

**BALL STATE UNIVERSITY
OFFICE OF CHARTER SCHOOLS
POLICIES AND PROCEDURES FOR VIRTUAL CHARTER SCHOOLS
July 2020**

Introduction. These Policies and Procedures for Virtual Charter Schools (the “Policies”) are effective as of July 2020. A “Virtual Charter School” is a “Charter School” as defined in Title 20, Article 24 that provides more than 50% of instruction to students in an interactive learning environment created through technology in which students are separated from their teacher by time or space, or both. These Policies set forth certain requirements that apply to any applicants who are seeking authorization from Ball State University to operate a Virtual Charter School (an “Organizer”) and any Organizers that as of the effective date of these Policies had already been granted a charter by Ball State University to operate a Virtual Charter School. All such applicants and charter holders are also subject to all of the statutes, regulations, and Ball State policies that apply to charter school applicants and charter holders, including, without limitation, the Office’s Policy on Contracting with Educational Service Provider (“ESP”), which bars any member of the board of the Organizer from having many specified types of relationships to the proposed ESP. Accordingly, an applicant for a virtual charter school is required to comply with the generally applicable Ball State charter application procedures except to the extent any of the generally applicable policies and procedures are modified by these Policies, and a holder of a charter for a Virtual Charter School is required to comply with all generally applicable policies of the Ball State Office of Charter Schools except to the extent any such policies are modified or expressly superseded by these Policies.

- 1. Proposal for a New Virtual Charter School.** In addition to the requirements that any charter application must satisfy, a proposal to establish a Virtual Charter School shall include satisfactory responses to the following specific requirements:
 - a. **Describe Formation of Organizing Group.** Describe how the individuals involved in the organizing group came together.
 - b. **Physical Facilities.** In describing the physical facilities for the Virtual Charter School as required by the Office of Charter School’s generally applicable application requirement, describe what activities will be performed there and which personnel will be based there.
 - c. **Enrollment.** Describe the method(s) by which parents wishing to have children enrolled in the Virtual Charter School will be able to do so.
 - d. **Solid Governance Structure.**
 - i. Describe the method by which parents will be notified of the dates and times of meetings of the board of the Organizer of the Virtual Charter School.
 - ii. Describe the specific method that will be used by the Organizer to make meetings of the Organizer’s board available to the public, given the widespread geographic distribution of the school’s student body, and the method that the Organizer will use to allow members of the public to interact with the board.
 - iii. Specifically acknowledge the Organizer’s understanding that Indiana’s Open Door Law and Access to Public Records Act, with which all Indiana charter schools are required to comply, does not allow the board of the organizer of the Virtual Charter School to take actions via unanimous written consent or permit a board member to vote when such person is not physically present at the location of the board’s meeting.

e. **Parental/Guardian/and Others Participation**

- i. Provide details about how parents and others not generally located at the Virtual Charter School's physical facilities will participate in the education of the students enrolled in the Virtual Charter School.
- ii. Describe how the Virtual Charter School will ensure that parents and guardians, students, and others involved in the education of enrolled students are sufficiently knowledgeable of the education program components and requirements.
- iii. Describe the types and frequency of communications between the Virtual Charter School and enrolled students and their parents and guardians regarding student participation, achievement, and appropriate behavior.
- iv. Describe the manner in which the Virtual Charter School will conduct parent teacher conferences and the frequency with which parent teacher conferences will be held.
- v. Describe the manner in which the Virtual Charter School will operate community outreach programs and the manner in which community partners will be meaningfully involved in the educational program of the Virtual Charter School.

f. **Administrative Management.** Indicate where each of the administrators will be housed and describe the planned minimum educational and other background requirements for the administrators.

