



February 23, 1999

HOUSE BILL No. 1904

DIGEST OF HB1904 (Updated February 22, 1999 1:58 pm - DI 02)

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 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. Provides that a representative of each of the school boards must be a member of the
(Continued next page)

Effective: Upon passage; July 1, 1999.

Porter, Atterholt

January 26, 1999, read first time and referred to Committee on Education.
February 22, 1999, amended, reported — Do Pass.

HB 1904—LS 8093/DI 75+



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Digest Continued

state advisory council on the education of children with disabilities.
Makes conforming amendments.

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HB 1904—LS 8093/DI 75+



February 23, 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.

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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 of not more than
16 one hundred thousand dollars (\$100,000).

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 one hundred thousand dollars (\$100,000).

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 ~~(3)~~ (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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1 individualized education program.

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

7 SECTION 10. IC 20-15 IS ADDED TO THE INDIANA CODE AS
8 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
9 1999]:

10 **ARTICLE 15. INDIANA SCHOOL FOR THE BLIND**

11 **Chapter 1. Definitions**

12 **Sec. 1. The definitions in this chapter apply throughout this**
13 **article.**

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

16 **Sec. 3. "Employee" refers to an employee of the school.**

17 **Sec. 4. "School" refers to the Indiana School for the Blind**
18 **established by IC 20-15-2-1.**

19 **Sec. 5. "School age individual" refers to an individual who is not**
20 **more than twenty-two (22) years of age.**

21 **Sec. 6. "Superintendent" refers to the superintendent of the**
22 **school appointed under IC 20-15-2-4.**

23 **Chapter 2. Indiana School for the Blind**

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

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

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

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

- 36 (1) Educational facilities that meet standards established by
- 37 the Indiana state board of education for regular public
- 38 schools.
- 39 (2) Educational facilities for school age individuals.
- 40 (3) Educational programs and services to meet those special
- 41 needs imposed by visual impairment so that the visually
- 42 disabled student (including the student with multiple

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1 disabilities with visual impairment) may achieve the student's
 2 maximum ability for independence in academic pursuits,
 3 career opportunities, travel, personal care, and home
 4 management.

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

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

14 (b) The superintendent appointee must have the following
 15 qualifications:

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

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

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

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

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

26 **Sec. 5. (a) The superintendent, subject to the approval of the**
 27 **board, has complete responsibility for management of the school.**

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

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

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

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

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

37 (5) Implementation of budgetary matters as recommended by
 38 the board.

39 (6) Management of the school's outreach program with local
 40 public schools.

41 (7) Advocating on behalf of the school under guidelines
 42 established by the board.



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1 (c) The superintendent is the chief appointing authority for all
2 employees necessary to properly conduct and operate the school.

3 **Sec. 6. Subject to:**

4 (1) the determination by case conference committees based on
5 individualized education programs as defined under
6 IC 20-1-6-1; and

7 (2) the school's admissions criteria adopted by the board
8 under IC 20-15-3-10(4);

9 the superintendent shall receive as students in the school Indiana
10 residents who are visually disabled school age individuals.

11 **Sec. 7. (a)** A placement review committee for the school is
12 established. The committee consists of one (1) representative of
13 each of the following:

14 (1) The board.

15 (2) The office of the secretary of family and social services.

16 (3) The superintendent of public instruction.

17 (b) The placement review committee shall meet upon petition of
18 an interested party to review the following:

19 (1) Applications to the school denied through the process
20 described in section 6 of this chapter.

21 (2) All instances of dismissal from the school for reasons other
22 than graduation, voluntary transition to another educational
23 facility, or voluntary departure from the school.

24 (c) The superintendent shall serve as an adviser to the
25 placement review committee. The superintendent shall provide the
26 placement review committee with information and justification for
27 all application denials and dismissals under review.

28 (d) The placement review committee may recommend that
29 application denials or dismissals be reconsidered.

30 **Sec. 8.** Upon the presentation of satisfactory evidence showing
31 that:

32 (1) there is a school age individual with a visual disability
33 residing in a county;

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

35 (3) the parents or guardians of the individual desire to avail
36 themselves of the educational program offered at the school
37 but are unable to pay the expenses of maintaining the
38 individual at the school; and

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

41 a court with jurisdiction shall, upon application by the county
42 office of family and children, order the individual to be sent to the

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1 school at the expense of the county. Such expenses include the
 2 expenses described in section 10 of this chapter and shall be paid
 3 from the county general fund.

