

Adopted Rejected

# COMMITTEE REPORT

YES: 7  
NO: 0

## MR. SPEAKER:

Your Committee on Education, to which was referred Senate Bill 433, 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 Page 1, line 13, after "members" insert "**selected by the**
- 2 **commission**".
- 3 Page 2, line 19, after "schools," insert "**including the Indiana**
- 4 **School for the Blind and Visually Impaired and the Indiana School**
- 5 **for the Deaf**".
- 6 Page 2, line 34, delete ",".
- 7 Page 2, between lines 38 and 39, begin a new paragraph and insert:
- 8 "SECTION 1. IC 4-10-15-2, AS AMENDED BY HEA 1288-2005,
- 9 SECTION 57, IS AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2005]: Sec. 2. The warrants may be drawn for
- 11 the necessary and current expenses of the following:
- 12 (1) All psychiatric hospitals (as defined in IC 12-7-2-184).
- 13 (2) The Indiana School for the Deaf, established by IC 20-22-2-1.
- 14 (3) The Indiana School for the Blind **and Visually Impaired**,
- 15 established by IC 20-21-2-1.

1 (4) The Indiana Veterans' Home.

2 (5) The Plainfield Juvenile Correctional Facility.

3 SECTION 2. IC 4-15-2-3.8 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.8. "State service"  
5 means public service by:

6 (1) employees and officers, including the incumbent directors, of  
7 the county offices of family and children; and

8 (2) employees and officers, except members of boards and  
9 commissions or individuals hired for or appointed to, after June  
10 30, 1982, positions as appointing authorities, deputies, assistants  
11 reporting to appointing authorities, or supervisors of major units  
12 within state agencies, irrespective of the title carried by those  
13 positions, of the division of disability, aging, and rehabilitative  
14 services, Fort Wayne State Developmental Center, Muscatatuck  
15 State Developmental Center, division of mental health and  
16 addiction, Larue D. Carter Memorial Hospital, Evansville State  
17 Psychiatric Treatment Center for Children, ~~Central State Hospital,~~  
18 Evansville State Hospital, Logansport State Hospital, Madison  
19 State Hospital, Richmond State Hospital, state department of  
20 health, Indiana School for the Blind **and Visually Impaired**,  
21 Indiana School for the Deaf, Indiana Veterans' Home, Indiana  
22 Soldiers' and Sailors' Children's Home, Silvercrest Children's  
23 Development Center, department of correction, Westville  
24 Correctional Facility, Plainfield Juvenile Correctional Facility,  
25 Putnamville Correctional Facility, Indianapolis Juvenile  
26 Correctional Facility, Indiana State Prison, Indiana Women's  
27 Prison, Pendleton Correctional Facility, Reception and Diagnostic  
28 Center, Rockville Correctional Facility, Youth Rehabilitation  
29 Facility, Plainfield Correctional Facility, department of fire and  
30 building services, state emergency management agency  
31 (excluding a county emergency management organization and any  
32 other local emergency management organization created under  
33 IC 10-14-3), civil rights commission, criminal justice planning  
34 agency, department of workforce development, Indiana historical  
35 bureau, Indiana state library, division of family and children,  
36 Indiana state board of animal health, Federal Surplus Property  
37 Warehouse, Indiana education employment relations board,  
38 department of labor, Indiana protection and advocacy services

1 commission, commission on public records, Indiana horse racing  
2 commission, and state personnel department.

3 SECTION 3. IC 5-22-4-8, AS AMENDED BY HEA 1288-2005,  
4 SECTION 83, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) As used in this section,  
6 "board" refers to either of the following:

7 (1) With respect to the Indiana School for the Blind **and Visually**  
8 **Impaired**, the board established by IC 20-21-3-1.

9 (2) With respect to the Indiana School for the Deaf, the board  
10 established by IC 20-22-3-1.

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

12 (1) The Indiana School for the Blind **and Visually Impaired**  
13 established by IC 20-21-2-1.

14 (2) The Indiana School for the Deaf established by IC 20-22-2-1.

15 (c) As used in this section, "superintendent" refers to the  
16 **superintendent chief executive officer** of the school.

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

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

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

26 SECTION 4. IC 10-13-3-38.5, AS AMENDED BY HEA  
27 1288-2005, SECTION 119, IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal P.L.92-544  
29 (86 Stat. 1115), the department may use an individual's fingerprints  
30 submitted by the individual for the following purposes:

31 (1) Determining the individual's suitability for employment with  
32 the state, or as an employee of a contractor of the state, in a  
33 position:

34 (A) that has a job description that includes contact with, care  
35 of, or supervision over a person less than eighteen (18) years  
36 of age;

37 (B) that has a job description that includes contact with, care  
38 of, or supervision over an endangered adult (as defined in

- 1 IC 12-10-3-2), except the individual is not required to meet the  
 2 standard for harmed or threatened with harm set forth in  
 3 IC 12-10-3-2(a)(3);  
 4 (C) at a state institution managed by the office of the secretary  
 5 of family and social services or state department of health;  
 6 (D) at the Indiana School for the Deaf established by  
 7 IC 20-22-2-1;  
 8 (E) at the Indiana School for the Blind **and Visually Impaired**  
 9 established by IC 20-21-2-1;  
 10 (F) at a juvenile detention facility;  
 11 (G) with the gaming commission under IC 4-33-3-16;  
 12 (H) with the department of financial institutions under  
 13 IC 28-11-2-3; or  
 14 (I) that has a job description that includes access to or  
 15 supervision over state financial or personnel data, including  
 16 state warrants, banking codes, or payroll information  
 17 pertaining to state employees.
- 18 (2) Identification in a request related to an application for a  
 19 teacher's license submitted to the professional standards board  
 20 established by IC 20-28-2-1.
- 21 An applicant shall submit the fingerprints in an appropriate format or  
 22 on forms provided for the employment or license application. The  
 23 department shall charge each applicant the fee established under section  
 24 28 of this chapter and by federal authorities to defray the costs  
 25 associated with a search for and classification of the applicant's  
 26 fingerprints. The department may forward fingerprints submitted by an  
 27 applicant to the Federal Bureau of Investigation or any other agency for  
 28 processing. The state personnel department or the agency to which the  
 29 applicant is applying for employment or a license may receive the  
 30 results of all fingerprint investigations.
- 31 (b) An applicant who is an employee of the state may not be charged  
 32 under subsection (a).
- 33 (c) Subsection (a)(1) does not apply to an employee of a contractor  
 34 of the state if the contract involves the construction or repair of a capital  
 35 project or other public works project of the state.
- 36 SECTION 5. IC 12-12-9-2 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The office of the  
 38 secretary shall, on the first business day of each month, send a copy of

1 a report filed under section 1 of this chapter to the following persons:

2 (1) For persons less than seventeen (17) years of age, to the  
3 following:

4 (A) The Indiana School for the Blind **and Visually Impaired**.

5 (B) The division of disability, aging, and rehabilitative  
6 services.

7 (C) The division of special education of the department of  
8 education.

9 (2) For persons at least seventeen (17) years of age, to the  
10 following:

11 (A) The division of disability, aging, and rehabilitative  
12 services.

13 (B) On request, organizations serving the blind **or visually**  
14 **impaired** and the state department of health.

