

MINUTES OF THE MEETING OF THE JOINT APPROPRIATIONS SUBCOMMITTEE
FOR INSTITUTIONS - BOULDER RIVER SCHOOL AND HOSPITAL BUDGET
January 13, 1981

CHAIRMAN JACK MOORE called the hearing for the budget request for Boulder River School and Hospital to order at 8 a.m. Committee members present were: Representatives Conroy and Ernst, and Senators Etchart, Thomas and Johnson.

Testimony was given by Carroll South, Director of Department of Institutions; Peter Blouke, Director of Mental Health and Residential Services; Jim Currie, Business Manager for the Boulder River School and Hospital; Mr. R. L. Heard, Superintendent of Boulder River School and Hospital; Doug Booker, Office of Budget and Planning; and Joe Geraghty, member of AFSCME Local #971 at Boulder.

CHAIRMAN MOORE stated that Mr. South's staff and Ray Hoffman, Fiscal Analyst will meet later in the day to determine the exact figures recommended in the proposed budget for Boulder.

MR. SOUTH explained Exhibit 10, page 1. He noted that in the first area, Personal Services, these figures are based on current level of pay without any additional increases. He stated the current level of FTE is 466.26. He noted the Worker's Compensation is computed at a higher rate for FY'82 and FY'83 and a 3% vacancy savings has been used. He further explained page 3, the estimated population at Boulder for 1982 and 1983 of 225, which is what the direct care staff is based on. He stated there are 219 direct care staff in their recommendation, due to modification of their request. He stated they do not have much control over the population at Boulder. This responsibility is up to the Developmental Disabilities Division. In the area of Contracted Services, the inflation factor has been built into the budget (Exhibit 10, page 22). The Contracted Services are listed on page 6, and Supplies and Materials on page 7. He explained there is a policy at Boulder to provide one free meal a day for the employees. This, in turn, increases the food service cost. He explained that one of the problems in food purchasing is the meat that is contracted by the Prison. He explained the Communication Expenses on page 9.

CHAIRMAN MOORE asked about the difference in telephone costs from FY'80 to FY'81. He noted the difference was approximately \$10,000 and wanted to know if this was due in part to the new systems installed by the Telephone Company.

MR. SOUTH stated, this amount was mainly due to a rate increase. He then referred to page 10 on Travel. He noted that in-state and out-of-state costs were separated.

MR. SOUTH asked the committee to refer to page 14 to explain rent on equipment. The reason for the difference in cost on the Micro Centrifugal Analyzer from \$7,140 in 1980 to \$13,000 in 1981 was due to only a six-month leasing price for FY 1980.

CHAIRMAN MOORE asked why this amount would go down in FY'82 and FY'83. Mr. South stated they are using inflationary factors based on a FY'80 base, so the increase from FY'81 is not reflected. He noted that there should have been an exception on that figure since it would probably go back up to the \$13,000 lease for FY'82 and FY'83. He explained the Utility Budget on page 15. He stated he would like to have an adequate budget on utilities so that he need not return during the next session for a supplemental. He stated that he would like to see a specific line item for utilities put in the budget so that it cannot be spent in another area.

CHAIRMAN MOORE stated that he will see that certain monies will be a line item and put into the Appropriations Bill, and utilities will be one of them. He noted that if there is any money left over, that money will revert to the General Fund.

MR. SOUTH explained to the Committee the FTE authorized levels and the staff ratio. He will, as Director, look very closely at the amount of the appropriations.

SENATOR CONROY stated that the matter of utilities needs to be discussed immediately in the Long Range Building Program for Boulder. He noted that the cottages do not have their own thermostats and overheating valves cause a very inefficient heating system. He said he would be happy to testify at the Long Range Building Program to attest to the inefficiency of these buildings.

MR. SOUTH explained Repairs and Maintenance, page 16.