g. **Strong Educational Program**

- i. Considering that the Virtual Charter School may enroll students from throughout the state, describe how the educational program will be delivered to students throughout the state. As part of this response, indicate how the Virtual Charter School will ensure that all enrolled students, regardless of where they reside within the State of Indiana, will have access to a high quality instructional program.
- ii. State whether the Virtual Charter School will have a regular daily or weekly schedule and, if not, how a student's daily and weekly activities are to be determined and the manner in which the school will monitor each student's learning schedule, activities, and progress.
- iii. Indicate whether the Virtual Charter School will offer a variety of approaches to address the learning needs of individual students.
- iv. In describing the educational program the Virtual Charter School will utilize, delineate specifically the instructional activities of the educational program to be conducted on-line and the instructional activities of the educational program to be conducted in the school's facilities.
- v. State whether there will be flexibility in the online learning program to allow for adjustments in the length and delivery of lessons.
- vi. If the proposed Virtual Charter School would include elementary school grades, describe the manner in which the Virtual Charter School would teach handwriting and the manner in which such work would be submitted to, and evaluated by, teachers.
- vii. Describe how the Virtual Charter School will define, monitor, and report full-time student attendance and enrollment, student attendance, credit accrual, and course completion.

- viii. Describe how the proposed educational program of the Virtual Charter School is appropriate for the students expected to enroll in each of the grades the school will offer. If the school intends to enroll students in elementary grades, the Organizer must specifically address (a) how the school's educational and non-educational program is appropriate for those students, (b) how the educational and social needs of elementary school students can be met through a virtual school environment, and (c) how the Virtual Charter School will classify any students working at their own pace students for the purpose of state reporting requirements and transitioning to junior high and high school instruction.
- ix. Describe the Organizer's plan to facilitate direct teacher interaction with students (including a reasonable estimate of the frequency of such interaction, the types of interaction, the required turnaround and response times, and virtual charter office hours). State how much time individual students will spend interacting with teachers during a typical week.
- x. Indicate the level of participation in instructional activities students will be required to meet to receive credit for successfully completing a course and receive a satisfactory grade for that course. The level of participation may include the amount of time students will be engaged in both on-line and other instructional activities in order to receive credit for a course.
- xi. Describe how the level of participation in an instructional activity will impact the grade and/or amount of credit for a course.
- xii. Describe how the Virtual Charter School will ensure that student work is authentic in that students involved in on-line instructional activities or assessments are performing the work without inappropriate assistance.
- h. **Student Discipline.** Given the challenges of handling student truancy and discipline in a virtual environment, describe the manner in which the Virtual Charter School would handle student truancy, absences, suspensions, and expulsions.
- i. **Qualified and Dedicated Teachers.**
 - i. Describe how the Virtual Charter School plans to ensure that it has knowledgeable and caring teachers who are qualified to implement the school's online education program. Specifically, state whether teachers will be required to specifically train for teaching in a virtual environment and, if so, describe the training.
 - ii. Describe how the teachers will coordinate instructional activities with parents and others directly involved in the education of the students enrolled at the Virtual Charter School. Describe where the teachers will be primarily located during instructional activities.
 - iii. List the ratio of students to certified teachers the school will have during each of the first five years of operation. Describe how this structure will ensure that there is sufficient and meaningful interaction between the teacher and the student to guide and enable each student to meet performance goals and standards.
- j. **Serving Students with Special Needs.**
 - i. Describe how qualified staff will identify students with special needs in a virtual school environment.

- ii. Describe how the school will provide high quality services to all enrolled students with special needs regardless of where the student resides within the State of Indiana.
- iii. Describe how the Virtual Charter School will ensure that parents or guardians will be appropriately involved in Individual Education Plan (IEP) team meetings for students with disabilities.
- iv. List the special needs that enrolled students may have that may be especially challenging to serve in a virtual environment. If there are any, describe how the proposed Virtual Charter School would serve students with those special needs.

k. Testing Procedures.

- i. Describe the protocols and procedures that will be followed in connection with typical examinations performed by the Virtual Charter School solely for internal purposes.
- ii. Describe the protocols and procedures (including arrangements for physical locations) that will be used in connection with assessment tests mandated by federal or state law or policies of the Ball State Office of Charter Schools, such as ILEARN (or the current Indiana Statewide Testing for Educational Progress tests established under Chapter 20-32-5 of the Indiana Code) and IREAD. Specifically, describe how the Virtual Charter School will provide a proctored testing facility and the manner in which the Virtual Charter School will make efforts to ensure sufficient attendance at such tests to meet applicable participation thresholds.