15 SECTION 6. IC 12-12-9-4 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) On receiving a  
17 report under this chapter, the division of disability, aging, and  
18 rehabilitative services shall provide information to the visually impaired  
19 individual designated in the report concerning available state and local  
20 services.

21 (b) For a visually impaired individual less than seventeen (17) years  
22 of age, the Indiana School for the Blind **and Visually Impaired**:

23 (1) has the primary duty of initially contacting the visually  
24 impaired individual or the individual's family; and

25 (2) shall notify the division of disability, aging, and rehabilitative  
26 services and the department of education of the school's findings.

27 SECTION 7. IC 12-12-9-5 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. This chapter does  
29 not prohibit a physician or an optometrist from making a referral to a  
30 local school corporation, an agency, the Indiana School for the Blind  
31 **and Visually Impaired**, or an agency or organization working with the  
32 blind or visually impaired.

33 SECTION 8. IC 20-1-6-2.1 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. (a) There is  
35 created under the Indiana state board of education a division of special  
36 education, which shall exercise all the power and duties set out in this  
37 chapter. The governor shall appoint, upon the recommendation of the  
38 state superintendent of public instruction, a director of special education

1 who serves at the pleasure of the governor. The amount of  
2 compensation of the director shall be fixed by the budget agency with  
3 the approval of the governor. The duties of the director are as follows:

4 (1) To have general supervision of all programs, classes, and  
5 schools, including those conducted by the public schools, the  
6 Indiana School for the Blind **and Visually Impaired**, the Indiana  
7 School for the Deaf, the department of correction, the state  
8 department of health, the division of disability, aging, and  
9 rehabilitative services, and the division of mental health and  
10 addiction, for children with disabilities and to coordinate the work  
11 of these schools. In addition, relative to programs for preschool  
12 children with disabilities as required under section 14.1 of this  
13 chapter, the director has general supervision over programs,  
14 classes, and schools, including those conducted by the schools or  
15 other state or local service providers as contracted for under  
16 section 14.1 of this chapter. However, general supervision does  
17 not include the determination of admission standards for the state  
18 departments, boards, or agencies authorized to provide programs  
19 or classes under this chapter.

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

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

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

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

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

37 (B) Rules protecting the rights of a child with a disability and  
38 the parents of the child with a disability in the identification,

- 1 evaluation, and placement process.
- 2 (6) To make recommendations to the Indiana state board of  
3 education concerning standards and case load ranges for related  
4 services to assist each teacher in meeting the individual needs of  
5 each child according to that child's individualized education  
6 program. The recommendations may include the following:
- 7 (A) The number of teacher aides recommended for each  
8 exceptionality included within the class size ranges.
- 9 (B) The role of the teacher aide.
- 10 (C) Minimum training recommendations for teacher aides and  
11 recommended procedures for the supervision of teacher aides.
- 12 (7) To cooperate with the interagency coordinating council  
13 established under IC 12-17-15 to ensure that the preschool special  
14 education programs required under section 14.1 of this chapter are  
15 consistent with the early intervention services program described  
16 in IC 12-17-15.
- 17 (b) The director or the Indiana state board of education may exercise  
18 authority over vocational programs for children with disabilities  
19 through a letter of agreement with the department of workforce  
20 development.
- 21 SECTION 9. IC 20-1-6-15.1 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15.1. (a) For the  
23 purposes of this section, "comprehensive plan" means a plan for  
24 educating all children with disabilities that a school corporation is  
25 required to educate under sections 14 through 14.1 of this chapter, and  
26 those additional children with disabilities that it elects to educate.
- 27 (b) For purposes of this section, "school corporation" includes the  
28 following:
- 29 (1) The Indiana School for the Blind **and Visually Impaired**  
30 board.
- 31 (2) The Indiana School for the Deaf board.
- 32 (c) The Indiana state board of education shall adopt rules under  
33 IC 4-22-2 detailing the contents of the comprehensive plan. Each  
34 school corporation shall complete and submit to the state superintendent  
35 of public instruction a comprehensive plan. School corporations  
36 operating cooperative or joint special education services may submit a  
37 single comprehensive plan. In addition, if a school corporation enters  
38 into a contractual agreement as permitted under section 14.1 of this

1 chapter, the school corporation shall collaborate with the service  
2 provider in formulating the comprehensive plan.

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

10 (e) The Indiana state board of education shall adopt rules under  
11 IC 4-22-2 requiring the department of correction, the state department  
12 of health, the division of disability, aging, and rehabilitative services,  
13 the Indiana School for the Blind **and Visually Impaired** board, the  
14 Indiana School for the Deaf board, and the division of mental health  
15 and addiction to submit to the superintendent of public instruction a  
16 plan for the provision of special education for children in programs  
17 administered by each respective agency who are entitled to a special  
18 education.

19 (f) The superintendent of public instruction shall furnish professional  
20 consultant services to the school corporations, the department of  
21 correction, the state department of health, the division of disability,  
22 aging, and rehabilitative services, the Indiana School for the Blind **and**  
23 **Visually Impaired** board, the Indiana School for the Deaf board, and  
24 the division of mental health and addiction to aid them in fulfilling the  
25 requirements of this section.

26 SECTION 10. IC 20-1-6-16 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The  
28 superintendent shall appoint a state advisory council on the education  
29 of children with disabilities whose duties shall consist of providing  
30 policy guidance concerning special education and related services for  
31 children with disabilities. The superintendent shall appoint at least  
32 seventeen (17) members who shall serve for a period of four (4) years.  
33 Vacancies shall be filled in like manner for the unexpired balance of the  
34 term.

35 (b) The members must be citizens of Indiana who are representative  
36 of the state's population and selected on the basis of their involvement  
37 in or concern with the education of children with disabilities. A  
38 majority of the members must be individuals with disabilities or the



- 1 parents of children with disabilities. Members must include the  
 2 following:
- 3 (1) Parents of children with disabilities.
  - 4 (2) Individuals with disabilities.
  - 5 (3) Teachers.
  - 6 (4) Representatives of higher education institutions that prepare  
 7 special education and related services personnel.
  - 8 (5) State and local education officials.
  - 9 (6) Administrators of programs for children with disabilities.
  - 10 (7) Representatives of state agencies involved in the financing or  
 11 delivery of related services to children with disabilities, including  
 12 the following:
    - 13 (A) The commissioner of the state department of health or the  
 14 commissioner's designee.
    - 15 (B) The director of the division of disability, aging, and  
 16 rehabilitative services or the director's designee.
    - 17 (C) The director of the division of mental health and addiction  
 18 or the director's designee.
    - 19 (D) The director of the division of family and children or the  
 20 director's designee.
  - 21 (8) Representatives of nonpublic schools and freeway schools.
  - 22 (9) One (1) or more representatives of vocational, community, or  
 23 business organizations concerned with the provision of  
 24 transitional services to children with disabilities.
  - 25 (10) Representatives of the department of correction.
  - 26 (11) A representative of each of the following:
    - 27 (A) The Indiana School for the Blind **and Visually Impaired**  
 28 board.
    - 29 (B) The Indiana School for the Deaf board.
  - 30 (c) The responsibilities of the state advisory council are as follows:
    - 31 (1) To advise the superintendent and the board regarding all rules  
 32 pertaining to children with disabilities.
    - 33 (2) To recommend approval or rejection of completed  
 34 comprehensive plans submitted by school corporations acting  
 35 individually or on a joint school services program basis with other  
 36 corporations.
    - 37 (3) To advise the department of unmet needs within the state in  
 38 the education of children with disabilities.