CHAIRMAN MOORE asked if the interior rehabilitation of the buildings at Boulder has been submitted to the Long Range Building Plans.

MR. BOOKER stated that just the rehabilitation of the bathrooms and showers. As far as he knew, the walls had not been submitted to the Long Range Building Plans.

CHAIRMAN MOORE stated that he would like to have some of the money taken from the Long Range Building Program for reconstruction of the walls.

REP. CONROY stated that on his current tour, some of the shower stalls installed with plaster board and ceramic tile had to be done twice. He felt perhaps, in the future, they could go to fiberglass.

MR. SOUTH stated that most fiberglass was too thin and could be easily punctured.

CHAIRMAN MOORE stated he would like the Architecture and Engineering Division, Department of Administration to make a quick evaluation of these buildings so they could have some information to present to Long Range Building Plans. He did not feel this cost could be sustained under Repairs and Maintenance.

MR. SOUTH explained Other Expenditures on page 19. He wanted to note there was zero inflationary factor in FY'82 and FY'83. He commented on Equipment on page 20. He noted that several items had been put in that were not originally on the executive budget. These are the Century Bathing Systems, Hoist, Electronic Skin Thermometer and the Intravenous Vacuum Infusion Pump. In order to include these, some items were deleted on the original equipment priority list submitted by Boulder River Hospital and School. He noted there is still a difference of \$36,000 between the Executive Budget and the LFA. This is due to the LFA recommending only one bus rather than the two buses requested by Boulder.

CHAIRMAN MOORE stated the Hoist, the Skin Thermometer and the Infusion Pump are already included in the Fiscal Analyst's Budget. The Century Bathing System is not. It would be necessary for the discrepancies in figures to be worked out by the analysts.

REP. CONROY asked about the meat that is obtained from the Prison, and if this meant the prison could not be competitive on a wholesale basis.

MR. SOUTH stated the Prison is obligated not to go above current market value on meat. Part of this problem is due to the five civilian butchers in the slaughter house, which forces the meat prices to be high.

CHAIRMAN MOORE noted there was no placement for developmentally disabled people in the FY'82 and FY'83 time period. Mr. South stated he didn't know if there was going to be any new placements in that time period. He stated he had no control over who is to be taken out, and also no control over who is committed.

THE CHAIRMAN asked that Direct Care Staff be defined for the Committee. MR. SOUTH stated the policy of the Department. The following will constitute the definition of Direct Care as related to budget format. Any position allocated to nursing services, will include a registered nurse, licensed practical nurse, and nurses aides or orderlies. Exclusions will be administrative positions such as director of nursing and positions which do not have direct contact with patients. Habilitation services is any position allocated to habilitative programs for patients. Director of Rehabilitation, or similar administrative positions shall be excluded from the direct care definition. Also excluded from this definition are professional positions such as speech therapists, physical therapists, and support positions such as clerks and secretaries. This definition is from the American Hospital Association Uniform Reporting.

MR. HOFFMAN asked for more specific definitions of the staff category as regards to the habilitation aides 1,2,and 3, RN's, LPN 1 and LPN 2.

MR. HEARD stated that the 219.36 indicated is current level of direct care and are comprised of RN's, LPN's, Habilitation Aides, 1,2,and 3 and nurses aides. These categories are all classified as direct care staff. They do not all do direct care as part of their functions. That is their classification titles. Direct care duties are those people who are assigned to work in the resident living areas. They work 40 hour weeks, the three shifts a day, and seven days a week.

THE CHAIRMAN Stated the FTE is supposed to be 468.26.

SEN. JOHNSON referred to Page 1. She asked about the salaries of FY '81 and FY'82 in regard to the elimination of 18 positions, in the FTE's for those years and her figures involved a savings of only \$12,000.

