

Adopted Rejected

# COMMITTEE REPORT

YES: 8  
NO: 5

## MR. SPEAKER:

Your Committee on Education, to which was referred House Bill 1367, 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:

- 1           Replace the effective date of SECTION 2 with "[EFFECTIVE JULY
- 2           1, 2013]".
- 3           Page 1, delete lines 1 through 6, begin a new paragraph and insert:
- 4           "SECTION 1. IC 4-3-22-18 IS ADDED TO THE INDIANA CODE
- 5           AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
- 6           UPON PASSAGE]: **Sec. 18. Before July 1, 2013, the office of**
- 7           **management and budget shall determine an appropriate agency to**
- 8           **provide office space and staff support for the center for deaf and**
- 9           **hard of hearing education established under IC 20-35-11.**
- 10          SECTION 2. IC 8-1-2.6-13, AS AMENDED BY P.L.1-2007,
- 11          SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12          JULY 1, 2012]: Sec. 13. (a) As used in this section, "communications
- 13          service" has the meaning set forth in IC 8-1-32.5-3.
- 14          (b) As used in this section, "communications service provider"
- 15          means a person or an entity that offers communications service to

1 customers in Indiana, without regard to the technology or medium used  
 2 by the person or entity to provide the communications service. The  
 3 term includes a provider of commercial mobile service (as defined in  
 4 47 U.S.C. 332).

5 (c) As used in this section, "dark fiber" refers to unused capacity in  
 6 a communications service provider's communications network,  
 7 including fiber optic cable or other facilities:

8 (1) in place within a public right-of-way; but

9 (2) not placed in service by a communications service provider.

10 (d) Notwithstanding sections 1.2, 1.4, and 1.5 of this chapter, the  
 11 commission may do the following both during and after the rate  
 12 transition period described in section 1.3 of this chapter, except as  
 13 otherwise provided in this subsection:

14 (1) Subject to section 12 of this chapter, enforce the terms of a  
 15 settlement agreement approved by the commission before July 29,  
 16 2004. The commission's authority under this subdivision  
 17 continues for the duration of the settlement agreement.

18 (2) Fulfill the commission's duties under IC 8-1-2.8 concerning  
 19 the provision of dual party relay services to **deaf, hard of hearing,**  
 20 ~~impaired~~ and speech impaired persons in Indiana.

21 (3) Fulfill the commission's duties under IC 8-1-19.5 concerning  
 22 the administration of the 211 dialing code for communications  
 23 service used to provide access to human services information and  
 24 referrals.

25 (4) Fulfill the commission's responsibilities under IC 8-1-29 to  
 26 adopt and enforce rules to ensure that a customer of a  
 27 telecommunications provider is not:

28 (A) switched to another telecommunications provider unless  
 29 the customer authorizes the switch; or

30 (B) billed for services by a telecommunications provider that  
 31 without the customer's authorization added the services to the  
 32 customer's service order.

33 (5) Fulfill the commission's obligations under:

34 (A) the federal Telecommunications Act of 1996 (47 U.S.C.  
 35 151 et seq.); and

36 (B) IC 20-20-16;

37 concerning universal service and access to telecommunications  
 38 service and equipment, including the designation of eligible

- 1 telecommunications carriers under 47 U.S.C. 214.
- 2 (6) Perform any of the functions described in section 1.5(b) of this  
3 chapter.
- 4 (7) After June 30, 2009, perform the commission's responsibilities  
5 under IC 8-1-32.5 to:
- 6 (A) issue; and
- 7 (B) maintain records of;  
8 certificates of territorial authority for communications service  
9 providers offering communications service to customers in  
10 Indiana.
- 11 (8) Perform the commission's responsibilities under IC 8-1-34  
12 concerning the issuance of certificates of franchise authority to  
13 multichannel video programming distributors offering video  
14 service to Indiana customers.
- 15 (9) After June 30, 2009, require a communications service  
16 provider, other than a provider of commercial mobile service (as  
17 defined in 47 U.S.C. 332), to report to the commission on an  
18 annual basis, or more frequently at the option of the provider, any  
19 of the following information:
- 20 (A) Service quality goals and performance data. The  
21 commission shall make any information or data submitted  
22 under this subsection available:
- 23 (i) for public inspection and copying at the offices of the  
24 commission under IC 5-14-3; and
- 25 (ii) electronically through the computer gateway  
26 administered by the office of technology established by  
27 IC 4-13.1-2-1;
- 28 to the extent the information or data are not exempt from  
29 public disclosure under IC 5-14-3-4(a).
- 30 (B) Information concerning the:
- 31 (i) capacity;
- 32 (ii) location; and
- 33 (iii) planned or potential use;
- 34 of the communications service provider's dark fiber in Indiana.
- 35 (C) Information concerning the communications service  
36 offered by the communications service provider in Indiana,  
37 including:
- 38 (i) the types of service offered; and

