IC 20-35
ARTICLE 35. SPECIAL EDUCATION

IC 20-35-1
Chapter 1. Definitions

IC 20-35-1-1
Application
Sec. 1. The definitions in this chapter apply throughout this chapter, IC 20-35-2 through IC 20-35-6, and IC 20-35-8.
As added by P.L.1-2005, SEC.19.

IC 20-35-1-2
"Child with a disability"
Sec. 2. "Child with a disability" means a child who:
(1) is at least three (3) years of age but less than twenty-two (22) years of age; and
(2) because of physical or mental disability is incapable of being educated properly and efficiently through normal classroom instruction, but who, with the advantage of a special educational program, may be expected to benefit from instruction in surroundings designed to further the educational, social, or economic status of the child.
As added by P.L.1-2005, SEC.19.

IC 20-35-1-3
"Director"
Sec. 3. "Director" refers to the director of the division of special education.
As added by P.L.1-2005, SEC.19.

IC 20-35-1-4
"Division"
Sec. 4. "Division" refers to the division of special education established by IC 20-35-2-1.
As added by P.L.1-2005, SEC.19.

IC 20-35-1-5
"Preschool child with a disability"
Sec. 5. "Preschool child with a disability" refers to a child with a disability who is at least three (3) years of age by June 1 of the school year.

IC 20-35-1-6
"School corporation"
Sec. 6. "School corporation" means a corporation authorized by law to establish public schools and levy taxes for the maintenance of the schools.
IC 20-35-1-7
"Special education"

Sec. 7. "Special education" means instruction specially designed to meet the unique needs of a child with a disability. The term includes transportation, developmental, corrective, and other support services and training only when required to assist a child with a disability to benefit from the instruction itself.

As added by P.L.1-2005, SEC.19.
Division established; director's duties

Sec. 1. (a) There is established under the state board a division of special education. The division shall exercise all the power and duties set out in this chapter, IC 20-35-3 through IC 20-35-6, and IC 20-35-8.

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

(1) To do the following:
   (A) Have general supervision of all programs, classes, and schools for children with disabilities, including those conducted by public schools, the Indiana School for the Blind and Visually Impaired, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability and rehabilitative services, and the division of mental health and addiction.
   (B) Coordinate the work of schools described in clause (A). For programs for preschool children with disabilities as required under IC 20-35-4-9, have general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under IC 20-35-4-9. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.
   (2) To adopt, with the approval of the state board, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.
   (3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.
   (4) With the consent of the state superintendent and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.
   (5) To adopt, with the approval of the state board, the following:
      (A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.
      (B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.
   (6) To make recommendations to the state board concerning
standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each exceptionality included within the class size ranges.
(B) The role of the teacher aide.
(C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established by IC 12-12.7-2-7 to ensure that the preschool special education programs required by IC 20-35-4-9 are consistent with the early intervention services program described in IC 12-12.7-2.

(c) The director or the state board may exercise authority over career and technical education programs for children with disabilities through a letter of agreement with the department of workforce development.

IC 20-35-3  
Chapter 3. State Advisory Council

IC 20-35-3-1  
State advisory council on education of children with disabilities; membership; duties

Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:
   (1) citizens of Indiana;
   (2) representative of the state's population; and
   (3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities. Members must include the following:
   (1) Parents of children with disabilities.
   (2) Individuals with disabilities.
   (3) Teachers.
   (4) Representatives of postsecondary educational institutions that prepare special education and related services personnel.
   (5) State and local education officials.
   (6) Administrators of programs for children with disabilities.
   (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:
      (A) The commissioner of the state department of health or the commissioner's designee.
      (B) The director of the division of disability and rehabilitative services or the director's designee.
      (C) The director of the division of mental health and addiction or the director's designee.
      (D) The director of the department of child services or the director's designee.
   (8) Representatives of nonpublic schools and freeway schools.
   (9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.
   (10) Representatives of the department of correction.
   (11) A representative from each of the following:
      (A) The Indiana School for the Blind and Visually Impaired board.
      (B) The Indiana School for the Deaf board.

(d) The responsibilities of the state advisory council are as follows:
(1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.
(2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.
(3) To advise the department of unmet needs within Indiana in the education of children with disabilities.
(4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.
(5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.
(6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.
(7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(e) The state advisory council shall do the following:
(1) Organize with a chairperson selected by the state superintendent.
(2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.

(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(g) The state superintendent shall do the following:
(1) Designate the director to act as executive secretary of the state advisory council.
(2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

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

IC 20-35-4
Chapter 4. School Corporations: Powers and Duties Regarding Children With Disabilities

IC 20-35-4-1
Instruction of children with disabilities; powers and duties; funding; personnel; rules

Sec. 1. (a) A school corporation acting individually or in a joint school services program with other corporations may establish and maintain instructional facilities for the instruction of children with disabilities.

(b) A school corporation may provide transfer and transportation of children with disabilities residing in the geographical limits of the corporation to facilities for the instruction of children with disabilities that are not maintained by the school corporation.

(c) A school corporation acting individually or in a joint school services program with other corporations may convert, build, or lease the necessary school buildings or use existing buildings to establish and maintain classes of one (1) or more pupils who are:

(1) residents of Indiana; and
(2) children with disabilities.

