

# HOUSE BILL No. 1438

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-30-16.

**Synopsis:** Course access program. Provides that, not later than June 30, 2021, the state board of education (state board) shall establish requirements that a: (1) course provider must meet to be eligible for authorization; and (2) course access program course must meet to be eligible for approval. (Current law requires the department of education (department) to establish an authorization process for course providers and a review process for approval of course access program courses.) Requires the department to authorize a course provider or approve a course access program course if certain conditions are met. Provides that a course provider may appeal the denial of authorization or approval of a course access program course to the state board. Provides that a school corporation may not deny enrollment of an eligible student in a course access program course for the reason that the course would exceed requirements for a normal full course load at the school corporation if the student agrees to pay the cost of tuition for the course. Requires the department to approve a civics course access program course that meets certain requirements.

**Effective:** Upon passage; July 1, 2021.

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## Cook, Thompson, Goodrich

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January 14, 2021, read first time and referred to Committee on Education.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1438

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 20-30-16-5, AS ADDED BY P.L.80-2017,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), an  
4 eligible student may enroll in course access program courses offered by  
5 a course provider that is authorized by the department under this  
6 chapter.

7 (b) A school corporation may disapprove an eligible student's  
8 enrollment in a course access program only for the following reasons:

9 (1) The course provided by the course provider is not in  
10 furtherance of the eligible student's graduation or certificate  
11 requirements.

12 (2) The eligible student's enrollment in the course access program  
13 course would exceed the requirements for a normal full course  
14 load at the school corporation.

15 (3) The course access program course is logistically infeasible.

16 However, a school corporation may not deny enrollment of an eligible  
17 student under ~~subdivision~~ **subdivisions (2) and (3)** if the eligible



1 student agrees to pay the cost of tuition for the applicable course access  
2 program course.

3 (c) If a school corporation denies a student's enrollment in a course  
4 access program course under subsection (b), the school corporation  
5 shall notify the student's parent or emancipated eligible student of the  
6 parent's or student's right to appeal the school corporation's decision to  
7 the department. The parent of an eligible student or an emancipated  
8 eligible student may appeal the decision of the school corporation to  
9 the department in a manner prescribed by the department. The  
10 department shall review the school corporation's denial under  
11 subsection (b) and provide a final enrollment decision within seven (7)  
12 calendar days of receipt of the appeal.

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

- 17 (1) an authorization process for course providers; and
- 18 (2) a review process for approval of course access program  
19 courses, which must be aligned to Indiana academic standards.

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

21 **(b) Not later than June 30, 2021, the state board shall establish**  
22 **requirements that a:**

- 23 **(1) course provider must meet to be eligible for authorization**  
24 **under this chapter; and**
- 25 **(2) course access program course must meet to be eligible for**  
26 **approval under this chapter.**

27 ~~(b)~~ (c) A course provider may apply for authorization or submit  
28 course access program courses for approval at any time.

29 **(d) Subject to section 7 of this chapter, if a course provider or**  
30 **course access program course meets the requirements established**  
31 **by the state board under subsection (b), the department shall**  
32 **authorize the course provider or approve the course access**  
33 **program course, whichever is applicable.**

34 **(e) If the department denies authorization to a course provider**  
35 **or denies approval of a course access program course of a course**  
36 **provider, the course provider may appeal the denial to the state**  
37 **board.**

38 ~~(e)~~ (f) A course provider authorized by the department shall ensure  
39 that each course access program course is accessible to students of all  
40 abilities, and may not discriminate on the basis of race, creed, color, or  
41 national origin.

42 ~~(d)~~ (g) A course provider authorized by the department shall comply



1 with the privacy provisions of federal law.