- l. **Student Enrollment.** Describe how the Virtual Charter School would conduct an open lottery in the event that any grade level is over-enrolled, including the manner in which parents of prospective students would be able to view such lottery.

m. Social Needs.

- i. Describe the means, if any, that the Virtual Charter School will have to facilitate interaction of students with other students and teachers and the programs the Virtual Charter School will offer to allow students enrolled at the proposed school to participate in field trips, study sessions, extra-curricular activities, and other meetings with fellow students.
- ii. Describe how the Virtual Charter School will serve the needs traditionally filled by a school guidance counselor.

n. Appropriate technological support

- i. List the technological equipment and software and other instructional materials that are required to participate in the Virtual Charter School's online educational program.
- ii. Describe the Organizer's policies as to providing hardware, software, and online access.
- iii. Describe how often the Virtual Charter School anticipates updating equipment of students who have been provided equipment by the Organizer and have been enrolled in the Virtual Charter School for several years.
- iv. If the Virtual Charter School provides equipment and/or software, describe whether the student will be required to return any equipment and, if so, the manner in which the Virtual Charter School shall ensure that no information specific to the use of the hardware by that student will be accessible to any subsequent user of that hardware.

- v. Describe how the Virtual Charter School will continue to deliver instruction in the event required equipment or software at any location become unavailable due to technical issues.
- o. **Data Security and Integrity.**
 - i. Describe the procedures and protocols the Virtual Charter School will use as to the following:
 - a) Ensuring that individuals who should not have access to the online educational system cannot obtain access to the system and the procedures and protocols.
 - b) Ensuring the confidentiality and integrity of data stored electronically by the Organizer.
 - c) Ensuring the Organizer has records as to students enrolled in the Virtual Charter School completely independent of any records maintained by any ESP retained by the Organizer.
 - d) Minimizing the amount of downtime of the online virtual learning system.
 - ii. For any Organizer that has an existing online learning system that is being used in virtual charter schools or plans to retain an ESP that has such a system, provide the number of breaches of the system's security procedures and protocols during each of the previous three years and percentage of the time that such system was unavailable by reason of an unscheduled service interruption.
- p. **Student Use Policy.** Describe the Acceptable Use Policy the Virtual Charter School will have in effect. Describe how the Virtual Charter School will ensure continued compliance with that policy.
- q. **Demonstration.** As part of the proposal review process, the Organizer that currently has a functional online educational program or plans to contract with an ESP that has one must be prepared to make available access to the online system for use by the Office of Charter Schools and its contractors.
- r. **Contract with an ESP.** If the Organizer plans to retain an ESP that will host the online educational system for the Virtual Charter School, the agreement between the Organizer and the ESP must include the following:
 - i. A provision requiring the ESP to notify the Organizer within a reasonable time, and in no event more than seventy-two (72) hours afterwards, if the ESP determines that any of the educational records or other personal information of any student then or previously enrolled at the Virtual Charter School has been accessed by anyone without a legitimate, educational reason to access such educational records or personal information ("Unauthorized Access").
 - ii. A provision specifically requiring the ESP to indemnify, defend, and hold harmless the Organizer and Ball State University for any liability for losses, expenses, damages, claims, demands, judgments, fines, charges, liens, liability, causes of action or proceedings of any kind whatsoever arising directly or indirectly from any Unauthorized Access to information or records stored by the ESP.