- 1 (4) To provide public comment on rules proposed by the board  
2 regarding the education of children with disabilities.
- 3 (5) To advise the department in developing evaluations and  
4 reporting data to the United States Secretary of Education under  
5 20 U.S.C. 1418.
- 6 (6) To advise the department in developing corrective action plans  
7 to address findings identified in federal monitoring reports under  
8 20 U.S.C. 1400 et seq.
- 9 (7) To advise the department in developing and implementing  
10 policies related to the coordination of services for children with  
11 disabilities.
- 12 (d) The council shall organize with a chairperson selected by the  
13 superintendent and meet as often as necessary to conduct the council's  
14 business at the call of the chairperson upon ten (10) days written notice  
15 but not less than four (4) times a year. Members of the council shall be  
16 entitled to reasonable amounts for expenses necessarily incurred in the  
17 performance of their duties.
- 18 (e) The superintendent shall designate the director to act as  
19 executive secretary of the council and shall furnish all professional and  
20 clerical assistance necessary for the performance of its powers and  
21 duties.
- 22 (f) The affirmative votes of a majority of the members appointed to  
23 the council are required for the council to take action.
- 24 SECTION 11. IC 20-1-6-18.2 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18.2. (a) The Indiana  
26 state board of education shall adopt rules under IC 4-22-2 which  
27 establish limitations on the amount of transportation which may be  
28 provided in the student's individualized education program. Unless  
29 otherwise specially shown to be essential by the child's individualized  
30 education program, in case of residency in a public or private facility,  
31 these rules shall limit the transportation required by the student's  
32 individualized education program to ~~his~~ **the student's** first entrance and  
33 final departure each school year plus round trip transportation each  
34 school holiday period and two (2) additional round trips each school  
35 year.
- 36 (b) Whenever a student is a transfer student receiving special  
37 education in a public school, the state or school corporation responsible  
38 for the payment of transfer tuition under IC 20-8.1-6.1-1 shall bear the

1 cost of transportation required by the student's individualized education  
 2 program. However, if a transfer student was counted as an eligible  
 3 student for purposes of a distribution in a calendar year under  
 4 IC 21-3-3.1, the transportation costs that the transferee school may  
 5 charge for a school year ending in the calendar year shall be reduced by  
 6 the sum of the following:

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

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

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

17 (1) in a facility operated by:

18 (A) the state department of health;

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

20 or

21 (C) the division of mental health and addiction;

22 (2) at the Indiana School for the Blind **and Visually Impaired**; or

23 (3) at the Indiana School for the Deaf;

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

30 (d) Whenever a student is placed in a private facility under section  
 31 19 of this chapter in order to receive a special education because the  
 32 student's school corporation cannot provide an appropriate special  
 33 education program, the school corporation in which the student has  
 34 legal settlement shall bear the cost of transportation required by the  
 35 student's individualized education program. However, if the student's  
 36 legal settlement cannot be ascertained, the Indiana state board of  
 37 education shall bear the cost of transportation required by the student's  
 38 individualized education program.

1 SECTION 12. IC 20-8.1-4-22 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. The employment  
3 of children in the Indiana School for the Deaf and the Indiana School  
4 for the Blind **and Visually Impaired** is subject to the general  
5 restrictions imposed on child labor under this chapter.

6 SECTION 13. IC 20-9.1-4-1 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state school  
8 bus committee is hereby created. The committee shall be composed of  
9 the following voting members:

10 (1) The state superintendent of public instruction, or the  
11 superintendent's authorized representative, who shall serve as  
12 chairman of the committee.

13 (2) The commissioner of the bureau of motor vehicles, or the  
14 commissioner's authorized representative.

15 (3) The administrator of the motor carrier services division of the  
16 department of state revenue.

17 (4) The director of the governor's council on impaired and  
18 dangerous driving.

19 (5) A school bus driver, appointed by the state superintendent of  
20 public instruction upon the recommendation of the Indiana State  
21 Association of School Bus Drivers, Inc.

22 (6) A superintendent of a school corporation, appointed by the  
23 state superintendent of public instruction upon the  
24 recommendation of the Indiana Association of Public School  
25 Superintendents.

26 (7) A member of the governing body of a school corporation,  
27 appointed by the state superintendent of public instruction upon  
28 the recommendation of the Indiana School Boards Association.

29 (8) A representative of the Indiana School for the Blind **and**  
30 **Visually Impaired** or the Indiana School for the Deaf, appointed  
31 by the state superintendent of public instruction.

32 (9) A member of the School Transportation Association of  
33 Indiana, appointed by the state superintendent of public  
34 instruction upon the recommendation of the School Transportation  
35 Association of Indiana.

36 (b) The state superintendent of public instruction shall designate a  
37 secretary from the department of education who shall keep the official  
38 record of the meetings and of official transactions of the committee.

1 SECTION 14. IC 20-10.1-25.3-2.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. As used in this  
3 chapter, "school corporation" includes, except as otherwise provided in  
4 this chapter, the Indiana School for the Deaf established by IC 20-16  
5 and the Indiana School for the Blind **and Visually Impaired**  
6 established by IC 20-15.

7 SECTION 15. IC 20-10.1-25.3-11 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The department  
9 shall list all school corporations in Indiana according to assessed  
10 valuation for property tax purposes per student in ADM, beginning with  
11 the school corporation having the lowest assessed valuation for  
12 property tax purposes per student in ADM. For purposes of the list  
13 made under this section, the Indiana School for the Deaf and the  
14 Indiana School for the Blind **and Visually Impaired** shall be  
15 considered to have the lowest assessed valuation for property tax  
16 purposes per student in ADM during the six (6) year period beginning  
17 on July 1, 2001.

18 (b) The department must prepare a revised list under subsection (a)  
19 before a new series of grants may begin.

20 (c) The department shall determine those school corporations to be  
21 placed in a group to receive a grant in a fiscal year under this chapter  
22 as follows:

23 (1) Beginning with the school corporation that is first on the list  
24 developed under subsection (a), the department shall continue  
25 sequentially through the list and place school corporations that  
26 qualify for a grant under section 6 of this chapter in a group until  
27 the cumulative total ADM of all school corporations in the group  
28 depletes the money that is available for grants in the fiscal year.

29 (2) Each fiscal year the department shall develop a new group by  
30 continuing sequentially through the list beginning with the first  
31 qualifying school corporation on the list that was not placed in a  
32 group in the prior fiscal year.

33 (3) If the final group developed from the list contains substantially  
34 fewer students in ADM than available money, the department  
35 shall:

36 (A) prepare a revised list of school corporations under  
37 subsection (a); and

38 (B) place in the group qualifying school corporations from the

1 top of the revised list.

2 (4) The department shall label the groups with sequential numbers  
3 beginning with "group one".

4 SECTION 16. IC 20-10.1-25.3-14 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section  
6 applies in a year when a school corporation receives a grant under this  
7 chapter. The school corporation's capital projects fund budget must  
8 include an expenditure for technology that is not less than the school  
9 corporation's average annual expenditure for technology from the  
10 capital projects fund in the six (6) budget years preceding the year of  
11 the grant. If the Indiana School for the Deaf or the Indiana School for  
12 the Blind **and Visually Impaired** receives a grant under this chapter,  
13 the school's expenditures for technology in the year of the grant must  
14 exceed the school's average annual expenditure for technology in the  
15 six (6) budget years preceding the year of the grant.