MR. SOUTH stated there are no salary increases in the budget. He felt this might include the increase of FICA in '82, and the composition of the FTE's. He felt on the average there might have been higher paid staff in 1981 than 1982. He noted that included in the 484 FTE figure there is currently 16, but over the period of BY '81, it varied from 10 to 16 under the Office of Superintendent of Public Instruction Grant. The amount would not be reflected under the Personal Services area in 1981.

THE CHAIRMAN stated that he would like to go into the modified program.

MR. SOUTH noted that on Page 4 there are 7 FTE's requested. These would include six laundry workers, and one housekeeper supervisor. This would relieve the higher price direct care staff of these duties.

THE CHAIRMAN asked if there was an extreme shortage of laundry workers.

MR. HEARD stated they do not currently have any laundry workers in any of the resident living areas. He stated they do now have nine laundry workers who work in the central laundry area. The central laundry picks up and delivers the linens, towels etc. to the resident living areas. The six people requested would work in the resident living areas and would do the personal clothing items for the residents.

SEN. JOHNSON asked why the central laundry could not do all the laundry. MR. HEARD stated the central laundry has inadequate oversized equipment, no drying facilities and a lack of personnel. SEN. ETCHART stated that when they toured the area, they were informed there would have been many problems in distribution of the patients clothing if it were done by the central laundry.

THE CHAIRMAN asked why the night shift personnel could not do the laundry. MR. HEARD stated the laundry responsibilities are spread over the three eight hour shifts. Not all the residents sleep at night. Some residents have elipepsy and require a lot of supervision. He stated the morning and p.m. shift are equally staffed. The night shift ratio is doubled depending on the cottages. Within the requirements, the ratio can be no greater than one staff person to 16 residents.

THE CHAIRMAN asked what percentage of the time is the direct care staff doing laundry. MR. HEARD stated based on the time studies recently completed, it is a little better than 8.3 hours a day doing laundry.

SEN. JOHNSON asked where the washers and dryers are located. MR. HEARD stated the washers and dryers are located in the laundry room of the cottages. SEN. ETCHART stated the laundries are located in the cottages for convenience.

THE CHAIRMAN asked if the ratio to the staff has been adequate. MR. HEARD explained the problem in the past has been the definition of Direct Care staff. They are not allowing the Direct Care staff to perform their direct care duties.

THE CHAIRMAN stated the residents have declined in population.

SEN. JOHNSON asked why more machines could not be bought for the central laundry, and the residents laundry could be done there. THE CHAIRMAN stated due to the problems the central laundry has, they would need ten more people to work on sorting the clothes.

SEN. THOMAS asked for the definition of a laundry worker. MR. HEARD stated that a laundry worker is in what is being asked for. Their responsibility would be to process the dirty resident clothing, and return it to the individual rooms and lockers. In addition, they would handle minor clothing repairs. Based on the laundry loads

available, these workers would be assigned to the cottages as needed. Most of the cottages have one washer and one dryer. He noted there are one or two cottages that have two washers. He further explained the alterations that would be included under minor repairs, would be done while the clothing was being washed and dried.

REP. CONROY stated that while they were at Boulder, a patient needed to be subdued. He noted it took about four direct care staff a period of 30 minutes. He agreed that the request for laundry workers is reasonable and justified.

THE CHAIRMAN asked about the one additional housekeeper requested in the budget. MR. HEARD stated that he would like to put this person in charge of supervising the other housekeepers, so duties could be more centralized and more standardized. Without supervision, many areas are not being kept clean. SEN. THOMAS asked where this housekeeper would be located. MR. HEARD stated that the housekeeper would travel to all the areas of the institution.

THE CHAIRMAN asked what happens when the laundry worker is sick. MR. SOUTH stated that if a laundry worker is sick, direct care staff would have to take over, because you wouldn't want to pay over time for this.

THE CHAIRMAN stated that it would be necessary to write into a union contract that direct care staff could do laundry if the laundry worker is sick. He commented that he would like to discuss the modified request for 18 personnel, and the office of Civil Rights.

