



Guidance for School Corporations and Charter Schools: Placing Students at the Indiana School for the Blind and Visually Impaired or Indiana School for the Deaf

This resource serves as a guide for the procedures for local educational agencies (LEAs) when considering placement and admission into the Indiana School for the Deaf (ISD) and the Indiana School for the Blind and Visually Impaired (ISBVI) (both also referred to as “state schools”). There has been a request for clarification regarding the process of placing students at ISD or ISBVI. This guidance and the attached memorandum are intended to clarify: the relationship between the LEA and state schools to ensure students are provided a free appropriate public education (FAPE); teacher of record (TOR) responsibilities; conducting case conference committee (CCC) meetings, and developing a student’s Individualized Education Program (IEP). This document is intended to explain the roles of the LEAs and state schools and supersede any previous guidance that has been issued.

In general:

- While the CCC determines a student’s placement and least restrictive environment (LRE), admission into ISD or ISBVI is also subject to criteria that have been developed by each school’s respective governing board.
- When a CCC places a student at ISBVI or ISD, the LEA remains ultimately responsible for ensuring that the student is provided with FAPE.
- However, because ISBVI and ISD are state schools, they share responsibility for ensuring a FAPE, participating in the development of the IEP, and implementing the IEP.
- The LEA is responsible for assigning a TOR. The LEA may assign one of its own teachers or may work with ISBVI or ISD to have an ISBVI/ISD teacher assigned as the TOR.
- If the LEA assigns an LEA teacher to be a student’s TOR, ISBVI and ISD may choose to designate a teacher to serve as a lead teacher or similar capacity to work with the LEA assigned TOR.
- There are special factors that must be considered by the CCC when developing an IEP for eligible students.
- The LEA is responsible for convening CCC meetings and ensuring that a public agency representative from the LEA, as well as other requisite CCC members and representatives from ISBVI or ISD, participate in the CCC meeting.

Please see the attached memorandum for more detailed information.



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To: Indiana School for the Blind and Visually Impaired,
Indiana School for the Deaf,
Indiana School Corporations Indiana Charter Schools

From: Dr. Nancy Holsapple, Director of Special Education, Indiana Department of Education
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Subject: Placement and responsibilities for students at the Indiana School for the Blind and Visually Impaired (ISBVI) and the Indiana School for the Deaf (ISD)

Date: April 8, 2022

For a student that may attend either ISBVI or ISD, two public agencies share the responsibility of ensuring that the student receives a free appropriate public education (FAPE): the student's local educational agency (LEA) where they reside and the state school where the student is enrolled.¹ As public agencies, school corporations, charter schools, and state schools are all responsible for the provision of special education and related services to students with disabilities and are required to adhere to the rules and regulations of the Indiana State Board of Education. These rules are found at 511 IAC 7-32 *et seq.*, and are more commonly known as "Article 7."

Initial Placement and Admission

When enrollment in a state school is being considered for a student, the LEA must ensure that a representative of the state school who is authorized to make a recommendation regarding admission to the school and commit resources is invited to the case conference committee (CCC) meeting early in the process before the CCC makes any placement decisions, per 511 IAC 7-42-3(c)(3). If, after developing a student's Individualized Education Program (IEP), the CCC determines that the state school is the least restrictive environment (LRE) appropriate to meet the student's needs, the CCC may recommend placement at the state school. A student is admitted to ISBVI or ISD upon recommendation of the student's CCC, subject to the state school's admission criteria adopted by each state school's governing board (IC 20-21-2-6; IC 20-22-2-6). ISD and ISBVI both follow similar criteria when determining admission of a student:

- The student is eligible for special education services as a student who is deaf or hard of hearing (DHH) or blind or low vision (BVI) or is eligible for special education services based on a disability that includes one of these two eligibility categories;
- The IEP cannot be met at the LEA or through other options deemed to be least restrictive on the continuum of services;
- Consideration is given to any potential harm to the student or the quality of services needed;
- The placement is based on educational needs rather than rehabilitative, therapeutic, or respite needs; and

¹ Article 7 defines "public agency" as any public entity that is responsible for providing special education and related services, which includes public school corporations, charter schools, ISD, and ISBVI. 511 IAC 7-32-77. State schools are also identified as LEAs under 511 IAC 7-32-60.



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- The individual needs of the student do not exceed the state school's ability to provide for those needs in an environment that can address the student's health, safety, and well-being.

