



March 19, 1999

ENGROSSED HOUSE BILL No. 1904

DIGEST OF HB 1904 (Updated March 18, 1999 2:30 pm - DI 75)

Citations Affected: IC 4-10; IC 4-24; IC 5-22; IC 16-19; IC 16-33; IC 20-1; IC 20-8.1; IC 20-15; IC 20-16; noncode.

Synopsis: Blind School and Deaf School governance. Establishes the Indiana School for the Blind and the Indiana School for the Deaf as separate agencies independent from the state department of health. Provides for administration of each school by a school board appointed by the governor. Provides that each school is the purchasing agency for the school for purchases under an amount fixed by statute. Gives the
(Continued next page)

Effective: Upon passage; July 1, 1999.

**Porter, Atterholt, Avery, Ayres, Bardon,
Becker, Behning, Bodiker, Bosma, Budak,
Cheney, Crawford, Crooks, Crosby, Day,
Dickinson, Duncan, GiaQuinta, Grubb,
Harris, Kersey, Klinker, Kruzan, Kuzman,
Lawson L, Lytle, Mannweiler, Mellinger,
Oxley, Porter, Robertson, Smith V,
Summers, Weinzapfel, Welch**
(SENATE SPONSORS — LUBBERS, BREAUX)

January 26, 1999, read first time and referred to Committee on Education.
February 22, 1999, amended, reported — Do Pass.
March 1, 1999, read second time, amended, ordered engrossed.
March 2, 1999, engrossed. Read third time, passed. Yeas 97, nays 0.
SENATE ACTION
March 8, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
March 18, 1999, amended, reported favorably — Do Pass.

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superintendent of each school and the school's board of directors certain powers relating to employees of the school. Provides for appointment of the initial board of directors for each school and transition from administration by the state department of health to administration by the board of directors of each school. Makes conforming amendments.

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March 19, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1904

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 4-10-15-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The warrants may be
3 drawn for the necessary and current expenses of the following:
4 (1) All psychiatric hospitals (as defined in IC 12-7-2-184).
5 (2) The Indiana ~~State~~ School for the Deaf, **established by**
6 **IC 20-16.**
7 (3) The Indiana ~~State~~ School for the Blind, **established by**
8 **IC 20-15.**
9 (4) The Indiana Veterans' Home.
10 (5) The Plainfield Juvenile Correctional Facility.
11 SECTION 2. IC 5-22-4-8 IS ADDED TO THE INDIANA CODE
12 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 1999]: **Sec. 8. (a) As used in this section, "board" refers to either**
14 **of the following:**
15 (1) **With respect to the Indiana School for the Blind, the board**

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1 established by IC 20-15-3-1.

2 (2) With respect to the Indiana School for the Deaf, the board
3 established by IC 20-16-3-1.

4 (b) As used in this section, "school" refers to either of the
5 following:

6 (1) The Indiana School for the Blind established by
7 IC 20-15-2-1.

8 (2) The Indiana School for the Deaf established by
9 IC 20-16-2-1.

10 (c) As used in this section, "superintendent" refers to the
11 superintendent of the school.

12 (d) Except as provided in subsection (f), the school is the
13 purchasing agency for the school.

14 (e) Except as provided in subsection (f), the superintendent is
15 the purchasing agent for the school for purchases with a value of
16 not more than twenty-five thousand dollars (\$25,000).

17 (f) Not later than October 1, 1999, the Indiana department of
18 administration and the board shall develop and implement a
19 written policy for purchases by the school with a value of more
20 than twenty-five thousand dollars (\$25,000).

21 SECTION 3. IC 16-19-6-5 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The state health
23 commissioner has complete administrative control and responsibility
24 for the following special institutions:

25 ~~(1) Indiana School for the Deaf.~~

26 ~~(2) Indiana School for the Blind.~~

27 ~~(3) (1) Silvercrest Children's Development Center.~~

28 ~~(4) (2) Indiana Soldiers' and Sailors' Children's Home.~~

29 ~~(5) (3) Indiana Veterans' Home.~~

30 SECTION 4. IC 16-19-6-9 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) There is created
32 an advisory committee for each special institution designated in section
33 5 of this chapter.

34 (b) The members of the following advisory committees shall be
35 appointed by the governor as follows:

36 ~~(1) The Indiana School for the Deaf advisory committee consists~~
37 ~~of seven (7) members; one (1) of whom must be a licensed~~
38 ~~physician and one (1) of whom must be a state legislator from the~~
39 ~~district in which the school is located.~~

40 ~~(2) The Indiana School for the Blind advisory committee consists~~
41 ~~of seven (7) members; one (1) of whom must be a licensed~~
42 ~~physician and one (1) of whom must be a state legislator from the~~



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- 1 ~~district in which the school is located.~~
- 2 ~~(1)~~ (1) The Silvercrest Children's Development Center advisory
- 3 committee consists of seven (7) members, one (1) of whom must
- 4 be a licensed physician and one (1) of whom must be a state
- 5 legislator from the district in which the center is located.
- 6 ~~(4)~~ (2) The Indiana Soldiers' and Sailors' Children's Home
- 7 advisory committee consists of eight (8) members, one (1) of
- 8 whom must be a licensed physician, one (1) of whom must be a
- 9 state legislator from the district in which the home is located, and
- 10 one (1) of whom is the director of veterans' affairs or the director's
- 11 designee.
- 12 ~~(5)~~ (3) The Indiana Veterans' Home advisory committee consists
- 13 of eight (8) members, one (1) of whom must be a licensed
- 14 physician, one (1) of whom must be a state legislator from the
- 15 district in which the home is located, and one (1) of whom is the
- 16 director of veterans' affairs or the director's designee.
- 17 (c) Except for a member who is a state legislator, the term of the
- 18 members is four (4) years. A state legislator appointed under this
- 19 section serves until the end of the legislator's current legislative term.
- 20 A member of an advisory committee may be removed by the governor
- 21 for cause, and a vacancy in the membership of an advisory committee
- 22 shall be filled by the governor for the unexpired term of the vacating
- 23 member.
- 24 (d) The advisory committee shall hold at least one (1) regular
- 25 meeting in each quarter of the calendar year and may hold special
- 26 meetings considered necessary and expedient by the superintendent of
- 27 each advisory committee's respective institutions.
- 28 (e) At the first meeting of an advisory committee, which shall be
- 29 called by the superintendent within ten (10) days after the appointment
- 30 of the advisory committee members, and annually within the same time
- 31 thereafter, the advisory committee shall meet and organize by electing
- 32 a chairman and a secretary from the membership of the committee.
- 33 (f) Each member of the advisory committee who is not a state
- 34 employee is entitled to the minimum salary per diem provided by
- 35 IC 4-10-11-2.1(b). The member is also entitled to reimbursement for
- 36 traveling expenses as provided under IC 4-13-1-4 and other expenses
- 37 actually incurred in connection with the member's duties as provided
- 38 in the state policies and procedures established by the Indiana
- 39 department of administration and approved by the budget agency.
- 40 (g) Each member of the advisory committee who is a state employee
- 41 but who is not a member of the general assembly is entitled to
- 42 reimbursement for traveling expenses as provided under IC 4-13-1-4

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1 and other expenses actually incurred in connection with the member's
 2 duties as provided in the state travel policies and procedures
 3 established by the Indiana department of administration and approved
 4 by the budget agency.

5 (h) Each member of the advisory committee who is a member of the
 6 general assembly is entitled to receive the same per diem, mileage, and
 7 travel allowances paid to members of the general assembly serving on
 8 interim study committees established by the legislative council.

9 (i) The advisory committees shall act in an advisory capacity to the
 10 superintendents of each advisory committee's respective institutions
 11 and to the state health commissioner in the state health commissioner's
 12 capacity as administrative head of the administrative unit for special
 13 institutions concerning ways and means of improving the special
 14 institutions and the care of the residents in the special institutions.

15 (j) Each advisory committee shall select one (1) of its members to
 16 serve as a member of the commission for special institutions. The name
 17 of the person selected shall be submitted to the governor and to the
 18 commission for special institutions.

19 (k) Whenever the term of any member selected by an advisory
 20 committee to serve on the commission for special institutions expires
 21 or a vacancy occurs for any reason, the advisory committee shall select
 22 a member of the committee to fill the vacancy. The name of that person
 23 shall be submitted to the governor and to the administrative unit for
 24 special institutions.

25 SECTION 5. IC 20-1-6-2.1 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. (a) There is created
 27 under the Indiana state board of education a division of special
 28 education, which shall exercise all the power and duties set out in this
 29 chapter. The governor shall appoint, upon the recommendation of the
 30 state superintendent of public instruction, a director of special
 31 education who serves at the pleasure of the governor. The amount of
 32 compensation of the director shall be fixed by the budget agency with
 33 the approval of the governor. The duties of the director are as follows:

34 (1) To have general supervision of all programs, classes, and
 35 schools, including those conducted by the public schools, **the**
 36 **Indiana School for the Blind, the Indiana School for the Deaf,**
 37 the department of correction, the state department of health, the
 38 division of disability, aging, and rehabilitative services, and the
 39 division of mental health, for children with disabilities and to
 40 coordinate the work of these schools. In addition, relative to
 41 programs for preschool children with disabilities as required
 42 under section 14.1 of this chapter, the director has general

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1 supervision over programs, classes, and schools, including those
 2 conducted by the schools or other state or local service providers
 3 as contracted for under section 14.1 of this chapter. However,
 4 general supervision does not include the determination of
 5 admission standards for the state departments, boards, or agencies
 6 authorized to provide programs or classes under this chapter.