2. **Requirements and Prohibitions for Virtual Charter Schools.** Once an Organizer has been approved to operate a Virtual Charter School by Ball State University, the Organizer must meet these general Requirements and Prohibitions.
 - a. **Location.** The Organizer shall maintain an administrative office within Indiana where all administrative student records shall be maintained at all times and shall provide the Office of Charter Schools with the addresses of all offices and facilities of the Organizer, the ownership thereof, and details and documentation as to any lease arrangements. The administrative office of the Organizer shall be considered as the place of business for service of process for any action brought against the Organizer, the Virtual Charter School, or Virtual Charter School staff members. The Organizer shall not move its principal place of business without the formal approval in advance of Ball State University. Request for such approval will require the Organizer to submit a formal Request for Amendment of a Charter Contract to the Office of Charter Schools in a timely manner. These facilities may not be located in a private residence.
 - b. **Policies that must be adopted.** Not later than sixty (60) days before the Virtual Charter School intends to commence instruction, the Organizer shall submit to the Office of Charter Schools the following policies, in each case consistent with the statements as to these issues included in the Organizer’s proposal. The Virtual Charter School shall not be permitted to open until the Office of Charter Schools shall have approved each policy. The policies as to which this rule applies are the following (the “Required School Policies”):
 - i. A student engagement policy establishing certain guidelines, including but not limited to, a requirement that a student who regularly fails to participate in courses may be withdrawn from enrollment under policies adopted by the virtual charter school. The engagement policy adopted by the virtual charter school must ensure that:
 - a) Student attendance and participation will be tracked and monitored by a quarterly review by OCS of school data re student engagement policy and the school’s application thereof; and
 - b) a student attending the Virtual Charter School who accumulates the number of unexcused absences sufficient to result in the student’s classification as a habitual truant under IC 20-20-8-8(a)(17) shall be withdrawn from enrollment; and
 - c) adequate notice of the withdrawal is provided to the parent and the student; and
 - d) an opportunity is provided, before the withdrawal of the student by the virtual charter school, for the student or the parent to demonstrate that failure to participate in the course is due to an event that would be considered an excused absence under IC 20-33-2; and
 - e) the Virtual Charter School will have policies and procedures in place to provide counseling regarding ongoing engagement, truancy, career and technical education, and social and emotional needs to serve the needs traditionally filled by a school guidance counselor.
 - ii. An annual onboarding process and orientation for virtual charter school students and the students’ parents. As part of the annual onboarding process and orientation, the virtual charter school must at a minimum provide to a parent of a student:
 - a) the student engagement and attendance requirements or policies of the virtual charter school; and

- b) notice that a person who knowingly or intentionally deprives a dependent of education commits a violation under IC 35-46-1-4.
- iii. A Virtual Charter School employee policy, including at least the following minimum professional-development requirements as identified in Section 6.08 and Schedule 21 of the charter agreement. A Virtual Charter School shall provide to OCS evidence of such professional development on an annual basis.
- iv. A policy as to the accessibility and availability of teachers to students and parents.
- v. A policy as to the manner in which parents and other adults that supervise students will be prepared to supervise virtual instruction.
- vi. A policy as to the cost, delivery, maintenance, support, and return of hardware and software.
- vii. A technology plan, including a permitted use policy.
- viii. A policy as to the manner in which state and local student assessments will be conducted.
- c. **Parent or guardian.** Prior to the student's first day in a Virtual Charter School, the Virtual Charter School shall, either in writing or electronically, provide to the parent or guardian of a student the following:¹
 - i. Notice that a person who knowingly or intentionally deprives a dependent of education commits a violation under IC 35-46-1-4.
 - ii. A copy of the student engagement and attendance requirements or policies of the virtual charter school.
 - iii. All of the approved Required School Policies.
 - iv. A list and brief description of the courses of instruction the student will receive. The list shall be updated annually for each grade level in which the student is enrolled.
 - v. A detailed description of the instructional and other activities to be offered, including those to be offered online and those to be offered offline at the Virtual Charter School's physical facilities.
 - vi. A description of the manner in which attendance will be reported and work will be authenticated.
 - vii. A list of all formal tests the student will be required to take during the school year and the dates and locations where the tests will be administered.
 - viii. The manner in which the parent(s) or guardian(s) will be notified of the time and place of meetings with school officials during the school year.
 - ix. The address of the Virtual Charter School's physical facilities, the Virtual Charter School's Transportation Plan for transporting students to its physical facilities or to other locations for testing, and the name, telephone number, and e-mail address of the school administrator and other school personnel.

