

October 27, 2020

Dear Indiana State Legislator,

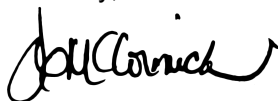
Over the course of my term as Indiana's last elected State Superintendent of Public Instruction, I have been committed to supporting student and educator-focused policy. This includes legislation drafted to meet the needs of all Hoosier students, including those most vulnerable. Although Indiana has become K-12 education policy-heavy, with little regard for implementation monitoring, I remain optimistic that sound education policies, designed with the best interest of students and educators in mind are possible. I leave this document to outline the critical policy actions that must be taken, regardless of who fills the seat of Indiana's top education leader. Our students deserve it, educators demand it, and our communities need it to ensure Indiana's future success.

Professional experiences have led to the identification of five core issues our state's K-12 ecosystem is facing. **EducationFIRST** represents five priority areas tied to detailed briefs providing an overview of the core issue, consequences for leaving the core issue unaddressed, and proposed legislative remedies.

- 1) **Funding**: Funding Indiana's K-12 schools must remain a top priority. State revenues will be down leading into the 2021 budget session, however legislators must remain invested in the future of Hoosier children and continue to provide them with the tools necessary to succeed whether in the workforce or in their postsecondary endeavors.
- 2) **Inclusivity**: An inclusive K-12 environment is vital to the success and safety of all students and staff. Indiana legislators must be committed to creating laws that provide a safe learning and work environment where all members of the school community are treated with dignity and respect, regardless of their gender identity or expression, sexual orientation, or marital status.
- 3) **Reliable Connectivity**: While reliable connectivity for all students has been an issue for some time, it came to the forefront during the COVID-19 pandemic. Addressing Indiana's digital divide will increase engagement, and afford all Hoosiers access to mandated learning opportunities.
- 4) **Single Accountability**: Moving Indiana from two to one system for accountability ensures clarity and transparency related to the performance of our state's schools. Indiana's current accountability system excludes certain children that the federal Every Student Succeeds Act (ESSA) system requires be included. Moving to one accountability system would allow schools to best address areas of need and eliminate confusion for educators, parents, and communities.
- 5) **Tighter Parameters for Charter and Choice**: Implementing tighter parameters for charter and choice schools makes sound fiscal sense and ensures better accountability measures. Legislators must enact laws that increase transparency for parents and teachers regarding the quality of both a charter school and its authorizer, while promoting sound fiscal responsibility.

Thank you for your partnership in putting **EducationFIRST** for the betterment of our students and schools, and our state.

Sincerely,



Dr. Jennifer McCormick
Superintendent of Public Instruction

Education **FIRST**



Funding

Adequately and equitably fund K-12 education.

Inclusivity

Create a more inclusive K-12 environment.

Reliable Connectivity

Establish reliable statewide connectivity.

Single Accountability

Consolidate state and federal accountability systems.

Tighter Parameters for Choice & Charters

Hold choice and charter schools fiscally and academically accountable.

Funding - Legislative Brief**October 2020**

The COVID-19 pandemic has taken a toll on the State budget and it remains eminent that revenues will be down for the next budget cycle. On behalf of schools, the Indiana Department of Education (IDOE) implors the General Assembly **not** to cut current K-12 funding. Tuition support is the main funding source for Indiana's schools and must remain a top fiscal priority. Indiana's K-12 education appropriation accounts for more than 50 percent of Indiana's General Fund appropriations, supporting school operations and teachers salaries, impacting 1.2 million Hoosier students.

Indiana's K-12 education system must set the course for increased academic achievement and intellectual growth. The COVID-19 pandemic created a degree of learning loss for Hoosier students. Additionally, districts were tasked with mobilizing quickly to shift to remote learning at a great expense. Faced with a global pandemic, schools pivoted quickly to meet the needs of students, staff, and communities by providing necessities like remote resources and food service. This is evidence that K-12 funding is more critical than it's ever been. The end goal, pandemic or not, is to provide children with the tools necessary to be successful in life.

If K-12 spending cuts occur during fiscal years 2022 and 2023, Indiana districts will face the following challenges and issues:

1. Underfunding and underserving Indiana's most at-risk students.
2. Cuts to critical programs due to in part by the necessary reallocation of resources due to the COVID-19 pandemic.
3. Increases in SEL and insurance costs resulting from heightened anxiety and depression due to the pandemic.
4. Additional costs to provide PPE, sanitizing equipment, and support staff such as school counselors and school nurses.
5. Decreases in teacher retention adding to an already alarming teacher shortage resulting in the need to issue emergency permits.

Proposed legislative remedies to ensure adequate state funding:

1. *Curricular Material Reimbursement* (I.C. 20-26-12, I.C. 20-33-5, and I.C. 12-14-28)

The school Curricular Material Reimbursement Program allows IDOE to reimburse school corporations, accredited non-public schools, and charter schools for a portion of the costs incurred to provide curricular materials, workbooks, and instructional materials to children

who meet federal free and reduced price lunch financial eligibility guidelines. IDOE allocates funds based on a per student amount as required by I.C. 20-33-5-9.5.