MR. SOUTH briefed the Committee on the 18 FTE requested. In the past a complaint was filed on the Boulder River School and Hospital because they were not providing an appropriate educational environment in the state level and the national level. The Office of Civil Rights under the Department of Education has determined that we are deficient in providing education at Boulder, which includes 42 individuals 21 years and younger. After complaint was filed, the OSPI found special money and diverted that money to Boulder, to hire teachers and aids. This brought Boulder into compliance with the students under 21. The request submitted by the Executive Budget was to continue this education on through for the rest of the residents. However, he decided not to consider any residents of Boulder over 21 and older should not be included in the law 94-142.

MR. SOUTH stated that this is correct. However, the 1975 Commitment Law enacted by the Legislature, it is guaranteed that education be available for everyone institutionalized that is mentally retarded. He feels these additional FTE's would meet the requirements under the OCR complaint for individuals 21 and under. There are two facets under the Special Education Act. The first, is necessary to provide appropriate education. The Federal Act defines education as anything that is not medical. He explained the profile of the Boulder residents from age 6 up to 21, and noted that their attention span is around 10 minutes, so education in this setting is difficult.

THE CHAIRMAN asked what services are defined as education. MR. SOUTH stated that if the resident is taught to tie his shoe, toilet train, or issue utterance, this is considered education. He referred to the board definition of the Federal Law as anything that is not medical.

THE CHAIRMAN stated how difficult it would be to hire Special Education teachers to teach the basic functions to the Boulder residents when some of the residents can not handle spoons.

MR. SOUTH stated he is trying to comply with the federal regulations and he cannot sign the OCR documents (see EXHIBIT 11), unless the modification for the 18 people gets signed. THE CHAIRMAN stated that the salary and benefits for 18 people comes out of general fund money. MR. SOUTH stated there are 16 authorized positions with federal money given by the OSPI. He asked MR. HEARD if the educational program is now satisfactory and would comply to the federal mandate, and he indicated it would be with the addition of two more people.

THE CHAIRMAN asked MR. SOUTH to explain how the Boulder River School District got involved. MR. SOUTH explained to the Committee that the Boulder School District was involved because the Boulder Institution was located within its boundaries.

THE CHAIRMAN asked if the school districts from where the residents were residing prior to being transferred to Boulder, were to support the special education needs of being in Boulder. MR. BOOKER stated that this concept was part of the original suit. Sixteen different Local Education Agencies were identified as being district residents of Boulder.

THE CHAIRMAN asked if we can legally say that Boulder River School is the least restrictive environment for those residents now at Boulder. MR. SOUTH stated the different ways to have the least restrictive environment. One way was to build a new facility such as Eastmont and locate it near a university system where education people could work with them. If Boulder is not considered the least restrictive environment, then the resident would have to be put in a group home, or put into a program like Eastmont.

THE CHAIRMAN noted that Boulder River School and Hospital was established as a school by the Board of Public Education. He felt that the school portion is an environment available for education.

MR. SOUTH explained the cost per year for each resident. In 1982, the cost will be \$45,000 to keep a resident at Boulder and in 1983, the cost will be \$49,000. This cost is without the modification requested in the budget. He further explained the continuing problems of putting residents out in group homes to meet the less restrictive environment written up by the federal regulations. He continued to explain the 18 positions requested in the modification budget. These positions would be five Teachers, nine Teachers Aides, one Rehabilitation Aide, one Occupational Therapist, one Speech Pathologist, and one adaptive carpenter. MR. HEARD explained

why the adaptive carpenter would be necessary. He would build adaptive handles to help hold spoons, or what each individual needed. He stated Boulder now has one carpenter, and they are requesting one more.

MR. HOFFMAN asked MR. HEARD if the Habilitation Aides are currently performing some educational services such as shoe tying, etc. MR. HEARD stated they do help in some of these programs and would continue to do this even with additional staff.

