

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 ENROLLED ACT No. 1007

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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 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

**Chapter 16. Course Access Program**

**Sec. 1. As used in this chapter, "course access program catalog" means a list of approved course access program courses provided by authorized course providers that is maintained by the department under section 8 of this chapter.**

**Sec. 2. As used in this chapter, "course provider" means a provider that offers course access program courses that provide for the delivery of instruction through any method, including use of online technologies.**

**Sec. 3. As used in this chapter, "eligible student" means a student pursuing:**

- (1) any type of diploma available for students to receive in Indiana; or**
- (2) an industry certification that appears on the state board's approved industry certification list.**

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

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

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

**(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 program course would exceed the requirements for a normal full course load at the school corporation.**

**(3) The course access program 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.**

**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.**

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

**(c) 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) A course provider authorized by the department shall comply with the privacy provisions of federal law.**



**Sec. 7. The department may disapprove an authorized course provider's course access program course at any time if the department 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 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.**

**Sec. 8. The department shall:**

- (1) publish the criteria required for approval of a course access program course; and**
- (2) publish and maintain an updated course access program catalog including:**
  - (A) a list of approved course access program courses provided by authorized course providers;**
  - (B) a description of each approved course access program course; and**
  - (C) in a manner that complies with the privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g), any available completion rate and performance outcome data;**

**on the department's Internet web site.**

**Sec. 9. A school corporation shall:**

- (1) count successfully completed course access program courses toward the requirements of a diploma; and**
- (2) include credits earned and grades received for any course access program courses taken under this chapter on a student's transcript.**

**Sec. 10. (a) Except as provided in subsection (d) and 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. Measured student outcomes may include:

- (1) course access program course completion by enrolled students;
- (2) student growth to proficiency;
- (3) student results from independent end of course and other 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.

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;
- (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.

**Sec. 12. (a) Beginning November 1, 2019, the department shall submit an annual report by November 1 of each year to the interim study committee on education established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 and in a manner that protects student privacy. The report must include:**

- (1) the number of authorized course providers;
- (2) the number of approved course access program courses and the number of students enrolled in each course;
- (3) the number of approved course access program courses available by subject matter;
- (4) the number of students participating for the first time in approved course access program courses;
- (5) the number of approved course access program courses each participating student is taking; and
- (6) student outcome data, including:
  - (A) course access program course completion data;
  - (B) student growth, performance, and growth to proficiency; and
  - (C) student performance on state or nationally accepted assessments;

by subject area for each course provider.

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

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

- (1) the number of authorized course providers;
- (2) the number of approved course access program courses and the number of students enrolled in each course; and
- (3) the number of approved course access program courses available by subject matter.

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



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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