4 **Sec. 9.** The compulsory school attendance laws of Indiana apply
 5 to all children with visual disabilities. The case conference
 6 committee may make placement of a child with a visual disability
 7 at the school. The child shall remain in attendance during the full
 8 scholastic term of the school unless the case conference committee
 9 changes the placement.

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

12 (b) The parents, guardian, a responsible relative, or other
 13 person shall provide medical, optical, and dental care involving
 14 special medication or prostheses.

15 (c) While a student is placed at the school, the student's parents,
 16 guardian, responsible relative, or other person shall suitably
 17 provide the student with clothing and other essentials not otherwise
 18 provided under this article.

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

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

29 **Sec. 11. (a)** The school may establish an adult education
 30 program.

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

34 **Sec. 12.** The school may establish a vocational work-study
 35 program.

36 **Sec. 13.** The superintendent may, subject to the approval of the
 37 governor and the policies of the board, receive, for the use of the
 38 school, gifts, legacies, devises, and conveyances of real or personal
 39 property that are made, given, or granted to or for the school.

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

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

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

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- 1 (1) Six (6) individuals appointed by the governor. The
- 2 individuals appointed under this subdivision are voting
- 3 members of the board.
- 4 (2) The director of the division of special education of the
- 5 department of education. This individual is a voting member
- 6 of the board.
- 7 (3) One (1) individual designated by the governor as the
- 8 governor's representative on the board. The member
- 9 appointed under this subdivision serves on the board in a
- 10 nonvoting, advisory capacity.
- 11 (4) One (1) member of the general assembly appointed by the
- 12 president pro tempore of the senate. The member appointed
- 13 under this subdivision serves in a nonvoting, advisory
- 14 capacity.

15 (b) When appointing a member to the board, the governor must
 16 satisfy the following:

- 17 (1) One (1) voting member of the board must be a parent of at
- 18 least one (1) student enrolled or formerly enrolled at the
- 19 school.
- 20 (2) One (1) voting member of the board must have been a
- 21 student at the school.
- 22 (3) One (1) voting member of the board must be a:
- 23 (A) representative of a local education agency; or
- 24 (B) special education director.

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

- 27 (1) The minimum salary per diem provided by IC 4-10-11-2.1
- 28 for each board meeting attended by the member.
- 29 (2) Reimbursement for traveling expenses as provided under
- 30 IC 4-13-1-4 and other expenses actually incurred in
- 31 connection with the member's duties as provided in the state
- 32 policies and procedures established by the Indiana
- 33 department of administration and approved by the budget
- 34 agency.

35 **Money for payments to board members under this subsection shall**
 36 **be paid from appropriations made to the school.**

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

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- 1 legislative services agency.
- 2 **Sec. 4. (a) This section applies only to a board member serving**
- 3 **under section 2(a)(1) of this chapter.**
- 4 **(b) The term of a board member is four (4) years and expires on**
- 5 **July 1 of the fourth year after the member's appointment.**
- 6 **(c) The term of a member begins on the later of the following:**
- 7 **(1) July 1 after the governor appoints the member.**
- 8 **(2) The day the member accepts the member's appointment.**
- 9 **(d) A member may serve after the member's term expires until**
- 10 **the term of the member's successor begins.**
- 11 **(e) The governor may reappoint a member to serve a new term.**
- 12 **Sec. 5. Whenever there is a vacancy on the board, the governor**
- 13 **shall fill the vacancy for the remainder of the unexpired term.**
- 14 **Sec. 6. (a) At the board's last meeting before July 1 of each year,**
- 15 **the board shall elect one (1) member to be chair of the board.**
- 16 **(b) The member elected chair of the board serves as chair**
- 17 **beginning July 1 after elected by the board.**
- 18 **(c) The board may reelect a member as chair of the board.**
- 19 **(d) The board shall elect one (1) of its members to serve as the**
- 20 **secretary for the board.**
- 21 **Sec. 7. (a) Four (4) voting members of the board constitute a**
- 22 **quorum. The affirmative vote of at least four (4) voting members**
- 23 **of the board is necessary for the board to take official action other**
- 24 **than to do the following:**
- 25 **(1) Adjourn.**
- 26 **(2) Meet to hear reports or testimony.**
- 27 **(b) The member of the board appointed under section 2(a)(2) of**
- 28 **this chapter may be excused from voting on matters pending before**
- 29 **the board that are under deliberation by the department of**
- 30 **education.**
- 31 **Sec. 8. The school shall provide staff support to the board.**
- 32 **Sec. 9. Subject to IC 20-1-6-2.1, the board has complete policy**
- 33 **and administrative control and responsibility for the school.**
- 34 **Sec. 10. The board shall do the following:**
- 35 **(1) Establish policies and accountability for the school.**
- 36 **(2) Implement this article.**
- 37 **(3) Perform the duties required by IC 5-22-4-8.**
- 38 **(4) Adopt rules under IC 4-22-2 to establish criteria for the**
- 39 **admission of children with visual disabilities, including**
- 40 **children with multiple disabilities, at the school.**
- 41 **(5) Hire the superintendent, who serves at the pleasure of the**
- 42 **board.**