(d) A school corporation may provide for instruction of any child with a disability who is not able to attend a special class or school for children with disabilities. Special personnel may be employed in connection with these classes of schools, and any expenditures for these classes of schools are lawful expenditures for maintaining the education of children with disabilities.

(e) All nurses, therapists, doctors, psychologists, and related specialists employed under this chapter:

(1) must be registered and authorized to practice under Indiana law; and
(2) are subject to any additional requirements of the division.

(f) A school corporation acting individually or in a joint school services program with other corporations may purchase special equipment needed in a class or school for children with disabilities, and any expenditures made for this special equipment are lawful expenditures for maintaining the education of children with disabilities.

(g) Children with disabilities shall receive credit for schoolwork accomplished on the same basis as children without disabilities who do similar work.

(h) A school corporation constructing or operating a school under this chapter:

(1) shall pay the operating expense for each student attending; and
(2) is entitled to receive state aid for these students under the applicable laws.

Other school corporations sending children with disabilities as students of the school shall pay tuition in accordance with IC 20-35-8-1 through IC 20-35-8-2.
(i) If the state receives funds from the federal government to aid in the operation of any school for children with disabilities, the division shall distribute among these schools the grant of federal funds that are appropriated. The federal funds shall be expended for the purposes for which the funds are granted.

(j) Except as provided in section 9 of this chapter with regard to preschool children with disabilities, schools or classes for children with disabilities shall be operated by the school corporation establishing the schools or classes under:
   (1) Indiana laws applying to the operation of public schools; and
   (2) the supervision of the division.

(k) Teachers in classes and schools for children with disabilities:
   (1) shall be appointed in the same manner as other public school teachers; and
   (2) must possess:
      (A) the usual qualifications required of teachers in the public schools; and
      (B) any special training that the state board requires.

(l) The state board shall adopt rules under IC 4-22-2 governing the qualifications required of preschool teachers under contractual agreements entered into under section 9 of this chapter.

(m) Qualifications of paraprofessional personnel to be employed under this chapter are subject to a determination by the department. Before any type of special class organized or to be organized under this chapter is established in any school corporation or through any contractual agreement, the special class must be submitted to and approved by the state board.

(n) The state board shall adopt rules under IC 4-22-2 necessary for the proper administration of this chapter.


**IC 20-35-4-2**

**Special schools for children with disabilities; payment and financing**

Sec. 2. (a) The division may, upon application by the governing body of a school corporation, together with proof of need, authorize the school corporation to purchase, convert, remodel, or construct rooms or buildings for special schools for children with disabilities in an effort to have the schools located near the homes of the children with disabilities the schools will serve.

(b) The school corporation:
   (1) shall pay the cost of purchase, conversion, remodeling, and construction and the cost of building equipment of any such school; and
   (2) may finance such conversion, remodeling, and construction as other school buildings are financed.

(c) The school corporation establishing any such school may send all its children with disabilities to the school and shall admit, if facilities permit, any other children with disabilities in Indiana who:
(1) are eligible under this chapter; and
(2) are not provided with an opportunity to attend an adequate
school in their own school corporation.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-3
Medical responsibility for children with disabilities; special
education eligibility; qualifications for nurses and special
therapists; responsibility of department of health

Sec. 3. (a) The medical care of a child with a disability is the
responsibility of the physician chosen by the parent to attend the
child. However, a child with a disability is not excused from
attending school unless the local health officer, upon a statement of
the attending physician, certifies that attendance would be injurious
to the child. The educational and recreational program may not alter
in any way the medical care prescribed by the proper medical
authority. Eligibility for all special education classes and programs
must be determined by appropriate specialists.

(b) All nurses and special therapists in physical therapy,
occupational therapy, and related medical fields must be:
(1) graduates of fully accredited training schools; and
(2) registered by their respective examining boards or by their
respective professional associations.

(c) The medical care of needy children with disabilities is the
responsibility of the state department of health and its program for
children with special health care needs, to the extent provided by law.

(d) The personnel and facilities under the program for children
with special health care needs shall be used at all times for the
following:
(1) The determination of policies related to the medical care of
children with disabilities.
(2) The professional supervision of all special therapists.
(3) Individual casework as available.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-4
Special education fund; appropriation

Sec. 4. (a) For the administration and field service of the division,
there is appropriated annually out of the excise funds of the alcohol
and tobacco commission an amount to administer this chapter as
determined by the general assembly.

(b) Money appropriated under this section shall be deposited into
a special fund in the state treasury to be known as the special
education fund. The special education fund shall be:
(1) administered by the state superintendent; and
(2) used only for the administration of IC 20-35-2 through
IC 20-35-6 and IC 20-35-8.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-5
Effect on other statutes
Sec. 5. This chapter does not amend, alter, or repeal any other statute but is supplemental to other statutes.
As added by P.L.1-2005, SEC.19.

IC 20-35-4-6
Religious objection to medical examination
Sec. 6. (a) Except as provided in subsection (b), this chapter does not require a student to:
(1) undergo physical or medical examination or treatment; or
(2) be compelled to receive medical instruction;
if the parent of the student, in writing, notifies the teacher or principal or other person in charge of the student that the parent objects to the medical examination, treatment, or instruction because the parent relies in good faith on prayer or spiritual means for the treatment of sickness or affliction.
(b) An objection may not be made to a physical or medical examination of a child with a physical disability to determine whether the child shall be admitted to any class or school for children with disabilities.
As added by P.L.1-2005, SEC.19.