For the last two years of the program, \$39,000,000 has been available for reimbursement. In 2018-2019, 490,037 students were claimed, costs claimed was \$69,268,568 and the reimbursement rate was \$79.58 (rounded). In 2019-2020, 481,262 students were claimed, costs claimed were \$66,110,514, and the reimbursement rate was \$81.04 (rounded). The population served is students who are eligible for free or reduced lunches as determined under I.C. 12-14-28-1. Participating school corporations, charter schools, and nonpublic schools are currently submitting data for the 2020-2021 school year. Due to the pandemic, we anticipate an increase in costs claimed as well as the number of students participating in the program.

Left unchanged, state reimbursement will decrease for participating schools as the number of eligible students and program costs increase.

If the appropriation remains at \$39M for fiscal years 2022 and 2023, the per student reimbursement amount allocated to participating schools will likely decline from year to year resulting in school corporations raising additional unreimbursed funds through a property tax levy. Budget items including the textbook reimbursement fund will continue to be strained as a result of unemployment due to COVID-19.

Should the appropriation experience a 15 percent reduction, the per student reimbursement will experience a sharper decline resulting in a higher property tax levy raised by school corporations. Charter schools will experience a revenue loss equal to the difference between costs claimed less the state reimbursement amount.

Absent adequate curricular material funding, schools may continue to use outdated materials, hardware, and software, which results in not keeping pace with technology changes. Additionally, current law bases reimbursement on the total number of students participating in the program. It does not limit reimbursement to the lesser of costs claimed or the amount determined under I.C. 20-33-5-9.5. Therefore, a participating school could receive a reimbursement that is greater than costs claimed. Given the expectation that participating public and nonpublic schools will experience an increase in the number of students requesting curricular material assistance, the appropriation should remain at \$39M at a minimum. Knowing an appropriation increase is unlikely at this time, participating public and nonpublic schools rely on the appropriation to offset some of the costs incurred in providing eligible students assistance. With a virtual presence being used to a greater extent by many schools, the use of electronic devices is critical to adequately provide instruction.

The allocation of funds is determined by dividing the appropriation by the number of eligible students to arrive at a per student amount. Total funds distributed to a participating school

could exceed costs claimed. Reversion to the previous law for allocating funds would eliminate this issue.

Proposed remedies regarding allocation of curricular reimbursement materials include: Maintaining or increasing the existing \$39M appropriation or amending I.C. 20-33-5-9.5 to include a provision that the amount of reimbursement is based on total costs claimed and proportionately reduced should the appropriation be insufficient.

2. *Summer School* (511 IAC 12, I.C. 20-26-5, and I.C. 20-30-7)

Summer School is a state-reimbursable program which allows Indiana's school corporations to provide summer academic courses for students in elementary, middle, and high school. All courses included in the state approved course titles and descriptions are eligible to be offered for elementary, middle, and high school students upon annual approval by the State Board of Education. IDOE's role is to monitor the reimbursement process through the collection and review of data as well as distribution of funds.

All Indiana public school corporations and charter schools are eligible for Summer School reimbursement. For the 2017-2018 school year, IDOE reimbursed 305 school corporations and charter schools, total costs claimed were \$22,503,429 and more than 223,399 students were served. For the 2018-2019 school year, IDOE reimbursed 310 schools, total costs claimed were \$22,720,311 and more than 236,718 students were served. IDOE spent the entire appropriation, \$18,360,000, for school year 2018-2019. Summer school costs for the 2019-2020 are still being finalized.

In the most recent school year, IDOE expanded the window to accept summer school estimates to allow schools to figure out course offerings in response to instructional obstacles faced in the spring during the pandemic. The loss of learning for some students, especially in kindergarten through grade three, when learning to read, will be significant. Summer school gives schools a chance to help the struggling students be better prepared for their next grade level. With the pandemic, there were more absences due to precautionary or quarantine measures, which resulted in a gap in learning, in all grade levels. This will likely continue through next summer's program. Allowing the current appropriation to remain in place provides schools with some funding to cover part of all costs for programs provided as we move forward.

IDOE recommends continued funding of \$18,360,000 for summer school to afford school corporations and charter schools the ability to offer needed courses for students that require additional courses to complete graduation requirements, other course requirements, and to assist with learning gaps.

3. Tuition Support (I.C. 20-43, I.C. 20-24, 511 IAC 1-3, I.C. 20-51, I.C. 21-12-10)

The Tuition Support appropriation supports allocations for the Choice Scholarship Program, described in I.C. 20-51, the Mitch Daniels Early Graduation Scholarship Program described in I.C. 21-12-10, and State Tuition Support found in I.C. 20-43.

Tuition Support provides funding for students in traditional public school corporations and charter schools through the school funding formula. The school funding formula aims to provide fairness in per student funding. Beginning in 2009, the state assumed the cost of the school general fund property tax levy. The local general fund levies no longer exist and the State funds the Education Fund for each school corporation and charter school using sales and income tax revenues.

