

**BEFORE THE BOARD OF SCHOOL TRUSTEES OF  
DALEVILLE COMMUNITY SCHOOL CORPORATION  
August 26, 2019**

**Resolution of the Board of Trustees of Daleville Community School Corporation Revoking  
the Charters of Indiana Virtual School and Indiana Virtual Pathways Academy**

On July 22, 2015, Daleville Community School Corporation (as “Sponsor”) and Indiana Virtual School (as “Organizer”) entered into a Charter School Agreement (the “IVS Charter Agreement”) wherein Daleville Community School Corporation granted a Charter to Indiana Virtual School for the maintenance and operation of Indiana Virtual School (“IVS”), with a term of July 22, 2015 through August 14, 2020. Indiana Virtual Education Foundation, Inc. (“IVEF” or the “Foundation”) is the successor entity of Indiana Virtual School and is the Organizer subject to the terms and conditions of the IVS Charter Agreement.

On August 7, 2017, Daleville Community School Corporation (as “Sponsor”) and IVEF (as “Organizer”) entered into a Charter School Agreement (the “IVPA Charter Agreement”) wherein Daleville Community School Corporation granted a Charter to IVEF for the maintenance and operation of Indiana Virtual Pathways Academy (“IVPA”), with a term of August 7, 2017 through August 14, 2022.

On February 26, 2019, Daleville Community School Corporation issued Notices of Revocation to IVS and IVPA pursuant to Section 14.5 of the IVS Charter Agreement and Section 14.5 of the IVPA Charter Agreement and pursuant to Indiana Code § 20-24-4-3(b) and § 20-24-9-4 (the “February 26 Revocation Notices”).

On June 19, 2019, Daleville Community School Corporation and IVEF d/b/a Indiana Virtual School and Indiana Virtual Pathways Academy entered into a Resolution Agreement, pursuant to which IVEF would voluntarily close IVS no later than September 30, 2019 and voluntarily close IVPA no later than June 30, 2020 (the “Resolution Agreement”). Pursuant to the Resolution Agreement, IVS and IVPA undertook certain obligations more fully set forth in the Resolution Agreement, which is incorporated herein by reference. Daleville Community School Corporation withdrew the February 26 Revocation Notices as a part of the Resolution Agreement. Certain amendments to the IVS Charter Agreement and IVPA Charter Agreements were made as a part of the Resolution Agreement.

On July 15, 2019, Daleville Community School Corporation issued a Notice of Default to IVS and IVPA due to multiple material breaches by IVEF d/b/a IVS and IVPA of the Resolution Agreement (“Default Notice”). The Default Notice is incorporated herein by reference.

On July 22, 2019, IVS and IVPA submitted a written response to the Default Notice, which was untimely supplemented on July 23, 2019. The written response failed to sufficiently cure or otherwise remedy all of the material breaches of the Resolution Agreement.

On July 25, 2019, Daleville Community School Corporation issued Notices of Revocation to IVS and IVPA pursuant to Section 14.5 of the IVS Charter Agreement and Section 14.5 of the IVPA

Charter Agreement, pursuant to Indiana Code § 20-24-4-3(b) and § 20-24-9-4, and pursuant to Paragraph 8 of the Resolution Agreement (the “July 25 Revocation Notices”). The July 25 Revocation Notices are fully incorporated herein.

On August 15, 2019, IVS and IVPA submitted a written response to the July 25 Revocation Notices.

On August 19, 2019, a public meeting was held pursuant to Indiana Code § 20-24-4-3(b)(3). IVS and IVPA appeared solely by counsel for IVEF and submitted documents and a statement via counsel. Counsel for IVEF responded to questions from the Board of School Trustees of Daleville Community School Corporation, the Superintendent of Daleville Community School Corporation, and counsel for Daleville Community School Corporation.