1 (ii) the areas in Indiana in which the services are offered.  
 2 (D) Any information needed by the commission to prepare the  
 3 commission's report to the regulatory flexibility committee  
 4 under section 4 of this chapter.

5 (E) Any other information that the commission is authorized  
 6 to collect from a communications service provider under state  
 7 or federal law.

8 The commission may revoke a certificate issued to a  
 9 communications service provider under IC 8-1-32.5 if the  
 10 communications service provider fails or refuses to report any  
 11 information required by the commission under this subdivision.  
 12 However, this subdivision does not empower the commission to  
 13 require a communications service provider to disclose  
 14 confidential and proprietary business plans and other confidential  
 15 information without adequate protection of the information. The  
 16 commission shall exercise all necessary caution to avoid  
 17 disclosure of confidential information supplied under this  
 18 subdivision.

19 (10) Perform the commission's duties under IC 8-1-32.4 with  
 20 respect to telecommunications providers of last resort, to the  
 21 extent of the authority delegated to the commission under federal  
 22 law to perform those duties.

23 (11) Perform the commission's duties under IC 8-1-2-5 with  
 24 respect to interconnection.

25 (12) Establish and administer the Indiana Lifeline assistance  
 26 program under IC 8-1-36.

27 (13) After June 30, 2009, collect and maintain from a provider of  
 28 commercial mobile service (as defined in 47 U.S.C. 332) the  
 29 following information:

30 (A) The address of the provider's **Internet** web site.

31 (B) All toll free telephone numbers and other customer service  
 32 telephone numbers maintained by the provider for receiving  
 33 customer inquiries and complaints.

34 (C) An address and other contact information for the provider,  
 35 including any telephone number not described in clause (B).

36 The commission shall make any information submitted by a  
 37 provider under this subdivision available on the commission's  
 38 **Internet** web site. The commission may also make available on

1 the commission's **Internet** web site contact information for the  
 2 Federal Communications Commission and the Cellular Telephone  
 3 Industry Association.

4 (14) Fulfill the commission's duties under any state or federal law  
 5 concerning the administration of any universally applicable  
 6 dialing code for any communications service.

7 (e) After June 30, 2009, the commission does not have jurisdiction  
 8 over any of the following with respect to a communications service  
 9 provider:

10 (1) Rates and charges for communications service provided by the  
 11 communications service provider, including the filing of  
 12 schedules or tariffs setting forth the provider's rates and charges.

13 (2) Depreciation schedules for any of the classes of property  
 14 owned by the communications service provider.

15 (3) Quality of service provided by the communications service  
 16 provider, other than the imposition of a reporting requirement  
 17 under subsection (d)(9)(A).

18 (4) Long term financing arrangements or other obligations of the  
 19 communications service provider.

20 (5) Except as provided in subsection (d), any other aspect  
 21 regulated by the commission under this title before July 1, 2009.

22 (f) After June 30, 2009, the commission has jurisdiction over a  
 23 communications service provider only to the extent that jurisdiction is:

24 (1) expressly granted by state or federal law, including:

25 (A) a state or federal statute;

26 (B) a lawful order or regulation of the Federal  
 27 Communications Commission; or

28 (C) an order or a ruling of a state or federal court having  
 29 jurisdiction; or

30 (2) necessary to administer a federal law for which regulatory  
 31 responsibility has been delegated to the commission by federal  
 32 law.

33 SECTION 3. IC 8-1-2.8-5 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this  
 35 chapter, "**deaf, hard of hearing, ~~impaired~~** or speech impaired person"  
 36 means a person who is so certified by a licensed physician, an  
 37 otolaryngologist, a speech language pathologist, an audiologist, or a  
 38 qualified state agency.

