



Reprinted
February 17, 2017

HOUSE BILL No. 1007

DIGEST OF HB 1007 (Updated February 16, 2017 3:53 pm - DI 116)

Citations Affected: IC 20-30.

Synopsis: Education course access program. Allows the department of education (department) to authorize course providers to offer course access program courses that provide for the delivery of instruction through any method, including online technologies, in the course access program (program). Requires the department to: (1) oversee the program; (2) approve courses offered in the program; and (3) maintain a course access program catalog. Requires the department to negotiate a tuition fee for each offered course. Requires the school corporation in which an eligible student is enrolled to transfer the tuition fee for a course to the authorized course provider. Makes changes to the definition of "eligible student" to include a student who is pursuing a diploma to qualify for enlistment in the armed forces of the United States or National Guard for students who are at least 22 years of age and less than 36 years of age. Requires the department to establish to a maximum number of students who may enroll in a course access program that are pursuing a diploma to qualify for enlistment of the armed forces of the United States or National Guard. Provides that the amount of the tuition payment for an eligible student that is at least 22 years of age and less than 36 years of age pursuing a diploma to qualify for enlistment in the armed forces of the United States or National Guard may only be paid from funds currently appropriated to the department. Provides certain reasons a school corporation may deny a student's enrollment in a course access course. Provides that a parent of an eligible student or an emancipated eligible student may appeal the school corporation's decision to the department. Allows the state board of education to adopt emergency and nonemergency rules.

Effective: July 1, 2017.

Cook, Brown T, Klinker

January 12, 2017, read first time and referred to Committee on Education.
February 14, 2017, amended, reported — Do Pass.
February 16, 2017, read second time, amended, ordered engrossed.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1007

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 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]:
4 **Chapter 16. Course Access Program**
5 **Sec. 1. As used in this chapter, "course access program catalog"**
6 **means a list of approved course access program courses provided**
7 **by authorized course providers that is maintained by the**
8 **department under section 8 of this chapter.**
9 **Sec. 2. As used in this chapter, "course provider" means a**
10 **provider that offers course access program courses that provide**
11 **for the delivery of instruction through any method, including use**
12 **of online technologies.**
13 **Sec. 3. As used in this chapter, "eligible student" means a**
14 **student pursuing:**
15 **(1) any type of diploma available for students to receive in**
16 **Indiana;**
17 **(2) an industry certification that appears on the state board's**

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1 approved industry certification list; or
2 (3) a diploma to qualify for enlistment in the armed forces of
3 the United States (as defined in IC 10-17-12-2) or the national
4 guard for students who are at least twenty-two (22) years of
5 age and less than thirty-six (36) years of age.

6 Sec. 4. As used in this chapter, "school corporation" means the
7 following:

- 8 (1) A school corporation (as defined in IC 20-26-2-4).
9 (2) A charter school established under IC 20-24.

10 Sec. 5. (a) Except as provided in subsection (b), an eligible
11 student may enroll in course access program courses offered by a
12 course provider that is authorized by the department under this
13 chapter.

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

- 17 (1) The course provided by the course provider is not in
18 furtherance of the eligible student's graduation or certificate
19 requirements.
20 (2) The eligible student's enrollment in the course access
21 course would exceed the requirements for a normal full
22 course load at the school corporation.
23 (3) The course access course is logistically infeasible.

24 However, a school corporation may not deny enrollment of an
25 eligible student under subdivision (3) if the eligible student agrees
26 to pay the cost of tuition for the applicable course access program
27 course.

28 (c) If a school corporation denies a student's enrollment in a
29 course access program course under subsection (b), the school
30 corporation shall notify the student's parent or emancipated
31 eligible student of the parent's or student's right to appeal the
32 school corporation's decision to the department. The parent of an
33 eligible student or an emancipated eligible student may appeal the
34 decision of the school corporation to the department in a manner
35 prescribed by the department. The department shall review the
36 school corporation's denial under subsection (b) and provide a
37 final enrollment decision within seven (7) calendar days of receipt
38 of the appeal.

