



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1438 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 20-30-16-5, AS ADDED BY P.L.80-2017,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection ~~(b)~~,
5 **(c)**, an eligible student may enroll in course access program courses
6 offered by a course provider that is authorized by the department **in**
7 **accordance with policies adopted by the state board** under this
8 chapter.
9 **(b) If an eligible student requests to enroll in a course access**
10 **program course, the school corporation shall, not later than fifteen**
11 **(15) days after the date the eligible student submits the request to**
12 **the school corporation, notify the student's parent or emancipated**
13 **eligible student of the following:**
14 **(1) Whether the school corporation approves or denies the**
15 **request.**
16 **(2) If the school corporation denies the request, information**
17 **explaining that the parent or student may appeal the school**
18 **corporation's decision to the department.**
19 **If the school corporation fails to notify an eligible student's parent**
20 **or emancipated eligible student within the time period established**
21 **under this subsection, the eligible student is automatically**
22 **approved for enrollment in the course access program course.**
23 ~~(b)~~ **(c)** A school corporation may ~~disapprove~~ **deny** an eligible
24 student's enrollment in a course access program only for the following
25 reasons:
26 **(1) The course provided by the course provider is not in**
27 **furtherance of the eligible student's graduation or certificate**

1 requirements:

2 ~~(2)~~ **(1)** The eligible student's enrollment in the course access
3 program course would exceed the requirements for a normal full
4 course load at the school corporation.

5 ~~(3)~~ **(2)** The course access program course is logistically infeasible.

6 **The cost of the course access program course is unreasonable.**

7 However, a school corporation may not deny enrollment of an eligible
8 student under ~~subdivision (3)~~ **subdivisions (1) and (2)** if the eligible
9 student agrees to pay the cost of tuition for the applicable course access
10 program course.

11 ~~(e)~~ **(d)** If a school corporation denies a student's enrollment in a
12 course access program course under subsection ~~(b)~~, the school
13 corporation shall notify the student's parent or emancipated eligible
14 student of the parent's or student's right to appeal the school
15 corporation's decision to the department. ~~(c)~~, the parent of an eligible
16 student or an emancipated eligible student may appeal the decision of
17 the school corporation to the department in a manner prescribed by the
18 department. **state board.**

19 **(e)** The department shall:

20 **(1)** review the school corporation's denial under subsection ~~(b)~~
21 ~~(c)~~; and

22 **(2)** provide a final enrollment decision;

23 within seven (7) calendar days of receipt of the appeal.

24 SECTION 2. IC 20-30-16-6, AS ADDED BY P.L.80-2017,
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 6. (a) Before June 30, 2018, the department
27 shall establish:

28 (1) an authorization process for course providers; and

29 (2) a review process for approval of course access program
30 courses, which must be aligned to Indiana academic standards.

31 **This subsection expires June 30, 2021.**

32 **(b) Not later than June 30, 2021, the department shall**
33 **implement the course access program in the manner prescribed by**
34 **the state board. The state board shall establish:**

35 **(1) requirements:**

36 **(A) that a course provider must meet to be eligible for**
37 **authorization by the department under this chapter;**

38 **(B) that a course access program course must meet to be**
39 **eligible for approval by the department under this chapter;**
40 **and**

41 **(C) for a course provider to appeal a decision by the**
42 **department denying or revoking:**

43 **(i) authorization of a course provider; or**

44 **(ii) approval of a particular course access program**
45 **course; and**

46 **(2) a period of time each calendar year in which the**

1 department shall accept applications for course provider
2 authorization and approval of course access program courses.

3 (c) The department shall:

- 4 (1) register and authorize course providers;
- 5 (2) provide advertising for the course access program; and
- 6 (3) monitor course access program courses and course
7 providers to ensure compliance with the terms of the course
8 access program course's approval and course provider's
9 authorization;

10 in accordance with requirements established by the state board.

11 ~~(b)~~ (d) A course provider may apply for authorization or submit
12 course access program courses for approval to the department in a
13 manner prescribed by the state board at any time during the time
14 period established under subsection (b)(2).

15 (e) A school corporation may be authorized as a course provider
16 if the school corporation meets requirements established by the
17 state board to be eligible for authorization as a course provider
18 under this chapter.

19 (f) Subject to section 7 of this chapter, if a course provider or
20 course access program course meets the requirements established
21 by the state board under subsection (b), the department shall
22 authorize the course provider or approve the course access
23 program course, whichever is applicable.

24 (g) If the department denies authorization to a course provider
25 or denies approval of a course access program course of a course
26 provider, the course provider may appeal the denial to the state
27 board.

28 ~~(e)~~ (h) A course provider authorized by the department shall ensure
29 that each course access program course is accessible to students of all
30 abilities, and may not discriminate on the basis of race, creed, color, or
31 national origin.

32 ~~(d)~~ (i) A course provider authorized by the department shall comply
33 with the privacy provisions of federal law."

34 Delete page 2.

35 Page 3, delete lines 1 through 20.

36 Page 3, after line 42, begin a new paragraph and insert:

37 "SECTION 5. IC 20-30-16-7.5 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2021]: Sec. 7.5. (a) If the department denies
40 a course access program course or the authorization of a course
41 provider, the department shall provide to the course provider in a
42 manner prescribed by the state board the reasons for the denial.

43 (b) After the department initially denies a course access
44 program course or authorization of a course provider, the course
45 provider may submit to the department a revised application for
46 approval or authorization in a manner prescribed by the state

1 **board.**
2 SECTION 6. IC 20-30-16-9.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2021]: **Sec. 9.5. (a) If a school corporation is**
5 **an authorized course provider and offers an approved online**
6 **course access program course, the school corporation shall provide**
7 **to the department and post on the school corporation's Internet**
8 **web site the following information:**
9 (1) **The name and description of any online course access**
10 **program course provided by the school corporation that has**
11 **open slots available for student enrollment.**
12 (2) **The number of open slots in the online course access**
13 **program course.**
14 (b) **The department shall post the information described in**
15 **subsection (a) for each school corporation on the department's**
16 **Internet web site."**
17 Renumber all SECTIONS consecutively.
(Reference is to EHB 1438 as printed March 19, 2021.)

Senator RAATZ