

HOUSE BILL No. 1172

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19-8; IC 20-24; IC 20-30-5-20; IC 20-43-1-31.

Synopsis: Virtual education. Provides that the state board of education (state board) may adopt rules regarding virtual education programs of school corporations. Requires the following: (1) A school corporation to establish and implement an onboarding process and orientation for prospective students of virtual education programs. (2) A virtual charter school to establish and implement an onboarding process and orientation for students newly enrolled in the virtual charter school. Provides that a student who does not participate in a school corporation's virtual education program before July 1, 2019, must complete the onboarding process and orientation established by the school corporation before the student may participate in the school corporation's virtual education program. Provides that a student who initially enrolls in a virtual charter school after June 30, 2019, must participate in the onboarding process and orientation established by the virtual charter school or the student must be withdrawn from the virtual charter school. Provides that, if at least 30% of the total number of students enrolled in a school corporation participate in the school corporation's virtual education program, the school corporation shall establish a dedicated virtual education school.

Effective: July 1, 2019.

Behning

January 8, 2019, read first time and referred to Committee on Education.



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.

HOUSE BILL No. 1172

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 20-19-8 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]:

4 **Chapter 8. School Corporation Virtual Education Programs**

5 **Sec. 1. As used in this chapter, "virtual education program"**
6 **means a program provided by a school corporation in which more**
7 **than fifty percent (50%) of instruction to students participating in**
8 **the program is provided in an interactive learning environment**
9 **created through technology in which the student is separated from**
10 **a teacher by time or space, or both.**

11 **Sec. 2. As used in this chapter, "virtual education program**
12 **student" means a student who participates in a virtual education**
13 **program of a school corporation.**

14 **Sec. 3. The state board may adopt rules under IC 4-22-2 to**
15 **establish requirements regarding virtual education programs,**
16 **including the following:**

17 **(1) Minimum requirements for the mandatory onboarding**



- 1 process and orientation required under section 4 of this
 2 chapter.
- 3 (2) Requirements relating to tracking and monitoring
 4 participation and attendance by virtual education program
 5 students.
- 6 (3) Ongoing student engagement and counseling policy
 7 requirements.
- 8 (4) Employee policy requirements, including professional
 9 development requirements.
- 10 **Sec. 4. (a) A school corporation shall establish and implement an**
 11 **onboarding process and orientation for prospective virtual**
 12 **education program students regarding the school corporation's**
 13 **virtual education program.**
- 14 (b) A student who does not participate in a school corporation's
 15 virtual education program before July 1, 2019, must complete the
 16 onboarding process and orientation established by the school
 17 corporation under subsection (a) before the student may
 18 participate in the school corporation's virtual education program.
- 19 (c) Nothing in this section may be construed to prohibit a
 20 student from otherwise receiving instructional services from the
 21 school corporation in which the student has legal settlement.
 22 However, a student who does not meet the requirements of
 23 subsection (b) may not participate in the school corporation's
 24 virtual education program.
- 25 **Sec. 5. If at least thirty percent (30%) of the total number of**
 26 **students enrolled in a school corporation participate in the school**
 27 **corporation's virtual education program, the school corporation**
 28 **shall establish a dedicated virtual education school.**
- 29 SECTION 2. IC 20-24-1-10 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2019]: **Sec. 10. "Virtual charter school" means any charter**
 32 **school, including a conversion charter school, in which more than**
 33 **fifty percent (50%) of instruction is provided in an interactive**
 34 **learning environment created through technology in which**
 35 **students are separated from their teacher by time or space, or**
 36 **both.**
- 37 SECTION 3. IC 20-24-5-4.5 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2019]: **Sec. 4.5. (a) A virtual charter school shall establish and**
 40 **implement an onboarding process and orientation for newly**
 41 **enrolled virtual charter school students.**
- 42 (b) A student who initially enrolls in a virtual charter school



1 after June 30, 2019, must participate in the onboarding process
2 and orientation described in subsection (a).

3 (c) If a student does not participate in the onboarding process
4 and orientation as required under subsection (b), the student must
5 be withdrawn from enrollment in the virtual charter school.

6 SECTION 4. IC 20-24-7-13, AS AMENDED BY P.L.191-2018,
7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2019]: Sec. 13. (a) As used in this section, "virtual charter
9 school" means any charter school, including a conversion charter
10 school, in which more than fifty percent (50%) of instruction is
11 provided in an interactive learning environment created through
12 technology in which students are separated from their teacher by time
13 or space, or both.

14 (b) (a) A virtual charter school may apply for authorization with any
15 statewide authorizer in accordance with the authorizer's guidelines.

16 (c) (b) For each state fiscal year, a virtual charter school is entitled
17 to receive funding in a month from the state in an amount equal to the
18 sum of:

19 (1) the product of:

20 (A) the number of students included in the virtual charter
21 school's current ADM; multiplied by

22 (B) the result of:

23 (i) ninety percent (90%) of the school's foundation amount
24 determined under IC 20-43-3-8; divided by

25 (ii) twelve (12); plus

26 (2) the total of any:

27 (A) special education grants under IC 20-43-7;

28 (B) career and technical education grants under IC 20-43-8;

29 (C) honor grants under IC 20-43-10; and

30 (D) complexity grants under IC 20-43-13;

31 to which the virtual charter school is entitled for the month.

