

Indiana School for the Deaf

Operational Review

December 2011

1) Process and Scope

The Office of Management and Budget (OMB) launched this operational review of the Indiana School for the Deaf (ISD) in the summer of 2011, although a six sigma project with ISD was also launched several months earlier. The operational review entailed a number of items, including a review of Indiana code, ISD's educational, operational, and financial results, services available to deaf and hard of hearing children in Indiana, and best practices from academic literature and other states.

The review included conversations and interviews with numerous stakeholders, including key staff at ISD, parents and alumni of ISD, providers of services to deaf and hard of hearing children (e.g., Indiana Hands and Voices), parents of children who are deaf or hard of hearing, and experts in the field of deaf education. A public forum was held in the fall of 2011, and OMB accepted the offer of a member of the Indiana Deaf Education Coalition to notify stakeholders of the forum.

The operational review focused upon ISD's three statutory missions, with recommendations covering both the operations of the residential and day school at ISD as well as outreach and consultative services for all deaf and hard of hearing children in Indiana. The review was not exhaustive in all areas. For instance, it was outside of the scope to assess the quality of all of the teachers at ISD as well as at local education agencies. That said, the review did focus upon both statutory and operational improvements that could be made to Indiana's deaf education system, including the residential/day school at ISD.

2) Mission and Governance

The statute governing ISD is in Exhibit A. Per IC 20-22-2-1, the Indiana School for the Deaf is to provide three primary services:

- A residential and day school
- Outreach services
- Consultative services to local educational agencies to assist the agencies in meeting the needs of locally enrolled students with hearing disabilities

ISD is governed by a board comprised of 7 voting members and 3 advisory members. Per IC 20-22-3-9, the board has *complete policy and administrative control and responsibility* for the school. The Department of Education's Division of Special Education is granted "general supervision" (through IC 20-35-2-1) and budgetary review (through IC 20-22-3-10) duties of ISD.

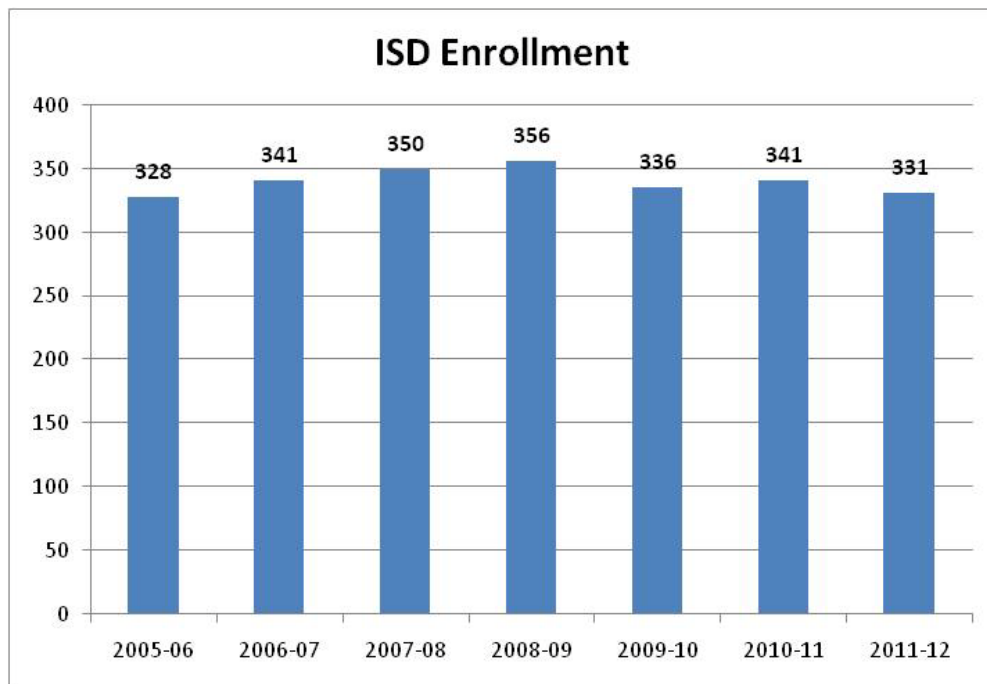
Prior to 1999, ISD was overseen by the Indiana State Department of Health (ISDH). Today, ISDH retains some related functions through its Early Hearing Detection and Intervention (EHDI) program, but does not have the oversight role it had prior to 1999. The Department of Education (DOE) is involved in deaf education, especially through its division of special education, and a member of DOE serves as an advisory member of the ISD board. The Family and Social Services Administration (FSSA) is also involved, primarily through the First Steps program, which coordinates services for the developmentally delayed or disabled.