1 SECTION 4. IC 8-1-2.8-8, AS AMENDED BY P.L.27-2006,  
2 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2012]: Sec. 8. As used in this chapter, "local exchange  
4 company" or "LEC" refers to any communications service provider (as  
5 defined in IC 8-1-2.6-13(b)) that:

6 (1) has a certificate of territorial authority on file with the  
7 commission; and

8 (2) is required to provide dual party relay services to **deaf, hard**  
9 **of hearing, impaired** and speech impaired persons under federal  
10 law.

11 SECTION 5. IC 8-1-2.8-10, AS AMENDED BY P.L.27-2006,  
12 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2012]: Sec. 10. The general assembly finds and declares the  
14 following:

15 (1) That it is in the public interest of the state to promptly provide  
16 **deaf, hard of hearing, impaired** or speech impaired persons with  
17 access to telecommunications services that are functionally  
18 equivalent to those provided to hearing persons.

19 (2) That Title IV of the ADA mandates that each telephone  
20 company providing telephone service within the state must  
21 provide dual party relay services on or before July 26, 1993, to  
22 **deaf, hard of hearing, impaired** and speech impaired persons  
23 within the territorial area or areas it serves in a manner that meets  
24 or exceeds the requirements of regulations prescribed by the FCC.

25 (3) That the most efficient, cost effective, and fair method for  
26 LECs to provide dual party relay services to **deaf, hard of**  
27 **hearing, impaired** and speech impaired persons and to comply  
28 with the federal mandate without the use of tax revenues is the  
29 establishment of the Indiana Telephone Relay Access Corporation  
30 for the Hearing and Speech Impaired under this chapter.

31 (4) That the provision of dual party relay services to **deaf, hard**  
32 **of hearing, impaired** and speech impaired persons can be  
33 enhanced by providing in appropriate circumstances in the sole  
34 discretion of the InTRAC telecommunications devices that  
35 facilitate access to the dual party relay services.

36 SECTION 6. IC 8-1-2.8-11 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. Beginning on June  
38 1, 1991, the commission shall require each LEC to impose a monthly

1 surcharge in the amount of five cents (\$0.05) on each residential and  
2 business line (or line equivalent) of its customers to fund and recover  
3 costs for developing and providing dual party relay services that may  
4 include in appropriate circumstances in the sole discretion of the  
5 InTRAC providing telecommunications devices to **deaf, hard of**  
6 hearing, ~~impaired~~ and speech impaired persons.

7 SECTION 7. IC 8-1-2.8-12 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) The InTRAC  
9 may periodically apply to the commission for an adjustment in the  
10 amount of the monthly surcharge that a LEC must impose on its  
11 customers under this chapter. Before applying to the commission for  
12 such an adjustment, the InTRAC must do the following:

13 (1) Employ an independent accounting firm to review its  
14 surcharge determinations and to review and audit those accounts  
15 of the InTRAC and its members relevant to the surcharge.

16 (2) File with the commission in connection with its application a  
17 copy of the report prepared by the accounting firm under  
18 subdivision (1).

19 (b) When the InTRAC applies for an adjustment under this section,  
20 the commission may perform audits and tests to verify the calculation  
21 of the adjustment. However, the sole purpose of audits and tests by the  
22 commission must be to assure that the revenue produced by the  
23 surcharge is sufficient to cover the costs incurred by the InTRAC in  
24 providing services that meet the requirements imposed on telephone  
25 companies by the ADA. The costs incurred by the InTRAC include the  
26 following:

27 (1) Costs for the development, continued operation and  
28 improvement of dual party relay services that may include in  
29 appropriate circumstances in the sole discretion of the InTRAC  
30 providing telecommunications devices to **deaf, hard of** hearing,  
31 ~~impaired~~ and speech impaired persons.

32 (2) The administrative costs of the InTRAC.

33 (3) The amount of reasonable reserves necessary to meet future  
34 costs.

35 (4) The amounts paid by the InTRAC to each LEC to compensate  
36 the LEC for collection, inquiry, and other administrative services  
37 it provides for the surcharges.

38 (5) The amounts paid by the InTRAC to each LEC to compensate

1 the LEC for the necessary costs incurred by the LEC in  
 2 facilitating inter-connection with and effecting use of the dual  
 3 party relay service for their respective customers.

4 (c) It is the intent and purpose of this section that the InTRAC shall  
 5 have available to it at all times sufficient funding to develop, provide  
 6 for, and maintain dual party relay services that meet or exceed the  
 7 requirements imposed by the ADA.