IC 20-35-4-7
Authority of school corporation to accept and invest gifts; special fund
Sec. 7. (a) The governing body of a school corporation may do the following:
(1) Accept, receive, and administer any gift, devise, legacy, or bequest of real or personal property, including the income from real estate:
   (A) to or for the benefit of any school, dormitory, or facility for the education of children with disabilities; and
   (B) for any of the purposes contemplated under this chapter and not inconsistent with this chapter or Indiana law.
(2) Invest or reinvest any of the funds received under this section in the same kind of securities in which life insurance companies are authorized by law to invest their funds.
(b) All money received by a school corporation under this section and all money, proceeds, or income realized from any real estate or other investments or property:
   (1) shall be kept in a special fund;
   (2) may not be commingled with any other fund or funds received from taxation; and
   (3) may be expended by the governing body of the school corporation in any manner consistent with the:
      (A) purposes of IC 20-35-2 through IC 20-35-6 and IC 20-35-8; and
      (B) intention of the donor or donors.
As added by P.L.1-2005, SEC.19.
IC 20-35-4-8
Duty to provide special education program; facilities
Sec. 8. (a) The school corporation in which a child with a
disability resides is primarily responsible for providing the child with
an appropriate special education program. The governing body of
each school corporation shall establish and maintain the special
educational facilities that are needed for:
   (1) children with disabilities residing in the school corporation;
   and
   (2) other children as authorized by this chapter.
However, under rules adopted by the state board, a child with a
disability may be placed in a special education program that is not
established or maintained by the school corporation.
(b) Notwithstanding subsection (a), a school corporation may
establish special educational facilities for children with disabilities
who are:
   (1) at least nineteen (19) years of age; or
   (2) less than six (6) years of age.
As added by P.L.1-2005, SEC.19.

IC 20-35-4-9
Preschool special education
Sec. 9. (a) The budget agency and the division shall develop a
funding mechanism to provide preschool special education. Each
school corporation shall provide each preschool child with a
disability with an appropriate special education. However, this
subsection is applicable only if the general assembly appropriates
state funds for preschool special education.
(b) A school corporation may act:
   (1) individually;
   (2) in a joint school services program with other school
corporations as described in section 1 of this chapter; or
   (3) upon approval by the division, through contractual
agreements entered into between a school corporation and a
qualified public or private agency that serves preschool children
with disabilities.
(c) The state board shall adopt rules under IC 4-22-2 governing
the following:
   (1) The extent to which a school corporation may contract with
another service provider as permitted under subsection (b).
   (2) The nature of the contracts.
   (3) The approval procedure required of the school corporation
under subsection (b).
   (4) Other pertinent matters concerning these agreements.
As added by P.L.1-2005, SEC.19.

IC 20-35-4-10
Comprehensive plan for educating children with disabilities; rules;
age limits
Sec. 10. (a) For purposes of this section, "comprehensive plan"
means a plan for educating the following:
   (1) All children with disabilities that a school corporation is
required to educate under sections 8 through 9 of this chapter.
   (2) The additional children with disabilities that the school
corporation elects to educate.
(b) For purposes of this section, "school corporation" includes the
following:
   (1) The Indiana School for the Blind and Visually Impaired
board.
   (2) The Indiana School for the Deaf board.
(c) The state board shall adopt rules under IC 4-22-2 detailing the
contents of the comprehensive plan. Each school corporation shall
complete and submit to the state superintendent a comprehensive
plan. School corporations operating cooperative or joint special
education services may submit a single comprehensive plan. In
addition, if a school corporation enters into a contractual agreement
as permitted under section 9 of this chapter, the school corporation
shall collaborate with the service provider in formulating the
comprehensive plan.
(d) Notwithstanding the age limits set out in IC 20-35-1-2, the
state board may:
   (1) conduct a program for the early identification of children
with disabilities, between the ages of birth and less than
twenty-two (22) years of age not served by the public schools
or through a contractual agreement under section 9 of this
chapter; and
   (2) use agencies that serve children with disabilities other than
the public schools.
(e) The state board shall adopt rules under IC 4-22-2 requiring the:
   (1) department of correction;
   (2) state department of health;
   (3) division of disability and rehabilitative services;
   (4) Indiana School for the Blind and Visually Impaired board;
   (5) Indiana School for the Deaf board; and
   (6) division of mental health and addiction;
to submit to the state superintendent a plan for the provision of
special education for children in programs administered by each
respective agency who are entitled to a special education.
(f) The state superintendent shall furnish professional consultant
services to school corporations and the entities listed in subsection (e)
to aid them in fulfilling the requirements of this section.
As added by P.L.1-2005, SEC.19. Amended by P.L.231-2005,
SEC.46; P.L.218-2005, SEC.81; P.L.1-2006, SEC.335;
P.L.141-2006, SEC.98.

IC 20-35-4-11
Governing bodies powers and duties; diplomas or certificates of
graduation to children with disabilities
Sec. 11. (a) The governing bodies of one (1) or more school
corporations establishing and maintaining educational facilities and
services for students with disabilities, as described in this chapter, shall, in connection with establishing and maintaining the facilities and services, exercise similar powers and duties as are prescribed by law for the establishment, maintenance, and management of other recognized educational facilities and services.