According to ISD’s website (www.deafhoosiers.org), the school’s goal is “to provide for early language acquisition and to facilitate the development of two languages, American Sign Language (ASL) and English. This goal is accomplished with the belief that for most Deaf students, American Sign Language is the accessible, dominant language used for communication, and thinking, while English is learned as a second language.”

3) Background

The Indiana School for the Deaf was founded in 1843. It has operated at its current location north of the state fairgrounds (1200 E. 42nd Street, Indianapolis) since 1911.

Currently, there are 331 students enrolled at ISD (pre-K to 12th grade). In recent years, enrollment has fluctuated slightly, based on the size of individual classes. At its peak in the 1970’s, there were nearly 600 students attending ISD (due to an outbreak of rubella that occurred in the 1960’s).



Approximately 80 of these students live on campus during the week (all live beyond a 35-mile radius of ISD). The remaining students have transportation provided daily by their home school corporation. The full capacity of the dormitory is 250 students.

Today, hearing loss affects a small percentage of children. In 2008, the prevalence of hearing loss among infants under 12 months was 0.1%, or about 1 diagnosed case per 1,000 screened. Federal surveys conducted from 2005 to 2009 estimated 3% or fewer of children nationwide under age 12 had hearing problems.

There are approximately 200 babies born annually in Indiana with hearing loss. Thus, there are more than 2,000 deaf or hard of hearing school-aged children in Indiana, with the vast majority of students attending school at their home district. These children range from mild to profound in their degree of hearing loss, and some of these children use some type of hearing technology (i.e., hearing aid, cochlear implant, school FM system). Around 500 students (25%) have an interpreter accompany them throughout the school day (most of whom use “Signed English”, which is different from ASL).

4) Operational and Budgetary Overview

Residential and Day School:

Of the three legislatively-required services, ISD dedicates the vast majority of their staff and budgeted dollars to operating the residential and day school. Specifically, 230 of 247 staff are primarily or exclusively assigned to the operations of the school (rather than outreach or consultative services). Approximately \$15 million of the \$16.5 million operating budget (more than 90%) is utilized to operate the school and serve its 331 students.

With 331 students, the operating cost per student is approximately \$45,000. This includes the costs of both day and residential students. If you include capital expenditures, the total cost per student is closer to \$47,000. If you exclude the residential costs for the 80 students who live on campus during the week, then the operating cost per student is approximately \$35,000-\$40,000.

Outreach Services and Consultative Services:

Approximately \$1.5 million of the \$16.5 million operating budget (less than 10%) is dedicated to serving the roughly 2,000 deaf or hard of hearing children who do not attend ISD. 17 of the 247 staff are primarily assigned to serve these two missions.

With approximately 2,000 students, the cost per student of providing these services is less than \$1,000. This figure excludes the funds provided to local school corporations to educate these children (provided through the school funding formula).