16 (b) For each year that a school corporation fails to observe  
17 subsection (a), the school corporation forfeits a grant under this chapter.  
18 The forfeit of the grant shall occur in the first grant year after the school  
19 corporation fails to observe subsection (a).

20 SECTION 17. IC 20-10.1-25.3-16 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. A school  
22 corporation that receives a grant under this chapter must deposit the  
23 grant in the school technology fund established under IC 21-2-18. If the  
24 Indiana School for the Deaf or the Indiana School for the Blind **and**  
25 **Visually Impaired** receives a grant under this chapter, the school must  
26 deposit the grant in an account or fund that the school uses exclusively  
27 for the funding of technology.

28 SECTION 18. IC 20-15-1-4.5 IS ADDED TO THE INDIANA  
29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the**  
31 **chief executive officer of the school appointed under IC 20-15-2-4.**

32 SECTION 19. IC 20-15-1-5 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. "School" refers to  
34 the Indiana School for the Blind **and Visually Impaired** established by  
35 IC 20-15-2-1.

36 SECTION 20. IC 20-15-2-1 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School  
38 for the Blind **and Visually Impaired** is established as a state

1 educational resource center that includes the following:

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

7 SECTION 21. IC 20-15-2-4 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall  
 9 appoint the ~~superintendent~~, **chief executive officer**, subject to the  
 10 approval of the governor. The ~~superintendent~~ **executive** serves at the  
 11 pleasure of the board and may be removed for cause.

12 (b) The ~~superintendent~~ **executive** appointee must have the following  
 13 qualifications:

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

25 SECTION 22. IC 20-15-2-5 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The  
 27 ~~superintendent~~, **executive**, subject to the approval of the board and  
 28 IC 20-15-4, has complete responsibility for management of the school.

29 (b) The ~~superintendent~~ **executive** has responsibility for the  
 30 following:

- 31 (1) Direction of the education, care, safety, and well-being of all
- 32 students in attendance.
- 33 (2) Evaluation and improvement of the school staff, educational
- 34 programs, and support services.
- 35 (3) Implementation and administration of the policies, mission,
- 36 and goals of the school as established by the board.
- 37 (4) Serving as the purchasing agent for the school as provided in
- 38 IC 5-22-4-8.

- 1 (5) Implementation of budgetary matters as recommended by the
- 2 board and the department of education under IC 20-15-3-10(7).
- 3 (6) Management of the school's outreach program with local
- 4 public schools.
- 5 (7) Advocating on behalf of the school under guidelines
- 6 established by the board.
- 7 (8) Executing contracts on behalf of the school.

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

10 SECTION 23. IC 20-15-2-6 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

- 12 (1) the determination by case conference committees based on
- 13 individualized education programs as defined under IC 20-1-6-1;
- 14 and
- 15 (2) the school's admissions criteria adopted by the board under
- 16 IC 20-15-3-10(4);

17 the ~~superintendent~~ **executive** shall receive as students in the school  
 18 Indiana residents who are visually disabled school age individuals.

19 SECTION 24. IC 20-15-2-7 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement  
 21 review committee for the school is established. The committee consists  
 22 of one (1) representative of each of the following:

- 23 (1) The board.
- 24 (2) The office of the secretary of family and social services.
- 25 (3) The superintendent of public instruction.

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

- 28 (1) Applications to the school denied through the process
- 29 described in section 6 of this chapter.
- 30 (2) All instances of dismissal from the school for reasons other
- 31 than graduation, voluntary transition to another educational
- 32 facility, or voluntary departure from the school.

33 (c) The ~~superintendent~~ **executive** shall serve as an adviser to the  
 34 placement review committee. The ~~superintendent~~ **executive** shall  
 35 provide the placement review committee with information and  
 36 justification for all application denials and dismissals under review.

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



1 SECTION 25. IC 20-15-2-13 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~  
 3 **executive** may, subject to the approval of the governor and the policies  
 4 of the board, receive, for the use of the school, gifts, legacies, devises,  
 5 and conveyances of real or personal property that are made, given, or  
 6 granted to or for the school.

7 SECTION 26. IC 20-15-3-1 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School  
 9 for the Blind **and Visually Impaired** board is established.

10 SECTION 27. IC 20-15-3-10 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall  
 12 do the following:

- 13 (1) Establish policies and accountability measures for the school.
- 14 (2) Implement this article.
- 15 (3) Perform the duties required by IC 5-22-4-8.
- 16 (4) Adopt rules under IC 4-22-2 to establish criteria for the  
 17 admission of children with visual disabilities, including children  
 18 with multiple disabilities, at the school.
- 19 (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure  
 20 of the board.
- 21 (6) Determine the salary and benefits of the ~~superintendent~~.  
 22 **executive.**
- 23 (7) Adopt rules under IC 4-22-2 required by this article.

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

34 SECTION 28. IC 20-15-4-2 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section~~  
 36 ~~applies after March 31, 2000.~~

37 ~~(b)~~ The ~~superintendent~~ **executive** shall hire directly for those  
 38 positions as approved by the state personnel department and the board

1 any candidate the ~~superintendent~~ **executive** considers qualified to fill  
 2 a position at the school. The state personnel department, in  
 3 collaboration with the board, shall annually develop a list of job  
 4 classifications for positions at the school for which the ~~superintendent~~  
 5 **executive** may fill a vacancy by hiring a candidate for the position  
 6 based on a search for qualified candidates outside the state personnel  
 7 hiring list.

8 SECTION 29. IC 20-16-1-4.5 IS ADDED TO THE INDIANA  
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the**  
 11 **chief executive officer of the school appointed under IC 20-16-2-4.**

12 SECTION 30. IC 20-16-2-4 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall  
 14 appoint the ~~superintendent~~ **chief executive officer** subject to the  
 15 approval of the governor. The ~~superintendent~~ **executive** serves at the  
 16 pleasure of the board and may be removed for cause.

17 (b) The ~~superintendent~~ **executive** appointee must have the following  
 18 qualifications:

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

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

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

24 (4) Meet the qualifications for an Indiana teacher's certificate in  
 25 the area of hearing **impairment** disabilities.

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

28 **(5) Have at least five (5) years experience supervising other**  
 29 **people.**

30 SECTION 31. IC 20-16-2-5 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The  
 32 ~~superintendent~~, **executive**, subject to the approval of the board and  
 33 IC 20-16-4, has complete responsibility for management of the school.

34 (b) The ~~superintendent~~ **executive** has responsibility for the  
 35 following:

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

38 (2) Evaluation and improvement of the school staff, educational

- 1 programs, and support services.
- 2 (3) Implementation and administration of the policies, mission,  
3 and goals of the school as established by the board.
- 4 (4) Serving as the purchasing agent for the school as provided in  
5 IC 5-22-4-8.
- 6 (5) Implementation of budgetary matters as recommended by the  
7 board and the department of education under IC 20-16-3-10(7).
- 8 (6) Management of the school's outreach program with local  
9 public schools.
- 10 (7) Advocating on behalf of the school under guidelines  
11 established by the board.
- 12 (8) Executing contracts on behalf of the school.