2 SECTION 3. IC 20-30-16-6.5 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. The department shall**  
5 **approve a civics course access program course that:**

- 6 **(1) meets the requirements under IC 20-30-5-2(a); and**  
7 **(2) is presented with special emphasis on the items listed in**  
8 **IC 20-30-5-5(a) and IC 20-30-5-6(b).**

9 SECTION 4. IC 20-30-16-7, AS ADDED BY P.L.80-2017,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2021]: **Sec. 7. The department may ~~disapprove~~ deny approval**  
12 **of an authorized course provider's course access program course at any**  
13 **time if the department determines that:**

- 14 (1) the course access program course no longer adequately aligns  
15 with state academic standards;  
16 (2) the course access program course fails to deliver expected  
17 student performance outcomes, **as established by the state**  
18 **board**, as measured by course completion data and student  
19 performance; **as determined by the department;** or  
20 (3) the course access program course fails to meet other criteria  
21 established by the state board.

22 SECTION 5. IC 20-30-16-10, AS AMENDED BY P.L.192-2018,  
23 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2021]: **Sec. 10. (a) Subject to subsection (c), the department**  
25 **and an authorized course provider shall negotiate a course access**  
26 **program course tuition fee for an enrolled eligible student for each**  
27 **course offered and all course materials. The negotiated course access**  
28 **program course tuition fee must be identical for every enrolled eligible**  
29 **student. Transfers of tuition payments for enrollment of an eligible**  
30 **student currently enrolled at an applicable school corporation in a**  
31 **course access program course shall be made to the authorized course**  
32 **provider by the school corporation in which the eligible student is**  
33 **enrolled. The amount of the tuition payment for enrollment of an**  
34 **eligible student in a course access program course must be paid from**  
35 **the total amount of state tuition support that would otherwise be**  
36 **received by the school corporation on account of the student. The state**  
37 **board shall adopt rules under IC 4-22-2 for payment of tuition**  
38 **payments from a school corporation to an authorized course provider**  
39 **for a student who is not currently enrolled in the school but enrolls in**  
40 **a course access program course as part of the eligible student's special**  
41 **education services provided by the school corporation. The department**  
42 **may charge the negotiated course access program course tuition fee to**



1 a student who enrolls in a course access program course from an  
 2 eligible provider if the student is not currently enrolled in a school  
 3 corporation or is otherwise eligible to enroll in the course access  
 4 program as part of the student's special education services by the  
 5 school corporation.

6 (b) A course provider may not receive any payment from the school  
 7 corporation that is in addition to the tuition fee for a course access  
 8 program course in which an eligible student is enrolled. Any other  
 9 funds related to the student that are due to a school corporation shall be  
 10 paid to the school corporation.

11 (c) Payment in full of a tuition fee for a course access program  
 12 course must be based in part on student success in the course access  
 13 program course. The department may negotiate with the course  
 14 provider to determine the manner in which the course provider is paid.  
 15 However, the course provider may not receive less than fifty percent  
 16 (50%) of the tuition fee upon an eligible student's enrollment in a  
 17 course access program course. The course provider shall receive the  
 18 remaining amount if the measured student outcomes for the course  
 19 access program course meet requirements set by the ~~department~~ **state**  
 20 **board**. Measured student outcomes may include:

- 21 (1) course access program course completion by enrolled
- 22 students;
- 23 (2) student growth to proficiency;
- 24 (3) student results from state and nationally accepted assessments;
- 25 (4) student receipt of credentials that are recognized in an
- 26 industry;
- 27 (5) postsecondary credits received by a student; and
- 28 (6) other validated measures approved by the state board.

29 SECTION 6. IC 20-30-16-11, AS ADDED BY P.L.80-2017,  
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2021]: Sec. 11. A course provider shall provide an annual  
 32 report to the department in a manner and form prescribed by the  
 33 department. The report must include:

- 34 (1) student enrollment data;
- 35 (2) student outcome measurements as determined by the
- 36 ~~department~~ **state board**;
- 37 (3) student completion data; and
- 38 (4) any feedback received from students and parents related to
- 39 overall satisfaction and quality of each course access program
- 40 course.

41 SECTION 7. **An emergency is declared for this act.**