On July 1, 2013, the State Tuition Support formula was modified from a calendar year to a fiscal year school funding formula, which was consistent with how state revenue flowed and continues to flow. For FY 2014 and FY 2015, the Full-day Kindergarten (FDK) Grant was a separate grant within the State Tuition Support formula while the Basic Grant was broken into two separate grants- Basic and the Complexity Grant. On July 1, 2015, state law changed to allow students, who participate in a FDK program, to count as one student for Basic and Complexity Grant funding. Students, who do not participate in a FDK program, continue to count as one-half student for both grants. As part of statutory changes, the FDK grant, which was a separate grant within State Tuition Support, was repealed.

Beginning with the FY 2018 school funding formula and continuing on with the FY 2019 formula, the September membership count was used to calculate Basic and Complexity Grant funding and the February membership count was informational. After years of moving toward the same level of foundation funding for each student, all school corporations and charter schools reached foundation in FY 2017. Beginning in FY 2020, both the fall and spring membership counts were used in the school funding formula. Additionally, the Complexity Grant, which for a few years was separate from the Basic Grant, was rolled back into the Basic Grant for fiscal years 2020 and 2021. The current Basic Grant consists of three funding components- foundation, complexity, and English Language Learner. As part of the FY 2021 school funding formula, a student who was at least age five on October 1, 2020, was eligible to be reported for membership, if the student was waived into kindergarten in accordance with local school policy.

Tuition Support appropriations:

FY 2019	\$7,160,000,000
FY 2020	\$7,331,500,000
FY 2021	\$7,514,400,000

In FY 2019, IDOE distributed tuition support funds to 289 school corporations and 80 charter schools. In FY 2020, the IDOE distributed tuition support funds to 289 school corporations

and 79 charter schools. For FY 2021, the IDOE anticipates distributing tuition support funds to 290 school corporations and 80 charter schools.

The Choice Scholarship Program served 36,290 participating students and 329 Choice schools in FY 2019. The same program served 36,707 participating students and 326 participating Choice schools in FY 2020. The FY 2020 program included a second choice student application window. The breakdown of applicants was 36,248 in Period 1 and 459 in Period 2.

The Mitch Daniels Early Graduation Scholarship program provided funds for 263 recipients in FY 2019 and 340 recipients in FY 2020.

Left unchanged, school corporations and charter schools will face negative impacts on programs and services. The Tuition Support appropriation provides the greatest source of revenue for school corporations and charter schools. In light of the COVID-19 pandemic, local governing bodies had to make fast and hard choices to address technology and ongoing maintenance needs for staff, teachers, and students both inside and outside the classroom. These changes will likely result in re-evaluation, reduction, and or elimination of programs and services moving forward.

If there is continued expansion in the number of public school corporations, charter schools, and participating Choice schools, tuition support funding shifts to accommodate the changing student populations and creates uncertainty with the funding stream. The number of new students entering the 2019-2020 Choice program during the second application period was 459 while the number of transfer students (Choice school to Choice school) was 90 students. Given the pandemic, we anticipate the number of students “new” to the program during the 2020-2021 second application period is likely to increase over the last school year.

Proposed remedies to support educational needs and programs of students include:

1. At a minimum, maintain the FY 2021 appropriation moving forward.
2. Consider not reverting any remaining tuition support funds to the state general fund.
3. Evaluate the feasibility of increasing taxes (cigarette, gaming etc.).
4. Consider diverting lottery revenues to support traditional public schools.
5. Place a moratorium on reorganizing school corporations, establishing new charter schools, and accepting applications for new Choice Schools.
 - a. Amend I.C. 20-23-4-7 to place a two-year moratorium on the subdivision of one more more school corporations
 - b. Amend I.C. 20-24-3 to place a two-year moratorium on granting of a charter to organizers
 - c. Amend I.C. 20-51-4-7 to place a two-year moratorium that precludes an accredited nonpublic school that is not currently an eligible participating school in the Choice Scholarship Program from participating in the program

- d. Amend I.C. 20-51-4-7 to require a first period choice application during the same school year to be eligible for a second period application. The second application period (November 1 through January 15) would allow Choice school to Choice school transfer of existing eligible students while not allowing new applicants to enter the program mid-year

4. *Charter and Innovation Network School Grant Program (I.C. 20-24-13)*

This grant, which is administered by the State Board of Education, provides funding to a charter school for capital improvements, operation fund expenditures, and the purposes for which the Senator David C. Ford educational technology fund may be used. Virtual charter schools are not eligible for funds.

Appropriation history includes:

FY 2018	\$15,000,000
FY 2019	\$15,000,000
FY 2020	\$22,500,000
FY 2021	\$22,500,000

For fiscal years 2018 and 2019, the annual grant for a school was \$500 multiplied by the number of eligible pupils counted in the current average daily membership count of the school. For fiscal years 2020 and 2021, the multiplier increased to \$750 per eligible pupil and while the appropriation increased fifty percent from fiscal year 2019 to fiscal year 2020. Eligibility requirements to receive a grant are described in I.C. 20-24-13-4 and 5.

