



February 11, 2021

HOUSE BILL No. 1438

DIGEST OF HB 1438 (Updated February 10, 2021 3:10 pm - DI 116)

Citations Affected: IC 20-30.

Synopsis: Course access program. Provides that the term "course provider" may include a school corporation if the school corporation meets criteria established by the state board of education (state board). Provides that, not later than June 30, 2021, the department of education (department) shall implement the course access program in the manner prescribed by the state board. Provides that the state board shall establish requirements: (1) that a course provider must meet to be eligible for authorization by the department; (2) that a course access program course must meet to be eligible for approval by the department; and (3) for a course provider to appeal a decision by the department denying or revoking authorization of a particular course access program course. Provides that the department is responsible for: (1) registering course access providers; (2) providing advertising for the course access program; and (3) monitoring course access courses and providers to ensure compliance with the terms of the course access course's authorization, in accordance with requirements established by the state board. Makes conforming amendments.

Effective: Upon passage; July 1, 2021.

Cook, Thompson, Goodrich

January 14, 2021, read first time and referred to Committee on Education.
February 11, 2021, amended, reported — Do Pass.

HB 1438—LS 6914/DI 110



February 11, 2021

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 20-30-16-2, AS ADDED BY P.L.80-2017,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 2. As used in this chapter, "course provider"
4 means, **subject to section 6(e) of this chapter**, a provider that offers
5 course access program courses that provide for the delivery of
6 instruction through any method, including use of online technologies.
7 SECTION 2. IC 20-30-16-5, AS ADDED BY P.L.80-2017,
8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), an
10 eligible student may enroll in course access program courses offered by
11 a course provider that is authorized by the department **in accordance**
12 **with policies adopted by the state board** under this chapter.
13 (b) A school corporation may disapprove an eligible student's
14 enrollment in a course access program only for the following reasons:
15 (1) The course provided by the course provider is not in
16 furtherance of the eligible student's graduation or certificate
17 requirements.

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- 1 (2) The eligible student's enrollment in the course access program
 2 course would exceed the requirements for a normal full course
 3 load at the school corporation.
 4 (3) The course access program course is logistically infeasible.
 5 However, a school corporation may not deny enrollment of an eligible
 6 student under ~~subdivision~~ **subdivisions (2) and (3)** if the eligible
 7 student agrees to pay the cost of tuition for the applicable course access
 8 program course.
 9 (c) If a school corporation denies a student's enrollment in a course
 10 access program course under subsection (b), the school corporation
 11 shall notify the student's parent or emancipated eligible student of the
 12 parent's or student's right to appeal the school corporation's decision to
 13 the department. The parent of an eligible student or an emancipated
 14 eligible student may appeal the decision of the school corporation to
 15 the department in a manner prescribed ~~by the department.~~ **by the state**
 16 **board.** The department shall review the school corporation's denial
 17 under subsection (b) and provide a final enrollment decision within
 18 seven (7) calendar days of receipt of the appeal.
 19 SECTION 3. IC 20-30-16-6, AS ADDED BY P.L.80-2017,
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 6. (a) Before June 30, 2018, the department
 22 shall establish:
 23 (1) an authorization process for course providers; and
 24 (2) a review process for approval of course access program
 25 courses, which must be aligned to Indiana academic standards.
 26 **This subsection expires June 30, 2021.**
 27 (b) **Not later than June 30, 2021, the department shall**
 28 **implement the course access program in the manner prescribed by**
 29 **the state board. The state board shall establish requirements:**
 30 (1) **that a course provider must meet to be eligible for**
 31 **authorization by the department under this chapter;**
 32 (2) **that a course access program course must meet to be**
 33 **eligible for approval by the department under this chapter;**
 34 **and**
 35 (3) **for a course provider to appeal a decision by the**
 36 **department denying or revoking authorization of a particular**
 37 **course access program course.**
 38 (c) **The department is responsible for:**
 39 (1) **registering and authorizing course access providers;**
 40 (2) **providing advertising for the course access program; and**
 41 (3) **monitoring course access courses and providers to ensure**
 42 **compliance with the terms of the course access course's**



1 **authorization;**
 2 **in accordance with requirements established by the state board.**

3 ~~(b)~~ **(d)** A course provider may apply for authorization or submit
 4 course access program courses for approval **to the department in a**
 5 **manner prescribed by the state board** at any time.

6 **(e)** A school corporation may be considered a course provider
 7 **if the school corporation meets criteria established by the state**
 8 **board for school corporations to qualify as course providers.**

9 **(f)** Subject to section 7 of this chapter, if a course provider or
 10 course access program course meets the requirements established
 11 by the state board under subsection (b), the department shall
 12 authorize the course provider or approve the course access
 13 program course, whichever is applicable.

14 **(g)** If the department denies authorization to a course provider
 15 or denies approval of a course access program course of a course
 16 provider, the course provider may appeal the denial to the state
 17 board.

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

22 ~~(d)~~ **(i)** A course provider authorized by the department shall comply
 23 with the privacy provisions of federal law.