- 1 **(6) Determine the salary and benefits of the superintendent.**
- 2 **(7) On a timely basis, approve and submit to the budget**
- 3 **agency and the budget committee the school's proposed**
- 4 **biennial budget based on the recommendations of the**
- 5 **department of education for use in the development of the**
- 6 **department of education's special education budget. The**
- 7 **board shall submit a copy of the proposed biennial budget for**
- 8 **the school to the department of education.**

9 **Sec. 11. The board may do any of the following to implement**
 10 **this article:**

- 11 **(1) Adopt, amend, and repeal bylaws in compliance with this**
- 12 **article to govern the business of the board.**
- 13 **(2) Appoint committees the board considers necessary to**
- 14 **advise the board.**
- 15 **(3) Adopt rules under IC 4-22-2 as permitted or required by**
- 16 **this article.**
- 17 **(4) Accept gifts, devises, bequests, grants, loans, and**
- 18 **appropriations, and agree to and comply with conditions**
- 19 **attached to a gift, devise, bequest, grant, loan, or**
- 20 **appropriation.**
- 21 **(5) Do any and all acts and things necessary, proper, or**
- 22 **convenient to carry out this article.**

23 **Chapter 4. Personnel System**

24 **Sec. 1. (a) Except as provided in this chapter, IC 4-15-2 applies**
 25 **to the employees.**

- 26 **(b) An employee has all the rights and duties provided:**
- 27 **(1) in IC 4-15-2; and**
- 28 **(2) for state employees generally;**

29 **that are not otherwise provided under this chapter.**

30 **Sec. 2. The superintendent shall do the following:**

- 31 **(1) Hire directly for those positions as approved by the state**
- 32 **personnel department and the board any candidate the**
- 33 **superintendent considers qualified to fill a position at the**
- 34 **school. The state personnel department, in collaboration with**
- 35 **the board, shall annually develop a list of job classifications**
- 36 **for positions at the school for which the superintendent may**
- 37 **fill a vacancy by hiring a candidate for the position based on**
- 38 **a search for qualified candidates outside the state personnel**
- 39 **hiring list.**
- 40 **(2) Provide for staff development and personnel evaluations.**
- 41 **(3) Assign and reassign staff.**

42 **Sec. 3. (a) The board shall prescribe a salary schedule for the**

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1 school, using a daily rate of pay for each teacher and other
2 specified positions which must be equal to that of the largest school
3 corporation in the county in which the school is located.

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

7 (c) If the school corporation in the county in which the school is
8 located does not have a position that is comparable to a position at
9 the school, the board shall set the compensation for that position.

10 SECTION 11. IC 20-16 IS ADDED TO THE INDIANA CODE AS
11 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
12 1999]:

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

14 **Chapter 1. Definitions**

15 **Sec. 1. The definitions in this chapter apply throughout this**
16 **article.**

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

19 **Sec. 3. "Employee" refers to an employee of the school.**

20 **Sec. 4. "School" refers to the Indiana School for the Deaf**
21 **established by IC 20-16-2-1.**

22 **Sec. 5. "School age individual" refers to an individual who is not**
23 **more than twenty-two (22) years of age.**

24 **Sec. 6. "Superintendent" refers to the superintendent of the**
25 **school appointed under IC 20-16-2-4.**

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

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

29 (1) A residential and day school.