General Management and Budgetary Discussion:

ISD has suffered from a lack of management and budgetary expertise. This has hampered ISD in a number of ways, including poor budgetary planning and wasteful expenditures outside of the classroom. Dollars spent on administrative functions are dollars that cannot be deployed in the classroom educating children. Some ISD employees do not understand the state's processes in areas such as budgeting, accounting, human resources, and procurement. This leads to confusion and uncertainty, often slowing down key processes unnecessarily. ISD has also struggled with the management of capital projects, leading to projects which are improperly scoped, inaccurately budgeted, and poorly executed.

5) Educational Results

The Indiana School for the Deaf and the Indiana School for the Blind and Visually Impaired (ISBVI) are exempt from Indiana's P.L. 221 school accountability law. Nor are they included in federal Annual Yearly Progress (AYP) measurements. Individual student test scores are not tied to their home school corporation either, so no educational entity is currently held responsible for academic results.

Furthermore, since 2010 all Indiana schools are allowed to give special education students an alternative assessment (such as IMAST) in place of ISTEP. Most schools are limited to 3% of their students taking an alternative assessment, or else they are counted as not passing. ISD (and ISBVI) have no restriction, although the determination of which assessment should be used is made as part of the Individual Education Plan (IEP) established by the local school corporation in coordination with the child and his/her parents. It does appear that students at both ISD and ISBVI have a greater presence of multiple disabilities (e.g., autism) than deaf and hard of hearing students educated in their home district. In 2011, nearly half (48%) of ISD's 3rd through 8th graders took IMAST in lieu of ISTEP.

Conducting an apples-to-apples comparison of ISTEP scores for deaf and hard of hearing students who attend ISD with deaf and hard of hearing students attending school in their home district is difficult. Deaf and hard of hearing students attending school at their home district have historically performed better on ISTEP than those at ISD, although it is difficult to compare these populations given their differing degrees of disability (e.g., prevalence of autism).

In addition, students who attend ISD or the school in their home district do not always start in that school. Indeed, some transfer between ISD and the school in their home district, while others move to Indiana during their schooling. Given the importance of language acquisition, especially when taking standardized tests, it is important to note that a child who fails the test may have attended a different school in prior years. For instance, based upon a limited dataset for 2011, it appears that students who have attended ISD since 1st grade scored on average higher than those who transferred to ISD later, although this is not the case for every grade. Other data showed a significant gap between some students' IQ scores depending on whether they were measured using nonverbal or verbal reasoning tests, which reinforces the importance of language acquisition.

6) A Fractured, Confusing System

During the review, OMB received numerous complaints about how difficult it is for the parents of a child who is deaf or hard of hearing to navigate their way through the labyrinth of state government. Numerous parents said that they wish they knew then what they know now. Instead, they felt like they were on their own trying to figure out their options and what services were available to their child. This is particularly true given that 90% of deaf children are born to hearing parents. A sense of feeling overwhelmed and frustrated was communicated frequently. These complaints were made by parents and stakeholders regardless of whether their children attended ISD or were educated in their home school district.

State government organizes itself into agencies, divisions and programs, often times for reasons that only make sense to those who work for state government. Currently, parents have to navigate their way through the State Department of Health, the Family and Social Services Administration (e.g., First Steps), the Indiana School for the Deaf, the Department of Education, local education agencies, and a multitude of other service providers. Instead of being organized in a way that makes sense to our customers, state government has scattered these responsibilities across numerous agencies and left it to families to figure out.

Moreover, not only do parents struggle to navigate their way through the state's system, but the current system poses a number of obstacles to the sharing of information that could be used to better monitor and track these children. For instance, federal privacy laws such as HIPAA (Health Insurance Portability and Accountability Act) and FERPA (Family Educational Rights and Privacy Act) restrict the ability of different state agencies to exchange data. It is important to remember that we are dealing with a low incident population (roughly 200 children born each year who are deaf or hard of hearing), so it is inexcusable that government is unable to track each and every child. There can be no doubt that federal privacy laws will continue to pose challenges to information sharing, but the State can and must take steps to knock down as many obstacles as possible.