MR. HOFFMAN explained to the Committee the Medicaid regulations in regard to education and reimbursements for educational services. He noted that if these services are defined as education, the state of Montana for this year, is projecting 5.3 million for that institution under Medicaid. If they are defined as educational, some of that can be taken away. MR. HEARD stated that his understanding of this process is that it is part of the per diem rate setting process of SRS, and is expected to be performed by the habilitation aides. The technicality of the Medicaid reimbursements has not been raised.

MR. HOFFMAN asked PETER BLOUKE if any of the services for the school age children at Eastmont are being reimbursed. MR. BLOUKE stated no. He felt the decision was made about one and a half years ago. MR. HOFFMAN stated that those services were identified as educational at Eastmont. He noted that if these services are identified as educational at Eastmont, and the Boulder residents are receiving the same services, it could also be assumed that Eastmont should not be receiving reimbursement. He noted this could affect each of the school age children at Boulder in Medicaid payments.

MR. SOUTH stated that due to the board definitions for education, that only the 18 individuals on the budget request be considered specifically to education. These people would not be reimbursed.

THE CHAIRMAN asked if the seven positions would be exempt from the Pay Plan. MR. SOUTH stated they would not be exempt from the Pay Plan. The five positions are for teachers and would be on the Pay Plan, however, the two teacher's aides would not be on the Pay Plan. He explained the Commitment Law of 1975 regarding the education opportunities for everyone.

THE CHAIRMAN stated there will be problems in the Department of Institutions Budget due to the interpretation of 94-192. REP. CONROY asked if the Legislative Fiscal Analyst report was being singled out in this matter. MR. SOUTH stated that we established committees at the institutions to develop individual habilitation evaluations and programs. This was done by the OSPI plan and the institutions were held responsible once the recommendations were made. REP. CONROY asked what Department did the legislation come out of. MR. SOUTH felt it came out of the Office of the Superintendent of Public Instruction, and the people at the institutions itself.

MR. HOFFMAN asked MR. SOUTH with the additional staff of 18, can he assure the Committee this will meet the criteria of OCR. MR. SOUTH stated he would be willing to sign his form if he had the 18 people. He explained his view of education in regard to the residents at the institution. SEN. JOHNSON asked if with the additional 18 people, the facility would meet the educational needs of the residents. MR. SOUTH felt this would be a subjective view. He explained the problems of teaching a resident with an attention span of 10 minutes, to meet the criteria of teaching a six hour day.

SEN. JOHNSON asked about the reimbursement for education related to Eastmont. If educational needs were being met with the more educable at Eastmont rather than at Boulder. MR. SOUTH explained the transfer of those sent to Eastmont rather than remain at Boulder. This consisted mainly of medical needs and aggressive behavior. He felt it would be possible to define those educable and those not educable for reimbursement purposes. MR. BLOUKE explained the residents were transferred to Eastmont for educational purposes, as opposed to those remaining at Boulder.

THE CHAIRMAN stated that before the Committee could approve the 18 additional people, he would like to have in writing from the Denver regional office, that this fulfills the requirement, or ask them what would fulfill the requirements. MR. SOUTH stated they gave no numbers. He would attempt to get the letter in writing but felt he might have a problem in doing this.

REP. ERNST asked what area of federal funds are we speaking of in withholding money. MR. HOFFMAN explained to the Committee the federal funds that go directly into the Boulder Budget. He referred to Page 2 of the Exhibit to show Title I monies for FY 82 and FY 83.

SEN. JOHNSON stated concern over the necessity of having the institution get the reimbursement due to job definition of employees. She noted the problems of in-service training in the educational setting. MR. HEARD stated that several years ago, he went to the Social Security Administration for supplemental income for the residents of Boulder. Each of the residents were limited to \$25 per month under that program. However, several people were transferred to the School for the Deaf and Blind at that time, and their supplemental increase amounted to over \$100. He felt this was unfair treatment and went to Social Security for an explanation. They explained that the School for the Deaf and Blind was there for the purpose of education, and Boulder River School and Hospital did not fit that same definition. Currently the 18 positions being referred to, would not go into any portion of the per diem billing received under the Title 19 Program. Boulder would have the ability for the Speech Pathologist and the Occupational Therapist to receive fees for services provided by those people.