(b) The governing bodies shall:
   (1) include only eligible children in the program; and
   (2) comply with all the requirements of:
       (A) this chapter; and
       (B) all rules established by the state superintendent and the state board.

(c) A school corporation may issue diplomas or certificates of graduation to pupils with disabilities completing special educational programs approved by the state superintendent and the state board. As added by P.L.1-2005, SEC.19.

IC 20-35-4-12
Experimental special education programs for deaf and hard of hearing children

IC 20-35-5
Chapter 5. Special Education Cooperatives

IC 20-35-5-1
Definitions
Sec. 1. The definitions in this section apply throughout this chapter.

(1) "Agreement" means an:
   (A) identical resolution adopted by the governing body of each participating school corporation or the governing board of a participating charter school; or
   (B) agreement approved by the governing body of each participating school corporation or the governing board of a participating charter school;
   providing for a special education cooperative.

(2) "Assessed valuation" of a participating school corporation for a school year means the net assessed valuation of the school corporation for the immediately preceding March 1, adjusted in the same manner as any adjustment is made in determining the amount of state distribution for school support.

(3) "Board of managers" means the board or commission charged with the responsibility of administering the affairs of a special education cooperative.

(4) "Governing body" of a participating school corporation or charter school means the board or commission charged by law with the responsibility of administering the affairs of the school corporation or charter school. In the case of a school township, the term means the township trustee and township board.

(5) "Participating school corporation" means a local public school corporation that:
   (A) is established under Indiana law; and
   (B) cooperates with other school corporations or charter schools in a special education cooperative.

(6) "Participating charter school" means a charter school that is established under Indiana law and cooperates with other school corporations or charter schools in a special education cooperative.

(7) "Percentage share" of a participating school corporation is the percent that its assessed valuation bears to the total assessed valuation of all the participating school corporations joining in an agreement.

(8) "Special education cooperative" means a department, school, charter school, or school corporation established, maintained, and supervised for the education of children with disabilities in accordance with this section.


IC 20-35-5-2
Formation of special education cooperative
Sec. 2. A participating school corporation or charter school,
together with one (1) or more participating school corporations or charter schools, may form a special education cooperative in accordance with the provisions of either sections 13 through 15 of this chapter or section 16 of this chapter, but subject to the limitations of this section and sections 3 through 8 of this chapter, by adopting an agreement that contains the following provisions:

1. A plan for the organization, administration, and support for the special education cooperative, including the establishment of a board of managers.
2. The commencement date of the establishment of the special education cooperative, which must be contemporaneous with the beginning of a school year.
3. The extension of the special education cooperative for at least five (5) school years and a provision that the special education cooperative will extend from school year to school year after the five (5) year period unless the special education cooperative is terminated by action of the governing bodies or governing boards of a majority of the participating school corporations and participating charter schools that is taken at least one (1) year before termination of the agreement.


IC 20-35-5-3
Modification of special education cooperative agreement

Sec. 3. During the term of an agreement adopted under section 2 of this chapter, the agreement may be modified by unanimous consent of all the participating school corporations and charter schools.


IC 20-35-5-4
Special education cooperative agreement terms

Sec. 4. An agreement adopted under section 2 of this chapter may include the following:

1. An agreement to acquire sites, buildings, and equipment for the sites and buildings by:
   (A) purchase;
   (B) lease from any of the participating school corporations or charter schools for the term of the agreement; or
   (C) lease under the provisions of IC 20-47-2 or IC 20-47-3.
2. An agreement to repair, equip, and maintain school buildings and equipment.
3. An agreement that participating school corporations may use funds from their respective capital projects fund to pay for the costs under subdivision (1) or (2) or for any other purposes authorized under IC 20-40-8.
4. An agreement with a charter school to exchange any consideration for special education services.

IC 20-35-5-5
Funding
Sec. 5. The amount of money used from a participating school corporation's capital projects fund shall be determined by agreement among the participating school parties.

IC 20-35-5-6
Costs
Sec. 6. The cost of the special education cooperative for each school year shall be paid by the participating school corporations and charter schools in accordance with the terms of their agreement. Agreements for the payment of the cost of the special education cooperative may:
(1) establish a formula for payments that meet the needs of the participating school corporations and participating charter schools; or
(2) base payments on a percentage share formula.

IC 20-35-5-7
Termination of agreement
Sec. 7. Upon the termination of the agreement, the participating school corporations and charter schools shall be liable for their respective portions of any long term lease or other long term obligations in the same annual portions as are provided in the agreement as though the agreement had not been terminated, unless the terms under which the obligations were set up provide otherwise.

IC 20-35-5-8
Employment of teachers
Sec. 8. A special education cooperative may employ teachers and issue teaching contracts in accordance with all the provisions for public teaching contracts. A teacher who has taught or is teaching in a participating school corporation who became or becomes a teacher in the special education cooperative retains semipermanent, permanent, or nonpermanent status in the participating school corporation to the same extent as if the teacher had continued teaching in the participating school corporation, and the teacher's employment may be terminated solely by the board of managers of the special education cooperative.
As added by P.L.1-2005, SEC.19.