32 For each state fiscal year, a virtual charter school is entitled to receive
33 special education grants under IC 20-43-7 calculated in the same
34 manner as special education grants are calculated for other school
35 corporations.

36 (d) (c) The state board:

37 (1) shall adopt rules under IC 4-22-2 to govern the operation of
38 virtual charter schools; and

39 (2) may adopt rules under IC 4-22-2 concerning virtual
40 charter schools that include the following:

41 (A) Minimum requirements for the mandatory onboarding
42 process and orientation required under IC 20-24-5-4.5.



- 1 **(B) Requirements relating to tracking and monitoring**
 2 **student participation and attendance.**
 3 **(C) Ongoing student engagement and counseling policy**
 4 **requirements.**
 5 **(D) Employee policy requirements, including professional**
 6 **development requirements.**
 7 ~~(e)~~ **(d)** The department, with the approval of the state board, shall
 8 before December 1 of each year submit an annual report to the budget
 9 committee concerning the program under this section.
 10 ~~(f)~~ **(e)** Each school year, at least sixty percent (60%) of the students
 11 who are enrolled in virtual charter schools under this section for the
 12 first time must have been included in the state's fall count of ADM
 13 conducted in the previous school year.
 14 ~~(g)~~ **(f)** Each virtual charter school shall report annually to the
 15 department concerning the following, on a schedule determined by the
 16 department:
 17 (1) Classroom size.
 18 (2) The ratio of teachers per classroom.
 19 (3) The number of student-teacher meetings conducted in person
 20 or by video conference.
 21 (4) Any other information determined by the department.
 22 The department shall provide this information annually to the state
 23 board of education and the legislative council in an electronic format
 24 under IC 5-14-6.
 25 ~~(h)~~ **(g)** A virtual charter school shall adopt a student engagement
 26 policy. A student who regularly fails to participate in courses may be
 27 withdrawn from enrollment under policies adopted by the virtual
 28 charter school. The policies adopted by the virtual charter school must
 29 ensure that:
 30 (1) adequate notice of the withdrawal is provided to the parent
 31 and the student; and
 32 (2) an opportunity is provided, before the withdrawal of the
 33 student by the virtual charter school, for the student or the parent
 34 to demonstrate that failure to participate in the course is due to an
 35 event that would be considered an excused absence under
 36 IC 20-33-2.
 37 ~~(i)~~ **(h)** A student who is withdrawn from enrollment for failure to
 38 participate in courses pursuant to the school's student engagement
 39 policy may not reenroll in that same virtual charter school for the
 40 school year in which the student is withdrawn.
 41 ~~(j)~~ **(i)** An authorizer shall review and monitor whether a virtual
 42 charter school that is authorized by the authorizer complies with the



1 requirements described in ~~subsection (h) or (i)~~. **subsections (g) and**
 2 **(h).**

3 SECTION 5. IC 20-30-5-20, AS AMENDED BY P.L.228-2017,
 4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 20. (a) As used in this section, "charter school"
 6 does not include a virtual charter school, as defined in ~~IC 20-24-7-13~~.
 7 **IC 20-24-1-10.**

8 (b) As used in this section, "psychomotor skills" means skills using
 9 hands on practice to support cognitive learning.

10 (c) Except as provided in subsection (f), each school corporation,
 11 charter school, and accredited nonpublic school shall include in the
 12 charter school's, school corporation's, or accredited nonpublic school's
 13 high school health education curriculum instruction in
 14 cardiopulmonary resuscitation and use of an automated external
 15 defibrillator for its students. The instruction must incorporate the
 16 psychomotor skills necessary to perform cardiopulmonary resuscitation
 17 and use an automated external defibrillator and must include either of
 18 the following:

19 (1) An instructional program developed by the American Heart
 20 Association or the American Red Cross.

21 (2) An instructional program that is nationally recognized and is
 22 based on the most current national evidence based emergency
 23 cardiovascular care guidelines for cardiopulmonary resuscitation
 24 and the use of an automated external defibrillator.

25 (d) A school corporation, charter school, or an accredited nonpublic
 26 school may offer the instruction required in subsection (c) or may
 27 arrange for the instruction to be provided by available community
 28 based providers. The instruction is not required to be provided by a
 29 teacher. If instruction is provided by a teacher, the teacher is not
 30 required to be a certified trainer of cardiopulmonary resuscitation.

31 (e) This section shall not be construed to require a student to
 32 become certified in cardiopulmonary resuscitation and the use of an
 33 automated external defibrillator. However, if a school corporation,
 34 charter school, or accredited nonpublic school chooses to offer a course
 35 that results in certification being earned, the course must be taught by
 36 an instructor authorized to provide the instruction by the American
 37 Heart Association, the American Red Cross, or a similar nationally
 38 recognized association.

39 (f) A school administrator may waive the requirement that a student
 40 receive instruction under subsection (c) if the student has a disability
 41 or is physically unable to perform the psychomotor skill component of
 42 the instruction required under subsection (c).



1 SECTION 6. IC 20-43-1-31, AS ADDED BY P.L.182-2009(ss),
2 SECTION 327, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 31. "Virtual charter school" has the
4 meaning set forth in ~~IC 20-24-7-13~~. **IC 20-24-1-10.**