39 Sec. 6. (a) Before June 30, 2018, the department shall establish:

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



- 1 standards; and
- 2 (3) a maximum number of eligible students described in
- 3 section 3(3) of this chapter who may be enrolled annually in
- 4 a course access program for each authorized course provider.
- 5 (b) A course provider may apply for authorization or submit
- 6 course access program courses for approval at any time.
- 7 (c) A course provider authorized by the department shall ensure
- 8 that each course access program course is accessible to students of
- 9 all abilities, and may not discriminate on the basis of race, creed,
- 10 color, or national origin.
- 11 (d) A course provider authorized by the department shall
- 12 comply with the privacy provisions of federal law.
- 13 Sec. 7. The department may disapprove an authorized course
- 14 provider's course access program course at any time if the
- 15 department determines that:
- 16 (1) the course access program course no longer adequately
- 17 aligns with state academic standards;
- 18 (2) the course access program course fails to deliver expected
- 19 student performance outcomes as measured by course
- 20 completion data and student performance as determined by
- 21 the department; or
- 22 (3) the course access program course fails to meet other
- 23 criteria established by the state board.
- 24 Sec. 8. The department shall:
- 25 (1) publish the criteria required for approval of a course
- 26 access program course; and
- 27 (2) publish and maintain an updated course access program
- 28 catalog including:
- 29 (A) a list of approved course access program courses
- 30 provided by authorized course providers;
- 31 (B) a description of each approved course access program
- 32 course; and
- 33 (C) in a manner that complies with the privacy provisions
- 34 of the federal Family Educational Rights and Privacy Act
- 35 (20 U.S.C. 1232g), any available completion rate and
- 36 performance outcome data;
- 37 on the department's Internet web site.
- 38 Sec. 9. A school corporation shall:
- 39 (1) count successfully completed course access program
- 40 courses toward the requirements of a diploma; and
- 41 (2) include credits earned and grades received for any course
- 42 access program courses taken under this chapter on a



1 student's transcript.

2 Sec. 10. (a) Except as provided in subsection (d) and subject to
3 subsection (c), the department and an authorized course provider
4 shall negotiate a course access program course tuition fee for an
5 enrolled eligible student for each course offered and all course
6 materials. The negotiated course access program course tuition fee
7 must be identical for every enrolled eligible student. Transfers of
8 tuition payments for enrollment of an eligible student currently
9 enrolled at an applicable school corporation in a course access
10 program course shall be made to the authorized course provider by
11 the school corporation in which the eligible student is enrolled. The
12 amount of the tuition payment for enrollment of an eligible student
13 in a course access program course must be paid from the total
14 amount of state tuition support that would otherwise be received
15 by the school corporation on account of the student. The state
16 board shall adopt rules under IC 4-22-2 for payment of tuition
17 payments from a school corporation to an authorized course
18 provider for a student who is not currently enrolled in the school
19 but enrolls in a course access program course as part of the eligible
20 student's special education services provided by the school
21 corporation. The department may charge the negotiated course
22 access program course tuition fee to a student who enrolls in a
23 course access program course from an eligible provider if the
24 student is not currently enrolled in a school corporation or is
25 otherwise eligible to enroll in the course access program as part of
26 the student's special education services by the school corporation.

