



January 18, 2019

HOUSE BILL No. 1172

DIGEST OF HB 1172 (Updated January 16, 2019 12:40 pm - DI 116)

Citations Affected: IC 20-19; IC 20-24; IC 20-30; IC 20-43.

Synopsis: Virtual education. Requires a school corporation to establish and implement an annual onboarding process and orientation for prospective students of a school corporation's virtual education program. Requires a virtual charter school to establish and implement an annual onboarding process and orientation for students newly enrolled in the virtual charter school. Provides that, after June 30, 2019, a governing body of a school corporation or the mayor of Indianapolis may not authorize a virtual charter school. Requires a virtual charter school authorizer to review and monitor certain practices of the virtual charter school. Provides that a student who does not participate in a school corporation's virtual 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, 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.
January 17, 2019, amended, reported — Do Pass.

HB 1172—LS 7121/DI 110



January 18, 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.

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**

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- 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 **annual 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 20-24-2.2-1.2, AS ADDED BY P.L.221-2015,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 1.2. (a) **Subject to IC 20-24-7-13(a)**, this section
 40 applies to an authorizer described in IC 20-24-1-2.5(1),
 41 IC 20-24-1-2.5(2), and IC 20-24-1-2.5(5) if the authorizer has not
 42 previously issued a charter for any charter school prior to July 1, 2015.



1 (b) A governing body of a school corporation may register with the
2 state board for charter authority within the attendance area of the
3 school corporation. The state board shall post on the state board's
4 Internet web site an application received from an authorizer to register
5 with the state board under this section within ten (10) days after receipt
6 of the application. The state board may not charge an authorizer a fee
7 to register with the state board under this section.

8 (c) A governing board of a nonprofit college or university described
9 in IC 20-24-1-2.5(5) may apply to the state board for statewide,
10 regional, or local chartering authority.

11 (d) The state board shall publicize to all governing bodies the
12 opportunity to register with the state board for chartering authority
13 within their school corporation. Not later than May 1 of each year, the
14 state board shall provide information about the opportunity, including
15 a registration deadline, to all governing bodies. To register as an
16 authorizer, each interested governing body must submit the following
17 information in a format prescribed by the state board:

18 (1) A written notification of intent to serve as a charter authorizer
19 in accordance with this article.

20 (2) An explanation of the governing body's strategic vision for
21 chartering.

22 (3) An explanation of the governing body's budget and personnel
23 capacity and commitment to execute the duties of quality charter
24 authorizing in accordance with this article.

25 (4) An explanation of how the governing body will solicit charter
26 school applicants in accordance with IC 20-24-3.

27 (5) A description or outline of the performance framework the
28 governing body will use to guide the establishment of a charter
29 contract and for the oversight and evaluation of charter schools,
30 consistent with this article.

31 (6) A draft of the governing body's renewal, revocation, and
32 nonrenewal processes, consistent with this article.

33 (7) A statement of assurance that the governing body commits to
34 serving as a charter authorizer in fulfillment of the expectations,
35 spirit, and intent of this article, and that the governing body will
36 fully adopt standards of quality charter school authorizing in
37 accordance with section 1.5 of this chapter.

38 (e) Within sixty (60) days of receipt of the information described in
39 subsection (d), the state board shall register the governing body as a
40 charter authorizer within the attendance area of the school corporation
41 and shall provide the governing body a letter confirming the governing
42 body's registration as a charter authorizer. A governing body may not



1 engage in any charter authorizing functions without a current
2 registration as a charter authorizer with the state board.

3 (f) The state board shall establish an annual application and
4 approval process, including cycles and deadlines during the state fiscal
5 year, for registering an entity described in IC 20-24-1-2.5(5) for
6 authorizer authority. Not later than May 1 of each year, the state board
7 shall make available information and guidelines for an applicant
8 described in IC 20-24-1-2.5(5) concerning the opportunity to apply for
9 chartering authority under this article. The application process must
10 require each applicant to submit an application that clearly explains or
11 presents the following elements:

12 (1) A written notification of intent to serve as a charter authorizer
13 in accordance with this article.

14 (2) The applicant's strategic vision for chartering.

15 (3) A plan to support the applicant's strategic vision described in
16 subdivision (2), including an explanation and evidence of the
17 applicant's budget and personnel capacity and commitment to
18 execute the duties of quality charter authorizing in accordance
19 with this article.

20 (4) A draft or preliminary outline of the request for proposals that
21 the applicant would, if approved by the state board under this
22 section, issue to solicit charter school applicants under
23 IC 20-24-3.

