
HOUSE BILL No. 1246

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-20-36; IC 20-30; IC 20-43-4-8; IC 21-14-8-1.5; IC 21-42; IC 21-43.

Synopsis: Student graduation plan and online learning. Authorizes the department of education to establish an online learning cooperative. Changes the student career plan to the student graduation plan. Provides up to five dual credit courses to all high school students at no cost.

Effective: July 1, 2008.

Austin

January 17, 2008, read first time and referred to Committee on Education.

C
O
P
Y



Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1246



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 20-20-36 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]:

4 **Chapter 36. Indiana Virtual Learning Cooperative**

5 **Sec. 1. As used in this chapter, "base school corporation" means**
6 **the school corporation in which a student has legal settlement.**

7 **Sec. 2. As used in this chapter, "online learning program"**
8 **means an interactive course or program that:**

- 9 (1) **delivers instruction from a teacher to a student by**
10 **computer;**
- 11 (2) **is combined with other traditional delivery methods that**
12 **include frequent student assessment and may include actual**
13 **teacher contact time; and**
- 14 (3) **meets or exceeds state academic standards.**

15 **Sec. 3. As used in this chapter, "online learning provider"**
16 **means any of the following that provide online learning:**

- 17 (1) **A school corporation.**



- 1 (2) An organization of two (2) or more school corporations
- 2 operating under a joint agreement.
- 3 (3) A charter school located in Indiana.
- 4 (4) An institution of higher learning located in Indiana.
- 5 (5) A private distance learning curriculum provider.

6 **Sec. 4. As used in this chapter, "virtual learning cooperative"**
 7 **refers to the Indiana virtual learning cooperative established by**
 8 **section 5 of this chapter.**

9 **Sec. 5. The Indiana virtual learning cooperative is established**
 10 **to deliver courses and other instructional activities through online**
 11 **learning technologies. The department shall:**

- 12 (1) organize the virtual learning cooperative;
- 13 (2) approve online learning providers according to rigorous
- 14 academic and fiscal requirements; and
- 15 (3) determine the total allowable cost of an online learning
- 16 program according to the following guidelines:

17 (A) A student enrolled in a public school may not be
 18 charged additional tuition or fees except for instructional
 19 materials.

20 (B) A student enrolled in a nonpublic school may enroll in
 21 a state supported online learning program. However, the
 22 nonpublic school or the student's parent shall pay one
 23 hundred percent (100%) of the total cost of the online
 24 learning program. Public tax revenues may not be used to
 25 provide an online learning program to a student who is
 26 enrolled in a nonpublic school.

27 (C) A student who is homeschooled may enroll in a state
 28 supported online learning program. However, the student's
 29 parent shall pay one hundred percent (100%) of the total
 30 cost of the online learning program. Public tax revenues
 31 may not be used to provide an online learning program to
 32 a student who is homeschooled.

33 (D) For an online learning program delivered by a private
 34 provider, the price charged to a virtual learning
 35 cooperative participant must be the lowest price offered
 36 for the course to any customer.

37 (E) For an online learning program delivered by an
 38 institution of higher education, indirect charges may not be
 39 more than five percent (5%) of the total charges.

40 **Sec. 6. The department may contract with a public school, an**
 41 **institution of higher education, or a private online learning**
 42 **provider to deliver online learning programs or other instructional**

C
O
P
Y



1 activities. The online learning program must comply with the
2 following requirements:

3 (1) Courses offered for academic credit must be aligned with
4 the state's academic standards and approved by the state
5 board.

6 (2) Teachers must meet state teacher licensing standards
7 under IC 20-28 except in cases in which a course is taught by
8 a university faculty member when the school corporation
9 cannot provide a licensed teacher. In such a case, the school
10 corporation shall provide a qualified monitor to assist
11 students enrolled in the online learning programs. A qualified
12 monitor must be a licensed teacher in the general subject
13 matter of the online learning program.

14 (3) Course class sizes or caseloads must be consistent with and
15 comparable to generally accepted standards for classroom
16 sizes or caseloads.