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

15 SECTION 32. IC 20-16-2-6 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

- 17 (1) the determination by case conference committee based on  
18 individualized education programs, as defined under IC 20-1-6-1;  
19 and  
20 (2) the school's admission criteria adopted by the board under  
21 IC 20-16-3-10(4);

22 the ~~superintendent~~ **executive** shall receive as students in the school  
23 Indiana residents who are hearing disabled school age individuals.

24 SECTION 33. IC 20-16-2-7 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement  
26 review committee for the school is established. The committee consists  
27 of one (1) representative of each of the following:

- 28 (1) The board.  
29 (2) The office of the secretary of family and social services.  
30 (3) The superintendent of public instruction.
- 31 (b) The placement review committee shall meet upon petition of an  
32 interested party to review the following:
- 33 (1) Applications to the school denied through the process  
34 described in section 6 of this chapter.  
35 (2) All instances of dismissal from the school for reasons other  
36 than graduation, voluntary transition to another educational  
37 facility, or voluntary departure from the school.
- 38 (c) The ~~superintendent~~ **executive** shall serve as an adviser to the

1 placement review committee. The ~~superintendent~~ **executive** shall  
 2 provide the placement review committee with information and  
 3 justification for all application denials and dismissals under review.

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

6 SECTION 34. IC 20-16-2-13 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~  
 8 **executive** may, subject to the approval of the governor and the policies  
 9 of the board, receive, for the use of the school, gifts, legacies, devises,  
 10 and conveyances of real and personal property that are made, given, or  
 11 granted to or for the school.

12 SECTION 35. IC 20-16-3-10 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall  
 14 do the following:

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

16 (2) Implement this article.

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

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

21 (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure  
 22 of the board.

23 (6) Determine the salary and benefits of the ~~superintendent~~.  
 24 **executive.**

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

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

36 SECTION 36. IC 20-16-4-2 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (~~⌘~~) ~~This section~~  
 38 ~~applies after March 31, 2000.~~

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

10           SECTION 37. IC 20-20-13-3, AS ADDED BY HEA 1288-2005,  
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2005]: Sec. 3. As used in sections 13 through 24 of this  
 13 chapter, "school corporation" includes, except as otherwise provided in  
 14 this chapter, **the Indiana School for the Blind and Visually Impaired**  
 15 **established by IC 20-21-2-1 and** the Indiana School for the Deaf  
 16 established by IC 20-22-2-1. ~~and the Indiana School for the Blind~~  
 17 ~~established by IC 20-21-2-1.~~

18           SECTION 38. IC 20-20-13-19, AS ADDED BY HEA 1288-2005,  
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2005]: Sec. 19. (a) The department shall list all school  
 21 corporations in Indiana according to assessed valuation for property tax  
 22 purposes per student in ADM, beginning with the school corporation  
 23 having the lowest assessed valuation for property tax purposes per  
 24 student in ADM. For purposes of the list made under this section, **the**  
 25 **Indiana School for the Blind and Visually Impaired established by**  
 26 **IC 20-21-2-1 and** the Indiana School for the Deaf established by  
 27 IC 20-22-2-1 ~~and the Indiana School for the Blind established by~~  
 28 ~~IC 20-21-2-1~~ shall be considered to have the lowest assessed valuation  
 29 for property tax purposes per student in ADM during the six (6) year  
 30 period beginning July 1, 2001.

31           (b) The department must prepare a revised list under subsection (a)  
 32 before a new series of grants may begin.

33           (c) The department shall determine those school corporations to be  
 34 placed in a group to receive a grant in a fiscal year under sections 13  
 35 through 24 of this chapter as follows:

36           (1) Beginning with the school corporation that is first on the list  
 37 developed under subsection (a), the department shall continue  
 38 sequentially through the list and place school corporations that

1           qualify for a grant under section 15 of this chapter in a group until  
2           the cumulative total ADM of all school corporations in the group  
3           depletes the money that is available for grants in the fiscal year.

4           (2) Each fiscal year the department shall develop a new group by  
5           continuing sequentially through the list beginning with the first  
6           qualifying school corporation on the list that was not placed in a  
7           group in the prior fiscal year.

8           (3) If the final group developed from the list contains substantially  
9           fewer students in ADM than available money, the department  
10          shall:

11           (A) prepare a revised list of school corporations under  
12           subsection (a); and

13           (B) place in the group qualifying school corporations from the  
14           top of the revised list.

15           (4) The department shall label the groups with sequential numbers  
16           beginning with "group one".

17          SECTION 39. IC 20-20-13-22, AS ADDED BY HEA 1288-2005,  
18          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19          JULY 1, 2005]: Sec. 22. (a) This section applies in a year when a  
20          school corporation receives a grant under sections 13 through 24 of this  
21          chapter. The school corporation's capital projects fund budget must  
22          include an expenditure for technology that is not less than the school  
23          corporation's average annual expenditure for technology from the  
24          capital projects fund in the six (6) budget years preceding the year of  
25          the grant. If **the Indiana School for the Blind and Visually Impaired**  
26          **established by IC 20-21-2-1** or the Indiana School for the Deaf  
27          established by IC 20-22-2-1 ~~or the Indiana School for the Blind~~  
28          ~~established by IC 20-21-2-1~~ receives a grant under sections 13 through  
29          24 of this chapter, the school's expenditures for technology in the year  
30          of the grant must exceed the school's average annual expenditure for  
31          technology in the six (6) budget years preceding the year of the grant.

32           (b) For each year that a school corporation fails to observe  
33           subsection (a), the school corporation forfeits a grant under sections 13  
34           through 24 of this chapter. The forfeit of the grant must occur in the  
35           first grant year after the school corporation fails to observe subsection  
36           (a).

37          SECTION 40. IC 20-20-13-24, AS ADDED BY HEA 1288-2005,  
38          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2005]: Sec. 24. A school corporation that receives a grant  
 2 under sections 13 through 24 of this chapter shall deposit the grant in  
 3 the school technology fund established under IC 21-2-18. If **the**  
 4 **Indiana School for the Blind and Visually Impaired established by**  
 5 **IC 20-21-2-1** or the Indiana School for the Deaf established by  
 6 IC 20-22-2-1 ~~or the Indiana School for the Blind established by~~  
 7 ~~IC 20-21-2-1~~ receives a grant under sections 13 through 24 of this  
 8 chapter, the school shall deposit the grant in an account or fund that the  
 9 school uses exclusively for the funding of technology.

10 SECTION 41. IC 20-21-1-2, AS ADDED BY HEA 1288-2005,  
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2005]: Sec. 2. "Board" refers to the Indiana School for the  
 13 **Blind and Visually Impaired** board established by IC 20-21-3-1.

14 SECTION 42. IC 20-21-1-4.5 IS ADDED TO THE INDIANA  
 15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the**  
 17 **chief executive officer of the school appointed under IC 20-21-2-4.**

18 SECTION 43. IC 20-21-1-5, AS ADDED BY HEA 1288-2005,  
 19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2005]: Sec. 5. "School" refers to the Indiana School for the  
 21 **Blind and Visually Impaired** established by IC 20-21-2-1.

22 SECTION 44. IC 20-21-2-1, AS ADDED BY HEA 1288-2005,  
 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2005]: Sec. 1. The Indiana School for the **Blind and Visually**  
 25 **Impaired** is established as a state educational resource center that  
 26 includes the following:

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

32 SECTION 45. IC 20-21-2-4, AS ADDED BY HEA 1288-2005,  
 33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent;~~  
 35 **chief executive officer**, subject to the approval of the governor. The  
 36 ~~superintendent executive~~ serves at the pleasure of the board and may  
 37 be removed for cause.