7 (2) To adopt, with the approval of the Indiana state board of
 8 education, rules governing the curriculum and instruction,
 9 including licensing of personnel in the field of education, as
 10 provided by law.

11 (3) To inspect and rate all schools, programs, or classes for
 12 children with disabilities to maintain proper standards of
 13 personnel, equipment, and supplies.

14 (4) With the consent of the state superintendent of public
 15 instruction and the budget agency, to appoint and fix salaries for
 16 any assistants and other personnel needed to enable the director
 17 to accomplish the duties of the director's office.

18 (5) To adopt, with the approval of the Indiana state board of
 19 education, the following:

20 (A) Rules governing the identification and evaluation of
 21 children with disabilities and their placement under an
 22 individualized education program in a special education
 23 program.

24 (B) Rules protecting the rights of a child with a disability and
 25 the parents of the child with a disability in the identification,
 26 evaluation, and placement process.

27 (6) To make recommendations to the Indiana state board of
 28 education concerning standards and case load ranges for related
 29 services to assist each teacher in meeting the individual needs of
 30 each child according to that child's individualized education
 31 program. The recommendations may include the following:

32 (A) The number of teacher aides recommended for each
 33 exceptionality included within the class size ranges.

34 (B) The role of the teacher aide.

35 (C) Minimum training recommendations for teacher aides and
 36 recommended procedures for the supervision of teacher aides.

37 (7) To cooperate with the interagency coordinating council
 38 established under IC 12-17-15 to ensure that the preschool special
 39 education programs required under section 14.1 of this chapter
 40 are consistent with the early intervention services program
 41 described in IC 12-17-15.

42 (b) The director or the Indiana state board of education may exercise

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1 authority over vocational programs for children with disabilities
 2 through a letter of agreement with the department of workforce
 3 development.

4 SECTION 6. IC 20-1-6-15.1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15.1. (a) For the
 6 purposes of this section, "comprehensive plan" means a plan for
 7 educating all children with disabilities that a school corporation is
 8 required to educate under sections 14 through 14.1 of this chapter, and
 9 those additional children with disabilities that it elects to educate.

10 **(b) For purposes of this section, "school corporation" includes**
 11 **the following:**

12 **(1) The Indiana School for the Blind board.**

13 **(2) The Indiana School for the Deaf board.**

14 ~~(b)~~ (c) The Indiana state board of education shall adopt rules under
 15 IC 4-22-2 detailing the contents of the comprehensive plan. Each
 16 school corporation shall complete and submit to the state
 17 superintendent of public instruction a comprehensive plan. School
 18 corporations operating cooperative or joint special education services
 19 may submit a single comprehensive plan. In addition, if a school
 20 corporation enters into a contractual agreement as permitted under
 21 section 14.1 of this chapter, the school corporation shall collaborate
 22 with the service provider in formulating the comprehensive plan.

23 ~~(c)~~ (d) Notwithstanding the age limits set out in section 1 of this
 24 chapter, the Indiana state board of education may conduct a program
 25 for the early identification of children with disabilities, between the
 26 ages of birth and twenty-one (21), not served by the public schools or
 27 through a contractual agreement under section 14.1 of this chapter, and
 28 may utilize agencies that serve children with disabilities other than the
 29 public schools.

30 ~~(d)~~ (e) The Indiana state board of education shall adopt rules under
 31 IC 4-22-2 requiring the department of correction, the state department
 32 of health, the division of disability, aging, and rehabilitative services,
 33 **the Indiana School for the Blind board, the Indiana School for the**
 34 **Deaf board,** and the division of mental health to submit to the
 35 superintendent of public instruction a plan for the provision of special
 36 education for children in programs administered by each respective
 37 agency who are entitled to a special education.

38 ~~(e)~~ (f) The superintendent of public instruction shall furnish
 39 professional consultant services to the school corporations, the
 40 department of correction, the state department of health, the division
 41 of disability, aging, and rehabilitative services, **the Indiana School for**
 42 **the Blind board, the Indiana School for the Deaf board,** and the



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1 division of mental health to aid them in fulfilling the requirements of
2 this section.

3 SECTION 7. IC 20-1-6-16 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) The
5 superintendent shall appoint a state advisory council on the education
6 of children with disabilities whose duties shall consist of providing
7 policy guidance concerning special education and related services for
8 children with disabilities. The superintendent shall appoint at least
9 seventeen (17) members who shall serve for a period of four (4) years.
10 Vacancies shall be filled in like manner for the unexpired balance of
11 the term.

12 (b) The members must be citizens of Indiana who are representative
13 of the state's population and selected on the basis of their involvement
14 in or concern with the education of children with disabilities. A
15 majority of the members must be individuals with disabilities or the
16 parents of children with disabilities. Members must include the
17 following:

- 18 (1) Parents of children with disabilities.
- 19 (2) Individuals with disabilities.
- 20 (3) Teachers.
- 21 (4) Representatives of higher education institutions that prepare
22 special education and related services personnel.
- 23 (5) State and local education officials.
- 24 (6) Administrators of programs for children with disabilities.
- 25 (7) Representatives of state agencies involved in the financing or
26 delivery of related services to children with disabilities, including
27 the following:
 - 28 (A) The commissioner of the state department of health or the
29 commissioner's designee.
 - 30 (B) The director of the division of disability, aging, and
31 rehabilitative services or the director's designee.
 - 32 (C) The director of the division of mental health or the
33 director's designee.
 - 34 (D) The director of the division of family and children or the
35 director's designee.
- 36 (8) Representatives of nonpublic schools and freeway schools.
- 37 (9) One (1) or more representatives of vocational, community, or
38 business organizations concerned with the provision of
39 transitional services to children with disabilities.
- 40 (10) Representatives of the department of correction.
- 41 (11) **A representative of each of the following:**
 - 42 (A) **The Indiana School for the Blind board.**



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- 1 **(B) The Indiana School for the Deaf board.**
 2 (c) The responsibilities of the state advisory council are as follows:
 3 (1) To advise the superintendent and the board regarding all rules
 4 pertaining to children with disabilities.
 5 (2) To recommend approval or rejection of completed
 6 comprehensive plans submitted by school corporations acting
 7 individually or on a joint school services program basis with other
 8 corporations.
 9 (3) To advise the department of unmet needs within the state in
 10 the education of children with disabilities.
 11 (4) To provide public comment on rules proposed by the board
 12 regarding the education of children with disabilities.
 13 (5) To advise the department in developing evaluations and
 14 reporting data to the United States Secretary of Education under
 15 20 U.S.C. 1418.
 16 (6) To advise the department in developing corrective action
 17 plans to address findings identified in federal monitoring reports
 18 under 20 U.S.C. 1400 et seq.
 19 (7) To advise the department in developing and implementing
 20 policies related to the coordination of services for children with
 21 disabilities.
 22 (d) The council shall organize with a chairperson selected by the
 23 superintendent and meet as often as necessary to conduct the council's
 24 business at the call of the chairperson upon ten (10) days written notice
 25 but not less than four (4) times a year. Members of the council shall be
 26 entitled to reasonable amounts for expenses necessarily incurred in the
 27 performance of their duties.
 28 (e) The superintendent shall designate the director to act as
 29 executive secretary of the council and shall furnish all professional and
 30 clerical assistance necessary for the performance of its powers and
 31 duties.
 32 (f) The affirmative votes of a majority of the members appointed to
 33 the council are required for the council to take action.
 34 SECTION 8. IC 20-1-6-18.2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18.2. (a) The Indiana
 36 state board of education shall adopt rules under IC 4-22-2 which
 37 establish limitations on the amount of transportation which may be
 38 provided in the student's individualized education program. Unless
 39 otherwise specially shown to be essential by the child's individualized
 40 education program, in case of residency in a public or private facility,
 41 these rules shall limit the transportation required by the student's
 42 individualized education program to his first entrance and final

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1 departure each school year plus round trip transportation each school
2 holiday period and two (2) additional round trips each school year.

3 (b) Whenever a student is a transfer student receiving special
4 education in a public school, the state or school corporation responsible
5 for the payment of transfer tuition under IC 20-8.1-6.1-1 shall bear the
6 cost of transportation required by the student's individualized education
7 program. However, if a transfer student was counted as an eligible
8 student for purposes of a distribution in a calendar year under
9 IC 21-3-3.1, the transportation costs that the transferee school may
10 charge for a school year ending in the calendar year shall be reduced
11 by the sum of the following:

12 (1) The quotient of the amount of money that the transferee
13 school is eligible to receive under IC 21-3-3.1-2.1 for the calendar
14 year in which the school year ends divided by the number of
15 eligible students for the transferee school for the calendar year (as
16 determined under IC 21-3-3.1-2.1).