Based upon our review of academic literature and discussions with experts and stakeholders, it is clear that early intervention with respect to acquiring language is the most important criteria in determining student success. Early intervention begins with the accurate identification of hearing problems followed by the unbiased provision of resources and options to parents. One problem is that the ASL and Oral Learning communities do not trust each other to fulfill this responsibility in an unbiased manner. ASL advocates are convinced that Oral Learning advocates will push parents towards technology (such as cochlear implants) and Oral Learning. Meanwhile, Oral Learning advocates are convinced that ASL advocates will push parents and children towards ASL. We have received multiple examples and anecdotes of biased presentations of options from members of both communities.

The dispute between ASL and Oral Learning advocates extends beyond Indiana. In fact, it is a nationwide struggle. Furthermore, there is a long history between the differing perspectives. It is highly improbable that this rift will be resolved anytime soon, nor does this review attempt to do so. It should also be noted that this review does not cast blame on any individuals or groups of individuals. Rather, the problem lies with the system itself. And the problem is not unique to Indiana. In fact, a majority of states lack a centralized agency to provide families with objective information and help them access services, and most states do not track children to ensure they receive follow-up services after being identified.

7) Other Findings

There were a handful of additional observations which deserve attention, but require further study:

- Quality of interpreters – It was mentioned previously that many deaf students not enrolled at ISD make use of an interpreter while attending school in their home district. There were anecdotal reports that there is a shortage of skilled interpreters in this area.
- Case conferences – A common theme heard from parents of ISD students was a frustration that they wanted their child to attend ISD sooner than they did; however, the initial result of their case conference report was that they had to stay at their LEA (Local Education Agency, i.e., home school district). There appear to be multiple factors influencing this tendency, including federal special education directives for students to be taught in the least restrictive environment (LRE), and a misunderstanding of the financial impact of students attending ISD. In any case, this issue merits further study and education of all those participating in case conferences.
- Transitions – There are significant points at which deaf children transition from one stage to another and are served by different entities (See Exhibit B). Children under age 3 fall under First Steps at FSSA. From that time until kindergarten, they are in the Special Education Pre-School program administered by DOE. Hopefully, from kindergarten through 12th grade, students gain the independence needed for adulthood, but if not, these individuals may once again receive services from FSSA. Smooth and seamless hand-offs do not consistently occur at these transition points.
- Higher Education – Both Ball State and Vincennes University provide programming on the ISD campus. The potential exists to leverage the working relationships with these and other universities to collaborate on identifying best practices in deaf education and integrating those best practices into the training of professionals in the field.

8) Recommendations

The recommendations fall into 2 categories: administrative and legislative. The administrative changes primarily involve ISD's first statutory mission of operating a residential and day school. The legislative changes impact all three of ISD's statutory missions. The recommendations are listed below, with a more detailed discussion following:

A) Administrative changes:

- 1) **Upgrade quality of staff and training in key management positions**
- 2) **Improve long-term capital planning**

B) Legislative changes:

- 3) **Enhance accountability to improve student achievement**
- 4) **Better coordinate the delivery of state services, especially with respect to early intervention**

Administrative Changes

Upgrade quality of staff and training in key management positions:

First, OMB recommends that ISD recruit and hire a qualified Controller and Chief Operating Officer to address weaknesses, particularly in finance, operations, and physical plant management.

With respect to finance, the Controller should focus upon improved financial reporting using the State's ENCOMPASS system, a detailed review of expenditures to identify opportunities for cost savings, improved budget planning, and enhanced training of accounting staff to ensure that revenues and expenditures are being properly coded. The State Budget Agency has already created financial reports that it has shared with ISD, and monthly meetings to review budgetary performance have been implemented and should be continued.