38 (b) The ~~superintendent executive~~ appointee must have the following

1 qualifications:

- 2 (1) Be an educator with knowledge, skill, and ability in the  
3 appointee's profession.
- 4 (2) Have at least five (5) years experience in instruction of  
5 ~~visually disabled~~ students **with visual impairment disabilities**.
- 6 (3) Have a master's degree or a higher degree.
- 7 (4) Meet the qualifications for an Indiana teacher's certificate in  
8 the area of visual **impairment** disabilities.
- 9 ~~(5) Have a superintendent's license or obtain a superintendent's~~  
10 ~~license not more than two (2) years after appointment by the~~  
11 ~~board.~~
- 12 **(5) Have at least five (5) years experience supervising other**  
13 **individuals.**

14 SECTION 46. IC 20-21-2-5, AS ADDED BY HEA 1288-2005,  
15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2005]: Sec. 5. (a) The ~~superintendent, executive~~, subject to the  
17 approval of the board and IC 20-21-4, has complete responsibility for  
18 management of the school.

19 (b) The ~~superintendent executive~~ has responsibility for the  
20 following:

- 21 (1) Direction of the education, care, safety, and well-being of all  
22 students in attendance.
- 23 (2) Evaluation and improvement of the school staff, educational  
24 programs, and support services.
- 25 (3) Implementation and administration of the policies, mission,  
26 and goals of the school as established by the board.
- 27 (4) Serving as the purchasing agent for the school under  
28 IC 5-22-4-8.
- 29 (5) Implementation of budgetary matters as recommended by the  
30 board and the department of education under IC 20-21-3-10(b).
- 31 (6) Management of the school's outreach program with local  
32 public schools.
- 33 (7) Advocating on behalf of the school under guidelines  
34 established by the board.
- 35 (8) Executing contracts on behalf of the school.

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

38 SECTION 47. IC 20-21-2-6, AS ADDED BY HEA 1288-2005,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2005]: Sec. 6. Subject to:

- 3 (1) the determination by case conference committees based on  
4 individualized education programs; and  
5 (2) the school's admissions criteria adopted by the board under  
6 IC 20-21-3-10(a)(4);

7 the ~~superintendent~~ **executive** shall receive as students in the school  
8 Indiana residents who are visually disabled school age individuals.

9 SECTION 48. IC 20-21-2-7, AS ADDED BY HEA 1288-2005,  
10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2005]: Sec. 7. (a) A placement review committee for the  
12 school is established. The placement review committee consists of one  
13 (1) representative of each of the following:

- 14 (1) The board.  
15 (2) The office of the secretary of family and social services.  
16 (3) The state superintendent.

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

- 19 (1) Applications to the school denied through the process  
20 described in section 6 of this chapter.  
21 (2) All instances of dismissal from the school for reasons other  
22 than graduation, voluntary transition to another educational  
23 facility, or voluntary departure from the school.

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

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

30 SECTION 49. IC 20-21-2-13, AS ADDED BY HEA 1288-2005,  
31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to  
33 the approval of the governor and the policies of the board, receive, for  
34 the use of the school, gifts, legacies, devises, and conveyances of real  
35 or personal property that are made, given, or granted to or for the  
36 school.

37 SECTION 50. IC 20-21-3-1, AS ADDED BY HEA 1288-2005,  
38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually**  
 2 **Impaired** board is established.

3 SECTION 51. IC 20-21-3-10, AS ADDED BY HEA 1288-2005,  
 4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- 6 (1) Establish policies and accountability measures for the school.
- 7 (2) Implement this article.
- 8 (3) Perform the duties required by IC 5-22-4-8.
- 9 (4) Adopt rules under IC 4-22-2 to establish criteria for the  
 10 admission of visually disabled children, including children with  
 11 multiple disabilities, at the school.
- 12 (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure  
 13 of the board.
- 14 (6) Determine the salary and benefits of the ~~superintendent~~:  
 15 **executive**.
- 16 (7) Adopt rules under IC 4-22-2 required by this article.

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

27 SECTION 52. IC 20-21-4-2, AS ADDED BY HEA 1288-2005,  
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2005]: Sec. 2. The ~~superintendent~~ **executive** shall hire directly  
 30 for those positions as approved by the state personnel department and  
 31 the board any candidate the ~~superintendent~~ **executive** considers  
 32 qualified to fill a position at the school. The state personnel department,  
 33 in collaboration with the board, shall annually develop a list of job  
 34 classifications for positions at the school for which the ~~superintendent~~  
 35 **executive** may fill a vacancy by hiring a candidate for the position  
 36 based on a search for qualified candidates outside the state personnel  
 37 hiring list.

38 SECTION 53. IC 20-22-1-4.5 IS ADDED TO THE INDIANA

1 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the**  
 3 **chief executive officer of the school appointed under IC 20-22-2-4.**

4 SECTION 54. IC 20-22-2-4, AS ADDED BY HEA 1288-2005,  
 5 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent,~~  
 7 **chief executive officer**, subject to the approval of the governor. The  
 8 ~~superintendent executive~~ serves at the pleasure of the board and may  
 9 be removed for cause.

10 (b) The ~~superintendent executive~~ appointee must have the following  
 11 qualifications:

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

14 (2) Have at least five (5) years experience in instruction of ~~hearing~~  
 15 ~~disabled~~ students **with hearing impairment disabilities.**

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

17 (4) Meet the qualifications for an Indiana teacher's certificate in  
 18 the area of hearing **impairment** disabilities.

19 (5) ~~Have a superintendent's license or obtain a superintendent's~~  
 20 ~~license not more than two (2) years after appointment by the~~  
 21 ~~board.~~

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

24 SECTION 55. IC 20-22-2-5, AS ADDED BY HEA 1288-2005,  
 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2005]: Sec. 5. (a) The ~~superintendent,~~ **executive**, subject to the  
 27 approval of the board and IC 20-21-4, has complete responsibility for  
 28 management of the school.

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

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

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

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

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

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

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

5 (7) Advocating on behalf of the school under guidelines  
6 established by the board.

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

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

10 SECTION 56. IC 20-22-2-6, AS ADDED BY HEA 1288-2005,  
11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2005]: Sec. 6. Subject to:

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

15 (2) the school's admissions criteria adopted by the board under  
16 IC 20-22-3-10(a)(4);

17 the ~~superintendent~~ **executive** shall receive as students in the school  
18 Indiana residents who are hearing disabled school age individuals.

19 SECTION 57. IC 20-22-2-7, AS ADDED BY HEA 1288-2005,  
20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2005]: Sec. 7. (a) A placement review committee for the  
22 school is established. The placement review committee consists of one  
23 (1) representative of each of the following:

24 (1) The board.

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

26 (3) The state superintendent.

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

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

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

34 (c) The ~~superintendent~~ **executive** shall serve as an adviser to the  
35 placement review committee. The ~~superintendent~~ **executive** shall  
36 provide the placement review committee with information and  
37 justification for all application denials and dismissals under review.

38 (d) The placement review committee may recommend that

1 application denials or dismissals be reconsidered.