17 (2) The amount of money that the transferee school is eligible to
18 receive under IC 21-3-3.1-4 for the calendar year in which the
19 school year ends for the transportation of the transfer student
20 during the school year.

21 (c) Whenever a student receives a special education:

22 (1) in a facility operated by:

23 (A) the state department of health;

24 (B) the division of disability, aging, and rehabilitative services;

25 or

26 (C) the division of mental health;

27 (2) at the **Indiana School for the Blind; or**

28 (3) at the **Indiana School for the Deaf;**

29 the school corporation in which the student has legal settlement shall
30 bear the cost of transportation required by the student's individualized
31 education program. However, if the student's legal settlement cannot
32 be ascertained, the Indiana state board of education shall bear the cost
33 of transportation required by the student's individualized education
34 program.

35 (d) Whenever a student is placed in a private facility under section
36 19 of this chapter in order to receive a special education because the
37 student's school corporation cannot provide an appropriate special
38 education program, the school corporation in which the student has
39 legal settlement shall bear the cost of transportation required by the
40 student's individualized education program. However, if the student's
41 legal settlement cannot be ascertained, the Indiana state board of
42 education shall bear the cost of transportation required by the student's

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individualized education program.

SECTION 9. IC 20-8.1-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. ~~Employment~~: The employment of children in the Indiana ~~state~~ School for the Deaf and the Indiana ~~state~~ School for the Blind is subject to the general restrictions imposed on child labor under this chapter.

SECTION 10. IC 20-15 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

ARTICLE 15. INDIANA SCHOOL FOR THE BLIND

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Board" refers to the Indiana School for the Blind board established by IC 20-15-3-1.

Sec. 3. "Case conference" refers to the activities of a case conference committee as described in IC 20-1-6.1-2.

Sec. 4. "Employee" refers to an employee of the school.

Sec. 5. "School" refers to the Indiana School for the Blind established by IC 20-15-2-1.

Sec. 6. "School age individual" refers to an individual who is not more than twenty-two (22) years of age.

Sec. 7. "Superintendent" refers to the superintendent of the school appointed under IC 20-15-2-4.

Chapter 2. Indiana School for the Blind

Sec. 1. The Indiana School for the Blind is established as a state educational resource center that includes the following:

- (1) A residential and day school.
- (2) Outreach services.
- (3) Consultative services to local educational agencies to assist them in meeting the needs of locally enrolled students with visual disabilities.

Sec. 2. The school shall provide for the instruction, education, and care of children who are determined to have a serious visual disability by case conference in accordance with Indiana and federal law.

Sec. 3. The school shall provide the following:

- (1) Educational facilities that meet standards established by the Indiana state board of education for regular public schools.
- (2) Educational facilities for school age individuals.
- (3) Educational programs and services to meet those special

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1 needs imposed by visual impairment so that the visually
 2 disabled student (including the student with multiple
 3 disabilities with visual impairment) may achieve the student's
 4 maximum ability for independence in academic pursuits,
 5 career opportunities, travel, personal care, and home
 6 management.

7 (4) Training to permit the visually disabled student (including
 8 the student with multiple disabilities with visual impairment)
 9 to achieve the student's maximum development toward
 10 self-support and independence by the provision of services in
 11 counseling, orientation and mobility, and other related
 12 services.

13 **Sec. 4. (a) The board shall appoint the superintendent, subject**
 14 **to the approval of the governor. The superintendent serves at the**
 15 **pleasure of the board and may be removed for cause.**

16 (b) The superintendent appointee must have the following
 17 qualifications:

18 (1) Be an educator with knowledge, skill, and ability in the
 19 appointee's profession.

20 (2) Have a minimum of five (5) years of experience in
 21 instruction of students with visual disabilities.

22 (3) Have a master's degree or a higher degree.

23 (4) Meet the qualifications for an Indiana teacher's certificate
 24 in the area of visual disabilities.

25 (5) Have a superintendent's license or obtain a
 26 superintendent's license within two (2) years of appointment
 27 by the board.

28 **Sec. 5. (a) The superintendent, subject to the approval of the**
 29 **board and IC 20-15-4, has complete responsibility for management**
 30 **of the school.**

31 (b) The superintendent has responsibility for the following:

32 (1) Direction of the education, care, safety, and well-being of
 33 all students in attendance.

34 (2) Evaluation and improvement of the school staff,
 35 educational programs, and support services.

36 (3) Implementation and administration of the policies,
 37 mission, and goals of the school as established by the board.

38 (4) Serving as the purchasing agent for the school as provided
 39 in IC 5-22-4-8.

40 (5) Implementation of budgetary matters as recommended by
 41 the board and the department of education under
 42 IC 20-15-3-10(7).



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- 1 **(6) Management of the school's outreach program with local**
- 2 **public schools.**
- 3 **(7) Advocating on behalf of the school under guidelines**
- 4 **established by the board.**
- 5 **(8) Executing contracts on behalf of the school.**
- 6 **(c) The superintendent is the appointing authority for all**
- 7 **employees necessary to properly conduct and operate the school.**
- 8 **Sec. 6. Subject to:**
- 9 **(1) the determination by case conference committees based on**
- 10 **individualized education programs as defined under**
- 11 **IC 20-1-6-1; and**
- 12 **(2) the school's admissions criteria adopted by the board**
- 13 **under IC 20-15-3-10(4);**
- 14 **the superintendent shall receive as students in the school Indiana**
- 15 **residents who are visually disabled school age individuals.**
- 16 **Sec. 7. (a) A placement review committee for the school is**
- 17 **established. The committee consists of one (1) representative of**
- 18 **each of the following:**
- 19 **(1) The board.**
- 20 **(2) The office of the secretary of family and social services.**
- 21 **(3) The superintendent of public instruction.**
- 22 **(b) The placement review committee shall meet upon petition of**
- 23 **an interested party to review the following:**
- 24 **(1) Applications to the school denied through the process**
- 25 **described in section 6 of this chapter.**
- 26 **(2) All instances of dismissal from the school for reasons other**
- 27 **than graduation, voluntary transition to another educational**
- 28 **facility, or voluntary departure from the school.**
- 29 **(c) The superintendent shall serve as an adviser to the**
- 30 **placement review committee. The superintendent shall provide the**
- 31 **placement review committee with information and justification for**
- 32 **all application denials and dismissals under review.**
- 33 **(d) The placement review committee may recommend that**
- 34 **application denials or dismissals be reconsidered.**
- 35 **Sec. 8. Upon the presentation of satisfactory evidence showing**
- 36 **that:**
- 37 **(1) there is a school age individual with a visual disability**
- 38 **residing in a county;**
- 39 **(2) the individual is entitled to the facilities of the school;**
- 40 **(3) the parents or guardians of the individual desire to avail**
- 41 **themselves of the educational program offered at the school**
- 42 **but are unable to pay the expenses of maintaining the**

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1 individual at the school; and

2 (4) the individual is entitled to placement in the school under
3 section 6 of this chapter;

4 a court with jurisdiction shall, upon application by the county
5 office of family and children, order the individual to be sent to the
6 school at the expense of the county. Such expenses include the
7 expenses described in section 10 of this chapter and shall be paid
8 from the county general fund.

9 Sec. 9. The compulsory school attendance laws of Indiana apply
10 to all children with visual disabilities. The case conference
11 committee may make placement of a child with a visual disability
12 at the school. The child shall remain in attendance during the full
13 scholastic term of the school unless the case conference committee
14 changes the placement.

15 Sec. 10. (a) The school shall provide board, room, laundry, and
16 ordinary medical attention, including emergencies.

17 (b) While a student is enrolled at the school, the student's
18 parents, guardian, a responsible relative, or other person shall
19 provide medical, optical, and dental care involving special
20 medication or prostheses.

21 (c) While a student is enrolled at the school, the student's
22 parents, guardian, responsible relative, or other person shall
23 suitably provide the student with clothing and other essentials not
24 otherwise provided under this article.

25 (d) The school corporation in which the student has legal
26 settlement shall bear the cost of transportation required by the
27 student's individualized education program under IC 20-1-6-18.2.
28 However, the student's parent, guardian, responsible relative, or
29 other person shall bear the cost of transportation not required by
30 the student's individualized education program (as defined in
31 IC 20-1-6-1).

32 (e) The student's parents, guardian, responsible relative, or
33 other person shall provide the incidental expense money that is
34 needed by the student.

35 Sec. 11. (a) The school may establish an adult education
36 program.

37 (b) The school may establish an appropriate fee for services for
38 such a program. Federal grants or matching funds may also be
39 used, subject to approval of the budget agency.