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

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



- 1 students;
- 2 (2) student growth to proficiency;
- 3 (3) student results from independent end of course and other
- 4 state and nationally accepted assessments;
- 5 (4) student receipt of credentials that are recognized in an
- 6 industry;
- 7 (5) postsecondary credits received by a student; and
- 8 (6) other validated measures approved by the state board.
- 9 (d) The amount of the tuition payment for an eligible student
- 10 described in section 3(3) of this chapter may be paid only from
- 11 funds currently appropriated to the department.
- 12 Sec. 11. A course provider shall provide an annual report to the
- 13 department in a manner and form prescribed by the department.
- 14 The report must include:
- 15 (1) student enrollment data;
- 16 (2) student outcome measurements as determined by the
- 17 department;
- 18 (3) student completion data; and
- 19 (4) any feedback received from students and parents related
- 20 to overall satisfaction and quality of each course access
- 21 program course.
- 22 Sec. 12. (a) Beginning November 1, 2019, the department shall
- 23 submit an annual report by November 1 of each year to the interim
- 24 study committee on education established by IC 2-5-1.3-4 in an
- 25 electronic format under IC 5-14-6 and in a manner that protects
- 26 student privacy. The report must include:
- 27 (1) the number of authorized course providers;
- 28 (2) the number of approved course access program courses
- 29 and the number of students enrolled in each course;
- 30 (3) the number of approved course access program courses
- 31 available by subject matter;
- 32 (4) the number of students participating for the first time in
- 33 approved course access program courses;
- 34 (5) the number of approved course access program courses
- 35 each participating student is taking; and
- 36 (6) student outcome data, including:
- 37 (A) course access program course completion data;
- 38 (B) student growth, performance, and growth to
- 39 proficiency; and
- 40 (C) student performance on state or nationally accepted
- 41 assessments;
- 42 by subject area for each course provider.



1 (b) The department shall publish the report created under
2 subsection (a) on the department's Internet web site in an open
3 format that can be easily searched and downloaded.

4 (c) By November 1, 2018, the department shall submit a report
5 to the interim study committee on education established by
6 IC 2-5-1.3-4 in an electronic format under IC 5-14-6 and in a
7 manner that protects student privacy. The report must include:

8 (1) the number of authorized course providers;

9 (2) the number of approved course access program courses
10 and the number of students enrolled in each course; and

11 (3) the number of approved course access program courses
12 available by subject matter.

13 Sec. 13. The state board may adopt rules under IC 4-22-2,
14 including emergency rules in the manner provided under
15 IC 4-22-2-37.1, to administer this chapter.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1007, 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, line 16, delete "or".

Page 2, line 1, delete "." and insert "; or".

Page 2, between lines 1 and 2, begin a new line block indented and insert:

"(3) a diploma to qualify for enlistment in the armed forces of the United States (as defined in IC 10-17-12-2) or the national guard for students who are at least twenty-two (22) years of age and less than thirty-six (36) years of age."

Page 2, line 6, delete "An" and insert "(a) Except as provided in subsection (b), an".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"(b) A school corporation may disapprove an eligible 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) The eligible student's enrollment in the course access course would exceed the requirements for a normal full course load at the school corporation.

(3) The course access course is logistically infeasible.

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

(c) 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. 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. The department shall review the school corporation's denial under subsection (b) and provide a final enrollment decision within seven (7) calendar days of receipt of the appeal."

Page 2, line 10, delete "and".

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Page 2, line 13, delete "." and insert "; and".

Page 2, between lines 13 and 14, begin a new line block indented and insert:

"(3) a maximum number of eligible students described in section 3(3) of this chapter who may be enrolled annually in a course access program for each authorized course provider."

Page 3, line 11, delete "Subject" and insert "Except as provided in subsection (d) and subject".

Page 3, line 17, after "student" insert "currently enrolled at an applicable school corporation".

Page 3, line 23, after "student." insert "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."

Page 3, line 31, delete "The course provider shall receive eighty" and insert "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."

Page 4, between lines 4 and 5, begin a new paragraph and insert:

"(d) The amount of the tuition payment for an eligible student described in section 3(3) of this chapter may be paid only from funds currently appropriated to the department."

and when so amended that said bill do pass.

(Reference is to HB 1007 as introduced.)

BEHNING

Committee Vote: yeas 8, nays 4.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 4, line 38, delete "percent (80%) of".

Page 4, delete line 39.

Page 4, line 40, delete "access program course."

Page 4, line 41, delete "twenty percent (20%)" and insert "**amount**".

(Reference is to HB 1007 as printed February 14, 2017.)

COOK