Left unchanged, charter schools will not share the same fiscal burden as other funds and grant programs. We must ensure that any reversions or reduction in funding for grants are spread across programs. Reversions or state budget cuts, if needed, should be spread evenly across all K-12 factions.

Proposed remedies include:

1. Reducing fiscal year 2022 and 2023 appropriations to fiscal year 2019 funding levels.
2. Amending I.C. 20-24-13-6 to reflect a per pupil funding amount of \$500 from \$750.

Additional fiscal items to consider:

1. Teacher pay and teacher shortages:

According to the learning policy institute, 10.5 percent of Indiana teachers left the profession in 2018 making Indiana fourth in the nation for teacher attrition. This figure correlates with the

number of emergency permits IDOE issues each year. From 2017-2018, 2018-2019, and 2019-2020, issuance of emergency permits increased from 2,837 to 3,812, and to 4,496 respectively.

Teacher shortages have taken a toll on Indiana schools which is directly related to educator pay. According to recent data, the following areas experienced a teacher shortage during the 2019-2020 school year: science, math, computer education/science, and technology education.¹ These shortages are felt even more during the 2020-2021 school year as the pandemic negatively affected the teaching profession.

2. Fifteen percent budget cut items:

The following six services underwent 15 percent budget cut dues to COVID-19 cost saving measures.

Program	FY 2021 Appropriation	15% Reserve
Alternative Education	\$6,242,816	\$936,422
High Ability	\$13,053,300	\$1,958,010
Early Intervention	\$3,255,130	\$488,270
Remediation Testing	\$11,711,344	\$1,756,702
STEM Program Alignment	\$3,000,000	\$450,000
David C. Ford	\$3,086,071	\$462,911

Formative assessments (remediation testing) and the use of their data help guide classroom instruction at the individual student level and result in increased academic success. The total amount of unique students participating in the formative assessment during the 2019-2020 was 815,049 and it's estimated that during the 2020-2021 school year there will be 819,822 unique students participating. This increase of 4,773 students is in part due to 42 additional corporations participating in Indiana's formative assessment grant funds.² Another round of monetary reductions in this area will lead to less formative assessment offerings or require districts to pay for this valuable resource.

Alternative education programs are critical pathways for students who otherwise may drop out of school. The amount of alternative education students totaled 16,058 during the 2017-2018 school year and 16,528 during the 2019-2020 school year. During the 2019-2020 school year and in spite of the issues caused by COVID-19, 4,080 (24.3 percent) students earned high school diplomas. In addition, 2,689 (16 percent) students attained the academic,

¹ Other areas include: business, CTE courses, early childhood education, instrumental and general music, secondary language arts, special education, teachers as English learners, vocal and general music, and world languages.

² Source: *2020-2021 Formative Assessment Grant: corporation and School Distributions*. September 2, 2020 memorandum

behavioral, and social goals established in their Individual Service Plans (ISPs), and 4,799 (28.6 percent) students made progress toward those goals. In other words, nearly 70 percent of all alternative education students graduated, met, or made progress toward their goals. Of the seniors enrolled in alternative education programs, 56.9 percent earned their high school diplomas, in spite of the challenges they faced that made them eligible for alternative education.

Early Intervention Grant (EIG) funds are to be used to better equip teachers to meet the needs of students, to enhance student engagement, and to increase student literacy achievement for students in grades K-3. Compared to the 2019-2020 school year, there are about 100 more schools participating in EIG funds during the 2020-2021 school year. In terms of student enrollment, EIG serviced 119,983 students during the 2019-2020 school year and will service 141,040 students during the 2020-2021 school year. Since 2017, the EIG amount allocated per student was around \$27, and the 2020-2021 EIG allocation per student will be \$17.35.

3. *State Reserves:*

During fiscal year 2019, State reserves totaled \$2.3 billion but at the close of fiscal year 2020 these reserves dipped to \$1.4 billion or 9.1 percent of current year expenditures. Indiana's reserve benchmark rests between 10-15 percent of expenditures. The instability of the pandemic moving forward creates fiscal uncertainty as Indiana lawmakers strike a careful balance between maintaining healthy reserves versus adequately funding our K-12 institutions.

4. *Civil Liability Immunity:*

Every school employee, school corporation, contractor, volunteer, and governing body should be provided civil immunity during the COVID-19 pandemic and for any future declared public health emergency. So long as these individuals are acting within the scope of their employment and in good faith are responding to a lawful order or directive from the state of Indiana or federal agency, they should not be held liable for their actions or omissions. Failure to pass civil liability legislation could result in expensive court battles and associated fines reducing the cash flow available to districts.

###

Inclusivity - Legislative Brief

October 2020

State leaders and school administrators have a responsibility to foster an inclusive school community and learning environment demonstrating respect for people of all races, color, gender, gender identity or expression, sexual orientation, national origin, religion, or ancestry. The Indiana Department of Education (IDOE) strongly encourages the General Assembly to pass legislation that fosters an inclusive, respectful K-12 environment for all Hoosier students and school employees, in any type of school setting.

Efforts to close achievement gaps are outlined in Indiana's Every Student Succeeds Act Plan and have been a priority for IDOE. The state must continue to address achievement gaps by creating anti-discrimination legislation aimed at vulnerable populations.