24 SECTION 4. IC 20-30-16-6.5 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. The department in**
 27 **accordance with requirements established by the state board shall**
 28 **approve a civics course access program course that:**

29 **(1) meets the requirements under IC 20-30-5-2(a); and**

30 **(2) is presented with special emphasis on the items listed in**
 31 **IC 20-30-5-5(a) and IC 20-30-5-6(b).**

32 SECTION 5. IC 20-30-16-7, AS ADDED BY P.L.80-2017,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: **Sec. 7. The department may disapprove deny approval**
 35 **of an authorized course provider's course access program course at any**
 36 **time if the department in accordance with requirements established**
 37 **by the state board determines that:**

38 **(1) the course access program course no longer adequately aligns**
 39 **with state academic standards;**

40 **(2) the course access program course fails to deliver expected**
 41 **student performance outcomes, as established by the state**
 42 **board, as measured by course completion data and student**



1 performance; ~~as determined by the department;~~ or

2 (3) the course access program course fails to meet other criteria
3 established by the state board.

4 SECTION 6. IC 20-30-16-10, AS AMENDED BY P.L.192-2018,
5 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2021]: Sec. 10. (a) Subject to subsection (c), the department
7 and an authorized course provider shall negotiate a course access
8 program course tuition fee for an enrolled eligible student for each
9 course offered and all course materials. The negotiated course access
10 program course tuition fee must be identical for every enrolled eligible
11 student. Transfers of tuition payments for enrollment of an eligible
12 student currently enrolled at an applicable school corporation in a
13 course access program course shall be made to the authorized course
14 provider by the school corporation in which the eligible student is
15 enrolled. The amount of the tuition payment for enrollment of an
16 eligible student in a course access program course must be paid from
17 the total amount of state tuition support that would otherwise be
18 received by the school corporation on account of the student. The state
19 board shall adopt rules under IC 4-22-2 for payment of tuition
20 payments from a school corporation to an authorized course provider
21 for a student who is not currently enrolled in the school but enrolls in
22 a course access program course as part of the eligible student's special
23 education services provided by the school corporation. The department
24 may charge the negotiated course access program course tuition fee to
25 a student who enrolls in a course access program course from an
26 eligible provider if the student is not currently enrolled in a school
27 corporation or is otherwise eligible to enroll in the course access
28 program as part of the student's special education services by the
29 school corporation.

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

35 (c) Payment in full of a tuition fee for a course access program
36 course must be based in part on student success in the course access
37 program course. The department may negotiate with the course
38 provider to determine the manner in which the course provider is paid.
39 However, the course provider may not receive less than fifty percent
40 (50%) of the tuition fee upon an eligible student's enrollment in a
41 course access program course. The course provider shall receive the
42 remaining amount if the measured student outcomes for the course



- 1 access program course meet requirements set by the ~~department~~ **state**
2 **board**. Measured student outcomes may include:
- 3 (1) course access program course completion by enrolled
4 students;
 - 5 (2) student growth to proficiency;
 - 6 (3) student results from state and nationally accepted assessments;
 - 7 (4) student receipt of credentials that are recognized in an
8 industry;
 - 9 (5) postsecondary credits received by a student; and
 - 10 (6) other validated measures approved by the state board.
- 11 SECTION 7. IC 20-30-16-11, AS ADDED BY P.L.80-2017,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2021]: Sec. 11. A course provider shall provide an annual
14 report to the department in a manner and form prescribed by the
15 department. The report must include:
- 16 (1) student enrollment data;
 - 17 (2) student outcome measurements as determined by the
18 ~~department~~ **state board**;
 - 19 (3) student completion data; and
 - 20 (4) any feedback received from students and parents related to
21 overall satisfaction and quality of each course access program
22 course.
- 23 SECTION 8. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1438, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-30-16-2, AS ADDED BY P.L.80-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this chapter, "course provider" means, **subject to section 6(e) of this chapter**, a provider that offers course access program courses that provide for the delivery of instruction through any method, including use of online technologies."

Page 1, line 5, after "department" insert "**in accordance with policies adopted by the state board**".

Page 2, line 9, strike "by the department." and insert "**by the state board**".

Page 2, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 3. IC 20-30-16-6, AS ADDED BY P.L.80-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Before June 30, 2018, the department shall establish:

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

This subsection expires June 30, 2021.

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

- (1) that a course provider must meet to be eligible for authorization by the department under this chapter;**
- (2) that a course access program course must meet to be eligible for approval by the department under this chapter;**
- and**
- (3) for a course provider to appeal a decision by the department denying or revoking authorization of a particular course access program course.**

(c) The department is responsible for:

- (1) registering and authorizing course access providers;**
- (2) providing advertising for the course access program; and**
- (3) monitoring course access courses and providers to ensure**



**compliance with the terms of the course access course's authorization;
in accordance with requirements established by the state board.**

(b) (d) A course provider may apply for authorization or submit course access program courses for approval **to the department in a manner prescribed by the state board** at any time.

(e) A school corporation may be considered a course provider if the school corporation meets criteria established by the state board for school corporations to qualify as course providers.

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

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

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

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

Page 3, delete line 1.

Page 3, line 4, after "department" insert **"in accordance with requirements established by the state board"**.

Page 3, line 13, after "department" insert **"in accordance with requirements established by the state board"**.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1438 as introduced.)

BEHNING

Committee Vote: yeas 13, nays 0.

