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SENATE BILL No. 161

Proposed Changes to introduced printing by AM016102

DIGEST OF PROPOSED AMENDMENT

Scholarship tax credit. Removes provisions requiring the Indiana department of education to elect to participate as a covered state in the federal tax credit scholarship program for elementary and secondary education under Section 25F of the Internal Revenue Code (enacted in Public Law 119-21, commonly known as the One Big Beautiful Bill Act of 2025) and related conforming changes.

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

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

- 1 ~~<— SECTION 1. IC 6-3.1-30.5-3, AS AMENDED BY P.L.92-2011;~~
2 ~~SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
3 ~~JANUARY 1, 2027]: Sec. 3. As used in this chapter, "scholarship~~
4 ~~granting organization" refers to:~~
5 ~~— (1) an organization that:~~
6 ~~— (1) (A) is exempt from federal income taxation under~~
7 ~~Section 501(c)(3) of the Internal Revenue Code; and~~
8 ~~— (2) (B) conducts a school scholarship program without~~
9 ~~limiting the availability of scholarships to students of only~~
10 ~~one (1) participating school (as defined in IC 20-51-1-6);~~
11 ~~and~~
12 ~~— (2) an organization that:~~
13 ~~— (A) meets the requirements described in subdivision (1);~~
14 ~~and~~
15 ~~— (B) is included on the list submitted to the Secretary of~~
16 ~~the Treasury of the United States for the taxable year~~
17 ~~under IC 20-53-1.~~
18 ~~— SECTION 2. IC 6-3.1-30.5-11, AS ADDED BY P.L.182-2009(ss);~~

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~~SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2027]: Sec. 11. (a) To apply a credit against the taxpayer's state tax liability, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department the information that the department determines is necessary for the department to determine whether the taxpayer is eligible for the credit.~~

~~— (b) To the extent a taxpayer claims the credit under this chapter for qualified contributions (as defined in Section 25F(c)(3) of the Internal Revenue Code) to a scholarship granting organization that is on the list of qualified scholarship granting organizations under IC 20-53-1 for the taxable year, the taxpayer must identify the following on the taxpayer's annual state tax return for such qualified contributions:~~

~~— (1) Each scholarship granting organization to which a qualified contribution was made;~~

~~— (2) The total amount of the taxpayer's qualified contributions for the taxable year;~~

~~— (3) The amount of the credit claimed for those qualified contributions under this chapter for the taxable year;~~

~~The department may prescribe any forms necessary for purposes of this subsection. The department's state tax return instruction shall include notice to a taxpayer that a credit amount identified in this subsection that is claimed under this chapter may correspondingly reduce the taxpayer's allowable federal tax credit under Section 25F(b)(2) of the Internal Revenue Code.~~

~~— SECTION 3. IC 20-53 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:~~

~~— ARTICLE 53. STATE PARTICIPATION IN FEDERAL TAX CREDIT SCHOLARSHIP PROGRAM~~

~~— Chapter 1. State List of Scholarship Granting Organizations~~

~~— Sec. 1. The department is authorized to and shall as early as practicable elect to participate as a covered state in the federal tax credit scholarship program for elementary and secondary education under Section 25F of the Internal Revenue Code:~~

~~— Sec. 2. (a) The department shall identify qualified scholarship granting organizations located in Indiana that meet the requirements set forth in section 4 of this chapter.~~

~~— (b) The department shall accept applications throughout the year from scholarship granting organizations wishing to be~~



~~identified as a qualified scholarship granting organization under subsection (a):~~

~~— Sec. 3. (a) Not later than the first day of December each year, the department shall submit to the Secretary of the Treasury of the United States the list of qualified scholarship granting organizations identified under section 2(a) of this chapter that are located in Indiana and publish the list submitted under this subsection on its website:~~

~~— (b) The department shall on each list submitted under subsection (a) certify its authority to do so as required under Section 25F(g)(2) of the Internal Revenue Code:~~