Left unchanged, Indiana will continue to face the following issues:

1. Indiana ranks third out of 36 states in the percentage of students who seriously considered attempting suicide.
2. Students who identify as lesbian, gay, or bisexual are at least 4.5 times more likely to be threatened or injured with a weapon on school property than their heterosexual peers.
3. Data shows 25.9 percent of Hoosier high school students did not feel safe at school.
4. One out of three high school students reported feeling sad or hopeless in 2018.
5. Black students are four times more likely to receive out of school suspension than their white peers.¹
6. A 30 percent achievement gap exists between white and black students in both math and language arts.

Proposed legislative remedies to foster a more inclusive K-12 atmosphere:

1. *Modify IC 20-24-2-2*

A charter school is subject to all federal and state laws and constitutional provisions that prohibit discrimination on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.

¹ Source: [Indiana Youth Institute Kids Count Data Book \(2020\)](#) (items 1-5)

- (4) Gender.
- (5) Gender identity or expression.**
- (6) Sexual orientation.**
- (7) Marital status.**
- (8) National origin.
- (9) Religion.
- (10) Ancestry.

2. *Add to IC 20-24-4-1*

This subdivision applies to a charter established or renewed after June 30, 2021. The charter must include a provision specifying that the school will not discriminate against staff members on the basis of the following:

- (A) Disability.**
- (B) Race.**
- (C) Color.**
- (D) Gender.**
- (E) Gender identity or expression.**
- (F) Sexual orientation.**
- (G) Marital status.**
- (H) National origin.**
- (I) Religion.**
- (J) Ancestry.**

3. *Modify IC 20-24-5-5(f)*

A charter school may not suspend or expel a charter school student or otherwise request a charter school student to transfer to another school on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.
- (4) Gender.
- (5) Gender identity or expression.**
- (6) Sexual orientation.**
- (7) Marital status.**
- (8) National origin.
- (9) Religion.
- (10) Ancestry.

4. *Modify IC 20-20-24.5-3-5*

- (a) A student who applies for admission to the academy must:
- (1) be eligible to attend a public school in Indiana;
 - (2) demonstrate exceptional intellectual ability; and
 - (3) demonstrate a commitment to scholarship.
- (b) A student shall be admitted without regard to sex, **sexual orientation, gender identity or expression**, marital status, race, religion, creed, national origin, or household income.

5. *Modify IC 20-33-1-1*

The following is the public policy of the state:

- (1) To provide:
- (A) equal;
 - (B) nonsegregated; and
 - (C) nondiscriminatory;

educational opportunities and facilities for all, regardless of race, creed, national origin, color, or sex, **sexual orientation, gender identity or expression, or marital status**.

- (2) To provide and furnish public schools open equally to all, and prohibited and denied to none because of race, creed, color, **sex, sexual orientation, gender identity or expression, marital status, or national origin**.

6. *Modify IC 20-51-1-4.7*

"Eligible school" refers to a public or nonpublic elementary school or high school that:

- (1) is located in Indiana;
- (2) requires an eligible choice scholarship student to pay tuition or transfer tuition to attend;
- (3) voluntarily agrees to enroll an eligible choice scholarship student;
- (4) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board;
- (5) administers the statewide assessment program;
- (6) is not a charter school or the school corporation in which an eligible choice scholarship student has legal settlement under IC 20-26-11; and
- (7) submits to the department only the student performance data required for a category designation under IC 20-31-8-3; **and**
- (8) complies with IC 20-51-4-1(h).**

7. *Add to IC 20-51-4-1*

(h) An eligible school may not discriminate against a member of the eligible school's staff on the basis of any of the following:

- (1) Disability.**
- (2) Race.**
- (3) Color.**
- (4) Gender.**
- (5) Gender identity or expression.**
- (6) Sexual orientation.**
- (7) Marital status.**
- (8) National origin.**
- (9) Religion.**
- (10) Ancestry.**

8. *Modify IC 20-51-4-3*

(a) An eligible school may not discriminate on the basis of race, color, **sexual orientation, gender identity or expression, marital status, disability, ancestry, or national origin.**

The Indiana General Assembly should enact legislation similar to [SB 250 \(2020\)](#). This common sense legislation will stifle wrongful acts of discrimination based on disability, race, color, gender, gender identity or expression, sexual orientation, marital status, national origin, religion, or ancestry.

The statistics noted above will not improve or go away unless action is taken by the General Assembly. Additionally, tax dollars should not be allocated to education institutions that discriminate against students and staff. Reversing these draconian practices will evidence the fact that Indiana cares about the safety and well-being of all students. Schools should be a safe place for students and staff to learn from one another, grow alongside one another, and achieve to the students' fullest potential.