The Board of School Trustees of Daleville Community School Corporation has now reviewed the situation, and considered the submissions and statements of IVS and IVPA. After a reasonable period for deliberation, the Board of School Trustees of Daleville Community School Corporation hereby makes the following Final Determination:

**THE BOARD OF SCHOOL TRUSTEES OF DALEVILLE COMMUNITY SCHOOL CORPORATION HEREBY RESOLVES, DETERMINES, AND DECIDES THAT THE CHARTERS OF IVS AND IVPA UNDER THE IVS CHARTER AGREEMENT, AS AMENDED, AND THE IVPA CHARTER AGREEMENT, AS AMENDED, ARE HEREBY IMMEDIATELY REVOKED.**

Pursuant to Indiana Code § 20-24-4-3(c), the Board of School Trustees of Daleville Community School Corporation states that the reason for revocation are the following:

- IVEF d/b/a IVS and IVPA materially breached the Resolution Agreement, as more fully set forth in the July 25 Revocation Notices, incorporated herein by reference.
- IVEF d/b/a IVS failed to comply with the IVS Charter Agreement, as more fully set forth in the July 25 Revocation Notices, incorporated herein by reference.
- IVEF d/b/a IVPA failed to comply with the IVPA Charter Agreement, as more fully set forth in the July 25 Revocation Notices, incorporated herein by reference.
- IVEF d/b/a IVS and IVPA have failed and continue to fail to fully comply with applicable laws that require IVS and IVPA allow parents and eligible students access to the student’s education record. In particular, responses to transcript requests and requests for other education records have been unreasonably delayed, resulting in confusion, frustration, and, in some cases, potentially serious consequences for students. It is now reported by counsel for IVS and IVPA that IVS and IVPA are no longer processing transcript requests for students.
- On July 12, 2019, the Indiana State Board of Education (“SBOE”) issued a Final Order for *In Re the Matter of: Average Daily membership Adjustment for IVS and IVPA*. The SBOE concluded that the Charter Schools have reported at least twice as many students as should have been reported.

Resolution to Revoke Charters of IVS and IVPA

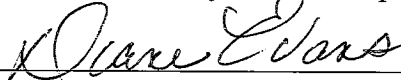
August 26, 2019

Page 3 of 4

- The reasons for revocation also include the matters set forth in the February 26 Revocation Notices, incorporated herein by reference. The questions raised in those Notices have never been adequately addressed. IVS and IVPA attempted a cursory explanation for the first time at the August 19, 2019 public meeting, but that explanation was inadequate and leaves unaddressed many of the serious concerns that have been raised over the past year.
- IVS and IVPA have failed to meet the education goals set forth in their Charters by all but ceasing to operate since approximately July 12, 2019. IVS and IVPA instructed students to cease working on courses as of August 20, 2019. Teachers and other workers have not been paid since approximately July 15, 2019. Communication from IVS and IVPA to its students has been poor or nonexistent. IVEF has reported to Daleville Community School Corporation that there is only a small staff of workers operating IVS and IVPA. On August 22, 2019, counsel for IVEF notified Teachers and Counselors that they would not be paid and “you are not expected to continue working and we cannot pay you should you do so.” At most, then, IVS and IVPA currently has only one worker, Dr. Percy Clark, attending to any matters for the charter schools.
- IVEF has reported to Daleville Community School Corporation that there is no money for the operation of IVS and IVPA and that IVEF’s bank closed the bank account for IVS and IVPA due to allegations of fraudulent activities.

The Board of School Trustees, therefore, finds reasonable grounds on which to revoke the charters of IVS and IVPA under applicable law, the Resolution Agreement, and the Charter Agreements, as amended, as determined above.

Daleville Community School Corporation

By: 

Diane Evans

President of the Daleville Community School Corporation Board of Trustees

**MINUTE BOOK ENTRY**

The Board of School Trustees of the Daleville Community Schools met at its Regular Session on Monday, August 26, 2019 at 6:00 p.m. in the Daleville Community Schools Administration Building. Vickie Rees moved that the Board of School Trustees adopt the Resolution to Revoke the Charters of Indiana Virtual School and Indiana Virtual Pathways Academy. The motion was seconded by Joe Kaelin. The motion passed with 4 voting "yes" and 0 voting "no."

Daleville Community School Corporation

By: Diane Evans

Diane Evans

President of the Daleville Community School Corporation Board of Trustees

Date: 8/26/2019

and

By: Vickie L. Rees

Vickie Rees

Secretary of the Daleville Community School Corporation Board of Trustees

Date: 8/26/2019