IC 20-35-5-9
Rights and privileges of teachers in participating school corporation
Sec. 9. A teacher who:
(1) is employed by a special education cooperative; and
IC 20-35-5-10
Rights and privileges of teachers without existing service in participating school corporation
Sec. 10. A teacher who:
(1) is employed by a special education cooperative; and
(2) does not have existing years of service in any of the participating school corporations;
shall be considered to be employed by the special education cooperative and is entitled to the same rights and privileges under IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10 as if the teacher were employed by a school corporation.

IC 20-35-5-11
Teacher recall lists
Sec. 11. If a teacher loses the teacher's job in a special education cooperative due to:
(1) a reduction in services of;
(2) a reorganization of;
(3) the discontinuance of; or
(4) a withdrawal in whole or in part of a participating school corporation from;
the special education cooperative, the teacher shall be added to the recall list of laid off teachers that is maintained by the participating school corporations, and the teacher shall be employed under the terms of the recall provisions of the participating school corporations for a special education job opening that occurs in any of the participating school corporations. In addition and during the time the former special education cooperative teacher is entitled to remain on the recall list, all teachers in the participating school corporation other than the former special education cooperative teacher retain all rights and privileges for job openings for which the other teachers are qualified and as granted by the collective bargaining agreement in effect at the participating school corporation or, if no provisions of a collective bargaining agreement govern the rights and privileges, by the policy of the governing body, including provisions governing layoffs and recall.
As added by P.L.1-2005, SEC.19.

IC 20-35-5-12
Rights and privileges of laid-off teacher
Sec. 12. If:
(1) a teacher loses the teacher's job in a special education cooperative;
A special education cooperative may:

1. be attached to a participating school corporation that has responsibility for administrative and financial controls; or
2. establish a separate treasury with separate accounts.

If a special education cooperative is not attached to a participating school corporation, it must comply with the state board of accounts' approved forms and rules for fiscal accountability and is subject to audit by the state board of accounts.

Sec. 17. (a) A teacher who:
(1) has not retained a status as a semipermanent, permanent, or nonpermanent teacher with a participating school corporation; and
(2) loses the teacher's job in a special education cooperative because of a reduction in services or discontinuance of the cooperative;
shall be considered for any job opening for which the teacher is qualified that occurs in any of the participating school corporations in the school year immediately following the reduction in services or discontinuance of the cooperative.
(b) A teacher employed under this section has the same rights and privileges as teachers employed under IC 20-26-10-5 and IC 20-26-10-6.
As added by P.L.1-2005, SEC.19.
IC 20-35-6

IC 20-35-6-1
Notification to school corporation of preschool children with disabilities
Sec. 1. Before February 1 of each calendar year, a program for preschool children with disabilities that is supported by the division of family resources shall notify a school corporation of the numbers and disabling conditions of the children who are likely to enter into a program of special education in the school corporation in the immediately following school year.

IC 20-35-6-2
Contracts for services; payment of costs; rules
Sec. 2. (a) The state superintendent may contract with in-state or out-of-state public and private schools, state agencies, or child caring institutions (as defined in IC 12-7-2-29(1)) to pay, with any funds appropriated for this purpose, the excess costs of educating children of school age:
(1) who have been identified as eligible for special education services; and
(2) whose disability is of such intensity as to preclude achievement in the existing local public school setting.
The state shall pay the costs of the services that exceed the regular cost of educating children of the same age and grade level in the child's school corporation. The school corporation shall pay the share of the total tuition cost that is the regular per capita cost of general education in that school corporation.
(b) School corporations shall pay their share of the total tuition costs for children with disabilities served under this section.
(c) The state board shall adopt rules under IC 4-22-2 necessary to implement this section.
As added by P.L.1-2005, SEC.19.
IC 20-35-7
Chapter 7. Individualized Education Program; Case Conferences for Students With Disabilities; Transitional Services

IC 20-35-7-1
"Annual case review"
Sec. 1. As used in this chapter, "annual case review" means the meeting of the case conference committee that is conducted annually to review and, if needed, revise a student's individualized education program.
As added by P.L.1-2005, SEC.19.

IC 20-35-7-2
"Case conference committee"
Sec. 2. As used in this chapter, "case conference committee" means a group composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent and under rules adopted by the state board that meets to do any of the following:
(1) Determine a student's eligibility for special education and related services.
(2) Develop, review, or revise a student's individualized education program.
(3) Determine an appropriate educational placement for each student.
As added by P.L.1-2005, SEC.19.

IC 20-35-7-3
"Transition services"
Sec. 3. (a) As used in this chapter, "transition services" means a coordinated set of activities for a student with a disability that:
(1) is designed within an outcome oriented process; and
(2) promotes movement from the public agency to postsecondary school activities, including the following:
(A) Postsecondary education.
(B) Career and technical education that is not postsecondary education.
(C) Integrated employment (including supported employment).
(D) Continuing and adult education.
(E) Adult services.
(F) Independent living.
(G) Community participation.
(b) The coordinated set of activities described in subsection (a) must:
(1) be based on the individual student's needs, taking into account the student's preferences and interests; and
(2) include the following:
(A) Instruction.
(B) Related services.
(C) Community experiences.
(D) The development of employment and other postsecondary educational institution adult living objectives.
(E) Where appropriate, acquisition of daily living skills and a functional vocational evaluation.


