

# SENATE BILL No. 183

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-24-7.

**Synopsis:** Virtual charter schools. Provides that a charter for a virtual charter school granted or renewed before July 1, 2019, by an authorizer other than the Indiana charter school board (charter board) terminates at the end of the term of the charter and may not be renewed by the authorizer. Provides that, for charters granted or renewed after June 30, 2019, a virtual charter school may apply for authorization only with the charter board in accordance with the charter board's guidelines. (Current law provides that a virtual charter school may apply for authorization with any statewide authorizer in accordance with the authorizer's guidelines.) Requires the charter board and a virtual charter school to jointly determine certain goals regarding the virtual charter school and include those goals in the charter. Provides that, beginning in the 2019-2020 school year, a virtual charter school may not have more than a total of 1,200 students enrolled in the virtual charter school each school year. Provides that, before August 1, 2019, and before August 1 each year thereafter, a virtual charter school must report to the state board of education (state board) the virtual charter school's average projected per student cost for the current school year. Requires a virtual charter school to provide any information that is requested by the state board concerning the virtual charter school's projected average per student cost. Provides that, if the state board determines that the projected average per student cost for a virtual charter school is less than 90% of the virtual charter school's foundation amount, the state board may decrease the amount a virtual charter school is entitled to receive for each student included in the virtual charter school's current average daily membership (ADM) to equal not less than the virtual charter school's projected average per student cost for the current school year.

**Effective:** July 1, 2019.

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## Melton

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January 3, 2019, read first time and referred to Committee on Education and Career Development.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 183

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 20-24-7-13, AS AMENDED BY P.L.191-2018,  
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 13. (a) As used in this section, "virtual charter  
4 school" means any charter school, including a conversion charter  
5 school, in which more than fifty percent (50%) of instruction is  
6 provided in an interactive learning environment created through  
7 technology in which students are separated from their teacher by time  
8 or space, or both.

9 **(b) This subsection applies to a charter granted or renewed**  
10 **before July 1, 2019. A charter for a virtual charter school granted**  
11 **or renewed by an authorizer other than the charter board**  
12 **terminates at the end of the term of the charter and may not be**  
13 **renewed by the authorizer. After June 30, 2019, a charter for the**  
14 **virtual charter school may only be granted by the charter board as**  
15 **provided under subsection (c).**

16 ~~(b)~~ **(c) This subsection applies to a charter granted or renewed**  
17 **after June 30, 2019. A virtual charter school may apply for**



1 authorization ~~only with any statewide authorizer~~ **the charter board** in  
 2 accordance with the ~~authorizer's~~ **charter board's** guidelines. **The**  
 3 **charter board and a virtual charter school shall:**

4 **(1) jointly determine goals regarding attendance,**  
 5 **achievement, finances, and operation of the virtual charter**  
 6 **school; and**

7 **(2) include the goals described in subdivision (1) in the**  
 8 **charter.**

9 **(d) Beginning in the 2019-2020 school year, a virtual charter**  
 10 **school may not have more than a total of one thousand two**  
 11 **hundred (1,200) students enrolled in the virtual charter school each**  
 12 **school year.**

13 ~~(e)~~ **(e)** For each state fiscal year, a virtual charter school is entitled  
 14 to receive funding in a month from the state in an amount equal to the  
 15 sum of:

16 (1) the product of:

17 (A) the number of students included in the virtual charter  
 18 school's current ADM; multiplied by

19 (B) the result of:

20 (i) ~~ninety percent (90%) of the percentage specified in~~  
 21 **section 13.3(e) or 13.3(f) of this chapter, as applicable,**  
 22 **multiplied by** the school's foundation amount determined  
 23 under IC 20-43-3-8; divided by

24 (ii) twelve (12); plus

25 (2) the total of any:

26 (A) special education grants under IC 20-43-7;

27 (B) career and technical education grants under IC 20-43-8;

28 (C) honor grants under IC 20-43-10; and

29 (D) complexity grants under IC 20-43-13;

30 to which the virtual charter school is entitled for the month.