40 Sec. 12. The school may establish a vocational work-study
41 program.

42 Sec. 13. The superintendent may, subject to the approval of the

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1 governor and the policies of the board, receive, for the use of the
 2 school, gifts, legacies, devises, and conveyances of real or personal
 3 property that are made, given, or granted to or for the school.

4 **Chapter 3. Indiana School for the Blind Board**

5 **Sec. 1. The Indiana School for the Blind board is established.**

6 **Sec. 2. (a) The board consists of the following members:**

7 (1) Seven (7) individuals appointed by the governor. The
 8 individuals appointed under this subdivision are voting
 9 members of the board.

10 (2) The director of the division of special education of the
 11 department of education. The individual serving under this
 12 subdivision serves in a nonvoting, advisory capacity.

13 (3) One (1) individual designated by the governor as the
 14 governor's representative on the board. The member
 15 appointed under this subdivision serves on the board in a
 16 nonvoting, advisory capacity.

17 (4) One (1) member of the general assembly appointed by the
 18 president pro tempore of the senate. The member appointed
 19 under this subdivision serves in a nonvoting, advisory
 20 capacity.

21 (b) When appointing a member to the board under subsection
 22 (a)(1), the governor must satisfy the following:

23 (1) One (1) voting member of the board must be a parent of at
 24 least one (1) student enrolled or formerly enrolled at the
 25 school.

26 (2) One (1) voting member of the board must have been a
 27 student at the school.

28 (3) One (1) voting member of the board must be a:

29 (A) representative of a local education agency; or

30 (B) special education director.

31 (c) Before assuming membership on the board, an individual
 32 appointed under subsection (a)(1) must do the following:

33 (1) Execute a bond:

34 (A) payable:

35 (i) to the state; and

36 (ii) in an amount and with sureties as approved by the
 37 governor; and

38 (B) that is conditioned on the faithful discharge of the
 39 member's duties.

40 (2) Take and subscribe an oath that must be endorsed upon
 41 the member's official bond.

42 The executed bond and oath shall be filed in the office of the



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1 secretary of state. The cost of the bond shall be paid from
2 appropriations made to the school.

3 **Sec. 3. (a)** Each voting board member who is not an employee of
4 the state or a political subdivision is entitled to the following:

5 (1) The minimum salary per diem provided by IC 4-10-11-2.1
6 for each board meeting attended by the member.

7 (2) Reimbursement for traveling expenses as provided under
8 IC 4-13-1-4 and other expenses actually incurred in
9 connection with the member's duties as provided in the state
10 policies and procedures established by the Indiana
11 department of administration and approved by the budget
12 agency.

13 Money for payments to board members under this subsection shall
14 be paid from appropriations made to the school.

15 (b) The member of the board appointed under section 2(a)(4) of
16 this chapter is entitled to receive the same per diem, mileage, and
17 travel allowances paid to legislative members of interim study
18 committees established by the legislative council. Per diem,
19 mileage, and travel allowances paid under this subsection shall be
20 paid from appropriations made to the legislative council or the
21 legislative services agency.

22 **Sec. 4. (a)** This section applies only to a board member serving
23 under section 2(a)(1) of this chapter.

24 (b) The term of a board member is four (4) years.

25 (c) The term of a member begins upon appointment by the
26 governor.

27 (d) A member may serve after the member's term expires until
28 the term of the member's successor begins.

29 (e) The governor may reappoint a member to serve a new term.

30 **Sec. 5.** Whenever there is a vacancy on the board, the governor
31 shall fill the vacancy for the remainder of the unexpired term.

32 **Sec. 6. (a)** At the board's last meeting before July 1 of each year,
33 the board shall elect one (1) member to be chair of the board.

34 (b) The member elected chair of the board serves as chair
35 beginning July 1 after elected by the board.

36 (c) The board may reelect a member as chair of the board.

37 (d) The board shall annually elect one (1) of its members to
38 serve as the secretary for the board.

39 **Sec. 7.** Four (4) voting members of the board constitute a
40 quorum. The affirmative vote of at least four (4) voting members
41 of the board is necessary for the board to take official action other
42 than to do the following:



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- (1) Adjourn.**
- (2) Meet to hear reports or testimony.**
- Sec. 8. The school shall provide staff and administrative support to the board.**
- Sec. 9. Subject to IC 20-1-6-2.1 and IC 20-15-4, the board has complete policy and administrative control and responsibility for the school.**
- Sec. 10. The board shall do the following:**
 - (1) Establish policies and accountability measures for the school.**
 - (2) Implement this article.**
 - (3) Perform the duties required by IC 5-22-4-8.**
 - (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with visual disabilities, including children with multiple disabilities, at the school.**
 - (5) Hire the superintendent, who serves at the pleasure of the board.**
 - (6) Determine the salary and benefits of the superintendent.**
 - (7) Submit the school's biennial budget to the department of education which shall submit the budget recommended by the board to the budget agency and the budget committee.**
 - (8) Adopt rules under IC 4-22-2 required by this article.**
- Sec. 11. The board may do any of the following to implement this article:**
 - (1) Adopt, amend, and repeal bylaws in compliance with this article to govern the business of the board.**
 - (2) Appoint committees the board considers necessary to advise the board.**
 - (3) Accept gifts, devise, bequests, grants, loans, and appropriations, and agree to and comply with conditions attached to a gift, devise, bequest, grant, loan, or appropriation.**
 - (4) Do any and all acts and things necessary, proper, or convenient to carry out this article.**
- Chapter 4. Personnel System**
- Sec. 1. Except as provided in this chapter, IC 4-15-1.8 and IC 4-15-2 applies to the employees of the school.**
- Sec. 2. (a) This section applies after March 31, 2000.**
- (b) The superintendent shall hire directly for those positions as approved by the state personnel department and the board any candidate the superintendent considers qualified to fill a position at the school. The state personnel department, in collaboration**

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1 with the board, shall annually develop a list of job classifications
2 for positions at the school for which the superintendent may fill a
3 vacancy by hiring a candidate for the position based on a search
4 for qualified candidates outside the state personnel hiring list.

5 Sec. 3. (a) The board shall prescribe, subject to the approval of
6 the state personnel department and the budget agency, a salary
7 schedule for the school, using a daily rate of pay for each teacher
8 which must be equal to that of the largest school corporation in the
9 county in which the school is located.

10 (b) The board shall prescribe the terms of the annual contract
11 awarded to licensed teachers qualifying for payment under the
12 salary schedule as described in subsection (a).

13 (c) The hours of work for all teachers shall be set in accordance
14 with IC 4-15-2.

15 SECTION 11. IC 20-16 IS ADDED TO THE INDIANA CODE AS
16 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
17 1999]:

18 **ARTICLE 16. INDIANA SCHOOL FOR THE DEAF**

19 **Chapter 1. Definitions**

20 **Sec. 1. The definitions in this chapter apply throughout this**
21 **article.**

22 **Sec. 2. "Board" refers to the Indiana School for the Deaf board**
23 **established by IC 20-16-3-1.**

24 **Sec. 3. "Case conference" refers to the activities of a case**
25 **conference committee as described in IC 20-1-6.1-2.**

26 **Sec. 4. "Employee" refers to an employee of the school.**

27 **Sec. 5. "School" refers to the Indiana School for the Deaf**
28 **established by IC 20-16-2-1.**

29 **Sec. 6. "School age individual" refers to an individual who is not**
30 **more than twenty-two (22) years of age.**

31 **Sec. 7. "Superintendent" refers to the superintendent of the**
32 **school appointed under IC 20-16-2-4.**

33 **Chapter 2. Indiana School for the Deaf**

34 **Sec. 1. The Indiana School for the Deaf is established as a state**
35 **educational resource center that includes the following:**

- 36 (1) A residential and day school.
- 37 (2) Outreach services.
- 38 (3) Consultative services to local educational agencies to assist
- 39 them in meeting the needs of locally enrolled students with
- 40 hearing disabilities.

41 **Sec. 2. The school shall provide for the instruction, education,**
42 **and care of children who are determined to have a hearing**

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1 disability by case conference in accordance with Indiana and
2 federal law.

3 Sec. 3. The school shall provide the following:

4 (1) Educational facilities that meet standards established by
5 the Indiana state board of education for regular public
6 schools.

7 (2) Educational facilities for school age individuals.

8 (3) Educational programs and services to meet those special
9 needs imposed by hearing impairment so that the hearing
10 disabled student (including the student with multiple
11 disabilities with hearing impairment) may achieve the
12 student's maximum ability for independence in academic
13 pursuits, career opportunities, travel, personal care, and
14 home management.

15 (4) Training to permit the hearing disabled student (including
16 the student with multiple disabilities with hearing
17 impairment) to achieve the student's maximum development
18 toward self-support and independence.

19 Sec. 4. (a) The board shall appoint the superintendent subject to
20 the approval of the governor. The superintendent serves at the
21 pleasure of the board and may be removed for cause.

22 (b) The superintendent appointee must have the following
23 qualifications:

24 (1) Be an educator with knowledge, skill, and ability in the
25 appointee's profession.