24 (5) A draft of the performance framework that the applicant
25 would, if approved by the state board under this section, use to
26 guide the establishment of a charter contract and for ongoing
27 oversight and evaluation of charter schools consistent with this
28 article.

29 (6) A draft of the applicant's renewal, revocation, and nonrenewal
30 processes.

31 (7) A statement of assurance that the applicant commits to serving
32 as a charter authorizer in fulfillment of the expectations, spirit,
33 and intent of this article, and that the applicant will fully adopt
34 standards of quality charter school authorizing in accordance with
35 section 1.5 of this chapter.

36 (g) Not later than July 1 of each year, the state board shall grant or
37 deny chartering authority to an applicant under subsection (f). The state
38 board shall make its decision on the merits of each applicant's proposal
39 and plans submitted under subsection (f).

40 (h) Within thirty (30) days of the state board's decision under
41 subsection (g), the state board shall execute a renewable authorizing
42 contract with an applicant that the state board has approved for



1 chartering authority. The initial term of each authorizing contract is six
 2 (6) years. The authorizing contract must specify each approved
 3 applicant's agreement to serve as a charter authorizer in accordance
 4 with this article and shall specify additional performance terms based
 5 on the applicant's proposal and plan for chartering. An approved
 6 applicant may not commence charter authorizing without an
 7 authorizing contract in effect.

8 (i) The state board shall maintain on the state board's Internet web
 9 site the names of each authorizer approved by the state board under this
 10 section.

11 SECTION 4. IC 20-24-5-4.5 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2019]: **Sec. 4.5. (a) A virtual charter school shall establish and
 14 implement an onboarding process and orientation as an annual
 15 prerequisite for enrollment in the virtual charter school. Upon
 16 completion of the annual onboarding process and orientation, the
 17 student shall be enrolled in the virtual charter school.**

18 **(b) A student who initially enrolls in a virtual charter school
 19 after June 30, 2019, must participate in the onboarding process
 20 and orientation described in subsection (a) before enrollment.**

21 SECTION 5. IC 20-24-7-13, AS AMENDED BY P.L.191-2018,
 22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: Sec. 13. **(a) As used in this section, "virtual charter
 24 school" means any charter school, including a conversion charter
 25 school, in which more than fifty percent (50%) of instruction is
 26 provided in an interactive learning environment created through
 27 technology in which students are separated from their teacher by time
 28 or space, or both.**

29 **(b) (a) After June 30, 2019, a virtual charter school may only apply
 30 for authorization with any statewide authorizer in accordance with the
 31 authorizer's guidelines. After June 30, 2019, a virtual charter school
 32 that has a charter on June 30, 2019, may renew a charter only with
 33 a statewide authorizer. An authorizer described in
 34 IC 20-24-1-2.5(1) and IC 20-24-1-2.5(3) is not considered a
 35 statewide authorizer.**

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

39 (1) the product of:

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

42 (B) the result of:



- 1 (i) ninety percent (90%) of the school's foundation amount
 2 determined under IC 20-43-3-8; divided by
 3 (ii) twelve (12); plus
 4 (2) the total of any:
 5 (A) special education grants under IC 20-43-7;
 6 (B) career and technical education grants under IC 20-43-8;
 7 (C) honor grants under IC 20-43-10; and
 8 (D) complexity grants under IC 20-43-13;
 9 to which the virtual charter school is entitled for the month.
 10 For each state fiscal year, a virtual charter school is entitled to receive
 11 special education grants under IC 20-43-7 calculated in the same
 12 manner as special education grants are calculated for other school
 13 corporations.
 14 ~~(d)~~ (c) The state board shall adopt rules under IC 4-22-2 to govern
 15 the operation of virtual charter schools.
 16 ~~(e)~~ (d) The department, with the approval of the state board, shall
 17 before December 1 of each year submit an annual report to the budget
 18 committee concerning the program under this section.
 19 ~~(f)~~ (e) Each school year, at least sixty percent (60%) of the students
 20 who are enrolled in virtual charter schools under this section for the
 21 first time must have been included in the state's fall count of ADM
 22 conducted in the previous school year.
 23 ~~(g)~~ (f) Each virtual charter school shall report annually to the
 24 department concerning the following, on a schedule determined by the
 25 department:
 26 (1) Classroom size.
 27 (2) The ratio of teachers per classroom.
 28 (3) The number of student-teacher meetings conducted in person
 29 or by video conference.
 30 (4) Any other information determined by the department.
 31 The department shall provide this information annually to the state
 32 board of education and the legislative council in an electronic format
 33 under IC 5-14-6.
 34 ~~(h)~~ (g) A virtual charter school shall adopt a student engagement
 35 policy. A student who regularly fails to participate in courses may be
 36 withdrawn from enrollment under policies adopted by the virtual
 37 charter school. The policies adopted by the virtual charter school must
 38 ensure that:
 39 (1) adequate notice of the withdrawal is provided to the parent
 40 and the student; and
 41 (2) an opportunity is provided, before the withdrawal of the
 42 student by the virtual charter school, for the student or the parent