17 Sec. 7. The department may establish a rental program for
18 home-based instructional technologies for a student enrolled in an
19 online learning program. Rental fees shall be charged to the parent
20 of a student enrolled in an online learning program according to
21 policies consistent with textbook rental policies.

22 Sec. 8. A school corporation may participate in the virtual
23 learning cooperative by resolution of the governing body.

24 Sec. 9. (a) Student enrollment in an online learning program
25 must be by joint agreement of the online learning provider and the
26 student's parent or guardian.

27 (b) A student who attends a public school may enroll in an
28 online learning program only up to a half-time student basis.

29 Sec. 10. A homebound student or a student placed in an
30 alternative education program may be enrolled in an online
31 learning program subject to the agreement of the online learning
32 provider and the student's parent or guardian.

33 Sec. 11. A student's online learning daily assignments must be
34 graded according to the same standards as all other students' daily
35 assignments.

36 Sec. 12. The parent of a student enrolled in an online learning
37 program must attest that the student did the work assigned to the
38 student.

39 Sec. 13. If a student enrolled in an online learning program
40 cheats or plagiarizes, the student shall be penalized according to
41 the school's established cheating or plagiarism policy.

42 Sec. 14. If an online learning program requires a final

C
O
P
Y



1 examination, a student enrolled in the online learning program
2 must take the final examination in person at a site approved by the
3 state board.

4 Sec. 15. When a student enrolls in an online learning program
5 at a public school where the student has legal settlement, there is
6 no change in:

- 7 (1) the ADM of the school corporation; or
- 8 (2) state assistance to the school corporation.

9 Sec. 16. The following apply when a student enrolls in an online
10 learning program at a public school where the student does not
11 have legal settlement:

- 12 (1) The amount of the transfer tuition is the state basic tuition
13 support per ADM provided under IC 20-43-6 to the student's
14 base school corporation.
- 15 (2) The student remains in the ADM of the student's base
16 school corporation.
- 17 (3) The online learning program at the school that enrolls the
18 student may not include the student in the school's ADM.
- 19 (4) The department shall do the following:
 - 20 (A) Pay the amount of the transfer tuition to the online
21 learning program at the school that enrolls the student.
 - 22 (B) Deduct the amount of the transfer tuition from the
23 distribution of state aid to the student's base school
24 corporation.

25 Sec. 17. (a) This section applies when a public school student
26 enrolls in an online learning program that is not located at a public
27 school.

28 (b) The following apply if a public school student enrolls in an
29 online learning program that is either privately owned by an
30 organization or association or is located at a nonaccredited
31 nonpublic school and that is a participant in the virtual learning
32 cooperative:

- 33 (1) The public school where the student has legal settlement is
34 responsible for the costs of the student enrollment in the
35 program not to exceed the amount of transfer tuition
36 according to IC 20-26-11-14.
- 37 (2) The student remains in the ADM of the school corporation
38 where the student has legal settlement.

39 Sec. 18. The department shall develop guidelines and the state
40 board shall adopt rules under IC 4-22-2 to implement this chapter.

41 SECTION 2. IC 20-30-4-1, AS ADDED BY P.L. 1-2005, SECTION
42 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,

C
o
p
y



1 2008]: Sec. 1. As used in this chapter, "student" refers to a student who
 2 is enrolled in a school corporation in at least ~~grade 9~~ **grade 6**.

3 SECTION 3. IC 20-30-4-1.5 IS ADDED TO THE INDIANA CODE
 4 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 5 1, 2008]: **Sec. 1.5. (a) In grade 6, a student and the student's parent**
 6 **shall develop an initial graduation plan. The plan must include the**
 7 **following:**

8 **(1) A statement of intent to graduate from high school.**

9 **(2) An acknowledgment of the importance of:**

10 **(A) good citizenship;**

11 **(B) school attendance; and**

12 **(C) diligent study habits.**

13 **(b) The plan shall become part of the student's permanent**
 14 **school record.**

15 SECTION 4. IC 20-30-4-2, AS AMENDED BY P.L.2-2007,
 16 SECTION 220, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2008]: Sec. 2. In consultation with the student's
 18 guidance counselor, after seeking consultation with each student's
 19 parents, and not later than the date on which the student completes
 20 grade 9, each student shall **further develop a career the graduation**
 21 **plan in which the student does developed in grade 6 under section 1.5**
 22 **of this chapter to also include** the following:

23 (1) ~~Indicates~~ The subject and skill areas of interest to the student.