26 (2) Have a minimum of five (5) years of experience in
27 instruction of students with hearing disabilities.

28 (3) Have a master's degree or a higher degree.

29 (4) Meet the qualifications for an Indiana teacher's certificate
30 in the area of hearing disabilities.

31 (5) Have a superintendent's license or obtain a
32 superintendent's license within two (2) years of appointment
33 by the board.

34 Sec. 5. (a) The superintendent, subject to the approval of the
35 board and IC 20-16-4, has complete responsibility for management
36 of the school.

37 (b) The superintendent has responsibility for the following:

38 (1) Direction of the education, care, safety, and well-being of
39 all students in attendance.

40 (2) Evaluation and improvement of the school staff,
41 educational programs, and support services.

42 (3) Implementation and administration of the policies,

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- 1 mission, and goals of the school as established by the board.
- 2 (4) Serving as the purchasing agent for the school as provided
- 3 in IC 5-22-4-8.
- 4 (5) Implementation of budgetary matters as recommended by
- 5 the board and the department of education under
- 6 IC 20-16-3-10(7).
- 7 (6) Management of the school's outreach program with local
- 8 public schools.
- 9 (7) Advocating on behalf of the school under guidelines
- 10 established by the board.
- 11 (8) Executing contracts on behalf of the school.
- 12 (c) The superintendent is the appointing authority for all
- 13 employees necessary to properly conduct and operate the school.
- 14 Sec. 6. Subject to:
- 15 (1) the determination by case conference committee based on
- 16 individualized education programs, as defined under
- 17 IC 20-1-6-1; and
- 18 (2) the school's admission criteria adopted by the board under
- 19 IC 20-16-3-10(4);
- 20 the superintendent shall receive as students in the school Indiana
- 21 residents who are hearing disabled school age individuals.
- 22 Sec. 7. (a) A placement review committee for the school is
- 23 established. The committee consists of one (1) representative of
- 24 each of the following:
- 25 (1) The board.
- 26 (2) The office of the secretary of family and social services.
- 27 (3) The superintendent of public instruction.
- 28 (b) The placement review committee shall meet upon petition of
- 29 an interested party to review the following:
- 30 (1) Applications to the school denied through the process
- 31 described in section 6 of this chapter.
- 32 (2) All instances of dismissal from the school for reasons other
- 33 than graduation, voluntary transition to another educational
- 34 facility, or voluntary departure from the school.
- 35 (c) The superintendent shall serve as an adviser to the
- 36 placement review committee. The superintendent shall provide the
- 37 placement review committee with information and justification for
- 38 all application denials and dismissals under review.
- 39 (d) The placement review committee may recommend that
- 40 application denials or dismissals be reconsidered.
- 41 Sec. 8. Upon the presentation of satisfactory evidence showing
- 42 that:

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1 (1) there is a school age individual with a hearing disability
2 residing in a county;

3 (2) the individual is entitled to the facilities of the school;

4 (3) the parents or guardians of the individual desire to avail
5 themselves of the educational program offered at the school
6 but are unable to pay the expenses of maintaining the
7 individual at the school; and

8 (4) the individual is entitled to placement in the school under
9 section 6 of this chapter;

10 a court with jurisdiction shall, upon application by the county
11 office of family and children, order the individual to be sent to the
12 school at the expense of the county. Such expenses include the
13 expenses described in section 10 of this chapter and shall be paid
14 from the county general fund.

15 **Sec. 9.** The compulsory school attendance laws of Indiana apply
16 to all children with hearing disabilities. The case conference
17 committee may make placement of a child with a hearing disability
18 at the school. The child shall remain in attendance during the full
19 scholastic term of the school unless the case conference committee
20 changes the placement.

21 **Sec. 10.** (a) The school shall provide board, room, laundry, and
22 ordinary medical attention, including emergencies.

23 (b) While a student is enrolled at the school, the student's
24 parents, guardian, a responsible relative, or other person shall
25 provide medical, optical, and dental care involving special
26 medication or prostheses.

27 (c) While a student is enrolled at the school, the student's
28 parents, guardian, responsible relative, or other person shall
29 suitably provide the student with clothing and other essentials not
30 otherwise provided under this article.

31 (d) The school corporation in which the student has legal
32 settlement shall bear the cost of transportation required by the
33 student's individualized education program under IC 20-1-6-18.2.
34 However, the student's parent, guardian, responsible relative, or
35 other person shall bear the cost of transportation not required by
36 the student's individualized education program (as defined in
37 IC 20-1-6-1).

38 (e) The student's parents, guardian, responsible relative, or
39 other person shall provide the incidental expense money that is
40 needed by the student.

41 **Sec. 11.** (a) The school may establish an adult education
42 program.



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1 (b) The school may establish an appropriate fee for services for
 2 such a program. Federal grants or matching funds may also be
 3 used, subject to the approval of the budget agency.

4 Sec. 12. The school may establish a vocational work-study
 5 program.

6 Sec. 13. The superintendent may, subject to the approval of the
 7 governor and the policies of the board, receive, for the use of the
 8 school, gifts, legacies, devises, and conveyances of real and personal
 9 property that are made, given, or granted to or for the school.

10 Chapter 3. Indiana School for the Deaf Board

11 Sec. 1. The Indiana School for the Deaf board is established.

12 Sec. 2. (a) The board consists of the following members:

13 (1) Seven (7) individuals appointed by the governor. The
 14 individuals appointed under this subdivision are voting
 15 members of the board.

16 (2) The director of the division of special education of the
 17 department of education. The individual serving under this
 18 subdivision serves in a nonvoting, advisory capacity.

19 (3) One (1) individual designated by the governor as the
 20 governor's representative on the board. The member
 21 appointed under this subdivision serves on the board in a
 22 nonvoting, advisory capacity.

23 (4) One (1) member of the general assembly appointed by the
 24 speaker of the house of representatives. The member
 25 appointed under this subdivision serves in a nonvoting,
 26 advisory capacity.

27 (b) When appointing a member to the board under subsection
 28 (a)(1), the governor must satisfy the following:

29 (1) One (1) voting member of the board must be a parent of at
 30 least one (1) student enrolled or formerly enrolled at the
 31 school.

32 (2) One (1) voting member of the board must have been a
 33 student at the school.

34 (3) One (1) voting member of the board must be a:

35 (A) representative of a local education agency; or

36 (B) special education director.

37 (c) Before assuming membership on the board, an individual
 38 appointed under subsection (a)(1) must do the following:

39 (1) Execute a bond:

40 (A) payable:

41 (i) to the state; and

42 (ii) in an amount and with sureties as approved by the

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1 governor; and
 2 (B) that is conditioned on the faithful discharge of the
 3 member's duties.

4 (2) Take and subscribe an oath that must be endorsed upon
 5 the member's official bond.

6 The executed bond and oath shall be filed in the office of the
 7 secretary of state. The cost of the bond shall be paid from
 8 appropriations made to the school.

9 Sec. 3. (a) Each voting member of the board who is not an
 10 employee of the state or a political subdivision is entitled to the
 11 following:

12 (1) The minimum salary per diem provided by IC 4-10-11-2.1
 13 for each board meeting attended by the member.

14 (2) Reimbursement for traveling expenses as provided under
 15 IC 4-13-1-4 and other expenses actually incurred in
 16 connection with the member's duties as provided in the state
 17 policies and procedures established by the Indiana
 18 department of administration and approved by the budget
 19 agency.

20 Money for payments to board members under this subsection shall
 21 be paid from appropriations made to the school.

22 (b) The member of the board appointed under section 2(a)(4) of
 23 this chapter is entitled to receive the same per diem, mileage, and
 24 travel allowances paid to legislative members of interim study
 25 committees established by the legislative council. Per diem,
 26 mileage, and travel allowances paid under this subsection shall be
 27 paid from appropriations made to the legislative council or the
 28 legislative services agency.

29 Sec. 4. (a) This section applies only to a board member serving
 30 under section 2(a)(1) of this chapter.

31 (b) The term of a board member is four (4) years.

32 (c) The term of a member begins upon appointment by the
 33 governor.

34 (d) A member may serve after the member's term expires until
 35 the term of the member's successor begins.

36 (e) The governor may reappoint a member to serve a new term.

37 Sec. 5. Whenever there is a vacancy on the board, the governor
 38 shall fill the vacancy for the remainder of the unexpired term.

39 Sec. 6. (a) At the board's last meeting before July 1 of each year,
 40 the board shall elect one (1) member to be chair of the board.

41 (b) The member elected chair of the board serves as chair
 42 beginning July 1 after elected by the board.



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- 1 (c) The board may reelect a member as chair of the board.
- 2 (d) The board shall annually elect one (1) of its members to
- 3 serve as the secretary for the board.

4 Sec. 7. Four (4) voting members of the board constitute a
 5 quorum. The affirmative vote of at least four (4) members of the
 6 board is necessary for the board to take official action other than
 7 to do the following:

- 8 (1) Adjourn.
- 9 (2) Hear reports or testimony.