###

Reliable Connectivity - Legislative Brief**October 2020**

The COVID-19 pandemic highlighted the need for a comprehensive residential broadband strategy to enable virtual learning for all Hoosier students. Indiana schools continue to lag national broadband targets published prior to the pandemic and there is more the state could do to capture federal funds to support advances on this front. However, the biggest challenge before the state is ensuring students can remain connected and able to learn from home when the situation arises. The main barriers to home connectivity are student poverty and geography. Some students are not connected because they cannot afford available coverage. Some students live in locations where available coverage is too expensive, unreliable, or non-existent. As the 2020-2021 school year began, schools reported more than 350,000 students were virtual due to COVID-19. This means that approximately 30 percent of Indiana students were receiving more than 50 percent of their instruction through virtual channels. Many more students received virtual instruction but at thresholds below 50 percent. While grant funds are being used in many cases to fill the connectivity gaps that exist, Indiana needs to take a long view of this problem, and be in a position to ensure students can learn wherever and whenever they need to.

Left unchanged, Indiana's connectivity issue, as it relates to schools, presents the following challenges:

1. A recent survey found that two-thirds of district leaders and principals believe the government needs to provide financial support for purchasing hotspots or home Wi-Fi.
2. The same survey found only 11 percent of students have the level of home internet access needed to fully participate in virtual instruction.¹
3. According to BroadbandNow Research, Indiana is behind other midwest states (Illinois, Tennessee, Michigan, and Minnesota) in terms of broadband speeds and access.²

Areas of improvement and proposed remedies to address connectivity hurdles:

- Support the collection of student addresses to reveal available connectivity options for school corporations and regions.

¹ Education Week: *Many Students Still Lack Home Internet. Here's How Big the Problem Is.* Last accessed Oct. 19, 2020. https://blogs.edweek.org/edweek/DigitalEducation/2020/10/internet_access_gaps_survey.html

² BroadbandNow Research: *Best and Worst States for Internet Coverage, Prices, and Speeds, 2020.* Last accessed Oct. 19, 2020. <https://broadbandnow.com/research/best-states-with-internet-coverage-and-speed>

- Support the expectation that schools collect student-level information regarding home Internet access so the true areas of need can be addressed.
 - What is the primary learning device the student most often uses to complete school work at home?
 - Is the primary learning device a personal device or school-provided?
 - Is the primary learning device shared with anyone else in the household?
 - Can the student access the Internet on their primary learning device at home?
 - What is the primary type of internet service used at the residence?
- Provide additional funding for connectivity to increase Indiana's participation in the federal broadband matching program which matches up to 10 percent of the qualified costs related to fiber installation costs.

The COVID-19 pandemic demanded schools quickly change course and move to remote learning. From the onset of the pandemic to now, districts met the challenge by providing students with academic support, social and emotional support, adequate remote learning opportunities, and food services. However, traction cannot stop here. Knowing the COVID-19 pandemic will likely persist leaves districts and their students with a degree of uncertainty. This uncertainty can be alleviated if schools are not burdened by barriers like broadband speed.

Additionally, without collecting data about home connectivity, Indiana will not be able to strategically invest to close connectivity gaps. Indiana has recognized the importance of investing in broadband for schools over and above federal investments. It is time for Indiana to extend that commitment to eradicate the home broadband gap to ensure Indiana students can learn no matter the educational setting.

###

Single Accountability - Legislative Brief**October 2020**

The Every Student Succeeds Act (ESSA) requires Indiana to have an accountability system that includes all students and all schools, and meets the requirements of federal law.

Indiana's current accountability system excludes certain student groups that ESSA requires be included in accountability. The differences between Indiana's state law and the requirements of ESSA results in two different accountability systems with two different ways of assessing schools.

If COVID-19 forces another stop to the spring 2021 assessment, then the state will not have federal accountability for the 2020-2021 school year. If there is no accountability rating, then the state will not be able to identify schools for Comprehensive Support and Improvement to appropriately support these schools. Additionally, student-level data will be deficient, and as a result districts will have a more difficult time determining any learning losses due to COVID-19.

Left unchanged, Indiana's dual accountability system presents the following challenges and issues:

1. Maintaining two concurrent yet distinct accountability systems causes confusion for educators, parents, and communities when determining which framework provides a true portrayal of performance.
2. When two systems measure the same data in different ways, schools and parents are left to decipher what is accurate, undermining the purpose of accountability systems as a transparent and informative tool for the public.
3. The existence of two accountability systems does not provide clear communication to school leaders and the general public regarding state policy goals and expectations for education in Indiana.
4. One system measures the performance of all students (federal), while another excludes some of the most at-risk students from the accountability system (state).
5. One system measures and holds all schools accountable to the same standards of performance (federal), while another carves out schools serving certain populations of students from any accountability framework (state).

Proposed remedies to get Indiana to a single accountability system:**1. *Modify IC 20-26-13-10* (Formula to Determine Four Year Graduation Rate)**

Subsection C - ESSA requires students withdrawing due to a long-term medical condition to be counted for accountability purposes. However, subsection (C) removes these students for state accountability purposes. The language "a long term medical condition or" should be stricken from Code.

Subsections G and H - These two subsections outline the permissible mobility codes per ESSA. Under ESSA, students who leave school and whose location cannot be determined are still counted in a school's graduation rate for federal accountability purposes. However, the state accountability system excludes these children from the graduation rate calculation.