IC 20-35-7-4
"Public agency"
Sec. 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

1. Public school corporations that operate programs individually or cooperatively with other school corporations.
2. Community agencies operated or supported by the office of the secretary of family and social services.
3. State developmental centers operated by the division of disability and rehabilitative services.
4. State hospitals operated by the division of mental health and addiction.
5. State schools and programs operated by the state department of health.
6. Programs operated by the department of correction.
7. Private schools and facilities that serve students referred or placed by a school corporation, the division of special education, the department of child services, or another public entity.


IC 20-35-7-5
"Adult services"
Sec. 5. (a) As used in this chapter, "adult services" refers to services that are provided by public agencies and other organizations to:

1. Facilitate student movement from the public agency to adult life; and
2. Provide services to enhance adult life.

(b) The term includes services provided by the following:

1. A vocational rehabilitation services program.
2. The department of workforce development.
3. The federal Social Security Administration.
4. The bureau of developmental disabilities services.
5. A community mental health center.
6. A community rehabilitation program.
7. An area agency on aging.

As added by P.L.1-2005, SEC.19.

IC 20-35-7-6
"Special education planning district"
Sec. 6. As used in this chapter, "special education planning district" means the public school administrative unit responsible for providing special education and related services in a specified geographic area. The term includes the following:
(1) A school corporation.
(2) More than one (1) school corporation that operates under a written agreement.
As added by P.L.1-2005, SEC.19.

IC 20-35-7-7
"Student with disabilities"
Sec. 7. As used in this chapter, "student with disabilities" means a student identified, evaluated, and enrolled in special education under this article.
As added by P.L.1-2005, SEC.19.

IC 20-35-7-8
Adult services materials
Sec. 8. (a) The division of disability and rehabilitative services, the division of mental health and addiction, and the department of workforce development shall provide each school corporation with written material describing the following:
(1) The adult services available to students.
(2) The procedures to be used to access those services.
(b) The material shall be provided in sufficient numbers to allow each student and, if the student's parent is involved, each student's parent to receive a copy at the annual case review if the purpose of the meeting is to discuss transition services.

IC 20-35-7-9
Case conference committee duties
Sec. 9. The case conference committee shall do the following:
(1) Review, based on areas addressed in the statement of transition services, the available adult services provided through state and local agencies.
(2) Present information on those services in writing to the student and the parent.
As added by P.L.1-2005, SEC.19.

IC 20-35-7-10
Review of transition age students
Sec. 10. (a) Upon obtaining authorization to disclose confidential information, the public agency and the vocational rehabilitation counselor shall confer at least one (1) time each year to review transition age students.
(b) If the public agency and the vocational rehabilitation counselor believe a student may be eligible for and benefit from vocational
rehabilitation services, the public agency shall do the following:

1) Provide adequate notice to the vocational rehabilitation counselor regarding the annual case review to be conducted during the school year before the student's projected final year of school. The notification to the vocational rehabilitation counselor must include the name, address, age, and reported disability of the student for whom the annual case review is being conducted.

2) At the annual case review, verbally advise and provide written materials to the student and the parent that describe the following:
   (A) The array of vocational rehabilitation services that may be available.
   (B) The process to access those services.

(c) The vocational rehabilitation counselor shall do the following:
   (1) Attempt to attend the annual case review for which the counselor has been notified under subsection (b)(1).
   (2) Determine with the student and parent when an application for vocational rehabilitation services will be completed and eligibility determined. However, the application must be completed not later than the beginning of the last semester of the student's last year of receiving services by the public agency.
   (3) If the student has been determined eligible for vocational rehabilitation services, complete the individual plan for employment (IPE) before the student's exit from the public agency.
   (4) Provide written information and be available on a consultative basis to public agency personnel, students, and parents to assist in identifying appropriate transition services.
   (5) Perform the duties of advocate and consultant to the student and, where appropriate, to the student's parent.
   (6) Promote communication with the student and parent by attending appropriate student activities, including, upon invitation, the following:
      (A) Case conferences.
      (B) Career days.
      (C) Parent and student forums.
      (D) Other consultative services on behalf of the student.

As added by P.L.1-2005, SEC.19.

IC 20-35-7-11
Monitoring compliance
Sec. 11. (a) The division shall monitor public agency compliance with the requirements of this chapter as part of the division's ongoing program monitoring responsibilities.
(b) The division of disability and rehabilitative services shall monitor compliance with this chapter by vocational rehabilitation services programs.
(c) The division and the division of disability and rehabilitative services shall confer, at least annually, to do the following:
(1) Review compliance with the requirements of this chapter.
(2) Ensure that students with disabilities are receiving appropriate and timely access to services.

IC 20-35-8
Chapter 8. Transfer and Transportation of Students With Disabilities

IC 20-35-8-1
Transfer of children with disabilities; transportation; tuition
Sec. 1. (a) Except as provided in subsection (b), if a student with legal settlement in a school corporation is transferred to attend school in another school corporation because of a disability or multiple disabilities, the transferor corporation shall:

(1) either:
   (A) provide; or
   (B) pay for, in the amount determined under section 2 of this chapter;
   any transportation that is necessary or feasible, as determined under section 2 of this chapter and the rules adopted by the state board; and
(2) pay transfer tuition for the student to the transferee corporation in accordance with IC 20-26-11.