1 to demonstrate that failure to participate in the course is due to an
 2 event that would be considered an excused absence under
 3 IC 20-33-2.

4 (j) (h) A student who is withdrawn from enrollment for failure to
 5 participate in courses pursuant to the school's student engagement
 6 policy may not reenroll in that same virtual charter school for the
 7 school year in which the student is withdrawn.

8 (j) (i) An authorizer shall review and monitor whether a virtual
 9 charter school that is authorized by the authorizer complies:

10 (1) with the requirements described in ~~subsection (h)~~ or (i);
 11 **subsections (g) and (h);**

12 **(2) with minimum requirements for the mandatory**
 13 **onboarding process and orientation required under**
 14 **IC 20-24-5-4.5;**

15 **(3) with requirements established by the authorizer relating**
 16 **to tracking and monitoring student participation and**
 17 **attendance; and**

18 **(4) with employee policy requirements established by the**
 19 **authorizer, including professional development requirements.**

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

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

27 (c) Except as provided in subsection (f), each school corporation,
 28 charter school, and accredited nonpublic school shall include in the
 29 charter school's, school corporation's, or accredited nonpublic school's
 30 high school health education curriculum instruction in
 31 cardiopulmonary resuscitation and use of an automated external
 32 defibrillator for its students. The instruction must incorporate the
 33 psychomotor skills necessary to perform cardiopulmonary resuscitation
 34 and use an automated external defibrillator and must include either of
 35 the following:

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

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

42 (d) A school corporation, charter school, or an accredited nonpublic



1 school may offer the instruction required in subsection (c) or may
2 arrange for the instruction to be provided by available community
3 based providers. The instruction is not required to be provided by a
4 teacher. If instruction is provided by a teacher, the teacher is not
5 required to be a certified trainer of cardiopulmonary resuscitation.

6 (e) This section shall not be construed to require a student to
7 become certified in cardiopulmonary resuscitation and the use of an
8 automated external defibrillator. However, if a school corporation,
9 charter school, or accredited nonpublic school chooses to offer a course
10 that results in certification being earned, the course must be taught by
11 an instructor authorized to provide the instruction by the American
12 Heart Association, the American Red Cross, or a similar nationally
13 recognized association.

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

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, after "an" insert "**annual**".

Page 2, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 2. IC 20-24-2.2-1.2, AS ADDED BY P.L.221-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.2. (a) **Subject to IC 20-24-7-13(a)**, this section applies to an authorizer described in IC 20-24-1-2.5(1), IC 20-24-1-2.5(2), and IC 20-24-1-2.5(5) if the authorizer has not previously issued a charter for any charter school prior to July 1, 2015.

(b) A governing body of a school corporation may register with the state board for charter authority within the attendance area of the school corporation. The state board shall post on the state board's Internet web site an application received from an authorizer to register with the state board under this section within ten (10) days after receipt of the application. The state board may not charge an authorizer a fee to register with the state board under this section.

(c) A governing board of a nonprofit college or university described in IC 20-24-1-2.5(5) may apply to the state board for statewide, regional, or local chartering authority.

(d) The state board shall publicize to all governing bodies the opportunity to register with the state board for chartering authority within their school corporation. Not later than May 1 of each year, the state board shall provide information about the opportunity, including a registration deadline, to all governing bodies. To register as an authorizer, each interested governing body must submit the following information in a format prescribed by the state board:

- (1) A written notification of intent to serve as a charter authorizer in accordance with this article.
- (2) An explanation of the governing body's strategic vision for chartering.
- (3) An explanation of the governing body's budget and personnel capacity and commitment to execute the duties of quality charter authorizing in accordance with this article.
- (4) An explanation of how the governing body will solicit charter school applicants in accordance with IC 20-24-3.
- (5) A description or outline of the performance framework the governing body will use to guide the establishment of a charter



contract and for the oversight and evaluation of charter schools, consistent with this article.