With respect to operations, the Chief Operating Officer should focus upon identifying opportunities to create efficiencies, with special attention given to physical plant management. The Chief Operating Officer should continue to streamline back office and administrative functions to maximize resources available for classroom education. An area in particular need of improvement is space utilization and energy expenses. ISD spends too much money heating and cooling excess capacity. There are additional opportunities to automate manual processes that should be researched and implemented.

Second, OMB recommends that ISD increase communication and coordination with other state agencies, especially the State Budget Agency, Department of Administration, State Personnel Department, and the Office of Attorney General. OMB has offered to schedule workshops, training sessions, and meetings with these important agencies to review the state's processes and procedures as well as answer any questions.

Finally, OMB recommends that ISD provide a full accounting for all revenues and expenditures that are not incorporated in the state's accounting system. Several stakeholders indicated concern with the lack of transparency regarding donations and other funds. These should be shared with all stakeholders as well as the general public to enhance confidence in the decision-making of ISD leadership.

Improve long-term capital planning:

First, OMB recommends that an analysis be completed regarding whether ISD and ISBVI could be co-located on a single campus at the current ISBVI location.

Several stakeholders expressed concern with the safety of the neighborhood that surrounds ISD. Moreover, both ISD and ISBVI must spend scarce resources maintaining and staffing separate facilities. A number of states have successfully merged their schools, generating savings from reduced administrative and capital costs that could be redirected into educational attainment.

It is important to note that OMB did not anticipate making this recommendation, but the concept was suggested by a number of stakeholders. Therefore, OMB recommends that ISD and ISBVI stakeholders discuss this concept further before any action is contemplated.

Second, while analyzing long term plans regarding the location of ISD, OMB recommends that ISD move aggressively to complete projects that achieve at least one of the following:

- 1) Improve the safety, health, and welfare of the campus
- 2) Improve the energy efficiency of the campus

ISD staff has not proven capable of properly scoping and budgeting capital projects, nor have they successfully implemented projects once they have received the proper approvals. Significant change will need to occur in the area of physical plant management and capital planning/budgeting if important projects are to be completed. OMB recommends that a new perimeter fence and secure entrance be prioritized along with projects that can reduce utility expenses on an ongoing basis.

Legislative Changes

Enhance accountability to improve student achievement:

First, OMB recommends adding ISD and ISBVI to P.L. 221 (IC 20-31) to ensure that children at ISD and ISBVI are provided with at least the same quality of education as children at public schools.

During the review, OMB discovered that both ISD and ISBVI are noticeably absent from P.L. 221, thereby exempting them from the state's accountability laws. Both schools need to be held to high standards. Previous standards that did not recognize and reward growth would not have been appropriate given the high prevalence of multiple disabilities at both ISD and ISBVI. However, the state's accountability system now rewards growth, so the complete exemption from the state's accountability laws is now inappropriate.

Second, OMB recommends that the test scores for both ISD and ISBVI be included with the scores of all other public schools on the same page of the DOE website.

Better coordinate the delivery of state services, especially with respect to early intervention:

OMB recommends the creation of a Center for Deaf and Hard of Hearing Education. This Center would be created as a division within the State Department of Education, the State Department of Health, or another state agency. In addition to providing outreach services, this organization would be responsible for the compiling and coordination of data currently housed in multiple agencies to ensure that children do not fall through the cracks as happens too often today. The Center would be charged with providing independent, unbiased information to parents so that they can choose which options are best for their children. In short, the Center would serve as a 1-stop shop for families to prevent children from falling through the cracks.

During conversations with stakeholders as well as the review of best practices and academic literature, OMB was informed repeatedly of the importance of early intervention. Experts agree that early exposure to language is critical because children most easily acquire language in their first few years of life. This is true whether the language is ASL, spoken English, or another language. Education experts also agree that education plans should be individualized to meet specific needs, and reject one-size-fits-all approaches such as mandating a specific language or mode of communication.

It is important to note that this recommendation does not favor either side in the ASL vs. Oral Learning debate. Rather, it acknowledges this debate exists, and creates an independent Center to provide unbiased information to families.