30 (2) Outreach services.

31 (3) Consultative services to local educational agencies to assist
32 them in meeting the needs of locally enrolled students with
33 hearing disabilities.

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

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

39 (1) Educational facilities that meet standards established by
40 the Indiana state board of education for regular public
41 schools.

42 (2) Educational facilities for school age individuals.



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1 (3) Educational programs and services to meet those special
2 needs imposed by hearing impairment so that the hearing
3 disabled student (including the student with multiple
4 disabilities with hearing impairment) may achieve the
5 student's maximum ability for independence in academic
6 pursuits, career opportunities, travel, personal care, and
7 home management.

8 (4) Training to permit the hearing disabled student (including
9 the student with multiple disabilities with hearing
10 impairment) to achieve the student's maximum development
11 toward self-support and independence.

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

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

- 17 (1) Be an educator with knowledge, skill, and ability in the
- 18 appointee's profession.
- 19 (2) Have a minimum of five (5) years experience in instruction
- 20 of students with hearing disabilities.
- 21 (3) Have a master's degree or a higher degree.
- 22 (4) Meet the qualifications for an Indiana teacher's certificate
- 23 in the area of hearing disabilities.
- 24 (5) Have a superintendent's license or obtain a
- 25 superintendent's license within two (2) years of appointment
- 26 by the board.

27 Sec. 5. (a) The superintendent, subject to the approval of the
28 board, has complete responsibility for management of the school.

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

- 30 (1) Direction of the education, care, safety, and well-being of
- 31 all students in attendance.
- 32 (2) Evaluation and improvement of the school staff,
- 33 educational programs, and support services.
- 34 (3) Implementation and administration of the policies,
- 35 mission, and goals of the school as established by the board.
- 36 (4) Serving as the purchasing agent for the school as provided
- 37 in IC 5-22-4-8.
- 38 (5) Implementation of budgetary matters as recommended by
- 39 the board.
- 40 (6) Management of the school's outreach program with local
- 41 public schools.
- 42 (7) Advocating on behalf of the school under guidelines

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established by the board.

(c) The superintendent is the chief appointing authority for all employees necessary to properly conduct and operate the school.

Sec. 6. Subject to:

(1) the determination by case conference committee based on individualized education programs, as defined under IC 20-1-6-1; and

(2) the school's admission criteria adopted by the board under IC 20-16-3-10(4);

the superintendent shall receive as students in the school Indiana residents who are hearing disabled school age individuals.

Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The superintendent of public instruction.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The superintendent shall serve as an adviser to the placement review committee. The superintendent shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

Sec. 8. Upon the presentation of satisfactory evidence showing that:

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

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

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

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

a court with jurisdiction shall, upon application by the county

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1 office of family and children, order the individual to be sent to the
 2 school at the expense of the county. Such expenses include the
 3 expenses described in section 10 of this chapter and shall be paid
 4 from the county general fund.

5 **Sec. 9.** The compulsory school attendance laws of Indiana apply
 6 to all children with hearing disabilities. The case conference
 7 committee may make placement of a child with a hearing disability
 8 at the school. The child shall remain in attendance during the full
 9 scholastic term of the school unless the case conference committee
 10 changes the placement.

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

13 (b) The parents, guardian, a responsible relative, or other
 14 person shall provide medical, optical, and dental care involving
 15 special medication or prostheses.

16 (c) While a student is placed at the school, the student's parents,
 17 guardian, responsible relative, or other person shall suitably
 18 provide the student with clothing and other essentials not otherwise
 19 provided under this article.

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

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

30 **Sec. 11. (a)** The school may establish an adult education
 31 program.

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

35 **Sec. 12.** The school may establish a vocational work-study
 36 program.

37 **Sec. 13.** The superintendent may, subject to the approval of the
 38 governor and the policies of the board, receive, for the use of the
 39 school, gifts, legacies, devises, and conveyances of real and personal
 40 property that are made, given, or granted to or for the school.

