HOUSE BILL No. 1904

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-10-15-2; IC 4-24-9-1; IC 5-22-4-8; IC 16-19-6; IC 16-33-1; IC 16-33-2; IC 20-1-6; IC 20-8.1-4-22; IC 20-15; IC 20-16.

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

January 26, 1999, read first time and referred to Committee on Education.

C o p y

Digest Continued

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

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Introduced

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:

SECTION 1. IC 4-10-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The warrants may be drawn for the necessary and current expenses of the following:

(1) All psychiatric hospitals (as defined in IC 12-7-2-184).

(2) The Indiana ~~State~~ School for the Deaf, **established by IC 20-16.**

(3) The Indiana ~~State~~ School for the Blind, **established by IC 20-15.**

(4) The Indiana Veterans' Home.

(5) The Plainfield Juvenile Correctional Facility.

SECTION 2. IC 5-22-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 8. (a) As used in this section, "board" refers to either of the following:**

(1) With respect to the Indiana School for the Blind, the

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

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

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

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

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

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

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

(e) Except as provided in subsection (f), the superintendent is the purchasing agent for the school for purchases of not more than three hundred thousand dollars ($300,000).

(f) Notwithstanding subsections (d) and (e), the Indiana department of administration is the purchasing agency for the school if either of the following apply:

(1) The superintendent requests that the Indiana department of administration be the purchasing agency for the school.

(2) The amount of the purchase is expected to exceed three hundred thousand dollars ($300,000).

(g) The board must approve purchases with a value of more than one hundred thousand dollars ($100,000).

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

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

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

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

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

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

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

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

~~(1) The Indiana School for the Deaf advisory committee consists of seven (7) members, one (1) of whom must be a licensed~~

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~~physician and one (1) of whom must be a state legislator from the district in which the school is located.~~

~~(2) The Indiana School for the Blind advisory committee consists of seven (7) members, one (1) of whom must be a licensed physician and one (1) of whom must be a state legislator from the district in which the school is located.~~

~~(3)~~ **(1)** The Silvercrest Children's Development Center advisory committee consists of seven (7) members, one (1) of whom must be a licensed physician and one (1) of whom must be a state legislator from the district in which the center is located.

~~(4)~~ **(2)** The Indiana Soldiers' and Sailors' Children's Home advisory committee consists of eight (8) members, one (1) of whom must be a licensed physician, one (1) of whom must be a state legislator from the district in which the home is located, and one (1) of whom is the director of veterans' affairs or the director's designee.

~~(5)~~ **(3)** The Indiana Veterans' Home advisory committee consists of eight (8) members, one (1) of whom must be a licensed physician, one (1) of whom must be a state legislator from the district in which the home is located, and one (1) of whom is the director of veterans' affairs or the director's designee.

(c) Except for a member who is a state legislator, the term of the members is four (4) years. A state legislator appointed under this section serves until the end of the legislator's current legislative term. A member of an advisory committee may be removed by the governor for cause, and a vacancy in the membership of an advisory committee shall be filled by the governor for the unexpired term of the vacating member.

(d) The advisory committee shall hold at least one (1) regular meeting in each quarter of the calendar year and may hold special meetings considered necessary and expedient by the superintendent of each advisory committee's respective institutions.

(e) At the first meeting of an advisory committee, which shall be called by the superintendent within ten (10) days after the appointment of the advisory committee members, and annually within the same time thereafter, the advisory committee shall meet and organize by electing a chairman and a secretary from the membership of the committee.

(f) Each member of the advisory committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided

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in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the advisory committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

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

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

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

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

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

(1) To have general supervision of all programs, classes, and schools, including those conducted by the public schools, **the Indiana School for the Blind, the Indiana School for the Deaf,** the department of correction, the state department of health, the

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division of disability, aging, and rehabilitative services, and the division of mental health, for children with disabilities and to coordinate the work of these schools. In addition, relative to programs for preschool children with disabilities as required under section 14.1 of this chapter, the director has general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under section 14.1 of this chapter. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

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

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

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

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

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

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

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

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

(B) The role of the teacher aide.

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

(7) To cooperate with the interagency coordinating council

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established under IC 12-17-15 to ensure that the preschool special education programs required under section 14.1 of this chapter are consistent with the early intervention services program described in IC 12-17-15.

(b) The director or the Indiana state board of education may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

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

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

(1) The Indiana School for the Blind school board.