Notably, ISD will continue to operate the day and residential school under this recommendation. This report confirms that ISD is an integral component in the spectrum of services that should be offered to families. In fact, the day and residential school at ISD should be enhanced with this recommendation, as the Center will provide a 1-stop shop for parents to receive information about their options, including sending their children to ISD.

As part of this recommendation, OMB needs to continue the analysis of the programs located throughout state government to determine where the Center should be located and how it will be staffed and resourced. Currently, there are multiple state agencies and programs involved in providing information and resources. OMB will analyze these programs to determine which resources, state and federal, can be pulled together to create this Center. By combining these resources into a Center, efficiencies will be gained that can be used to enhance services. Moreover, DOE has notified school corporations as well as ISD and ISBVI of the potential to receive federal funds for outreach services through the Medicaid program.

In Section 7 of this report, there were four items identified that need further research: quality of interpreters, case conferences, transitions, and higher education. OMB recommends that these are areas that may be best addressed by the Center, or at least as part of the on-going research into the specifics of the Center.

It is rare that OMB has suggested the creation of a new Center in their reviews of hundreds of state programs and services. However, OMB believes this function is too important to allow the services to be delivered in such a fractured and confusing manner. By coordinating services under the newly established Center, state government will be outward-looking, focused upon its customers and better able to track and monitor the children it is charged to serve.

9) Exhibits

A – ISD Statute

B – Flowchart of D/HH Children to Various Services

Exhibit A

IC 20-22

ARTICLE 22. INDIANA SCHOOL FOR THE DEAF

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| IC 20-22-1 |
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| Chapter 1. Definitions |
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IC 20-22-1-1

Applicability of definitions

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

As added by P.L.1-2005, SEC.6.

IC 20-22-1-2

"Board"

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

As added by P.L.1-2005, SEC.6.

IC 20-22-1-3

"Case conference"

Sec. 3. "Case conference" refers to the activities of a case conference committee (as defined in IC 20-35-7-2).

As added by P.L.1-2005, SEC.6.

IC 20-22-1-4

"Employee"

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

As added by P.L.1-2005, SEC.6.

IC 20-22-1-4.5

"Executive"

Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-22-2-4.

As added by P.L.218-2005, SEC.61.

IC 20-22-1-5

"School"

Sec. 5. "School" refers to the Indiana School for the Deaf established by IC 20-22-2-1.

As added by P.L.1-2005, SEC.6.

IC 20-22-1-6

"School age individual"

Sec. 6. "School age individual" refers to an individual who is less than twenty-two (22) years of age.

As added by P.L.1-2005, SEC.6.

IC 20-22-1-7

Repealed

(Repealed by P.L.218-2005, SEC.83.)

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| <h2>IC 20-22-2</h2> |
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| Chapter 2. Indiana School for the Deaf |
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IC 20-22-2-1

Services provided

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 the agencies in meeting the needs of locally enrolled students with hearing disabilities.

As added by P.L.1-2005, SEC.6.

IC 20-22-2-2

Purpose

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 law and federal law.

As added by P.L.1-2005, SEC.6.

IC 20-22-2-3

Educational facilities, educational programs, and training

Sec. 3. The school shall provide the following:

(1) Educational facilities that meet standards established by the state board 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 a student with a hearing disability (including a 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 a student with a hearing disability (including a student with multiple disabilities with hearing impairment) to achieve the student's maximum development toward self-support and independence.

As added by P.L.1-2005, SEC.6. Amended by P.L.99-2007, SEC.165.

IC 20-22-2-4

Executive; appointment and qualifications

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

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

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

(2) Have at least five (5) years experience in instruction of students with hearing

impairment 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 impairment disabilities.

(5) Have at least five (5) years experience supervising other individuals.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.62.

IC 20-22-2-5

Executive; responsibilities

Sec. 5. (a) The executive, subject to the approval of the board and IC 20-21-4, has complete responsibility for management of the school.