2 SECTION 58. IC 20-22-2-13, AS ADDED BY HEA 1288-2005,  
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to  
5 the approval of the governor and the policies of the board, receive, for  
6 the use of the school, gifts, legacies, devises, and conveyances of real  
7 or personal property that are made, given, or granted to or for the  
8 school.

9 SECTION 59. IC 20-22-3-10, AS ADDED BY HEA 1288-2005,  
10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- 12 (1) Establish policies and accountability measures for the school.
- 13 (2) Implement this article.
- 14 (3) Perform the duties required by IC 5-22-4-8.
- 15 (4) Adopt rules under IC 4-22-2 to establish criteria for the
- 16 admission of hearing disabled children, including children with
- 17 multiple disabilities, at the school.
- 18 (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure
- 19 of the board.
- 20 (6) Determine the salary and benefits of the ~~superintendent~~.
- 21 **executive.**
- 22 (7) Adopt rules under IC 4-22-2 required by this article.

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

33 SECTION 60. IC 20-22-4-2, AS ADDED BY HEA 1288-2005,  
34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2005]: Sec. 2. The ~~superintendent~~ **executive** shall hire directly  
36 for those positions as approved by the state personnel department and  
37 the board any candidate the ~~superintendent~~ **executive** considers  
38 qualified to fill a position at the school. The state personnel department,

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

6 SECTION 61. IC 20-27-3-1, AS ADDED BY HEA 1288-2005,  
 7 SECTION 11, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state school bus  
 9 committee is established. The committee has the following voting  
 10 members:

11 (1) The state superintendent or the state superintendent's  
 12 authorized representative, who serves as chairperson of the  
 13 committee.

14 (2) The commissioner of the bureau of motor vehicles, or the  
 15 commissioner's authorized representative.

16 (3) The administrator of the motor carrier services division of the  
 17 department of state revenue.

18 (4) The director of the governor's council on impaired and  
 19 dangerous driving.

20 (5) A school bus driver appointed by the state superintendent upon  
 21 the recommendation of the Indiana State Association of School  
 22 Bus Drivers, Inc.

23 (6) A superintendent of a school corporation appointed by the  
 24 state superintendent upon the recommendation of the Indiana  
 25 Association of Public School Superintendents.

26 (7) A member of the governing body of a school corporation  
 27 appointed by the state superintendent upon the recommendation  
 28 of the Indiana School Boards Association.

29 (8) A representative of the Indiana School for the Blind **and**  
 30 **Visually Impaired** or the Indiana School for the Deaf appointed  
 31 by the state superintendent.

32 (9) A member of the School Transportation Association of Indiana  
 33 appointed by the state superintendent upon the recommendation  
 34 of the School Transportation Association of Indiana.

35 (b) The state superintendent shall designate a secretary from the  
 36 department who shall keep the official record of the meetings and of  
 37 official transactions of the committee.

38 SECTION 62. IC 20-33-3-33, AS ADDED BY HEA 1288-2005,

1 SECTION 17, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2005]: Sec. 33. The employment of children by  
 3 the:

4 (1) Indiana School for the Deaf; and  
 5 (2) Indiana School for the Blind **and Visually Impaired**;  
 6 is subject to the general restrictions imposed on child labor under this  
 7 chapter.

8 SECTION 63. IC 20-35-2-1, AS ADDED BY HEA 1288-2005,  
 9 SECTION 19, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) There is established under the  
 11 state board a division of special education. The division shall exercise  
 12 all the power and duties set out in this chapter, IC 20-35-3 through  
 13 IC 20-35-6, and IC 20-35-8.

14 (b) The governor shall appoint, upon the recommendation of the  
 15 state superintendent, a director of special education who serves at the  
 16 pleasure of the governor. The amount of compensation of the director  
 17 shall be determined by the budget agency with the approval of the  
 18 governor. The director has the following duties:

19 (1) To do the following:  
 20 (A) Have general supervision of all programs, classes, and  
 21 schools for children with disabilities, including those  
 22 conducted by public schools, the Indiana School for the Blind  
 23 **and Visually Impaired**, the Indiana School for the Deaf, the  
 24 department of correction, the state department of health, the  
 25 division of disability, aging, and rehabilitative services, and the  
 26 division of mental health and addiction.

27 (B) Coordinate the work of schools described in clause (A).  
 28 For programs for preschool children with disabilities as required  
 29 under IC 20-35-4-9, have general supervision over programs,  
 30 classes, and schools, including those conducted by the schools or  
 31 other state or local service providers as contracted for under  
 32 IC 20-35-4-9. However, general supervision does not include the  
 33 determination of admission standards for the state departments,  
 34 boards, or agencies authorized to provide programs or classes  
 35 under this chapter.

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

- 1 (3) To inspect and rate all schools, programs, or classes for  
 2 children with disabilities to maintain proper standards of  
 3 personnel, equipment, and supplies.
- 4 (4) With the consent of the state superintendent and the budget  
 5 agency, to appoint and determine salaries for any assistants and  
 6 other personnel needed to enable the director to accomplish the  
 7 duties of the director's office.
- 8 (5) To adopt, with the approval of the state board, the following:  
 9 (A) Rules governing the identification and evaluation of  
 10 children with disabilities and their placement under an  
 11 individualized education program in a special education  
 12 program.  
 13 (B) Rules protecting the rights of a child with a disability and  
 14 the parents of the child with a disability in the identification,  
 15 evaluation, and placement process.
- 16 (6) To make recommendations to the state board concerning  
 17 standards and case load ranges for related services to assist each  
 18 teacher in meeting the individual needs of each child according to  
 19 that child's individualized education program. The  
 20 recommendations may include the following:  
 21 (A) The number of teacher aides recommended for each  
 22 exceptionality included within the class size ranges.  
 23 (B) The role of the teacher aide.  
 24 (C) Minimum training recommendations for teacher aides and  
 25 recommended procedures for the supervision of teacher aides.
- 26 (7) To cooperate with the interagency coordinating council  
 27 established by IC 12-17-15-7 to ensure that the preschool special  
 28 education programs required IC 20-35-4-9 are consistent with the  
 29 early intervention services program described in IC 12-17-15.
- 30 (c) The director or the state board may exercise authority over  
 31 vocational programs for children with disabilities through a letter of  
 32 agreement with the department of workforce development.
- 33 SECTION 64. IC 20-35-3-1, AS ADDED BY HEA 1288-2005,  
 34 SECTION 19, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state superintendent shall  
 36 appoint a state advisory council on the education of children with  
 37 disabilities. The state advisory council's duties consist of providing  
 38 policy guidance concerning special education and related services for



1 children with disabilities. The state superintendent shall appoint at least  
 2 seventeen (17) members who serve for a term of four (4) years.  
 3 Vacancies shall be filled in the same manner for the unexpired balance  
 4 of the term.

5 (b) The members of the state advisory council must be:

- 6 (1) citizens of Indiana;
- 7 (2) representative of the state's population; and
- 8 (3) selected on the basis of their involvement in or concern with
- 9 the education of children with disabilities.

10 (c) A majority of the members of the state advisory council must be  
 11 individuals with disabilities or the parents of children with disabilities.