8 SECTION 8. IC 8-1-2.8-15 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. All costs incurred  
 10 by a LEC as a result of its compliance with the ADA requirements to  
 11 provide services to **deaf, hard of hearing, impaired** and speech  
 12 impaired persons shall be accounted for separately and recovered as  
 13 required by the ADA and the FCC.

14 SECTION 9. IC 8-1-2.8-18, AS AMENDED BY P.L.27-2006,  
 15 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2012]: Sec. 18. The articles of incorporation of the InTRAC  
 17 must provide the following:

18 (1) The name of the corporation shall be "Indiana Telephone  
 19 Relay Access Corporation for the Hearing and Speech Impaired".

20 (2) The sole purpose for which the InTRAC shall be organized  
 21 and operated is to provide at the lowest cost reasonably possible:

22 (A) on behalf of LECs and the citizens of Indiana; and

23 (B) in conjunction with LECs;

24 adequate and dependable dual party relay services that may  
 25 include in appropriate circumstances in the sole discretion of the  
 26 InTRAC telecommunications devices to **deaf, hard of hearing,**  
 27 **impaired** and speech impaired persons within the territorial area  
 28 in Indiana that LECs serve in a manner that meets or exceeds the  
 29 requirements of regulations prescribed by the FCC.

30 (3) The InTRAC must have authority to perform any lawful act  
 31 that is necessary, convenient, or expedient to accomplish the  
 32 purpose for which the InTRAC is formed.

33 (4) No part of the net earnings of the InTRAC may inure to the  
 34 benefit of any member, director, or officer of the InTRAC, nor  
 35 shall any member of the InTRAC receive any earnings from the  
 36 corporation except as follows:

37 (A) A member may be an independent contractor, a supplier,  
 38 a vendor, or an authorized agent of the InTRAC and may

- 1 receive fair and reasonable compensation for the member's  
 2 provision of goods or services.
- 3 (B) An officer may receive reasonable compensation for  
 4 services that the officer performs in the officer's capacity as an  
 5 officer of the InTRAC.
- 6 (C) A director may be reimbursed for expenses incurred by the  
 7 director in the performance of the director's duties.
- 8 (5) The InTRAC may not:
- 9 (A) make an advancement for services to be performed in the  
 10 future; or
- 11 (B) make a loan of money or property to any director or officer  
 12 of the corporation.
- 13 (6) No member, director, or officer of the InTRAC or any private  
 14 individual may share in the distribution of any of the assets of the  
 15 InTRAC upon its dissolution.
- 16 (7) If there is a dissolution of the InTRAC, any of the assets of the  
 17 InTRAC available for distribution shall be distributed to a charity:
- 18 (A) selected by the board of directors of the InTRAC; and  
 19 (B) having a purpose that includes providing services to  
 20 hearing impaired and speech impaired persons.
- 21 (8) The InTRAC shall have one (1) class of members consisting  
 22 of those communications service providers that are designated as  
 23 authorized LECs by the commission.
- 24 (9) Each member of the InTRAC shall serve as a member for as  
 25 long as the commission finds that the member is a LEC. A  
 26 member's:
- 27 (A) right to vote at meetings of the members of the InTRAC;  
 28 and
- 29 (B) right, title, and interest in or to the corporation;  
 30 cease on the termination of a member's membership.
- 31 (10) Each member present in person or by proxy at a meeting of  
 32 the members of the InTRAC may cast one (1) vote upon each  
 33 question voted upon at:
- 34 (A) all meetings of the members; and  
 35 (B) in any election of a director of the InTRAC.
- 36 (11) The board of directors of the InTRAC consists of seven (7)  
 37 directors selected as follows:
- 38 (A) Six (6) directors elected by the members of the InTRAC.