(2) The Indiana School for the Deaf school board.

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

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

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

~~(e)~~ **(f)** The superintendent of public instruction shall furnish

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professional consultant services to the school corporations, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, and the division of mental health to aid them in fulfilling the requirements of this section.

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

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

(1) Parents of children with disabilities.

(2) Individuals with disabilities.

(3) Teachers.

(4) Representatives of higher education institutions that prepare special education and related services personnel.

(5) State and local education officials.

(6) Administrators of programs for children with disabilities.

(7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:

(A) The commissioner of the state department of health or the commissioner's designee.

(B) The director of the division of disability, aging, and rehabilitative services or the director's designee.

(C) The director of the division of mental health or the director's designee.

(D) The director of the division of family and children or the director's designee.

(8) Representatives of nonpublic schools and freeway schools.

(9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.

(10) Representatives of the department of correction.

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(11) A representative of each of the following:

(A) The Indiana School for the Blind school board.

(B) The Indiana School for the Deaf school board.

(c) The responsibilities of the state advisory council are as follows:

(1) To advise the superintendent and the board regarding all rules pertaining to children with disabilities.

(2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.

(3) To advise the department of unmet needs within the state in the education of children with disabilities.

(4) To provide public comment on rules proposed by the board regarding the education of children with disabilities.

(5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.

(6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.

(7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(d) The council shall organize with a chairperson selected by the superintendent and meet as often as necessary to conduct the council's business at the call of the chairperson upon ten (10) days written notice but not less than four (4) times a year. Members of the council shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(e) The superintendent shall designate the director to act as executive secretary of the council and shall furnish all professional and clerical assistance necessary for the performance of its powers and duties.

(f) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

SECTION 8. IC 20-1-6-18.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18.2. (a) The Indiana state board of education shall adopt rules under IC 4-22-2 which establish limitations on the amount of transportation which may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility,

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these rules shall limit the transportation required by the student's individualized education program to his first entrance and final departure each school year plus round trip transportation each school holiday period and two (2) additional round trips each school year.

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

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

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

(c) Whenever a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

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

(C) the division of mental health;

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

(3) at the Indiana School for the Deaf;

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

(d) Whenever a student is placed in a private facility under section 19 of this chapter in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall bear the cost of transportation required by the student's individualized education program. However, if the student's

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legal settlement cannot be ascertained, the Indiana state board of education shall bear the cost of transportation required by the student's 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 school board established by IC 20-15-3-1.

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

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

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

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

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

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

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

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

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

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

(4) Meet the qualifications for an Indiana teacher's certificate in the area of visual disabilities with an emphasis on school administration.

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

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

(b) The superintendent has responsibility for the following:

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

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

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

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

(5) Implementation of budgetary matters.

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

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(7) Advocating on behalf of the school under guidelines 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 committees based on individualized education programs as defined under IC 20-1-6-1; and

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

the superintendent shall receive as students in the school Indiana residents who are visually 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 visual 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;

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

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

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

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

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

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

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

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

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

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

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

Chapter 3. Indiana School for the Blind School Board

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

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

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

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

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

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

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

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

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

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

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

(b) Money for payments to board members under this section shall be paid from appropriations made to the school.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Adjourn.

(2) Meet to hear reports or testimony.

Sec. 8. The school shall provide staff support to the board. The superintendent shall serve as the secretary to the board.

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

Sec. 10. The board shall do the following:

(1) Administer 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.

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

(1) Adopt, amend, and repeal bylaws not inconsistent with this article to govern the business of the board.

(2) Appoint committees the board considers necessary to advise the board.

(3) Adopt rules under IC 4-22-2 as permitted or required by this article.

(4) Accept gifts, devises, bequests, grants, loans, and appropriations, and agree to and comply with conditions attached to a gift, devise, bequest, grant, loan, or appropriation.

(5) Do any and all acts and things necessary, proper, or convenient to carry out this article.

Chapter 4. Personnel System

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

(b) An employee has all the rights and duties provided:

(1) in IC 4-15-2; and

(2) for state employees generally;

that are not otherwise provided under this chapter.

Sec. 2. The superintendent shall do the following:

(1) 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.

(2) Provide for staff development and personnel evaluations.

(3) Assign and reassign staff.