(b) If the student attends a school operated through:
   (1) a joint school service and supply program; or
   (2) another cooperative program;
involving the school corporation of the student's legal settlement, transportation and other costs shall be made in amounts and at the times provided in the agreement or other arrangement made between the participating school corporations.

(c) Student data, including ISTEP program testing scores, academic progress, grade level, and graduation date, for a student described in subsection (a) shall be included in determinations for the school corporation in which the student has legal settlement.


IC 20-35-8-2
Transportation for individualized education program; rules on limitations; liability for costs
Sec. 2. (a) The state board shall adopt rules under IC 4-22-2 to establish limits on the amount of transportation that may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules must limit the transportation required by the student's individualized education program to the following:

(1) The student's first entrance and final departure each school year.
(2) Round trip transportation each school holiday period.
(3) Two (2) additional round trips each school year.

(b) If a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-26-11-1 through
IC 20-26-11-4 shall pay the cost of transportation required by the student's individualized education program.

(c) If a student receives a special education:
   (1) in a facility operated by:
       (A) the state department of health;
       (B) the division of disability and rehabilitative services; or
       (C) the division of mental health and addiction;
   (2) at the Indiana School for the Blind and Visually Impaired;
   or
   (3) at the Indiana School for the Deaf;
the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

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

IC 20-35-9  
Chapter 9. Reading and Writing Instruction for Blind Students

IC 20-35-9-1  
"Blind student"  
Sec. 1. As used in this chapter, "blind student" has the meaning established under rules adopted under IC 4-22-2 by the state board for an individual:

1. who:
   a. cannot successfully use vision as a primary and efficient method for learning; and
   b. exhibits such a low degree or amount of visual acuity or visual field that vision is not considered as a primary mode of learning; or
2. who has a medically indicated prognosis of visual deterioration.

As added by P.L.1-2005, SEC.19.

IC 20-35-9-2  
"Braille"  
Sec. 2. As used in this chapter, "braille" means a tactually perceived system of reading and writing known as Standard English braille.

As added by P.L.1-2005, SEC.19.

IC 20-35-9-3  
"Case conference committee"  
Sec. 3. As used in this chapter, "case conference committee" means the group of individuals described in IC 20-18-2-9 who develop the individualized education program for each child with a disability (as defined in IC 20-35-1-2).

As added by P.L.1-2005, SEC.19.

IC 20-35-9-4  
"Individualized education program"  
Sec. 4. As used in this chapter, "individualized education program" has the meaning set forth in IC 20-18-2-9.

As added by P.L.1-2005, SEC.19.

IC 20-35-9-5  
Braille; presumption regarding student proficiency and use in instruction  
Sec. 5. (a) In developing the individualized education program for a blind student, the presumption is that, with some exceptions, proficiency in braille reading and writing is essential for blind students to achieve satisfactory educational progress.

(b) This chapter does not require braille use or instruction if, in the course of developing a blind student's individualized education program, the student's case conference committee determines that
another medium:
(1) is more appropriate and efficient in meeting the student's reading and writing needs; and
(2) allows the student to achieve in instructional activities commensurate with the student's potential.
(c) This chapter does not require the exclusive use of braille and the availability of other media may not preclude braille instruction if, in the determination of a blind student's case conference committee, braille is necessary for the student to achieve to the student's potential.
*As added by P.L.1-2005, SEC.19.*

**IC 20-35-9-6**

**Literacy assessment of students**

Sec. 6. (a) Each blind student shall undergo a literacy assessment under rules adopted under IC 4-22-2 by the state board to determine the student's present level of performance in reading and writing.
(b) The literacy assessment required by subsection (a) shall be administered by a certified teacher of individuals with a visual disability using criteria established by the state board.

**IC 20-35-9-7**

**Providing braille instruction**

Sec. 7. If it is determined that braille instruction and use is appropriate for a student who is blind, the student shall be provided instruction by certified teachers of individuals with a visual disability in the frequency and intensity specified in the student's individualized education program.

**IC 20-35-9-8**

**Case conference; information regarding media options**

Sec. 8. As a part of the case conference committee deliberations for a blind student, the case conference committee shall make available to the student and the student's parents information regarding all the potential reading and writing media options, including the availability of braille.
*As added by P.L.1-2005, SEC.19.*

**IC 20-35-9-9**

**Rule adoption**

Sec. 9. The state board shall adopt rules under IC 4-22-2 to implement this chapter.
*As added by P.L.1-2005, SEC.19.*
IC 20-35-10
Chapter 10. Inclusion School Pilot Program

IC 20-35-10-1
"Child with disabilities"
Sec. 1. As used in this chapter, "child with disabilities" means a child (as defined in IC 20-35-1-2) whose individualized education program recommends that the child participate in an inclusion school program. 
As added by P.L.1-2005, SEC.19.

IC 20-35-10-2
"Inclusion school"
Sec. 2. As used in this chapter, "inclusion school" means a public school that:
(1) participates in the pilot program under this chapter as an inclusion school;
(2) as an inclusion school, educates each child with disabilities in the school located in the child's attendance area in the school corporation of the child's legal settlement; and
(3) integrates each child with a disability in regular education classes for as much of the student instructional day as possible to normalize the child's academic learning and social experience.
As added by P.L.1-2005, SEC.19.