- 1 (B) The director of the state office of deaf and hearing
- 2 impaired services.
- 3 (12) The business, property, and affairs of the InTRAC are
- 4 managed and controlled by the board of directors of the InTRAC.
- 5 SECTION 10. IC 8-1-17.5-25, AS AMENDED BY P.L.219-2011,
- 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2012]: Sec. 25. Notwithstanding any other law, the
- 8 commission may exercise jurisdiction over a surviving corporation or
- 9 successor corporation formed under this chapter only to do the
- 10 following:
- 11 (1) Ensure compliance with IC 8-1-2.8 concerning the provision
- 12 of dual party relay services to **deaf, hard of hearing, impaired** and
- 13 speech impaired persons in Indiana.
- 14 (2) Perform the commission's duties under IC 8-1-19.5 concerning
- 15 the administration of the 211 dialing code for communications
- 16 service used to provide access to human services information and
- 17 referrals.
- 18 (3) Enforce rules adopted under IC 8-1-29 to ensure that a
- 19 customer of a telecommunications provider is not:
- 20 (A) switched to another telecommunications provider unless
- 21 the customer authorizes the switch; or
- 22 (B) billed for services by a telecommunications provider that
- 23 without the customer's authorization added the services to the
- 24 customer's service order.
- 25 (4) Conduct proceedings under:
- 26 (A) the federal Telecommunications Act of 1996 (47 U.S.C.
- 27 151 et seq.); and
- 28 (B) IC 20-20-16;
- 29 concerning universal service and access to telecommunications
- 30 service and equipment, including the designation of eligible
- 31 telecommunications carriers under 47 U.S.C. 214.
- 32 (5) Perform the commission's duties under IC 8-1-2.6-1.5 or
- 33 IC 8-1-2-5.
- 34 (6) Issue or maintain certificates of territorial authority for
- 35 communications service providers under IC 8-1-32.5.
- 36 (7) Perform the commission's duties under IC 8-1-34 to issue and
- 37 maintain certificates of franchise authority to multichannel video
- 38 programming distributors offering video service to Indiana

- 1 customers.
- 2 (8) Perform the commission's duties under IC 8-1-2.6-13(d)(9)
- 3 concerning the reporting of information by communications
- 4 service providers.
- 5 (9) Administer the Indiana lifeline assistance program under
- 6 IC 8-1-36.
- 7 (10) Fulfill the commission's duties under any state or federal law
- 8 concerning the administration of any universally applicable
- 9 dialing code for any communications service.
- 10 (11) Perform the commission's duties under IC 8-1-2.3 with
- 11 respect to assigned service areas for electricity suppliers.
- 12 (12) Issue:
- 13 (A) certificates of public convenience and necessity,
- 14 certificates of territorial authority, and indeterminate permits
- 15 under IC 8-1-2;
- 16 (B) certificates of public convenience and necessity under
- 17 IC 8-1-8.5; or
- 18 (C) certificates of public convenience and necessity under
- 19 IC 8-1-8.7.
- 20 (13) Determine territorial disputes between water utilities under
- 21 IC 8-1-2-86.5.
- 22 SECTION 11. IC 16-32-3-2, AS AMENDED BY P.L.155-2009,
- 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2012]: Sec. 2. (a) As used in this section, "public
- 25 accommodation" means an establishment that caters or offers services,
- 26 facilities, or goods to the general public. The term includes the
- 27 following educational facilities:
- 28 (1) A nursery school.
- 29 (2) An elementary school.
- 30 (3) A secondary school.
- 31 (4) An undergraduate or postgraduate public or private institution.
- 32 (5) Other places of education.
- 33 (b) A person who:
- 34 (1) is totally or partially blind;
- 35 (2) is **deaf or hard of hearing**; ~~impaired~~; or
- 36 (3) has a physical or mental disability;
- 37 is entitled to be accompanied by a service animal, especially trained for
- 38 the purpose, in any public accommodation without being required to

1 pay an extra charge for the service animal. However, the person is  
2 liable for any damage done to the accommodation by the service  
3 animal.

4 (c) A person who:  
5 (1) refuses access to a public accommodation; or  
6 (2) charges a fee for access to a public accommodation;  
7 to a person who is totally or partially blind, who ~~has a~~ **is deaf or hard**  
8 **of** hearing, ~~impairment~~, or who has a physical or mental disability,  
9 because that person is accompanied by a service animal commits a  
10 Class C infraction.

11 (d) A service animal trainer, while engaged in the training process  
12 of a service animal, is entitled to access to any public accommodation  
13 granted by this section.

14 SECTION 12. IC 16-35-8-9, AS ADDED BY P.L.119-2009,  
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2012]: Sec. 9. (a) The hearing aid assistance program is  
17 established.