Placement review committees (PRC) have been established by the state schools for situations where the state school denies a student's application to the school. While the PRC is not a mandatory step in challenging an admission denial, the parent or LEA can initiate this process with a written request to the state school superintendent within ten days of the denial.

The PRC consists of three (3) members: a representative of the state school's governing board; a representative of the Office of the Secretary of the Family and Social Services Administration; and a representative of the Secretary of Education. The superintendent of the state school shall serve as advisor to the PRC and shall provide the PRC with information and justification for the denial of the application. The PRC, after consideration of the information, may recommend that the application be reconsidered.

The PRC process does not interfere with any procedural safeguards provided by Article 7. LEAs and parents may also challenge an admission denial through a special education mediation or due process hearing filed through the Office of Special Education.

Case Conference Committee Meeting

After a student is admitted to a state school, both the LEA and state schools continue to be required members of the CCC and responsible for the implementation of the IEP. A CCC meeting must be scheduled at a mutually agreed upon date, time, and place, per 511 IAC 7-42-2(a). For a student attending a state school, the CCC can be held at either the state school or the LEA. As a practical matter, it may be more beneficial to hold the CCC at the state school as teachers and other staff working with and knowledgeable about the student are more readily available. However, the availability of the parent is a primary consideration and the preference of the parent must be considered. Video and telephone conferencing are available options to include all required participants. If the CCC is conducted at the LEA, that school will also need to ensure the participation of state school personnel who are knowledgeable about the student's performance.

Teacher of Record (TOR)

The LEA must ensure that a TOR is appointed who can fulfill the responsibilities outlined in 511 IAC 7-42-8(c) and 511 IAC 7-32-97. If the LEA assigns one of its own employees as the TOR, it will need to coordinate with the state school to ensure that an appropriate "lead teacher" or other qualified individual is assigned to fulfill many of the TOR responsibilities that a TOR employed by the LEA is unable to fulfill, such as:

- Ensuring the student's IEP is accessible to each of the student's teachers, related services providers, and other services providers;
- Informing each teacher and provider of his or her specific responsibilities related to implementing the student's IEP;



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- Ensuring supplementary aids and services, program modifications, and supports for school personnel are provided in accordance with the IEP;
- Serving as a consultant and resource person to all personnel providing services to the student; and
- Ensuring that any accommodations on statewide or school assessments are implemented.

This is by no means an exhaustive list of the TOR responsibilities. Further, a TOR employed by the LEA will not have any authority to supervise or provide direction to the state employees employed by the state schools.

Alternatively, the LEA may permit the state school to assign the TOR. This arrangement would enable the state school to assign a qualified individual who is physically present at the state school and who has the authority to provide direction to state employees to serve as the TOR. The LEA could enter into an agreement with the state school to ensure that a qualified individual is assigned who will fulfill the TOR responsibilities.

Least Restrictive Environment (LRE)

When it comes to students placed at state schools, the LRE category should not be a residential facility. When a student is placed in a residential facility, it is because the CCC has determined the student's needs include additional services and reinforcement be provided outside of the instructional day, typically related to behavior, during the evening and weekend hours. State schools do not provide around-the-clock 24-hour services for students. A dormitory is provided to enable Indiana students who do not reside within a reasonable daily commuting distance the opportunity to attend the ISD and ISBVI. If a student requires additional support and services outside of the instructional day in order to benefit from the student's special education and related services, a residential placement equipped to meet those needs should be considered. We recommend that the LRE determination for students placed at the state schools be a separate-day facility.

Developing an IEP: Special Factors

When the CCC convenes to develop an IEP for a DHH, BVI, or deaf-blind student, whether the student is at ISD or ISBVI or receives instruction through their LEA, special factors must be considered as applicable for the IEP. In the case of a DHH or deaf-blind student, consideration must be given to the student's:

- Language and communications needs;
- Opportunities for direct communication with peers and professional personnel in the student's language and communication mode;
- Academic level; and



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- Full range needs.

For BVI or deaf-blind students, instruction in braille and the use of braille must be considered by the CCC, unless a functional literacy assessment of the student's reading and writing skills, needs, and appropriate reading and writing media demonstrate that braille is not appropriate for the student. For all three of these disability categories, the CCC must also consider the student's need for assistive technology devices and services.

Please contact IDOE's [Office of Special Education](#) with any question regarding this guidance.