41 **Chapter 3. Indiana School for the Deaf Board**

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

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

2 **(1) Six (6) individuals appointed by the governor. The**
 3 **individuals appointed under this subdivision are voting**
 4 **members of the board.**

5 **(2) The director of the division of special education of the**
 6 **department of education. This individual is a voting member**
 7 **of the board.**

8 **(3) One (1) individual designated by the governor as the**
 9 **governor's representative on the board. The member**
 10 **appointed under this subdivision serves on the board in a**
 11 **nonvoting, advisory capacity.**

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

16 **(b) When appointing a member to the board, the governor must**
 17 **satisfy the following:**

18 **(1) One (1) voting member of the board must be a parent of at**
 19 **least one (1) student enrolled or formerly enrolled at the**
 20 **school.**

21 **(2) One (1) voting member of the board must have been a**
 22 **student at the school.**

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

24 **(A) representative of a local education agency; or**

25 **(B) special education director.**

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

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

31 **(2) Reimbursement for traveling expenses as provided under**
 32 **IC 4-13-1-4 and other expenses actually incurred in**
 33 **connection with the member's duties as provided in the state**
 34 **policies and procedures established by the Indiana**
 35 **department of administration and approved by the budget**
 36 **agency.**

37 **Money for payments to board members under this subsection shall**
 38 **be paid from appropriations made to the school.**

39 **(b) The member of the board appointed under section 2(a)(4) of**
 40 **this chapter is entitled to receive the same per diem, mileage, and**
 41 **travel allowances paid to legislative members of interim study**
 42 **committees established by the legislative council. Per diem,**



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1 mileage, and travel allowances paid under this subsection shall be
2 paid from appropriations made to the legislative council or the
3 legislative services agency.

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

6 **(b) The term of a board member is four (4) years and expires on**
7 **July 1 of the fourth year after the member's appointment.**

8 **(c) The term of a member begins on the later of the following:**

9 **(1) July 1 after the governor appoints the member.**

10 **(2) The day the member accepts the member's appointment.**

11 **(d) A member may serve after the member's term expires until**
12 **the term of the member's successor begins.**

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

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

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

18 **(b) The member elected chair of the board serves as chair**
19 **beginning July 1 after elected by the board.**

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

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

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

27 **(1) Adjourn.**

28 **(2) Hear reports or testimony.**

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

33 **Sec. 8. The school shall provide staff support to the board.**

34 **Sec. 9. Subject to IC 20-1-6-2.1, the board has complete policy**
35 **and administrative control and responsibility for the school.**

36 **Sec. 10. The board shall do the following:**

37 **(1) Establish policies and accountability for the school.**

38 **(2) Implement this article.**

39 **(3) Perform the duties required by IC 5-22-4-8.**

40 **(4) Adopt rules under IC 4-22-2 to establish criteria for the**
41 **admission of children with hearing disabilities, including**
42 **children with multiple disabilities, at the school.**



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- 1 **(5) Hire the superintendent, who serves at the pleasure of the**
- 2 **board.**
- 3 **(6) Determine the salary and benefits of the superintendent.**
- 4 **(7) On a timely basis, approve and submit to the budget**
- 5 **agency and the budget committee the school's proposed**
- 6 **biennial budget based on the recommendations of the**
- 7 **department of education for use in the development of the**
- 8 **department of education's special education budget. The**
- 9 **board shall submit a copy of the proposed biennial budget for**
- 10 **the school to the department of education.**

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

- 13 **(1) Adopt, amend, and repeal bylaws in compliance with this**
- 14 **article to govern the business of the board.**
- 15 **(2) Appoint committees the board considers necessary to**
- 16 **advise the board.**
- 17 **(3) Adopt rules under IC 4-22-2 as permitted or required by**
- 18 **this article.**
- 19 **(4) Accept gifts, devises, bequests, grants, loans, and**
- 20 **appropriations, and agree to and comply with conditions**
- 21 **attached to a gift, devise, bequest, grant, loan, or**
- 22 **appropriation.**
- 23 **(5) Do any and all acts and things necessary, proper, or**
- 24 **convenient to carry out this article.**

25 **Chapter 4. Personnel System**

26 **Sec. 1. (a) Except as provided in this chapter, IC 4-15-2 applies**
 27 **to the employees.**

- 28 **(b) An employee has all the rights and duties provided:**
- 29 **(1) in IC 4-15-2; and**
- 30 **(2) for state employees generally;**