THE CHAIRMAN asked if MR. HEARD had in writing what he was told from the Social Security Office in regard to Boulder's education definition. MR. HEARD stated he did not have that in writing, but

would look up the date and the person who informed him of Boulder's status.

THE CHAIRMAN asked about the funds that helped fund the Hospital portion at Boulder. MR. HEARD stated there was a federal and state match in the construction of the Hospital as a health facility.

SEN. THOMAS asked if the Committee could be supplied with a personnel list of teachers, direct care staff and also a list of the types of clients that reside in the various cottages. MR. SOUTH stated that he would be able to get this list.

THE CHAIRMAN asked if anyone else would like to give testimony on what has been covered during this hearing.

MR. GERAGHTY, representative of AFSCME Local 971, stated he would like to support the Boulder Budget as submitted. It is their view point that direct care staff constitutes the habitational aides 1,2, and 3. The RN's do not deal directly with the residents except in the hospital, and the LPN's are mainly responsible for giving medication and treatments. He supports the addition of the cottage laundry workers, because at the present time the habilitation aides are doing the laundry work. He feels this person would do a better job on the clothing repairs than has been done. He stated part of the laundry problem is due to federal mandates, where the residents must be dressed in appropriate clothing. Most of the residents are not toilet trained, and thus wear approximately five or six different changes a day, resulting in a large volume of laundry. He noted that during the last legislature, the laundry workers were eliminated from the budget. He stated it would be cheaper to have a laundry worker at a Grade 6 do the laundry rather than have an aide at Grade 7 or 8 do it. He hopes the Committee will examine the budget carefully.

There being no further comments or discussion, the hearing was adjourned at 11:30 a.m.



JACK K. MOORE, Chairman

DEPARTMENT OF INSTITUTIONS
BOULDER RIVER SCHOOL AND HOSPITAL

EXPENDITURES

1982 Budget

1983 Budget

DESCRIPTION	1982 Budget			1983 Budget				
	1980 Actual	1981* Estimated	Exec. Budget	Fiscal Analyst	Exec.-LFA Variance	Exec. Budget	Fiscal Analyst	Exec.-LFA Variance
Salaries	495,261	484,26	466,26	473,90	7,64	466,26	473,0	7,64
Benefits	5,767,663	5,967,241	5,979,160			5,979,160		
Total Personal Services	1,203,142	1,490,902	1,397,240			1,398,744		
Contracted Services	6,970,805	7,458,143	7,376,400	8,113,969	737,569	7,377,904	8,844,227	1,466,323
Supplies & Materials	127,408	143,806	171,221	148,614	(22,607)	165,197	156,799	(8,398)
Communications	585,839	609,387	723,119	716,668	(6,451)	826,060	807,807	(18,973)
Travel	49,852	63,618	62,882	61,417	(1,465)	69,136	66,637	(2,499)
Rent	12,916	16,400	17,083	17,525	442	19,646	18,926	(720)
Utilities	23,781	30,725	25,988	27,558	1,570	27,864	29,624	1,760
Repair & Maintenance	366,257	534,561	586,316	471,739	(114,577)	717,713	528,347	(189,366)
Other Expenses	55,982	72,700	65,119	55,840	(9,279)	71,423	60,586	(10,837)
Goods Produced for Resale	6,024	4,258	7,024	5,929	(1,095)	7,024	6,432	(592)
Total Operating Expenses	8,605	9,864	10,273	10,273	0	10,567	10,567	0
Equipment	1,236,664	1,485,319	1,669,025	1,515,563	(153,462)	1,914,630	1,685,005	(229,625)
Total Program Costs	70,643	36,500	208,628	196,256	(12,372)	76,488	52,233	(24,255)
	8,278,112	8,979,962	9,254,053	9,825,788	571,735	9,369,022	10,581,465	1,212,443