10 Sec. 8. The school shall provide staff and administrative support
 11 to the board.

12 Sec. 9. Subject to IC 20-1-6-2.1, and IC 20-16-4, the board has
 13 complete policy and administrative control and responsibility for
 14 the school.

15 Sec. 10. The board shall do the following:

- 16 (1) Establish policies and accountability measures for the
- 17 school.
- 18 (2) Implement this article.
- 19 (3) Perform the duties required by IC 5-22-4-8.
- 20 (4) Adopt rules under IC 4-22-2 to establish criteria for the
- 21 admission of children with hearing disabilities, including
- 22 children with multiple disabilities, at the school.
- 23 (5) Hire the superintendent, who serves at the pleasure of the
- 24 board.
- 25 (6) Determine the salary and benefits of the superintendent.
- 26 (7) Submit the school's biennial budget to the department of
- 27 education which shall submit the budget recommended by the
- 28 board to the budget agency and the budget committee.
- 29 (8) Adopt rules under IC 4-22-2 required by this article.

30 Sec. 11. The board may do any of the following to implement
 31 this article:

- 32 (1) Adopt, amend, and repeal bylaws in compliance with this
- 33 article to govern the business of the board.
- 34 (2) Appoint committees the board considers necessary to
- 35 advise the board.
- 36 (3) Accept gifts, devises, bequests, grants, loans, and
- 37 appropriations, and agree to and comply with conditions
- 38 attached to a gift, devise, bequest, grant, loan, or
- 39 appropriation.
- 40 (4) Do any and all acts and things necessary, proper, or
- 41 convenient to carry out this article.

42 Chapter 4. Personnel System

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1 **Sec. 1. Except as provided in this chapter, IC 4-15-1.8 and**
 2 **IC 4-15-2 apply to the employees of the school**

3 **Sec. 2. (a) This section applies after March 31, 2000.**

4 **(b) The superintendent shall hire directly for those positions as**
 5 **approved by the state personnel department and the board any**
 6 **candidate the superintendent considers qualified to fill a position**
 7 **at the school. The state personnel department, in collaboration**
 8 **with the board, shall annually develop a list of job classifications**
 9 **for positions at the school for which the superintendent may fill a**
 10 **vacancy by hiring a candidate for the position based on a search**
 11 **for qualified candidates outside the state personnel hiring list.**

12 **Sec. 3. (a) The board shall prescribe, subject to the approval of**
 13 **the state personnel department and the budget agency, salary**
 14 **schedule for the school, using a daily rate of pay for each teacher,**
 15 **which must be equal to that of the largest school corporation in the**
 16 **county in which the school is located.**

17 **(b) The board shall prescribe the terms of the annual contract**
 18 **awarded to licensed teachers qualifying for payment under the**
 19 **salary schedule as described in subsection (a).**

20 **(c) The hours of work for all teachers shall be set in accordance**
 21 **with IC 4-15-2.**

22 **SECTION 12. THE FOLLOWING ARE REPEALED [EFFECTIVE**
 23 **JULY 1, 1999]: IC 4-24-9-1; IC 16-33-1; IC 16-33-2.**

24 **SECTION 13. [EFFECTIVE UPON PASSAGE] (a) Except as**
 25 **provided in subsection (b), the definitions in IC 20-15-1, as added**
 26 **by this act, apply throughout this SECTION.**

27 **(b) As used in this SECTION, "superintendent" refers to the**
 28 **individual who:**

29 **(1) was appointed under IC 16-33-1-6, before its repeal by this**
 30 **act; and**

31 **(2) serves as superintendent on June 30, 1999.**

32 **(c) Before July 1, 1999, the governor shall appoint the members**
 33 **of the board under IC 20-15-3-2(a)(1), as added by this act.**
 34 **Notwithstanding IC 20-15-3-4, as added by this act, the terms of**
 35 **office of the members appointed by the governor expire as follows:**

36 **(1) The term of one (1) member of the board expires July 1,**
 37 **2000.**

38 **(2) The term of one (1) member of the board expires July 1,**
 39 **2001.**

40 **(3) The terms of two (2) members of the board expire July 1,**
 41 **2002.**

42 **(4) The terms of three (3) members of the board expire July**



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1 1, 2003.

2 (d) When appointing members of the board under this
3 SECTION, the following apply:

4 (1) The governor shall state, subject to subsection (c), when
5 the term of office of each member expires.

6 (2) The governor shall, notwithstanding IC 20-15-3-6, as
7 added by this act, appoint one (1) of the members as chair of
8 the board. The member appointed as chair under this
9 subdivision serves as chair until July 1, 2000, unless elected as
10 chair under IC 20-15-3-6, as added by this act, to serve a new
11 term.

12 (3) The governor may appoint the member under
13 IC 20-15-3-2(a)(3), as added by this act, as the governor
14 considers appropriate.

15 (e) The board shall hold its first meeting in July of 1999 at the
16 school and conduct business the board considers necessary.

17 (f) Before December 1, 1999, the board, with input from the
18 state department of health and the department of education, shall
19 adopt a transition plan for the transfer of the management and
20 oversight of the school from the state department of health to the
21 board or the superintendent as appropriate. The board shall
22 submit the adopted transition plan to the governor, the state health
23 commissioner, and the department of education.

24 (g) Notwithstanding IC 20-15, as added by this act, the school
25 shall be administered by the state department of health and the
26 state health commissioner until the board certifies to the governor
27 and the state health commissioner that the board has adopted the
28 transition plan required by subsection (f). The school shall be
29 administered as provided in IC 16, before its amendment by this
30 act, to the extent not inconsistent with an orderly transition from
31 administration of the school by the state health commissioner to
32 administration by the board and the superintendent.

33 (h) After the governor and the state health commissioner receive
34 the certification required by subsection (g), all the following apply:

35 (1) The state health commissioner's authority over the school
36 ends.

37 (2) The board shall administer the school under IC 20-15, as
38 added by this act.

39 (3) All appropriations made to the school are transferred to
40 the board. The auditor of state shall take all necessary action
41 to transfer the balance of appropriations and other funds
42 belonging to the school to the board.



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1 **(4) All rules adopted under IC 4-22-2 relating to the school**
 2 **are considered to be the rules of the board until the board**
 3 **amends or repeals the rules under IC 20-15, as added by this**
 4 **act.**

5 **(5) All references to the school in any statute, rule, or other**
 6 **legal document are considered references to the school under**
 7 **IC 20-15, as added by this act.**

8 **The board may send copies of the certification to other state**
 9 **agencies the board considers necessary to permit the school to**
 10 **operate under IC 20-15, as added by this act.**

11 **(i) The board shall prepare and submit a report to the legislative**
 12 **council not later than December 31, 1999, that describes the**
 13 **implementation of the transition plan under this SECTION.**

14 **(j) This SECTION expires July 1, 2003.**

15 **SECTION 14. [EFFECTIVE UPON PASSAGE] (a) Except as**
 16 **provided in subsection (b), the definitions in IC 20-16-1, as added**
 17 **by this act, apply throughout this SECTION.**

18 **(b) As used in this SECTION, "superintendent" refers to the**
 19 **individual who:**

20 **(1) was appointed under IC 16-33-2-6, before its repeal by this**
 21 **act; and**

22 **(2) serves as superintendent on June 30, 1999.**

23 **(c) Before July 1, 1999, the governor shall appoint the members**
 24 **of the board under IC 20-16-3-2(a)(1), as added by this act.**
 25 **Notwithstanding IC 20-16-3-4, as added by this act, the terms of**
 26 **office of the members appointed by the governor expire as follows:**

27 **(1) The term of one (1) member of the board expires July 1,**
 28 **2000.**

29 **(2) The term of one (1) member of the board expires July 1,**
 30 **2001.**

31 **(3) The terms of two (2) members of the board expire July 1,**
 32 **2002.**

33 **(4) The terms of three (3) members of the board expire July**
 34 **1, 2003.**

35 **(d) When appointing members of the board under this**
 36 **SECTION, the following apply:**

37 **(1) The governor shall state, subject to subsection (c), when**
 38 **the term of office of each member expires.**

39 **(2) The governor shall, notwithstanding IC 20-16-3-6, as**
 40 **added by this act, appoint one (1) of the members as chair of**
 41 **the board. The member appointed as chair under this**
 42 **subdivision serves as chair until July 1, 2000, unless elected as**



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1 chair under IC 20-15-3-6, as added by this act, to serve a new
2 term.

3 (3) The governor may appoint the member under
4 IC 20-16-3-2(a)(3), as added by this act, as the governor
5 considers appropriate.

6 (e) The board shall hold its first meeting in July of 1999 at the
7 school and conduct business the board considers necessary.

8 (f) Before December 1, 1999, the board, with input from the
9 state department of health and the department of education, shall
10 adopt a transition plan for the transfer of the management and
11 oversight of the school from the state department of health to the
12 board or the superintendent as appropriate. The board shall
13 submit the adopted transition plan to the governor, the state health
14 commissioner, and the department of education.