31 **that are not otherwise provided under this chapter.**

32 **Sec. 2. The superintendent shall do the following:**

- 33 **(1) Hire directly for those positions as approved by the state**
- 34 **personnel department and the board any candidate the**
- 35 **superintendent considers qualified to fill a position at the**
- 36 **school. The state personnel department, in collaboration with**
- 37 **the board, shall annually develop a list of job classifications**
- 38 **for positions at the school for which the superintendent may**
- 39 **fill a vacancy by hiring a candidate for the position based on**
- 40 **a search for qualified candidates outside the state personnel**
- 41 **hiring list.**
- 42 **(2) Provide for staff development and personnel evaluations.**



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(3) Assign and reassign staff.
Sec. 3. (a) The board shall prescribe a salary schedule for the school, using a daily rate of pay for each teacher and other specified positions, which must be equal to that of the largest school corporation in the county in which the school is located.

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

(c) If the school corporation in the county in which the school is located does not have a position that is comparable to a position at the school, the board shall set the compensation for that position.

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

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

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

- (1) was appointed under IC 16-33-1-6, before its repeal by this act; and**
- (2) serves as superintendent on June 30, 1999.**

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

- (1) The term of one (1) member of the board expires July 1, 2000.**
- (2) The term of one (1) member of the board expires July 1, 2001.**
- (3) The terms of two (2) members of the board expire July 1, 2002.**
- (4) The terms of two (2) members of the board expire July 1, 2003.**

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

- (1) The governor shall state, subject to subsection (c), when the term of office of each member expires.**
- (2) The governor shall, notwithstanding IC 20-15-3-6, as added by this act, appoint one (1) of the members as chair of the board. The member appointed as chair under this subdivision serves as chair until July 1, 2000, unless elected as chair under IC 20-15-3-6, as added by this act, to serve a new**

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term.

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

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

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

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

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

- (1) The state health commissioner's authority over the school ends.
- (2) The board shall administer the school under IC 20-15, as added by this act.
- (3) All appropriations made to the school are transferred to the board. The auditor of state shall take all necessary action to transfer the balance of appropriations and other funds belonging to the school to the board.
- (4) All rules adopted under IC 4-22-2 relating to the school are considered to be the rules of the board until the board amends or repeals the rules under IC 20-15, as added by this act.
- (5) All references to the school in any statute, rule, or other legal document are considered references to the school under IC 20-15, as added by this act.

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



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1 (i) This SECTION expires July 1, 2003.

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

5 (b) As used in this SECTION, "superintendent" refers to the
6 individual who:

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

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

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

14 (1) The term of one (1) member of the board expires July 1,
15 2000.

16 (2) The term of one (1) member of the board expires July 1,
17 2001.

18 (3) The terms of two (2) members of the board expire July 1,
19 2002.

20 (4) The terms of two (2) members of the board expire July 1,
21 2003.

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

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

26 (2) The governor shall, notwithstanding IC 20-16-3-6, as
27 added by this act, appoint one (1) of the members as chair of
28 the board. The member appointed as chair under this
29 subdivision serves as chair until July 1, 2000, unless elected as
30 chair under IC 20-15-3-6, as added by this act, to serve a new
31 term.

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

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

37 (f) Before December 1, 1999, the board, with input from the
38 state department of health and the department of education, shall
39 adopt a transition plan for the transfer of the management and
40 oversight of the school from the state department of health to the
41 board or the superintendent as appropriate. The board shall
42 submit the adopted transition plan to the governor, the state health



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commissioner, and the department of education.

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

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

- (1) The state health commissioner's authority over the school ends.
- (2) The board shall administer the school under IC 20-16, as added by this act.
- (3) All appropriations made to the school are transferred to the board. The auditor of state shall take all necessary action to transfer the balance of appropriations and other funds belonging to the school to the board.
- (4) All rules adopted under IC 4-22-2 relating to the school are considered to be the rules of the board until the board amends or repeals the rules under IC 20-16, as added by this act.
- (5) All references to the school in any statute, rule, or other legal document are considered references to the school under IC 20-16, as added by this act.

The board may send copies of the certification to other state agencies the board considers necessary to permit the school to operate under IC 20-16, as added by this act.

(i) This SECTION expires July 1, 2003.

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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