant initially enrolled in the state**
 41 **educational institution; or**

42 **(2) the date designated by the Indiana department of veterans'**



1 **affairs in the determination of eligibility under this section.**

2 **(c) A refund may not be made under this section after the**
 3 **expiration of four (4) years from the later of:**

4 **(1) the date the applicant initially enrolled in the state**
 5 **educational institution; or**

6 **(2) the date designated by the Indiana department of veterans'**
 7 **affairs in the determination of eligibility under this section.**

8 ~~(b)~~ **(d)** The commission shall administer the benefits and ensure
 9 compliance with this chapter.

10 SECTION 4. IC 21-14-4-6, AS AMENDED BY P.L.169-2011,
 11 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 6. An appeal from an adverse determination under
 13 section 5(a) **or 5(b)** of this chapter must be made in writing to the
 14 veterans' affairs commission not more than fifteen (15) working days
 15 following the applicant's receipt of the determination. A final order
 16 must be made by a simple majority of the veterans' affairs commission
 17 not more than fifteen (15) days following receipt of the written appeal.

18 SECTION 5. IC 21-14-4-8, AS AMENDED BY P.L.169-2011,
 19 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 8. **(a)** The amount of the benefits under this
 21 chapter is equal to one (1) of the following amounts:

22 (1) If the applicant does not receive financial assistance
 23 specifically designated for educational costs, the amount
 24 determined under sections 2 through 6 of this chapter.

25 (2) If the applicant receives any financial assistance, including
 26 federal assistance, specifically designated for educational costs:

27 (A) the amount determined under sections 2 through 6 of this
 28 chapter; minus

29 (B) the financial assistance specifically designated for
 30 educational costs.

31 **(b) Federal assistance under subsection (a)(2) includes**
 32 **educational financial assistance under the Servicemen's**
 33 **Readjustment Act of 1944, as amended (38 U.S.C. 3001 et seq.).**



COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs and The Military, to which was referred Senate Bill No. 374, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 374 as introduced.)

TOMES, Chairperson

Committee Vote: Yeas 6, Nays 1