Sec. 3. (a) The board shall annually review the salary schedules of the largest school corporation of the county in which the school is located to determine the salary schedule of that school corporation. The board may review the salary schedules of other school corporations to determine the salary schedules of those school corporations.

(b) Except as provided in subsection (e), the board shall, following the annual review in subsection (a), 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.

(c) The board shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the salary schedule.

(d) If the school corporation in which the school is located becomes the largest school corporation in the county in which the school is located, the daily rate of pay for each employee must be equal to that of the school corporation in which the school is located, without regard to whether the school corporation in which the school is located remains the largest school corporation in the county.

(e) 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 11. IC 20-16 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

ARTICLE 16. INDIANA SCHOOL FOR THE DEAF

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Chapter 1. Definitions

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

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

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

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

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

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

Chapter 2. Indiana School for the Deaf

Sec. 1. The Indiana School for the Deaf 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 hearing disabilities.

Sec. 2. The school shall provide for the instruction, education, and care of children who are determined to have a hearing 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 needs imposed by hearing impairment so that the hearing disabled student (including the student with multiple disabilities with hearing impairment) may achieve the student's maximum ability for independence in academic pursuits, career opportunities, travel, personal care, and home management.

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

Sec. 4. (a) The board shall appoint the superintendent subject to the approval of the governor. The superintendent serves at the

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pleasure of the board and may be removed for cause.

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

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

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

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

(4) Meet the qualifications for an Indiana teacher's certificate in the area of hearing disabilities with an emphasis on school administration.

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

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

(b) The superintendent has responsibility for the following:

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

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

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

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

(5) Implementation of budgetary matters.

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

(7) Advocating on behalf of the school under guidelines 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

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

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

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

(b) The parents, guardian, a responsible relative, or other

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person shall provide medical, optical, and dental care involving special medication or prostheses.

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

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

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

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

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

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

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

Chapter 3. Indiana School for the Deaf School Board

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

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

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

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

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

(b) When appointing a member to the board, the governor must

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satisfy the following:

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

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

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

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

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

(b) Money for payments to board members under this section shall be paid from appropriations made to the school.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Adjourn.

(2) Hear reports or testimony.

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Sec. 8. The school shall provide staff support to the board. The superintendent shall serve as secretary to the board.

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

Sec. 10. The board shall do the following:

(1) Administer 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 hearing 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.

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

(1) Adopt, amend, and repeal bylaws not inconsistent with this article to govern the business of the board.

(2) Appoint committees the board considers necessary to advise the board.

(3) Adopt rules under IC 4-22-2 as permitted or required by this article.

(4) Accept gifts, devises, bequests, grants, loans, and appropriations, and agree to and comply with conditions attached to a gift, devise, bequest, grant, loan, or appropriation.

(5) Do any and all acts and things necessary, proper, or convenient to carry out this article.

Chapter 4. Personnel System

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

(b) An employee has all the rights and duties provided:

(1) in IC 4-15-2; and

(2) for state employees generally;

that are not otherwise provided under this chapter.

Sec. 2. The superintendent shall do the following:

(1) 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.

(2) Provide for staff development and personnel evaluations.

(3) Assign and reassign staff.

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Sec. 3. (a) The board shall annually review the salary schedules of the largest school corporation of the county in which the school is located to determine the salary schedule of that school corporation. The board may review the salary schedules of other school corporations to determine the salary schedules of those school corporations.

(b) Except as provided in subsection (e), the board shall, following the annual review in subsection (a), 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.

(c) The board shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the salary schedule.

(d) If the school corporation in which the school is located becomes the largest school corporation in the county in which the school is located, the daily rate of pay for each employee must be equal to that of the school corporation in which the school is located, without regard to whether the school corporation in which the school is located remains the largest school corporation in the county.

(e) 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,

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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 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 on July 7, 1999, at the school and conduct business the board considers necessary.

(f) Before October 1, 1999, the board 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 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

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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.

(i) This SECTION expires July 1, 2003.

SECTION 14. [EFFECTIVE UPON PASSAGE] **(a) Except as provided in subsection (b), the definitions in IC 20-16-1, 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 16-33-2-6, 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 20-16-3-2(a)(1), as added by this act. Notwithstanding IC 20-16-3-4, 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 20-16-3-6, 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 20-16-3-2(a)(2), as added by this act, as the governor considers appropriate.

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

(f) Before October 1, 1999, the board 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 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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