Citations Affected:  IC 20-30-16; IC 21-14-4.

Synopsis: Military education benefits. Changes the definition of "eligible student" to expand who may participate in the course access program under which educational courses are permitted to be delivered through any method, including online technologies. Provides that an eligible student who is an adult student pursuing a diploma to qualify for enlistment in the armed forces of the United States may use course access program courses to meet graduation requirements at the school corporation that the eligible student previously attended. 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 determination of eligibility for a request from a person after the person initially enrolls in a state educational institution and while the person attends the state educational institution, the determination of eligibility shall be made retroactive to the date the application to recognize the person's mother's or father's service related death or disability is submitted to the United States Department of Veterans

Effective: July 1, 2018.
Digest Continued

Affairs. Provides that the applicant may receive a refund equal to the amount of the tuition and fees paid to the state educational institution by the applicant. Provides that the amount of tuition and fee exemption for a child of a veteran is reduced by any amount of assistance received by the student under the Servicemen's Readjustment Act of 1944 (G.I. Bill). Repeals a provision that limits the tuition exemption amount for a child of a veteran who serves in the armed forces after June 30, 2011, based on the percentage of the parent's disability rating. Makes conforming amendments.
HOUSE BILL No. 1164

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

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

SECTION 1. IC 20-30-16-3, AS ADDED BY P.L.80-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. As used in this chapter, "eligible student" means a student pursuing:

(1) any type of diploma available for students to receive in Indiana; or
(2) an industry certification that appears on the state board's approved industry certification list; or
(3) a diploma to qualify for enlistment in the armed forces of the United States (as described in IC 10-17-12-2) and who is at least twenty-two (22) years of age but less than thirty-six (36) years of age.

SECTION 2. IC 20-30-16-9, AS ADDED BY P.L.80-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) A school corporation shall:

(1) count successfully completed course access program courses toward the requirements of a diploma; and
(2) include credits earned and grades received for any course access program courses taken under this chapter on a student's transcript.

(b) This subsection applies only to an eligible student described in section 3(3) of this chapter. An eligible student may transfer
credits earned:

(1) from completed course access program courses provided
by the department or funded by the department from money
appropriated for adult education; and

(2) to a school corporation the eligible student previously
attended while the student was in high school;

if the course access program courses are necessary to meet the
student's graduation requirements under IC 20-32-4. The school
corporation attended by the eligible student at which the eligible
student completed the majority of the eligible student's course
work must award a diploma to an eligible student who has
completed course access program courses under this chapter that
are necessary to receive a diploma to qualify for enlistment in the
armed forces of the United States. However, any other Indiana
accredited high school that the eligible student attended that
accepts credit for course completion may award a diploma to the
eligible student. The school corporation must include the course
access program courses earned by the eligible student under this
chapter in the manner prescribed in subsection (a). An eligible
student who transfers credit to a school corporation under this
subsection may not be included in the school corporation's
calculations for state tuition support under IC 20-43. If the
department funds a course access course under this subsection, the
course provider is not required to be a charter school described in
IC 20-24-7-13.5.

SECTION 3. IC 21-14-4-2, AS AMENDED BY P.L.217-2015,
SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2018]: 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 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.

(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.

SECTION 4. IC 21-14-4-2.5 IS REPEALED [EFFECTIVE JULY
1, 2018]. See: 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.

SECTION 5. IC 21-14-4-5, AS AMENDED BY P.L.169-2011,
SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2018]: 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) If the Indiana department of veterans' affairs approves a
determination of eligibility for a request from a person described
in section 1(3) of this chapter after the person initially enrolls in a
state educational institution and while the person attends the state
educational institution, the determination of eligibility shall be
made retroactive to the date the application to recognize the
person's mother's or father's service related death or disability is
submitted to the United States Department of Veterans Affairs.
Subject to section 8 of this chapter, the applicant may receive a
refund equal to the amount of the tuition and fees paid to the state
educational institution by the applicant back to the later of the date
the:

(1) applicant initially enrolled in the state educational
institution; or

(2) Indiana department of veterans' affairs designates on the
determination of eligibility under this section.

(b) (c) The commission shall administer the benefits and ensure
compliance with this chapter.

SECTION 6. IC 21-14-4-6, AS AMENDED BY P.L.169-2011,
SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2018]: Sec. 6. An appeal from an adverse determination under
section 5(a) or 5(b) 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.

SECTION 7. IC 21-14-4-8, AS AMENDED BY P.L.169-2011,
SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2018]: Sec. 8. (a) 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.

(b) Federal assistance under subsection (a)(2) includes educational financial assistance under the Servicemen's Readjustment Act of 1944, as amended (38 U.S.C. 3000 et seq.).