18 (b) The following eligibility criteria apply for funding through the  
19 hearing aid assistance program:

- 20 (1) The hearing aid must be:
  - 21 (A) prescribed for a child by a physician who is licensed under
  - 22 IC 25-22.5; and
  - 23 (B) prescribed, fitted, and dispensed for the child by an
  - 24 audiologist who is licensed under IC 25-35.6.
- 25 (2) The child has not received funding from the fund for a hearing
- 26 aid for the applicable ear during the previous three (3) years.
- 27 (3) Reimbursement is not available through any of the following
- 28 or is not sufficient to pay the full amount required for a hearing
- 29 aid:
  - 30 (A) A policy of accident and sickness insurance (IC 27-8-5).
  - 31 (B) A health maintenance organization contract (IC 27-13).
  - 32 (C) The Medicaid program (IC 12-15).
  - 33 (D) The children's health insurance program (IC 12-17.6).
  - 34 (E) The federal Medicare program or any other federal
  - 35 assistance program.

36 (c) The state department may use appropriate internal and external  
37 resources to administer the hearing aid assistance program in a cost  
38 effective manner.

1 (d) External foundations and other organizations that provide  
 2 hearing aid assistance may register with the state department to provide  
 3 a centralized location from which **deaf and hard of** hearing ~~impaired~~  
 4 individuals can obtain information regarding additional sources of  
 5 hearing aid assistance."

6 Page 1, delete lines 16 through 17, begin a new paragraph and  
 7 insert:

8 "SECTION 14. IC 20-31-1-1, AS ADDED BY P.L.1-2005,  
 9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2012]: Sec. 1. This article applies only to the following:

- 11 (1) Public schools.
- 12 (2) Except as provided in IC 20-31-7 and IC 20-31-9, nonpublic
- 13 schools that voluntarily become accredited under IC 20-19-2-8.
- 14 **(3) The Indiana School for the Blind and Visually Impaired**
- 15 **and the Indiana School for the Deaf.**

16 SECTION 15. IC 20-35-4-12, AS ADDED BY P.L.1-2005,  
 17 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2012]: Sec. 12. Public schools may operate special education  
 19 programs for **deaf and hard of** hearing ~~impaired~~ children at least six  
 20 (6) months of age on an experimental basis upon the approval of the  
 21 state superintendent and the state board."

- 22 Page 2, delete lines 1 through 14.
- 23 Page 2, line 18, after "and" insert "**Hard of**".
- 24 Page 2, line 18, delete "Impaired".
- 25 Page 2, between lines 18 and 19, begin a new paragraph and insert:  
 26 "**Sec. 1. This chapter applies after June 30, 2013.**"
- 27 Page 2, line 19, delete "1." and insert "**2.**".
- 28 Page 2, line 20, after "and" insert "**hard of**".
- 29 Page 2, line 20, delete "impaired".
- 30 Page 2, line 22, delete "2." and insert "**3.**".
- 31 Page 2, line 22, after "and" insert "**hard of**".
- 32 Page 2, line 22, delete "impaired".
- 33 Page 2, line 24, delete "3." and insert "**4.**".
- 34 Page 2, line 24, after "duties" insert "**in an unbiased manner**".
- 35 Page 2, line 25, after "and children who are" insert "**hard of**".
- 36 Page 2, line 25, delete "impaired".
- 37 Page 2, line 26, delete "communication" and insert "**language**
- 38 **skills**".