(b) The executive 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 and administration of the policies, mission, and goals of the school as established by the board.

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

(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-22-3-10(b).

(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.

(8) Executing contracts on behalf of the school.

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

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.63.

IC 20-22-2-6

Students admitted to school

Sec. 6. Subject to:

(1) the determination by case conference committees based on individualized education programs; and

(2) the school's admissions criteria adopted by the board under IC 20-22-3-10(a)(4); the executive shall receive as students in the school Indiana residents who are school age individuals with a hearing disability.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.64; P.L.99-2007, SEC.166.

IC 20-22-2-7

Placement review committee

Sec. 7. (a) A placement review committee for the school is established. The placement review 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 state superintendent.

(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 executive shall serve as an adviser to the placement review committee. The executive 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.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.65.

IC 20-22-2-8

Expenses of certain students to be paid by county

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 individual's parent wishes the individual to participate in the school's educational program but is 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 the division of family resources, order the individual to be sent to the school at the expense of the county. The expenses include the expenses described in section 10 of this chapter and shall be paid from the county general fund.

As added by P.L.1-2005, SEC.6. Amended by P.L.146-2008, SEC.458; P.L.44-2009, SEC.34.

IC 20-22-2-9

Applicability of compulsory school attendance laws

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

As added by P.L.1-2005, SEC.6.

IC 20-22-2-10

Provision of medical care, basic necessities, and transportation to students

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

(b) While a student is enrolled at the school, the student's parent, guardian, or another responsible relative or person shall provide medical, optical, and dental care involving special medication or prostheses.

(c) While a student is enrolled at the school, the student's parent, guardian, or another responsible relative or 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 pay the cost of transportation required by the student's individualized education program under IC 20-35-8-2. However, the student's parent, guardian, or another responsible relative or person shall pay the cost of transportation not required by the student's individualized education program.

(e) The student's parent, guardian, or another responsible relative or person shall provide the incidental expense money needed by the student.

As added by P.L.1-2005, SEC.6.

IC 20-22-2-11

Adult education program

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

(b) The school may establish an appropriate fee for services for an adult education program.

Federal grants or matching funds may also be used, subject to the approval of the budget agency.

As added by P.L.1-2005, SEC.6.

IC 20-22-2-12

Career and technical work-study program

Sec. 12. The school may establish a career and technical work-study program.

As added by P.L.1-2005, SEC.6. Amended by P.L.234-2007, SEC.101.

IC 20-22-2-13

Receipt of gifts, legacies, devises, and conveyances

Sec. 13. The executive may, subject to the approval of the governor and 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.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.66.

IC 20-22-3

Chapter 3. Indiana School for the Deaf Board

IC 20-22-3-1

Establishment

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

As added by P.L.1-2005, SEC.6.

IC 20-22-3-2

Members

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

(1) Seven (7) 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. The individual serving under this subdivision serves in a nonvoting, advisory capacity.

(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.

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

(b) When appointing a member to the board under subsection (a)(1), 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.

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

(A) representative of a local education agency; or

- (B) special education director.
 - (c) Before assuming membership on the board, an individual appointed under subsection (a)(1) must do the following:
 - (1) Execute a bond:
 - (A) payable:
 - (i) to the state; and
 - (ii) in an amount and with sureties as approved by the governor; and
 - (B) that is conditioned on the faithful discharge of the member's duties.
 - (2) Take and subscribe an oath that must be endorsed upon the member's official bond. The executed bond and oath shall be filed in the office of the secretary of state. The cost of the bond shall be paid from appropriations made to the school.
- As added by P.L.1-2005, SEC.6.*

IC 20-22-3-3

Compensation and expenses

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.

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

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

As added by P.L.1-2005, SEC.6.

IC 20-22-3-4

Terms

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

As added by P.L.1-2005, SEC.6.