¹ These items, to be provided to the parents of the Virtual Charter School's students, shall also be addressed in the Organizer's proposal to the University wherein it seeks to obtain a Charter. By requiring the Organizer's proposal to address these items, the University intends that the organizer describe in detail in its proposal how it intends to comply with all requirements presented in these Policies.

- x. A list of any extracurricular activities provided by the Virtual Charter School and a general description of how the student may become involved during the school year.
- xi. The names of the student's teachers, and the manner in which each teacher can be contacted by the student or the parent or guardian.
- xii. A list of all services that will be provided to the student by the Virtual Charter School.
- xiii. Copies of policies and procedures relating to computer security and privacy, truancy, absences, discipline, and withdrawal or expulsion of students. This shall include a copy of the Virtual Charter School's discipline plan.
- xiv. Detailed information on:
 - xv. The Virtual Charter School's professional staff, including the number of staff personnel, their education level and experience.
 - xvi. The Virtual Charter School's historic performance on the ILEARN and other formal tests and assessments, if available.
 - xvii. Information regarding the proper usage of equipment and materials and the process for returning equipment and materials supplied to the students by the Virtual Charter School.
 - xviii. A description of the school calendar, including, but not limited to, (a) the time frame that will constitute a school year and a school week, (b) the days on which instruction will occur at the Charter School's physical facility, and (c) holidays and term breaks.
- d. Health and Physical Education.** Describe the manner in which the Virtual Charter School will meet state requirements concerning immunizations, health screenings, and health services.
- e. Students.** For each student enrolled, the Virtual Charter School shall:
 - i. ensure all students not enrolled in a Virtual Charter School before July 1, 2020, must complete the annual onboarding process and orientation established by the Virtual Charter School approved by OCS with the student's parent before the student may enroll in the Virtual Charter School. If a student or student's parent does not participate in the Virtual Charter School's annual onboarding process and orientation, the student may not enroll in the Virtual Charter School.
 - ii. provide all instructional materials;
 - iii. ensure that the student has access to all equipment, including, but not limited to, a computer, computer monitor, printer, and Internet access. If the Virtual Charter School provides any or all such equipment, the Virtual Charter School is permitted to limit the use of such equipment and require that such equipment be returned if the student withdraws or completes the course of instruction offered by the Virtual Charter School.
- f. Review of Student Progress.** The Charter School shall review each student's education progress at least monthly, and the results of each review shall be communicated to the student and if the student is in grades K through 8, to the student's parent or guardian.
- g. Regular reports to the Office of Charter Schools.** After commencing operation, the Organizer shall not less than quarterly submit to the Office of Charter Schools the following:
 - i. Confirmation as to the number, if any, of incidents of which the Organizer is aware of Unauthorized Access to educational records or other personal information of any student then or previously enrolled at the Virtual Charter School.

- ii. The percentage of the time for which the online learning system used by the Organizer was unavailable by reason of unscheduled maintenance or other technical issues.
- iii. Confirmation that every student has completed onboarding and orientation before enrolling in the Virtual Charter School.
- iv. Confirmation that every individual employed as a licensed teacher in the Virtual Charter School has complied with any mandatory licensed-teacher training required under Title 20 of the Indiana Code.
- v. Student attendance and participation records, including (a) data on student attendance and participation, (b) the methodology used to track and monitor attendance and student participation, and (c) documentation relating to any student withdrawn from enrollment under the student engagement policy.
- vi. Confirmation that no student who is withdrawn from enrollment under the student engagement policy has re-enrolled in the same school for the school year in which the student was withdrawn.
- vii. Confirmation that every student enrolled in the Virtual Charter School is an Indiana resident or is temporarily excepted from residency requirements under Chapter 20-26-19 of the Indiana Code.