2. *Modify IC 20-31-8-3* (Establishment of Categories of Performance)

This section should either be stricken in its entirety or alternatively, subsection (b) should read:

(b) The state board, in consultation with the department, shall define "low population schools" and shall determine the criteria for placing low population **nonpublic** schools in categories established under subsection (a). In setting the definition and criteria for low population schools, the state board shall not penalize **nonpublic** schools based on population. An eligible school (as defined in IC 20-51-1-4.7) may not be penalized under IC 20-51-4-9 for the sole reason that the eligible school is considered a low population school under this subsection. ~~The state board's definition and criteria may include the placement of a nonpublic school that fits the state board's definition in a "null" or "no letter grade" category.~~

For federal accountability purposes, the state must continue to give some sort of determination to public schools, but this is not the case with nonpublic schools. Changing IC 20-31-8-3 would align the state and federal accountability insofar as public schools receiving letter grades. Nonpublic schools would still be able to receive a null due to small size.

3. *Modify IC 20-31-8-4.5* (Alternative Assessment Methodology for Schools Focused Exclusively on Students with Developmental, Intellectual, or Behavioral Challenges)

This entire section should be repealed. ESSA requires all schools, regardless of conditions pertaining to students, to be assessed under the same accountability system. Indiana could continue to publish a supplemental grade that considers alternative metrics for these schools, but it could not be the primary grade. In other words, this grade would only be for informative purposes and not based on accountability.

4. *Modify IC 20-31-8-4.6* (Certain at-risk Students not Included in the Calculation of School Performance)

To truly have a single accountability system, this section must be repealed. Pursuant to sec. 1111(c)(4)(C) of the ESSA, the statewide accountability system must include all students. This state statute is in direct conflict with this federal requirement by providing for the exclusion of some of the most at-risk students from the statewide accountability system.

5. *Modify IC 20-31-8-5.2* (Alternative Accountability System for Adult High Schools)

To truly have a single accountability system, this section must be repealed. Alternatively, subsection (c) could be repealed to read:

(c) Students enrolled at an adult high school that:

(1) belong to a graduation cohort that has not yet graduated; or

(2) are under the age of eighteen (18) years of age;

at the time the student was first enrolled at the school must be included and calculated under the accountability system developed by the board pursuant to IC 20-31-8.

Absent a complete repeal, the above revision would provide that students under 18 would be considered under the traditional model which is in alignment with ESSA requirements.

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Tighter Parameters for Charter and Choice Schools - Legislative Brief October 2020

To sustain a robust charter school and choice school model, Indiana lawmakers must hold these institutions equally accountable by mirroring processes followed by traditional public schools. Doing so will increase transparency for parents and teachers regarding the quality of both a charter school and its authorizer as well as choice schools while promoting sound fiscal responsibility.

Before thinking about areas of improvement, state leaders must first change the way they think about charter schools. Responsible use of tax dollars to fund charter schools must shift from the premise of “choice for choice’s sake” to “quality choice for student’s sake.” It is only when state leaders think about quality choice for the student’s sake that they can begin to see the vast fiscal and transparency woes that exist in Indiana’s current charter and choice system.

Areas of improvement and proposed remedies to address Choice and Charter accountability and transparency:***1. Overpayment, Outstanding Balances, and Order of Debt Obligations***

Authorizers of closed charter schools must be responsible for any overpayment due for tuition support and be responsible for unpaid common school loans. When a charter school closes and the organizing board resigns, there is frequently no staff remaining and no funding available to cover any overpayment of tuition support, nor to cover outstanding common school loan balances.

Additionally, upon closure, a charter school is not responsible for outstanding balances from the common school loans, a deficit that has to be covered by tuition support funds and ultimately Indiana taxpayers. As of October 2020, there is \$8,095,438.62 in unpaid dollars for nine closed charter schools. As a result, these unpaid outstanding common school loans have reduced and will continue to reduce the amount of common school funds available for advancements to other school corporations or charter schools.

Finally, when a charter school closes and the organizing board resigns, there is frequently no staff remaining and no funding available to support the orderly closure of the school and transfer of student records. Closed charter schools often have outstanding debts to vendors that are unable to be recovered. Additionally, there are often outstanding public dollars owed, including tuition support and common school loan repayments.

A proposed remedy includes adding *IC 20-24-7-9.5* and modifying *IC 20-24-3-3*:

IC 20-24-7-9.5

(a) This subsection applies if:

(1) a charter school:

(A) revokes a charter before the end of the term for which the charter is granted; or

(B) does not renew a charter; or

(2) a charter school otherwise terminates its charter before the end of the term for which the charter is granted or after the end of the term for which the charter is granted if there are outstanding balances owed to the state.

(b) Any overpayments of state funds distributed to the charter school under this subsection shall be the responsibility of the charter school and charter school authorizer.