15 (g) Notwithstanding IC 20-16, as added by this act, the school
16 shall be administered by the state department of health and the
17 state health commissioner until the board certifies to the governor
18 and the state health commissioner that the board has adopted the
19 transition plan required by subsection (f). The school shall be
20 administered as provided in IC 16, before its amendment by this
21 act, to the extent not inconsistent with an orderly transition from
22 administration of the school by the state health commissioner to
23 administration by the board and the superintendent.

24 (h) After the governor and the state health commissioner receive
25 the certification required by subsection (g), all the following apply:

26 (1) The state health commissioner's authority over the school
27 ends.

28 (2) The board shall administer the school under IC 20-16, as
29 added by this act.

30 (3) All appropriations made to the school are transferred to
31 the board. The auditor of state shall take all necessary action
32 to transfer the balance of appropriations and other funds
33 belonging to the school to the board.

34 (4) All rules adopted under IC 4-22-2 relating to the school
35 are considered to be the rules of the board until the board
36 amends or repeals the rules under IC 20-16, as added by this
37 act.

38 (5) All references to the school in any statute, rule, or other
39 legal document are considered references to the school under
40 IC 20-16, as added by this act.

41 The board may send copies of the certification to other state
42 agencies the board considers necessary to permit the school to



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1 **operate under IC 20-16, as added by this act.**
2 **(i) The board shall prepare and submit a report to the legislative**
3 **council not later than December 31, 1999, that describes the**
4 **implementation of the transition plan under this SECTION.**
5 **(j) This SECTION expires July 1, 2003.**
6 **SECTION 15. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1904, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "school".

Page 2, line 2, delete "school".

Page 2, line 16, delete "three" and insert "**one**".

Page 2, line 16, delete "(\$300,000)" and insert "**(\$100,000)**".

Page 2, delete lines 17 through 25, begin a new paragraph and insert:

"(f) Not later than October 1, 1999, the Indiana department of administration and the board shall develop and implement a written policy for purchases by the school with a value of more than one hundred thousand dollars (\$100,000)."

Page 6, line 17, delete "school".

Page 6, line 18, delete "school".

Page 6, line 37, after "services," insert "**the Indiana School for the Blind board, the Indiana School for the Deaf board,**".

Page 7, line 3, after "services," insert "**the Indiana School for the Blind board, the Indiana School for the Deaf board,**".

Page 8, line 2, delete "school".

Page 8, line 3, delete "school".

Page 10, line 16, delete "school".

Page 11, line 11, delete "vocational".

Page 11, line 24, delete "disabilities with an emphasis on school" and insert "**disabilities.**".

Page 11, delete line 25.

Page 11, line 36, after "Implementation" insert "**and administration**".

Page 11, line 40, delete "." and insert "**as recommended by the board.**".

Page 13, line 7, delete "However, the" and insert "**The**".

Page 13, line 38, after "to" insert "**the approval of the governor and**".

Page 13, line 42, delete "Blind School" and insert "**Blind**".

Page 14, line 1, delete "school".

Page 14, between lines 13 and 14, begin a new line block indented and insert:

"(4) One (1) member of the general assembly appointed by the president pro tempore of the senate. The member appointed under this subdivision serves in a nonvoting, advisory



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capacity."

Page 14, between lines 20 and 21, begin a new line block indented and insert:

**"(3) One (1) voting member of the board must be a:
(A) representative of a local education agency; or
(B) special education director."**

Page 14, line 31, delete "(b)".

Page 14, line 31, begin a new line blocked left beginning with "Money".

Page 14, line 31, delete "section" and insert "**subsection**".

Page 14, between lines 32 and 33, begin a new paragraph and insert:

"(b) The member of the board appointed under section 2(a)(4) of this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency."

Page 15, between lines 7 and 8, begin a new paragraph and insert:

"(d) The board shall elect one (1) of its members to serve as the secretary for the board."

Page 15, line 8, after "Sec. 7." insert "(a)".

Page 15, between lines 13 and 14, begin a new paragraph and insert:

"(b) The member of the board appointed under section 2(a)(2) of this chapter may be excused from voting on matters pending before the board that are under deliberation by the department of education."

Page 15, line 14, delete "board. The" and insert "**board.**".

Page 15, delete line 15.

Page 15, line 19, delete "Administer" and insert "**Establish policies and accountability for**".

Page 15, between lines 27 and 28, begin a new line block indented and insert:

"(7) On a timely basis, approve and submit to the budget agency and the budget committee the school's proposed biennial budget based on the recommendations of the department of education for use in the development of the department of education's special education budget. The board shall submit a copy of the proposed biennial budget for the school to the department of education."

Page 15, line 30, delete "not inconsistent" and insert "**in compliance**".



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Page 16, line 11, after "school." insert "**The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the superintendent may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.**".

Page 16, delete lines 14 through 19.

Page 16, line 20, delete "(b) Except as provided in subsection (e), the" and insert "**Sec. 3. (a) The**".

Page 16, line 20, after "shall" delete ",".

Page 16, line 21, delete "following the annual review in subsection (a),".

Page 16, line 26, delete "(c)" and insert "**(b)**".

Page 16, line 28, delete "." and insert "**as described in subsection (a).**".

Page 16, delete lines 29 through 35.

Page 16, line 36, delete "(e)" and insert "**(c)**".

Page 17, line 4, delete "school".

Page 18, line 10, delete "with an emphasis on school" and insert ".".

Page 18, delete line 11.

Page 18, line 22, after "Implementation" insert "**and administration**".

Page 18, line 26, delete "." and insert "**as recommended by the board.**".

Page 19, line 35, delete "However, the" and insert "**The**".

Page 20, line 24, after "to" insert "**the approval of the governor and**".

Page 20, line 28, delete "Deaf School" and insert "**Deaf**".

Page 20, line 29, delete "school".

Page 20, between lines 41 and 42, begin a new line block indented and insert:

"(4) One (1) member of the general assembly appointed by the speaker of the house of representatives. The member appointed under this subdivision serves in a nonvoting, advisory capacity."

Page 21, between lines 6 and 7, begin a new line block indented and insert:

**"(3) One (1) voting member of the board must be a:
(A) representative of a local education agency; or
(B) special education director."**

Page 21, line 18, delete "(b)".

Page 21, line 18, begin a new line blocked left beginning with

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"Money".

Page 21, line 18, delete "section" and insert "**subsection**".

Page 21, between lines 19 and 20, begin a new paragraph and insert:

"(b) The member of the board appointed under section 2(a)(4) of this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency."

Page 21, between lines 36 and 37, begin a new paragraph and insert:

"(d) The board shall elect one (1) of its members to serve as the secretary for the board."

Page 21, line 37, after "Sec. 7." insert "(a)".

Page 21, after line 42, begin a new paragraph and insert the following:

"(b) The member of the board appointed under section 2(a)(2) of this chapter may be excused from voting on matters pending before the board that are under deliberation by the department of education."

Page 22, line 1, delete "board. The" and insert "**board.**".

Page 22, delete line 2.

Page 22, line 6, delete "Administer" and insert "**Establish policies and accountability for**".

Page 22, between lines 14 and 15, begin a new line block indented and insert:

"(7) On a timely basis, approve and submit to the budget agency and the budget committee the school's proposed biennial budget based on the recommendations of the department of education for use in the development of the department of education's special education budget. The board shall submit a copy of the proposed biennial budget for the school to the department of education."

Page 22, line 17, delete "not inconsistent" and insert "**in compliance**".

Page 22, line 40, after "school." insert "**The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the superintendent may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.**".

Page 23, delete lines 1 through 6.



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Page 23, line 7, delete "(b) Except as provided in subsection (e), the" and insert "**Sec. 3. (a) The**".

Page 23, line 7, after "shall" delete ",".

Page 23, line 8, delete "following the annual review in subsection (a),".

Page 23, line 13, delete "(c)" and insert "**(b)**".

Page 23, line 15, after "schedule" insert "**as described in subsection (a)**".

Page 23, delete lines 16 through 22.

Page 23, line 23, delete "(e)" and insert "**(c)**".

Page 24, line 19, delete "on July 7, 1999," and insert "**in July of 1999**".

Page 24, line 21, delete "October" and insert "**December**".

Page 24, line 21, after "board" insert ", **with input from the state department of health and the department of education,**".

Page 24, line 25, after "governor" insert ", **the state health commissioner,**".

Page 26, line 5, delete "on July 7, 1999," and insert "**in July of 1999**".

Page 26, line 7, delete "October" and insert "**December**".

Page 26, line 7, after "board" insert ", **with input from the state department of health and the department of education,**".

Page 26, line 11, after "governor" insert ", **the state health commissioner,**".

and when so amended that said bill do pass.

(Reference is to HB 1904 as introduced.)

CHENEY, Chair

Committee Vote: yeas 13, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1904 be amended to read as follows:

Page 10, between lines 15 and 16, begin a new paragraph and insert:
"Sec. 3. "Case conference" refers to the activities of a case conference committee as described in IC 20-1-6.1-1."