(6) A draft of the governing body's renewal, revocation, and nonrenewal processes, consistent with this article.

(7) A statement of assurance that the governing body commits to serving as a charter authorizer in fulfillment of the expectations, spirit, and intent of this article, and that the governing body will fully adopt standards of quality charter school authorizing in accordance with section 1.5 of this chapter.

(e) Within sixty (60) days of receipt of the information described in subsection (d), the state board shall register the governing body as a charter authorizer within the attendance area of the school corporation and shall provide the governing body a letter confirming the governing body's registration as a charter authorizer. A governing body may not engage in any charter authorizing functions without a current registration as a charter authorizer with the state board.

(f) The state board shall establish an annual application and approval process, including cycles and deadlines during the state fiscal year, for registering an entity described in IC 20-24-1-2.5(5) for authorizer authority. Not later than May 1 of each year, the state board shall make available information and guidelines for an applicant described in IC 20-24-1-2.5(5) concerning the opportunity to apply for chartering authority under this article. The application process must require each applicant to submit an application that clearly explains or presents the following elements:

(1) A written notification of intent to serve as a charter authorizer in accordance with this article.

(2) The applicant's strategic vision for chartering.

(3) A plan to support the applicant's strategic vision described in subdivision (2), including an explanation and evidence of the applicant's budget and personnel capacity and commitment to execute the duties of quality charter authorizing in accordance with this article.

(4) A draft or preliminary outline of the request for proposals that the applicant would, if approved by the state board under this section, issue to solicit charter school applicants under IC 20-24-3.

(5) A draft of the performance framework that the applicant would, if approved by the state board under this section, use to guide the establishment of a charter contract and for ongoing oversight and evaluation of charter schools consistent with this article.



(6) A draft of the applicant's renewal, revocation, and nonrenewal processes.

(7) A statement of assurance that the applicant commits to serving as a charter authorizer in fulfillment of the expectations, spirit, and intent of this article, and that the applicant will fully adopt standards of quality charter school authorizing in accordance with section 1.5 of this chapter.

(g) Not later than July 1 of each year, the state board shall grant or deny chartering authority to an applicant under subsection (f). The state board shall make its decision on the merits of each applicant's proposal and plans submitted under subsection (f).

(h) Within thirty (30) days of the state board's decision under subsection (g), the state board shall execute a renewable authorizing contract with an applicant that the state board has approved for chartering authority. The initial term of each authorizing contract is six (6) years. The authorizing contract must specify each approved applicant's agreement to serve as a charter authorizer in accordance with this article and shall specify additional performance terms based on the applicant's proposal and plan for chartering. An approved applicant may not commence charter authorizing without an authorizing contract in effect.

(i) The state board shall maintain on the state board's Internet web site the names of each authorizer approved by the state board under this section."

Page 2, line 40, delete "for newly" and insert "**as an annual prerequisite for enrollment in the virtual charter school. Upon completion of the annual onboarding process and orientation, the student shall be enrolled in the virtual charter school.**".

Page 2, delete line 41.

Page 3, line 2, delete "." and insert "**before enrollment.**".

Page 3, delete lines 3 through 5.

Page 3, line 14, delete "A" and insert "**After June 30, 2019, a**".

Page 3, line 14, after "may" insert "**only**".

Page 3, line 15, after "guidelines." insert "**After June 30, 2019, a virtual charter school that has a charter on June 30, 2019, may renew a charter only with a statewide authorizer. An authorizer described in IC 20-24-1-2.5(1) and IC 20-24-1-2.5(3) is not considered a statewide authorizer.**".

Page 3, line 36, after "board" delete ":".

Page 3, line 37, delete "(1)".

Page 3, line 38, delete "; and" and insert ".".

Page 3, run in lines 36 through 38.



Page 3, delete lines 39 through 42.

Page 4, delete lines 1 through 6.

Page 4, line 23, strike "of education".

Page 4, line 42, after "complies" insert ":

(1)".

Page 5, line 2, delete "." and insert ";".

Page 5, between lines 2 and 3, begin a new line block indented and insert:

"(2) with minimum requirements for the mandatory onboarding process and orientation required under IC 20-24-5-4.5;

(3) with requirements established by the authorizer relating to tracking and monitoring student participation and attendance; and

(4) with employee policy requirements established by the authorizer, including professional development requirements."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1172 as introduced.)

BEHNING

Committee Vote: yeas 8, nays 0.