24 (2) ~~Designs~~ A program of study under the college/technology
 25 preparation curriculum adopted by the state board under
 26 IC 20-30-10-2 for grades 10, 11, and 12 that meets the interests
 27 and aptitude of the student.

28 (3) ~~Ensures Assurances~~ that, upon satisfactory fulfillment of the
 29 plan, the student:

30 (A) is entitled to graduate; and

31 (B) will have taken at least the minimum variety and number
 32 of courses necessary to gain admittance to a state educational
 33 institution.

34 **(4) An indication of assessments (other than ISTEP and the**
 35 **graduation examination) that the student plans to take**
 36 **voluntarily during grade 10 through grade 12, and which may**
 37 **include any of the following:**

38 **(A) The Scholastic Aptitude Test.**

39 **(B) The ACT test.**

40 **(C) Advanced placement exams.**

41 **(D) College readiness exams approved by the department.**

42 **(E) Workforce readiness exams approved by the**

C
O
P
Y



1 **department of workforce development established under**
2 **IC 22-4.1-2.**

3 SECTION 5. IC 20-30-4-4, AS ADDED BY P.L.1-2005, SECTION
4 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
5 2008]: Sec. 4. A **career graduation** plan may be modified after initial
6 development. However, the modifications may not interfere with the
7 assurances described in section 2(3) of this chapter.

8 SECTION 6. IC 20-30-4-5, AS ADDED BY P.L.1-2005, SECTION
9 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
10 2008]: Sec. 5. This chapter may not be construed to prevent a student
11 who chooses a particular curriculum under IC 20-30-12 or IC 20-30-10
12 from including within the student's **career graduation** plan individual
13 courses or programs that:

- 14 (1) are not included within the student's chosen curriculum; and
- 15 (2) the student is otherwise eligible to take.

16 SECTION 7. IC 20-30-4-6, AS ADDED BY P.L.185-2006,
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2008]: Sec. 6. (a) A student's guidance counselor shall, in
19 consultation with the student and the student's parent, review annually
20 a student's **career graduation** plan to determine if a student is
21 progressing toward fulfillment of the **career graduation** plan.

22 (b) If a student is not progressing toward fulfillment of the **career**
23 **graduation** plan, the school counselor shall provide counseling
24 services for the purpose of advising the student of credit recovery
25 options and services available to help the student progress toward
26 graduation.

27 SECTION 8. IC 20-30-10-4, AS ADDED BY P.L.185-2006,
28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2008]: Sec. 4. Each high school must provide at least ~~two (2)~~
30 **five (5)** of each of the following course offerings to high school
31 students who qualify to enroll in the courses:

- 32 (1) Dual credit.
- 33 (2) Advanced placement.

34 SECTION 9. IC 20-43-4-8, AS ADDED BY P.L.234-2007,
35 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2008]: Sec. 8. A student who participates in:

- 37 (1) a postsecondary enrollment program under IC 21-43-4 is
38 considered a student enrolled in the school corporation where the
39 student has legal settlement for the purposes of computing ADM;
- 40 (2) a double up for college program under IC 21-43-5 is
41 considered a student enrolled in the school corporation where the
42 student has legal settlement for the purposes of computing ADM;

C
o
p
y



- 1 (3) a high school fast track to college program under IC 21-43-6
 2 shall be counted in the ADM of the school corporation where the
 3 student has legal settlement if the student would be counted in the
 4 ADM of the school corporation had the student enrolled in the
 5 school corporation; **or**
 6 (4) a high school fast track to college program under IC 21-43-7
 7 shall be counted in the ADM of the school corporation where the
 8 student has legal settlement if the student would be counted in the
 9 ADM of the school corporation had the student enrolled in the
 10 school corporation; **or**
 11 **(5) an online learning program under IC 20-20-36 shall be**
 12 **counted in the ADM of the school corporation where the**
 13 **student has legal settlement if the student would be counted in**
 14 **the ADM of the school corporation had the student enrolled**
 15 **in the school corporation.**