IC 20-35-10-3
"Regular education"
Sec. 3. As used in this chapter, "regular education" means classroom instruction:
(1) in which children without disabilities are routinely placed; and
(2) that is not characterized as special education under this article.
As added by P.L.1-2005, SEC.19.

IC 20-35-10-4
Program established; purposes
Sec. 4. The inclusion school pilot program is established to provide financial assistance through competitive grants awarded by the department under section 5 of this chapter to school corporations to do the following:
(1) Develop supportive regular education school and classroom communities that nurture, support, and enhance the educational and social needs of each child enrolled in the inclusion school.
(2) Integrate children with disabilities into the inclusion schools located in the child's attendance area in the school corporation of the child's legal settlement.
(3) Provide children with disabilities the opportunity to become an integral part of the total school experience while focusing on
meeting the needs of all classes of children and without a
reduction in the quality of the content of the educational
program being provided to children with disabilities.
(4) Foster cooperation and integration among regular education
teachers and special education teachers.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-5
Program funding
Sec. 5. (a) The money annually available to the department to
award the grants under this chapter is derived from the unexpended
money at the end of a state fiscal year that was originally
appropriated to the department for the program for preschool children
with disabilities under IC 20-35-4-9, not to exceed two hundred
thousand dollars ($200,000).
(b) On July 1 of each year, the budget agency shall make available
to the department the appropriate amount of money for use under this
chapter as designated under subsection (a).

As added by P.L.1-2005, SEC.19.

IC 20-35-10-6
Award of grants
Sec. 6. (a) The department may award competitive grants to not
more than ten (10) school corporations each year to conduct inclusion
school programs.
(b) The grants under this chapter must be used by a recipient
school corporation to provide planning, collaboration, and staff
training and development necessary for the implementation of the
school corporation's inclusion school pilot program.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-7
Grant applications
Sec. 7. (a) To be eligible to receive a grant under this chapter, a
school corporation must apply to the department, on forms prepared
by the department, for the grant.
(b) The school corporation must include the following in the
school corporation's application:
(1) A detailed description of the nature of the school
corporation's inclusion school pilot program.
(2) Any other information required by the department.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-8
Grant criteria
Sec. 8. The department shall award grants to a recipient school
corporation based on the following criteria:
(1) The school corporation's experience in delivering innovative
instruction to children with disabilities.
(2) The completion of the appropriate application.
(3) The degree to which the:
   (A) school corporation;
   (B) each school in which the inclusion school pilot program will be implemented;
   (C) school staff (including the support of the exclusive representative); and
   (D) school community;
   exhibit commitment to the inclusion school pilot program.
(4) Any other criteria established by the department.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-9
Reports
Sec. 9. Each recipient school corporation must submit to the department:
   (1) an annual report; and
   (2) any interim reports that the department requires;
concerning the school corporation's inclusion school pilot program.
As added by P.L.1-2005, SEC.19.

IC 20-35-10-10
Guidelines
Sec. 10. The department shall develop guidelines to implement this chapter.
As added by P.L.1-2005, SEC.19.
IC 20-35-11
Chapter 11. Center for Deaf and Hard of Hearing Education

IC 20-35-11-1
Applicability
Sec. 1. This chapter applies after June 30, 2013.
*As added by P.L.109-2012, SEC.16.*

IC 20-35-11-2
"Center"
Sec. 2. As used in this chapter, "center" refers to the center for deaf and hard of hearing education established under section 3 of this chapter.
*As added by P.L.109-2012, SEC.16.*

IC 20-35-11-3
Center for deaf and hard of hearing education; establishment; purpose
Sec. 3. (a) The center for deaf and hard of hearing education is established.
(b) The purpose of this article is to support parental choice, including the full continuum of communication options (including American sign language, other forms of sign language, cued speech, listening and spoken language (oral), or any combination of these skills).
*As added by P.L.109-2012, SEC.16.*

IC 20-35-11-4
Duties
Sec. 4. The center shall carry out the following duties in an unbiased manner to ensure that children who are deaf and children who are hard of hearing acquire optimal language skills and academic abilities, regardless of the mode of communication used:
(1) Monitoring and tracking the identification, early intervention, education, and successful transitions of children who are deaf and hard of hearing from birth through twenty-one (21) years of age and who are enrolled or preparing to enroll in early intervention services, preschool, elementary, or secondary school.
(2) Developing student learning opportunities.
(3) Providing family support.
(4) Developing child assessment service models, consistent with federal and state early childhood intervention and special education law, for the following:
   (A) Audiological assessments.
   (B) Social and developmental assessments.
   (C) Communication (including language) assessments.
   (D) Academic achievement assessments.
(5) Providing classroom assessments of instruction, acoustics, and other environmental aspects.
(6) Assessing professionals who provide students with sign language interpreting, oral interpreting, cued speech transliteration, and captioning services.

(7) Providing consultation to school corporations in providing services to students who are deaf and students who are hard of hearing.

(8) Acting as a liaison with all state agencies that provide services to individuals who are deaf and hard of hearing, including the department of education, the state department of health, the family and social services administration, and the Indiana School for the Deaf.

As added by P.L.109-2012, SEC.16.

IC 20-35-11-5
Services provided directly or through contract

Sec. 5. The center may provide the services set forth in section 4 of this chapter directly or through contract with other entities.

As added by P.L.109-2012, SEC.16.