IC 20-21
ARTICLE 21. INDIANA SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED

IC 20-21-1
Chapter 1. Definitions

IC 20-21-1-1
Applicability of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.1-2005, SEC.5.

IC 20-21-1-2
"Board"
Sec. 2. "Board" refers to the Indiana School for the Blind and Visually Impaired board established by IC 20-21-3-1.

IC 20-21-1-3
"Case conference"
Sec. 3. "Case conference" refers to the activities of a case conference committee as described in IC 20-35-7-2.
As added by P.L.1-2005, SEC.5.

IC 20-21-1-4
"Employee"
Sec. 4. "Employee" refers to an employee of the school.
As added by P.L.1-2005, SEC.5.

IC 20-21-1-4.5
"Executive"
Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-21-2-4.
As added by P.L.218-2005, SEC.50.

IC 20-21-1-5
"School"
Sec. 5. "School" refers to the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.

IC 20-21-1-6
"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.5.

IC 20-21-1-7
Repealed
(Repealed by P.L.218-2005, SEC.83.)
IC 20-21-2
Chapter 2. Indiana School for the Blind and Visually Impaired

IC 20-21-2-1
Establishment; services provided
Sec. 1. The Indiana School for the Blind and Visually Impaired 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 visual disabilities.


IC 20-21-2-2
Purpose
Sec. 2. The school shall provide for the instruction, education, and care of children who are determined to have a serious visual disability by case conference in accordance with Indiana law and federal law.

As added by P.L.1-2005, SEC.5.

IC 20-21-2-3
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 visual impairment so that a student with a visual disability (including a student with multiple disabilities with visual impairment) may achieve the student's maximum ability for independence in academic pursuits, career opportunities, travel, personal care, and home management.
   (4) Training to permit a student with a visual disability (including a student with multiple disabilities with visual impairment) to achieve the student's maximum development toward self-support and independence by the provision of services in counseling, orientation and mobility, and other related services.


IC 20-21-2-4
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.
   (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 visual 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 visual impairment disabilities.
(5) Have at least five (5) years experience supervising other individuals.


IC 20-21-2-5
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 20-21-3-10(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.


IC 20-21-2-6
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 20-21-3-10(a)(4);
the executive shall receive as students in the school Indiana residents who are school age individuals with a visual disability.


IC 20-21-2-7
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.

IC 20-21-2-8
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 visual 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.

IC 20-21-2-9
Applicability of compulsory school attendance laws
Sec. 9. The compulsory school attendance laws of Indiana apply to all children with visual disabilities. The case conference committee may place a child with a visual 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.5.
IC 20-21-2-10
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 responsible relative or another 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.5.

IC 20-21-2-11
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 approval of the budget agency.

As added by P.L.1-2005, SEC.5.

IC 20-21-2-12
Vocational work-study program

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

As added by P.L.1-2005, SEC.5.

IC 20-21-2-13
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.

IC 20-21-3
Chapter 3, Indiana School for the Blind and Visually Impaired Board

IC 20-21-3-1
Establishment
Sec. 1. The Indiana School for the Blind and Visually Impaired board is established.

IC 20-21-3-2
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 president pro tempore of the senate. 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.5.*
IC 20-21-3-3
Compensation and expenses
Sec. 3. (a) Each voting board member who is not an employee of the state or a political subdivision is entitled to the following:
   (1) The minimum salary per diem provided by IC 4-10-11-2.1 for each board meeting attended by the member.
   (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
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.5.

IC 20-21-3-4
Terms of members
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.5.

IC 20-21-3-5
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.5.

IC 20-21-3-6
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.5.
IC 20-21-3-7
Quorum
Sec. 7. Four (4) voting members of the board constitute a quorum. The affirmative vote of at least four (4) voting members of the board is necessary for the board to take official action other than to do the following:
   (1) Adjourn.
   (2) Meet to hear reports or testimony.
As added by P.L.1-2005, SEC.5.

IC 20-21-3-8
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.5.

IC 20-21-3-9
Administrative control and responsibility
Sec. 9. Subject to IC 20-35-2 and IC 20-21-4, the board has complete policy and administrative control and responsibility for the school.
As added by P.L.1-2005, SEC.5.

IC 20-21-3-10
Duties; submission of budget
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 visual 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.

IC 20-21-3-11
Powers

Sec. 11. The board may do 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.5.
IC 20-21-4
Chapter 4. Personnel System

IC 20-21-4-1
Applicability of state civil service system law
Sec. 1. Except as provided in this chapter, IC 4-15-2.2 applies to the employees of the school.

IC 20-21-4-2
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.

IC 20-21-4-3
Repealed
(Repealed by P.L.100-2012, SEC.52.)

IC 20-21-4-4
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.4.*