If estimated amount includes more than original appropriation, please explain

EXPENDITURES

1983 Budget

1982 Budget

Accounting	1980		1981*		1982 Budget		1983 Budget		Exec.-LFA Variance
	Actual	Estimated	Exec. Budget	Fiscal Analyst	Exec. Budget	Fiscal Analyst	Exec. Budget	Fiscal Analyst	
General Fund	8,131,348	8,689,092	9,173,022	9,642,255	9,308,455	10,402,894	469,233	1,094,439	
Other Funds**									
1. Title I	91,121	50,074	70,758	108,260	50,000	118,004	37,502	68,004	
2. School Lunch	46,754	40,446		65,000		50,000	65,000	50,000	
3. Canteen	8,889	14,324	10,273	10,273		10,567	0		
4. Special Ed Grant		186,026							
5.									
TOTAL	8,278,112	8,979,962	9,245,053	9,825,788	9,369,022	10,581,465	571,735	1,212,443	

* If estimated amount includes more than original appropriation, please explain

** List each accounting entity separately.

* Budget Amendment for Special Education Grant of \$260,988.

* Budget Amendment in Revolving for \$4500.

* Supplemental of \$586,556.

PERSONAL SERVICES SUMMARY

Institution BOULDER RIVER SCHOOL & HOSPITAL

	FY 80 Actual	FY 81	FY 82	FY 83
Total Personal Services				
SALARIES & WAGES	5,745,547	5,916,979	5,886,416	5,886,416
REGULAR OVERTIME	111,210	143,100	143,100	143,100
HOLIDAY PAY	296,092	98,026	98,026	98,026
COTTAGES #3 & #5 SALARIES				
LONGEVITY	25,624	28,210	28,210	28,210
BENEFITS	1,129,699	1,490,902	1,438,510	1,440,049
LESS VACANCY SAVINGS	(339,578)	(503,474)	(217,862)	(217,897)
Total All Personal Services	6,968,594	7,173,743	7,376,400	7,377,904
FTE's	252.00	235.36	219.36	219.36
Direct Care	243.26	248.90	246.90	246.90
Indirect Care	495.26	484.26	466.26	466.26
Population	ADP	ADP		
	255.25	226	225	225

PERSONAL SERVICES SUMMARY

MODIFIED SUPPORT
BOULDER RIVER SCHOOL & HOSPITAL

	FY 00 Actual	FY 01	FY 02	FY 03
Total Personal Services			66,200	66,200
SALARIES & WAGES				
REGULAR OVERTIME				
HOLIDAY PAY				
LONGEVITY				
BENEFITS			16,916	17,029
LESS VACANCY SAVINGS			(2493)	(2497)
Total All Personal Services			80,623	80,732
FTE's			7.00	7.00
Direct Care				
Indirect Care				
Population				

PERSONAL SERVICES SUMMARY

MODIFIED OCR
BOULDER RIVER SCHOOL & HOSPITAL

	FY 00 Actual	FY 81	FY 82	FY 03
Total Personal Services			236,997	236,997
SALARIES & WAGES				
REGULAR OVERTIME				
HOLIDAY PAY				
LONGEVITY				
BENEFITS			55,476	55,594
LESS VACANCY SAVINGS			(8774)	(8777)
Total All Personal Services			283,699	283,814
FTE's			18	18
Direct Care				
Indirect Care				
Population				

