

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 ENROLLED ACT No. 1438

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

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

(b) If an eligible student requests to enroll in a course access program course, the school corporation shall, not later than fifteen (15) days after the date the eligible student submits the request to the school corporation, notify the student's parent or emancipated eligible student of the following:

(1) Whether the school corporation approves or denies the request.

(2) If the school corporation denies the request, information explaining that the parent or student may appeal the school corporation's decision to the department.

If the school corporation fails to notify an eligible student's parent or emancipated eligible student within the time period established under this subsection, the eligible student is automatically approved for enrollment in the course access program course.

~~(b)~~ (c) A school corporation may ~~disapprove~~ deny an eligible

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student's enrollment in a course access program only for the following reasons:

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

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

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

The cost of the course access program course is unreasonable.

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

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

(e) The department shall:

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

(2) provide a final enrollment decision;

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

SECTION 2. 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:

(1) requirements:

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

(B) that a course access program course must meet to be



eligible for approval by the department under this chapter;
and

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

(i) authorization of a course provider; or

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

(2) a period of time each calendar year in which the department shall accept applications for course provider authorization and approval of course access program courses.

(c) The department shall:

(1) register and authorize course providers;

(2) provide advertising for the course access program; and

(3) monitor course access program courses and course providers to ensure compliance with the terms of the course access program course's approval and course provider'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 during the time period established under subsection (b)(2).

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

(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.

~~(e)~~ (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.

SECTION 3. IC 20-30-16-6.5 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. The department in accordance with requirements established by the state board shall approve a civics course access program course that:**

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

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

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

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

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

SECTION 6. IC 20-30-16-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 9.5. (a) If a school corporation is an authorized course provider and offers an approved online course access program course, the school corporation shall provide to the department and post on the school corporation's Internet web site the following information:**

- (1) The name and description of any online course access program course provided by the school corporation that has open slots available for student enrollment.**



(2) The number of open slots in the online course access program course.

(b) The department shall post the information described in subsection (a) for each school corporation on the department's Internet web site.

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

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

(c) Payment in full of a tuition fee for a course access program course must be based in part on student success in the course access program course. The department may negotiate with the course provider to determine the manner in which the course provider is paid. However, the course provider may not receive less than fifty percent (50%) of the tuition fee upon an eligible student's enrollment in a



course access program course. The course provider shall receive the remaining amount if the measured student outcomes for the course access program course meet requirements set by the ~~department.~~ **state board.** Measured student outcomes may include:

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

SECTION 8. IC 20-30-16-11, AS ADDED BY P.L.80-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. A course provider shall provide an annual report to the department in a manner and form prescribed by the department. The report must include:

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

SECTION 9. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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