16 SECTION 10. IC 21-14-8-1.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2008]: **Sec. 1.5. (a) This section applies to a**
 19 **student who is described in subsection (b).**

20 **(b) A state educational institution shall waive tuition for a**
 21 **student who:**

- 22 **(1) is accepted into the double up for college program under**
 23 **IC 21-43-5;**
 24 **(2) is accepted for admission to the state educational**
 25 **institution; and**
 26 **(3) has successfully completed up to, but not more than, five**
 27 **(5) college head start courses (as defined in IC 21-42-1-2.5).**

28 SECTION 11. IC 21-42-1-2.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2008]: **Sec. 2.5. "College head start course"**
 31 **means a common introductory course that is:**

- 32 **(1) included in the core transfer library established under**
 33 **IC 21-42-5-1; and**
 34 **(2) offered and made available to high school students who**
 35 **are accepted into the double up for college program under**
 36 **IC 21-43-5.**

37 SECTION 12. IC 21-42-5-1, AS ADDED BY P.L.2-2007,
 38 SECTION 283, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2008]: **Sec. 1. (a) The commission for higher**
 40 **education may establish, with the assistance of the committee on**
 41 **statewide transfer and articulation, a statewide core transfer library of**
 42 **at least seventy (70) courses that are transferable on all campuses of the**

C
O
P
Y



1 state educational institutions in accordance with the principles in
2 section 4 of this chapter.

3 **(b) The commission for higher education shall establish, with**
4 **the assistance of the committee on statewide transfer and**
5 **articulation, at least five (5) and not more than thirty (30) college**
6 **head start introductory courses from the courses referred to in**
7 **subsection (a) that must be made available to each high school**
8 **student who qualifies to participate in the double up for college**
9 **program under IC 21-43-5.**

10 SECTION 13. IC 21-43-2-3 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2008]: **Sec. 3. The commission for higher education shall develop**
13 **a plan to align dual credit courses with:**

- 14 **(1) college degree programs; and**
- 15 **(2) workforce development certification programs.**

16 SECTION 14. IC 21-43-5-4, AS ADDED BY P.L.2-2007,
17 SECTION 284, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2008]: **Sec. 4. (a) A state educational institution**
19 **that participates in:**

- 20 (1) an early college program;
- 21 (2) a dual credit program; or
- 22 (3) a dual enrollment program;

23 ~~may, shall,~~ by agreement with a school corporation, take ~~any action~~ **the**
24 **actions** described in subsection (b).

25 ~~(b) The state educational institution may:~~ **and the school**
26 **corporation shall:**

- 27 (1) ensure that the content and rigor of a course offered is
- 28 adequate to warrant providing credit to a student as if the student
- 29 took the course as a student at the state educational institution;
- 30 (2) set the criteria for a faculty member, an instructor, or other
- 31 individual responsible for teaching a course with the:
 - 32 (A) state educational institution responsible for hiring the
 - 33 personnel to instruct dual credit courses taught by the state
 - 34 educational institution; and
 - 35 (B) school corporation responsible for hiring personnel to
 - 36 instruct dual credit courses taught by the high school; and
 - 37 (3) determine ~~with the school corporation,~~ the terms and
 - 38 conditions under which:
 - 39 (A) a student may be admitted to the program while attending
 - 40 high school;
 - 41 (B) the state educational institution will award credit, if any,
 - 42 for a specified course successfully completed by a student

C
o
p
y



1 through the school corporation; and
2 (C) the school corporation will award credit, if any, for a
3 specific course successfully completed through the state
4 educational institution.

5 **(c) The criteria for a faculty member, instructor, or other**
6 **individual responsible for teaching a college head start course in a**
7 **school corporation must be consistent with teacher licensing**
8 **requirements and may not impose requirements for graduate**
9 **degrees that are not required for teacher licensure.**

C
O
P
Y