12 Members must include the following:

- 13 (1) Parents of children with disabilities.
- 14 (2) Individuals with disabilities.
- 15 (3) Teachers.
- 16 (4) Representatives of higher education institutions that prepare
- 17 special education and related services personnel.
- 18 (5) State and local education officials.
- 19 (6) Administrators of programs for children with disabilities.
- 20 (7) Representatives of state agencies involved in the financing or
- 21 delivery of related services to children with disabilities, including
- 22 the following:

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

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

27 (C) The director of the division of mental health and addiction  
 28 or the director's designee.

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

31 (8) Representatives of nonpublic schools and freeway schools.

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

35 (10) Representatives of the department of correction.

36 (11) A representative from each of the following:

37 (A) The Indiana School for the Blind **and Visually Impaired**  
 38 board.

- 1 (B) The Indiana School for the Deaf board.
- 2 (d) The responsibilities of the state advisory council are as follows:
- 3 (1) To advise the state superintendent and the state board
- 4 regarding all rules pertaining to children with disabilities.
- 5 (2) To recommend approval or rejection of completed
- 6 comprehensive plans submitted by school corporations acting
- 7 individually or on a joint school services program basis with other
- 8 corporations.
- 9 (3) To advise the department of unmet needs within Indiana in the
- 10 education of children with disabilities.
- 11 (4) To provide public comment on rules proposed by the state
- 12 board regarding the education of children with disabilities.
- 13 (5) To advise the department in developing evaluations and
- 14 reporting data to the United States Secretary of Education under
- 15 20 U.S.C. 1418.
- 16 (6) To advise the department in developing corrective action plans
- 17 to address findings identified in federal monitoring reports under
- 18 20 U.S.C. 1400 et seq.
- 19 (7) To advise the department in developing and implementing
- 20 policies related to the coordination of services for children with
- 21 disabilities.
- 22 (e) The state advisory council shall do the following:
- 23 (1) Organize with a chairperson selected by the state
- 24 superintendent.
- 25 (2) Meet as often as necessary to conduct the council's business at
- 26 the call of the chairperson, upon ten (10) days written notice, but
- 27 not less than four (4) times a year.
- 28 (f) Members of the state advisory council are entitled to reasonable
- 29 amounts for expenses necessarily incurred in the performance of their
- 30 duties.
- 31 (g) The state superintendent shall do the following:
- 32 (1) Designate the director to act as executive secretary of the state
- 33 advisory council.
- 34 (2) Furnish all professional and clerical assistance necessary for
- 35 the performance of the state advisory council's powers and duties.
- 36 (h) The affirmative votes of a majority of the members appointed to
- 37 the state advisory council are required for the state advisory council to
- 38 take action.

1 SECTION 65. IC 20-35-4-10, AS ADDED BY HEA 1288-2005,  
2 SECTION 19, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) For purposes of this section,  
4 "comprehensive plan" means a plan for educating the following:

5 (1) All children with disabilities that a school corporation is  
6 required to educate under sections 8 through 9 of this chapter.

7 (2) The additional children with disabilities that the school  
8 corporation elects to educate.

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

11 (1) The Indiana School for the Blind **and Visually Impaired**  
12 board.

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

14 (c) The state board shall adopt rules under IC 4-22-2 detailing the  
15 contents of the comprehensive plan. Each school corporation shall  
16 complete and submit to the state superintendent a comprehensive plan.  
17 School corporations operating cooperative or joint special education  
18 services may submit a single comprehensive plan. In addition, if a  
19 school corporation enters into a contractual agreement as permitted  
20 under section 9 of this chapter, the school corporation shall collaborate  
21 with the service provider in formulating the comprehensive plan.

22 (d) Notwithstanding the age limits set out in IC 20-35-1-1, the state  
23 board may:

24 (1) conduct a program for the early identification of children with  
25 disabilities, between the ages of birth and less than twenty-two  
26 (22) years of age not served by the public schools or through a  
27 contractual agreement under section 9 of this chapter; and

28 (2) use agencies that serve children with disabilities other than the  
29 public schools.

30 (e) The state board shall adopt rules under IC 4-22-2 requiring the:

31 (1) department of correction;

32 (2) state department of health;

33 (3) division of disability, aging, and rehabilitative services;

34 (4) Indiana School for the Blind **and Visually Impaired** board;

35 (5) Indiana School for the Deaf board; and

36 (6) division of mental health and addiction;

37 to submit to the state superintendent a plan for the provision of special  
38 education for children in programs administered by each respective

1 agency who are entitled to a special education.

2 (f) The state superintendent shall furnish professional consultant  
3 services to school corporations and the entities listed in subsection (e)  
4 to aid them in fulfilling the requirements of this section.

5 SECTION 66. IC 20-35-8-2, AS ADDED BY HEA 1288-2005,  
6 SECTION 19, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The state board shall adopt  
8 rules under IC 4-22-2 to establish limits on the amount of transportation  
9 that may be provided in the student's individualized education program.  
10 Unless otherwise specially shown to be essential by the child's  
11 individualized education program, in case of residency in a public or  
12 private facility, these rules must limit the transportation required by the  
13 student's individualized education program to the following:

14 (1) The student's first entrance and final departure each school  
15 year.

16 (2) Round trip transportation each school holiday period.

17 (3) Two (2) additional round trips each school year.

18 (b) If a student is a transfer student receiving special education in a  
19 public school, the state or school corporation responsible for the  
20 payment of transfer tuition under IC 20-33-6-1 through IC 20-33-6-4  
21 shall pay the cost of transportation required by the student's  
22 individualized education program. However, if a transfer student was  
23 counted as an eligible student for purposes of a distribution in a  
24 calendar year under IC 21-3-3.1, the transportation costs that the  
25 transferee school may charge for a school year ending in the calendar  
26 year shall be reduced by the sum of the following:

27 (1) The quotient of:

28 (A) the amount of money that the transferee school is eligible  
29 to receive under IC 21-3-3.1-2.1 for the calendar year in which  
30 the school year ends; divided by

31 (B) the number of eligible students for the transferee school for  
32 the calendar year (as determined under IC 21-3-3.1-2.1).

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

37 (c) If a student receives a special education:

38 (1) in a facility operated by:

- 1 (A) the state department of health;  
 2 (B) the division of disability, aging, and rehabilitative services;  
 3 or  
 4 (C) the division of mental health and addiction;  
 5 (2) at the Indiana School for the Blind **and Visually Impaired**; or  
 6 (3) at the Indiana School for the Deaf;

7 the school corporation in which the student has legal settlement shall  
 8 pay the cost of transportation required by the student's individualized  
 9 education program. However, if the student's legal settlement cannot be  
 10 ascertained, the state board shall pay the cost of transportation required  
 11 by the student's individualized education program.

12 (d) If a student is placed in a private facility under IC 20-35-6-2 in  
 13 order to receive a special education because the student's school  
 14 corporation cannot provide an appropriate special education program,  
 15 the school corporation in which the student has legal settlement shall  
 16 pay the cost of transportation required by the student's individualized  
 17 education program. However, if the student's legal settlement cannot be  
 18 ascertained, the state board shall pay the cost of transportation required  
 19 by the student's individualized education program.

20 SECTION 67. THE FOLLOWING ARE REPEALED  
 21 [EFFECTIVE JULY 1, 2005]: IC 20-15-1-7; IC 20-16-1-7;  
 22 IC 20-21-1-7; IC 20-22-1-7."

23 Renumber all SECTIONS consecutively.

(Reference is to SB 433 as printed February 4, 2005.)

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

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Representative Behning