Page 10, line 16, delete "3" and insert "4".

Page 10, line 17, delete "4" and insert "5".

Page 10, line 19, delete "5" and insert "6".

Page 10, line 21, delete "6" and insert "7".

Page 11, line 38, delete "." and insert **"and the department of education under IC 20-15-3-10(7)."**

Page 14, line 1, delete "Six (6)" and insert **"Seven (7)"**.

Page 14, line 5, delete "This individual is a voting member" and insert **"The individual serving under this subdivision serves in a nonvoting, advisory capacity."**

Page 14, delete line 6.

Page 14, between lines 24 and 25, begin a new paragraph and insert:
"(c) Before assuming membership on the board, an individual appointed under subsection (a)(1) must do the following:

(1) Execute a bond:

(A) payable:

(i) to the state; and

(ii) in an amount and with sureties as approved by the governor; and

(B) that is conditioned on the faithful discharge of the member's duties.

(2) Take and subscribe an oath that must be endorsed upon the member's official bond.

The executed bond and oath shall be filed in the office of the secretary of state. The cost of the bond shall be paid from appropriations made to the school."

Page 15, line 4, delete "years and expires on" and insert **"years."**

Page 15, delete line 5.

Page 15, line 6, delete "on the later of the following:" and insert **"upon appointment by the governor."**

Page 15, delete lines 7 through 8.

Page 15, line 21, delete "(a)".

Page 15, delete lines 27 through 30.

Page 16, delete lines 2 through 8, begin a new line block indented and insert:

"(7) Submit the school's biennial budget to the department of



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education which shall submit the budget recommended by the board to the budget agency and the budget committee.

(8) Adopt rules under IC 4-22-2 required by this article."

Page 16, line 15, delete "or required".

Page 17, between lines 18 and 19, begin a new paragraph and insert:

"Sec. 3. "Case conference" refers to the activities of a case conference committee as described in IC 20-1-6.1-1."

Page 17, line 19, delete "3" and insert "4".

Page 17, line 20, delete "4" and insert "5".

Page 17, line 22, delete "5" and insert "6".

Page 17, line 24, delete "6" and insert "7".

Page 18, line 39, delete "." and insert "**and the department of education under IC 20-16-3-10(7).**"

Page 21, line 2, delete "Six (6)" and insert "**Seven (7)**".

Page 21, line 6, delete "This individual is a voting member" and insert "**The individual serving under this subdivision serves in a nonvoting, advisory capacity.**".

Page 21, delete line 7.

Page 21, between lines 25 and 26, begin a new paragraph and insert:

"(c) Before assuming membership on the board, an individual appointed under subsection (a)(1) must do the following:

(1) Execute a bond:

(A) payable:

(i) to the state; and

(ii) in an amount and with sureties as approved by the governor; and

(B) that is conditioned on the faithful discharge of the member's duties.

(2) Take and subscribe an oath that must be endorsed upon the member's official bond.

The executed bond and oath shall be filed in the office of the secretary of state. The cost of the bond shall be paid from appropriations made to the school."

Page 22, line 6, delete "years and expires on" and insert "**years.**".

Page 22, delete line 7.

Page 22, line 8, delete "on the later of the following:" and insert "**upon appointment by the governor.**".

Page 22, delete lines 9 through 10.

Page 22, line 23, delete "(a)".

Page 22, delete lines 29 through 32.

(7) Submit the school's biennial budget to the department of education which shall submit the budget recommended by the

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board to the budget agency and the budget committee.

(8) Adopt rules under IC 4-22-2 required by this article."

Page 23, line 17, delete "or required".

(Reference is to HB 1904 as printed February 23, 1999.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred House Bill No. 1904, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 15, after "purchases" insert "**with a value**".

Page 2, delete line 16 and insert "**twenty-five thousand dollars (\$25,000)**".

Page 2, line 20, delete "one hundred thousand dollars (\$100,000)." and insert "**twenty-five thousand dollars (\$25,000)**".

Page 10, line 17, delete "IC 20-1-6.1-1" and insert "**IC 20-1-6.1-2**".

Page 11, line 20, after "years" insert "**of**".

Page 11, line 29, delete "," and insert "**and IC 20-15-4**".

Page 12, between lines 3 and 4, begin a new line block indented and insert:

"(8) Executing contracts on behalf of the school."

Page 12, line 4, delete "chief".

Page 13, line 15, delete "The" and insert "**While a student is enrolled at the school, the student's**".

Page 13, line 18, delete "placed" and insert "**enrolled**".

Page 14, line 18, delete "," and insert "**under subsection (a)(1)**".

Page 15, line 34, after "shall" insert "**annually**".

Page 15, line 42, after "staff" insert "**and administrative**".

Page 16, line 1, delete "," and insert "**and IC 20-15-4**".

Page 16, line 4, after "accountability" insert "**measures**".

Page 16, delete line 23.

Page 16, line 24, delete "(4)" and insert "**(3)**".

Page 16, line 28, delete "(5)" and insert "**(4)**".

Page 16, line 31, delete "(a)".

Page 16, line 31, delete "IC 4-15-2 applies" and insert "**IC 4-15-1.8 and IC 4-15-2 apply**".

Page 16, line 32, delete "." and insert "**of the school**".

Page 16, delete lines 33 through 42, begin a new paragraph and insert:

"Sec. 2. (a) This section applies after March 31, 2000.

(b) The superintendent shall hire directly for those positions as approved by the state personnel department and the board any candidate the superintendent considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the superintendent may fill a

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vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list."

Page 17, delete lines 1 through 6.

Page 17, line 7, after "prescribe" insert ", **subject to the approval of the state personnel department and the budget agency,**".

Page 17, line 8, delete "and other".

Page 17, line 9, delete "specified positions".

Page 17, delete lines 14 through 16, begin a new paragraph and insert:

"(c) The hours of work for all teachers shall be set in accordance with IC 4-15-2."

Page 17, line 27, delete "IC 20-1-6.1-1" and insert "**IC 20-1-6.1-2**".

Page 18, line 28, after "years" insert "**of**".

Page 18, line 37, delete "," and insert "**and IC 20-16-4,**".

Page 19, between lines 11 and 12, begin a new line block indented and insert:

"(8) Executing contracts on behalf of the school."

Page 19, line 12, delete "chief".

Page 20, line 23, delete "The" and insert "**While a student is enrolled at the school, the student's**".

Page 20, line 26, delete "placed" and insert "**enrolled**".

Page 21, line 26, delete "," and insert "**under subsection (a)(1),**".

Page 23, line 1, after "shall" insert "**annually**".

Page 23, line 9, after "staff" insert "**and administrative**".

Page 23, line 10, delete "," and insert "**and IC 20-16-4,**".

Page 23, line 13, after "accountability" insert "**measures**".

Page 23, delete line 32.

Page 23, line 33, delete "(4)" and insert "**(3)**".

Page 23, line 37, delete "(5)" and insert "**(4)**".

Page 23, line 40, delete "(a)".

Page 23, line 40, delete "IC 4-15-2 applies" and insert "**IC 4-15-1.8 and IC 4-15-2 apply**".

Page 23, line 41, delete "." and insert "**of the school.**".

Page 23, delete line 42.

Page 24, delete lines 1 through 15, begin a new paragraph and insert:

"Sec. 2. (a) This section applies after March 31, 2000.

(b) The superintendent shall hire directly for those positions as approved by the state personnel department and the board any candidate the superintendent considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications



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for positions at the school for which the superintendent may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list."

Page 24, line 16, after "prescribe" insert ", **subject to the approval of the state personnel department and the budget agency,**".

Page 24, line 17, delete "and other".

Page 24, line 18, delete "specified positions".

Page 24, delete lines 23 through 25, begin a new paragraph and insert:

"(c) The hours of work for all teachers shall be set in accordance with IC 4-15-2."

Page 25, line 4, delete "two (2)" and insert "**three (3)**".

Page 25, line 17, delete "IC 20-15-3-2(a)(2)" and insert "**IC 20-15-3-2(a)(3)**".

Page 26, between lines 14 and 15, begin a new paragraph and insert:

"(i) The board shall prepare and submit a report to the legislative council not later than December 31, 1999, that describes the implementation of the transition plan under this SECTION."

Page 26, line 15, delete "(i)" and insert "**(j)**".

Page 26, line 34, delete "two (2)" and insert "**three (3)**".

Page 27, line 5, delete "IC 20-16-3-2(a)(2)" and insert "**IC 20-16-3-2(a)(3)**".

Page 28, between lines 2 and 3, begin a new paragraph and insert:

"(i) The board shall prepare and submit a report to the legislative council not later than December 31, 1999, that describes the implementation of the transition plan under this SECTION."

Page 28, line 3, delete "(i)" and insert "**(j)**".

and when so amended that said bill do pass.

(Reference is to HB 1904 as reprinted March 2, 1999.)

GARTON, Chairperson

Committee Vote: Yeas 6, Nays 1.

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