IC 20-22-3-5

Vacancies

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

As added by P.L.1-2005, SEC.6.

IC 20-22-3-6

Chair of board

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.

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

As added by P.L.1-2005, SEC.6.

IC 20-22-3-7

Quorum

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.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-8

Staff and administrative support

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

As added by P.L.1-2005, SEC.6.

IC 20-22-3-9

Administrative control

Sec. 9. Subject to IC 20-35-2 and IC 20-22-4, the board has complete policy and administrative control and responsibility for the school.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-10

Duties

Sec. 10. (a) The board shall do the following:

(1) Establish policies and accountability measures for the school.

(2) Implement this article.

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

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

(5) Hire the executive, who serves at the pleasure of the board.

(6) Determine the salary and benefits of the executive.

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

(b) The board shall submit the school's biennial budget to the department, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The

department shall submit the reconciled budget to the budget agency and the budget committee.
As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.67; P.L.99-2007, SEC.167.

IC 20-22-3-11

Powers

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

(1) Adopt, amend, and repeal bylaws in compliance with this article to govern the business of the board.

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

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

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

As added by P.L.1-2005, SEC.6.

IC 20-22-4

Chapter 4. Personnel System

IC 20-22-4-1

Applicability of state personnel and state merit employment laws

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

As added by P.L.1-2005, SEC.6.

IC 20-22-4-2

Hiring personnel

Sec. 2. The executive shall hire directly for those positions as approved by the state personnel department and the board any candidate the executive considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the executive may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.68.

IC 20-22-4-3

Salary schedules; terms of contracts and hours of work for teachers

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

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

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

(d) Each teacher accrues vacation leave and holidays in accordance with the vacation leave and holiday policy of the largest school corporation in the county in which the school is located. A teacher is not eligible for additional vacation leave or holidays set for state employees under IC 1-1-9 or IC 4-15 or rules adopted to implement these statutes.

As added by P.L.1-2005, SEC.6. Amended by P.L.229-2011, SEC.169.

IC 20-22-4-4

Employee wage payment arrangements

Sec. 4. (a) Notwithstanding IC 22-2-5-2, the school and:

(1) an employee if there is no representative described under subdivision (2) or (3) for that employee;

(2) the exclusive representative of its certificated employees with respect to those employees; or

(3) a labor organization representing its noncertificated employees with respect to those employees;

may agree in writing to a wage payment arrangement.

(b) A wage payment arrangement under subsection (a) may provide that compensation earned during a school year may be paid:

(1) using equal installments or any other method; and

(2) over:

(A) all or part of that school year; or

(B) any other period that begins not earlier than the first day of that school year and ends not later than thirteen (13) months after the wage payment arrangement period begins.

Such an arrangement may provide that compensation earned in a calendar year is paid in the next calendar year, so long as all the compensation is paid within the thirteen (13) month period beginning with the first day of the school year.

(c) A wage payment arrangement under subsection (a) must be structured in such a manner so that it is not considered:

(1) a nonqualified deferred compensation plan for purposes of Section 409A of the Internal Revenue Code; or

(2) deferred compensation for purposes of Section 457(f) of the Internal Revenue Code.

(d) Absent an agreement under subsection (a), the school remains subject to IC 22-2-5-1.

(e) Wage payments required under a wage payment arrangement entered into under subsection (a) are enforceable under IC 22-2-5-2.

(f) If an employee leaves employment for any reason, either permanently or temporarily, the amount due the employee under IC 22-2-5-1 and IC 22-2-9-2 is the total amount of the wages earned and unpaid.

(g) Employment with the school may not be conditioned upon the acceptance of a wage payment arrangement under subsection (a).

(h) An employee may revoke a wage payment arrangement under subsection (a) at the beginning of each school year.

As added by P.L.41-2009, SEC.5.

Exhibit B

Indiana Children who are Deaf or Hard of Hearing (DHH)