31 For each state fiscal year, a virtual charter school is entitled to receive  
 32 special education grants under IC 20-43-7 calculated in the same  
 33 manner as special education grants are calculated for other school  
 34 corporations.

35 ~~(f)~~ **(f)** The state board shall adopt rules under IC 4-22-2 to govern  
 36 the operation of virtual charter schools.

37 ~~(g)~~ **(g)** The department, with the approval of the state board, shall  
 38 before December 1 of each year submit an annual report to the budget  
 39 committee concerning the program under this section.

40 ~~(h)~~ **(h)** Each school year, at least sixty percent (60%) of the students  
 41 who are enrolled in virtual charter schools under this section for the  
 42 first time must have been included in the state's fall count of ADM



1 conducted in the previous school year.

2 ~~(g)~~ (i) Each virtual charter school shall report annually to the  
3 department concerning the following, on a schedule determined by the  
4 department:

5 (1) Classroom size.

6 (2) The ratio of teachers per classroom.

7 (3) The number of student-teacher meetings conducted in person  
8 or by video conference.

9 (4) Any other information determined by the department.

10 The department shall provide this information annually to the state  
11 board of education and the legislative council in an electronic format  
12 under IC 5-14-6.

13 ~~(h)~~ (j) A virtual charter school shall adopt a student engagement  
14 policy. A student who regularly fails to participate in courses may be  
15 withdrawn from enrollment under policies adopted by the virtual  
16 charter school. The policies adopted by the virtual charter school must  
17 ensure that:

18 (1) adequate notice of the withdrawal is provided to the parent  
19 and the student; and

20 (2) an opportunity is provided, before the withdrawal of the  
21 student by the virtual charter school, for the student or the parent  
22 to demonstrate that failure to participate in the course is due to an  
23 event that would be considered an excused absence under  
24 IC 20-33-2.

25 ~~(i)~~ (k) A student who is withdrawn from enrollment for failure to  
26 participate in courses pursuant to the school's student engagement  
27 policy may not reenroll in that same virtual charter school for the  
28 school year in which the student is withdrawn.

29 ~~(j)~~ (l) An authorizer shall review and monitor whether a virtual  
30 charter school that is authorized by the authorizer complies with the  
31 requirements described in subsection ~~(h)~~ or ~~(i)~~: (j) or (k).

32 SECTION 2. IC 20-24-7-13.3 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2019]: **Sec. 13.3. (a) This section applies to a  
35 virtual charter school (as defined in section 13(a) of this chapter).**

36 **(b) As used in this section, "projected average per student cost"  
37 includes only the projected average cost for students who are  
38 included in a virtual charter school's current ADM.**

39 **(c) Before August 1, 2019, and before August 1 each year  
40 thereafter, a virtual charter school shall report to the state board  
41 the virtual charter school's projected average per student cost for  
42 the current school year.**



1           (d) A virtual charter school shall provide any information that  
2 is requested by the state board concerning the projected average  
3 per student cost reported by the virtual charter school under  
4 subsection (c).

5           (e) Except as provided in subsection (f), the percentage to be  
6 used for purposes of section 13(e)(1)(B)(i) of this chapter is ninety  
7 percent (90%).

8           (f) If the state board determines that the projected average per  
9 student cost for a virtual charter school is less than ninety percent  
10 (90%) of the virtual charter school's foundation amount  
11 determined under IC 20-43-3-8, the state board shall specify a  
12 percentage to be used for purposes of section 13(e)(1)(B)(i) of this  
13 chapter that is:

14           (1) not more than ninety percent (90%); and

15           (2) not less than the percentage that is equal to the result of:

16           (A) the projected average per student cost for the virtual  
17 charter; divided by

18           (B) the virtual charter school's foundation amount  
19 determined under IC 20-43-3-8.

20           (g) The state board may adopt rules under IC 4-22-2 to  
21 implement this section.