~~— Sec. 4. (a) A scholarship granting organization is eligible to be included on the list of qualified scholarship granting organizations submitted by the department to the Secretary of the Treasury of the United States under this chapter, if the organization:~~

~~— (1) is a nonprofit organization with the primary purpose of providing scholarships to students; and~~

~~— (2) meets the requirements described in Section 25F(c)(5) of the Internal Revenue Code:~~

~~— (b) A scholarship granting organization (as defined in IC 6-3.1-30.5-3(1)) for purposes of the tax credit under IC 6-3.1-30.5 is eligible to be included on the list of qualified scholarship granting organizations under this chapter, if the scholarship granting organization meets the requirements under subsection (a). Each year the department shall provide to the department of state revenue a list of the scholarship granting organizations (as defined in IC 6-3.1-30.5-3(1)) that are also included on the list of qualified scholarship granting organizations submitted by the department to the Secretary of the Treasury of the United States under this chapter:~~

~~— Sec. 5. The department shall adopt rules under IC 4-22-2 regarding:~~

~~— (1) the administration process; and~~

~~— (2) the documentation necessary;~~

~~for an entity to be listed as a qualified scholarship granting organization under this chapter:~~

> SECTION <4>[1]. IC 21-18-9-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) As used in this section, "low earning outcome degree program" refers to the term as described in Section 84001(c)(2) of the One Big Beautiful Bill Act of 2025 (Public Law 119-21).



(b) The commission shall adopt rules to prohibit funding that the commission administers under IC 21-18-6-2 or IC 21-18.5-4 from being allocated or expended, directly or indirectly, to low earning outcome degree programs. The rules must include allocations or expenditures for the following categories of higher education funding:

(1) Individual student financial aid.

(2) Separately or specially appropriated aid or grants.

(c) The commission shall annually review updated federal determinations of low earning outcome degree programs to revise the rules adopted under subsection (b) as necessary.

(d) The commission shall submit an annual report to the general assembly, in an electronic format under IC 5-14-6, that includes the following information:

(1) Any low earning outcome degree program that the commission has prohibited from receiving funding described in subsection (b).

(2) The commission's efforts at enforcing the prohibitions described in subsection (b).

(3) The estimated fiscal impact of the prohibitions described in subsection (b).

SECTION ~~22-4.1-4-16~~ [\[2\]](#). IC 22-4.1-4-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) The following definitions apply throughout this section:

(1) "Eligible workforce training program" refers to a program that meets the requirements in Section 83002 of the federal One Big Beautiful Bill Act of 2025 (Public Law 119-21).

(2) "High skill industry sectors or occupations" refers to sectors or occupations that require postsecondary education, experience, or training beyond a high school diploma.

(3) "High wage industry sectors or occupations" refers to sectors or occupations with earnings above one hundred fifty percent (150%) of the federal poverty level for individual earners.

(4) "In demand industry sectors or occupations" refers to sectors or occupations identified:

(A) in state, regional, or local workforce development or labor market projections;

(B) as growing or emerging sectors or occupations; or

(C) as having projected shortages or hiring demand.



(b) The department shall do the following:

(1) Establish a process to identify and approve eligible workforce training programs that prepare students for:

(A) high skill industry sectors or occupations;

(B) high wage industry sectors or occupations; and

(C) in demand industry sectors or occupations;

for workforce Pell grants.

(2) Establish a process for institutions and programs to:

(A) apply for recognition as an eligible workforce training program;

(B) be approved for workforce Pell grants; and

(C) appeal denials of workforce Pell grants.

(3) Coordinate the approval of eligible workforce training programs with:

(A) workforce focused agencies;

(B) workforce related programs; and

(C) state and federal programs.

(4) Require eligible workforce training programs to provide data to demonstrate program outcomes, as determined by the department, including:

(A) program completion rates;

(B) job placement rates; and

(C) graduate earnings.

(c) The department shall ensure that the implementation of this section is consistent with any applicable federal rules governing the workforce Pell grant program.

~~← SECTION 6. An emergency is declared for this act. →~~

