

## **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.

*As added by P.L.1-2005, SEC.19. Amended by P.L.2-2007, SEC.233; P.L.234-2007, SEC.122; P.L.3-2008, SEC.120.*

#### **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.

*As added by P.L.1-2005, SEC.19. Amended by P.L.141-2006, SEC.99; P.L.145-2006, SEC.154; P.L.1-2007, SEC.151.*

#### **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.

*As added by P.L.1-2005, SEC.19. Amended by P.L.141-2006, SEC.100.*

**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.

*As added by P.L.1-2005, SEC.19. Amended by P.L.141-2006, SEC.101.*