- 1 Page 2, line 26, delete "abilities:" and insert "**abilities, regardless**  
2 **of the mode of communication used:**".
- 3 Page 2, line 28, delete "and education" and insert "**education, and**  
4 **successful transitions**".
- 5 Page 2, line 28, after "deaf and" insert "**hard of hearing from birth**  
6 **through twenty-one (21) years of age and who are enrolled or**  
7 **preparing to enroll in early intervention services, preschool,**  
8 **elementary, or secondary school.**".
- 9 Page 2, delete line 29.
- 10 Page 2, line 30, delete "in-service education, coaching, and  
11 mentoring" and insert "**professional development opportunities for**  
12 **professionals who work with children who are deaf or hard of**  
13 **hearing.**".
- 14 Page 2, delete lines 31 through 35.
- 15 Page 2, line 37, after "and" insert "**hard of**".
- 16 Page 2, line 37, delete "impaired".
- 17 Page 2, line 38, delete "children." and insert "**children and**  
18 **providing support in each family's chosen method of**  
19 **communication and language for the family's child.**".
- 20 Page 2, delete line 42.
- 21 Page 3, delete line 1.
- 22 Page 3, line 2, delete "(C)" and insert "**(B)**".
- 23 Page 3, line 2, after "Communication" insert "**(including**  
24 **language)**".
- 25 Page 3, line 3, delete "(D)" and insert "**(C)**".
- 26 Page 3, line 4, delete "(E)" and insert "**(D)**".
- 27 Page 3, between lines 5 and 6, begin a new line block indented and  
28 insert:  
29 "**(6) Assessing professionals who provide students with sign**  
30 **language interpreting, oral interpreting, cued speech**  
31 **transliteration, and captioning services.**".
- 32 Page 3, line 6, delete "(6)" and insert "**(7)**".
- 33 Page 3, line 6, delete "Supporting" and insert "**Providing**  
34 **consultation to**".
- 35 Page 3, line 7, delete "hearing impaired," and insert "**hard of**  
36 **hearing.**".
- 37 Page 3, delete lines 8 through 10.
- 38 Page 3, line 11, delete "(7)" and insert "**(8)**".

1 Page 3, line 12, delete "hearing impaired," and insert "**hard of**  
2 **hearing**,".

3 Page 3, line 16, delete "4." and insert "5.".

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

5 Page 3, between lines 17 and 18, begin a new paragraph and insert:

6 "SECTION 7. [EFFECTIVE UPON PASSAGE] (a)  
7 **Notwithstanding IC 4-3-22-18, as added by this act, before October**  
8 **1, 2012, the office of management and budget, shall submit a**  
9 **detailed transition plan to implement and administer the center for**  
10 **deaf and hard of hearing established in IC 20-35-11, as added by**  
11 **this act, to the budget committee. The office of management and**  
12 **budget shall develop the transition plan in consultation with, but**  
13 **not limited to, the following:**

14 (1) **The chief executive officer of the Indiana School for the**  
15 **Deaf.**

16 (2) **A parent organization associated with the Indiana School**  
17 **for the Deaf.**

18 (3) **Parents of deaf or hard of hearing children who attend**  
19 **school in a regular classroom setting.**

20 (4) **The Indiana chapter of Hands and Voices.**

21 (5) **The Guide by Your Side Program.**

22 (6) **Hear Indiana.**

23 (7) **The Indiana Association of the Deaf.**

24 (8) **Oral deaf adults.**

25 (9) **The first steps program established under (IC 12-12.7-2).**

26 (10) **The family and social services administration, division of**  
27 **disability and rehabilitative services.**

28 (11) **The department of education.**

29 (12) **The state department of health.**

30 (13) **The St. Joseph Institute for the Deaf.**

31 (14) **Public school administrators.**

32 (15) **Audiologists.**

33 (b) **The transition plan developed under subsection (a) must**  
34 **include the following:**

35 (1) **A description of the agency described in IC 4-3-22-18, as**  
36 **added by this act, that will provide office space and staff**  
37 **support for the center for deaf and the hard of hearing**  
38 **education established under IC 20-35-11, as added by this act.**

- 1           **(2) The estimated costs associated with the operation of the**
- 2           **center for deaf and the hard of hearing education established**
- 3           **under IC 20-35-11, as added by this act.**
- 4           **(3) A description of the fiscal impact on the Indiana School for**
- 5           **the Deaf and the agency described in subdivision (1) resulting**
- 6           **from the transfer of outreach and consultative service**
- 7           **responsibilities.**
- 8           **(4) Any other information the office of management and**
- 9           **budget determines is necessary.**
- 10          **(c) After receiving the transition plan under subsection (a), the**
- 11          **office of management and budget shall, on or before October 15,**
- 12          **2012, post the transition plan on the office of management and**
- 13          **budget's Internet web site.**
- 14          **(d) The budget committee shall consider the transition plan**
- 15          **developed under subsection (a) in its preparation of the budget**
- 16          **report and budget bill under IC 4-12-1-9 for the state fiscal years**
- 17          **beginning on:**
- 18               **(1) July 1, 2013; and**
- 19               **(2) July 1, 2014.**
- 20          **(e) This SECTION expires December 31, 2013."**
- 21          Renumber all SECTIONS consecutively.
- (Reference is to HB 1367 as introduced.)

**and when so amended that said bill do pass.**

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Representative Behning