IC 20-24-3-3

The organizer's constitution, charter, articles, or bylaws must contain a clause providing that upon the cessation of operation of the charter school:

(1) the remaining assets of the charter school shall be distributed first to satisfy outstanding payroll obligations for employees of the charter school, then to **any outstanding debt to the common school fund**, then to creditors of the charter school, ~~then to any outstanding debt to the common school fund~~; and

(2) the remaining funds received from the department shall be returned to the department not more than thirty (30) days after the charter school ceases operation due to:

(A) closure of the charter school;

(B) nonrenewal of the charter school's charter; or

(C) revocation of the charter school's charter.

(3) after exhausting distribution options outlined under subsections (1) and (2), any remaining balances attributed to unpaid common school loans and any remaining funds to be received by the department shall be assumed by the authorizer.

2. Common School Loan Approval and Co-Signing Requirement

The state must require charter school governing bodies to seek approval from the authorizer before entering into a Common School Loan agreement with the authorizer required to co-sign the Common School Loan. When a charter school closes and the organizing board resigns, there is frequently neither recourse or accountability for outstanding loan balances.

Currently, there is little legal recourse for those who are creditors to charter schools to recoup loans upon closure of a charter school. This practice must be addressed if Indiana is serious about promoting fiscal responsibility and accountability. Having the authorizer co-sign ensures there will be a responsible party for financial recourse upon closure of a charter school.

A proposed remedy includes modifying *IC 20-24-4-1* by adding a new section:

(18) This subdivision applies to a charter between an authorizer and an organizer of a charter school granted or renewed after June 30, 2021.

(A) The charter school must require that a charter school seek written approval from the authorizer before entering a common school loan agreement.

(B) The authorizer approving a common school loan agreement shall co-sign the agreement in the event the charter school defaults after following the procedures outlined in *IC 20-24-3-3*.

3. School Safety Equality

Every Hoosier student deserves an equal opportunity to feel safe and protected at school. Threats to student safety do not discern whether a student attends a traditional public school, charter school, or Choice scholarship receiving non-public school. The Indiana Department of Education supports legislation that mandates charter and Choice scholarship schools to follow the same school safety guidelines expected of traditional public schools.

Currently, 45 percent of Indiana charter schools have a school safety specialist. These schools are not required by law to certify school safety plans with IDOE. Certified school safety specialists must undergo five days of basic training and two days of advanced training provided, at no charge, by IDOE.

A proposed remedy includes modifying *IC 5-2-10.1-9*, adding a new section, and deleting both *IC 5-2-10.1-13* and *IC 20-34-3-23*:

IC 5-2-10.1-9

(a) Each school corporation, charter school, and eligible school (as defined in *IC 20-51-1-4.7*) shall designate an individual to serve as the school safety specialist for the school corporation. In the case of a charter school or eligible school, shall designate an individual to serve as the school safety specialist for each school.

Add new section to the Indiana Code

(a) Each school corporation, charter school, and accredited non-public school shall, in consultation with local public safety agencies, develop a written emergency

preparedness plan for the school corporation and each school in the corporation. An emergency preparedness plan shall, at a minimum, contain the following:

- (1) Appropriate warning systems.
- (2) Procedures for notifying other agencies and organizations.
- (3) Posting of evacuation routes.
- (4) Emergency preparedness instruction for staff and students.
- (5) Public information procedures.
- (6) Steps that will be taken prior to a decision to evacuate buildings or dismiss classes.
- (7) Provisions to protect the safety and well-being of staff, students, and the public in case of:
 - (A) fire;
 - (B) natural disaster, such as tornado, flood, or earthquake;
 - (C) adverse weather conditions, such as winter storms or extreme heat;
 - (D) nuclear contamination, such as power plant or transport vehicle spills;
 - (E) exposure to chemicals, such as pesticides, industrial spills and contaminants, laboratory chemicals, and cleaning agents; and
 - (F) manmade occurrences, such as student disturbance, weapon, weapon of mass destruction, contamination of water supply or air supply, hostage, and kidnaping incidents.

(b) Within sixty (60) days after the beginning date of each school year, the superintendent, charter school leader, and accredited non-public school leader shall certify to the department that the emergency preparedness plans for the school corporation and each school in the school corporation have been reviewed and revised, if necessary. Within sixty (60) days of opening a new or significantly remodeled school, the superintendent, charter school head, and accredited non-public school head shall certify to the department that a new plan has been developed or that the existing plan has been reviewed and revised, if necessary.

(c) Emergency preparedness plans shall be available for inspection by the department.

Delete IC 5-2-10.1-13 and IC 20-34-3-23

~~Sec. 13. A charter school (as defined in IC 20-24-1-4) or an accredited nonpublic school may do one (1) or more of the following:~~

- ~~(1) Designate an individual to serve as the school safety specialist for the school and comply with section of this chapter.~~
- ~~(2) Establish a school safety plan in accordance with this chapter.~~
- ~~(3) Establish a safe school committee as described under section 12 of this chapter.~~

~~Sec. 23. (a) Each charter school and accredited nonpublic school shall adopt a local school safety and emergency plan that includes:~~

~~(1) safety and emergency training and educational opportunities for school employees; and~~

~~(2) periodic safety and emergency preparedness and evacuation drills.~~

~~(b) Each charter school and accredited nonpublic school shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.~~

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