CONTRACTED SERVICES

Institution BOULDER RIVER SCHOOL & HOSPITAL

Contractor	Purpose of Contract	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
Rev. Schnackenberg	Religious Services	2102	C	500	500	544	588
City of Boulder	Swimming Pool	2102	C	500	500	545	589
Mr. Ammen	Relief Pharmacist	2102	C	1,800	1,800	1,960	2,119
D/A - D/I	Data Processing	2103	C	10,082	10,979	11,946	12,924
D/A	Comprehensive Gen.						
D/A	Liability Insurance	2104	C	42,869	42,869	45,125	45,125
D/A	Fidelity Bond Prem.	2104	C	125	125	129	142
D/A	Auto Insurance	2104	C	9,666	9,666	9,773	10,750
D/A	Boiler Insurance	2104	C	1,443	1,443	1,200	1,200
Dept. of Health	Water & Lagoon Test.	2106	C	997	997	1,086	1,174
State Auditor	Payroll Service Fee	2114	C	111	370	121	131
Mrs. Phalen, R.N.	Surgical Nurse	2116	C	1,131	Fee for ser.	1,522	1,657
Dr. Robert Fishman	Radiology Consultant	2116	C	14,100	Fee for Ser.	15,851	17,529
-----	Orthopedic Consult.	2116	C	6,000	No Current Cons.	8,022	8,736
Dr. Tiddy	Dental Services	2116	C	9,750	Being Negot.	10,598	11,250
-----	Medical Services to						
Phone-A-Gram	Non-covered Residents	2116	C	6,671	Fee for Ser.	9,607	10,485
L & R Medical	EKG & EEG	2116	C	255	Fee for Ser.	341	371
Dr. Amiccuci	Pathology	2116	C	12,000	12,000	16,044	17,472
Legislative Auditor	Ophthalmology	2118	C	5,300	4,800	5,772	6,240
L & R Medical	Audit Fee	2122	C	300	300	15,327	353
City of Boulder	Autopsies	2131	C	200	Fee for Ser.	218	236
-----	Police Protection	2143	C	1,500	1,500	1,643	1,760
City of Boulder	Microfich (SIMS)	2144	C	49	53	53	57
-----	Fire Protection	2155	C	1,000	1,000	1,089	1,177
-----	Legal Council	2157	C	1,059	Fee for Ser.	1,153	1,246
-----	(Arbitration)						
-----	Legal Council						
-----	(Resident Related)						
TOTAL				<u>127,408</u>		<u>171,221</u>	<u>165,197</u>

SUPPLIES & MATERIALS

Institution BOULDER RIVER SCHOOL AND HOSPITAL

Item	Justification	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
Athletic & Recreation	Resident use	2202	C	604	604	658	711
Clothing & Personal	Resident use	2203	C	26,678	29,212	29,812	30,389
Educational	Resident use	2204	C	2,407	2,407	2,621	2,833
Food	Resident use	2205	C	1,214	1,338	1,499	1,634
Housekeeping	Self-Explanatory	2206	C	18,417	18,417	19,056	20,681
Janitorial	Self-Explanatory	2207	C	18,847	18,847	19,524	20,186
Laboratory	Lab Supplies	2208	C	16,019	18,374	20,001	22,605
Medical	Medical Supplies	2209	C	12,397	15,347	15,397	16,690
Minor Tools & Equip.	Food Service & Mainten.	2210	C	1,308	1,308	1,424	1,539
Office	Staff Usage	2211	C	10,034	10,997	11,239	12,438
Photo & Reproduction	Resident Pictures	2212	C	1,233	1,233	1,343	1,452
Printing	Self-explanatory	2214	C	5,195	5,195	5,657	6,115
Vehicular	Self-explanatory	2215	C	538	538	586	633
Gasoline	Self-explanatory	2216	C	27,557	37,670	40,204	44,245
Plumbing	Self-explanatory	2217	C	2,688	2,688	2,927	3,164
Carpentry	Self-explanatory	2218	C	13,987	13,987	14,232	15,466
Drugs	Self-explanatory	2222	C	29,546	32,501	45,752	57,310
X-ray	Self-explanatory	2223	C	4,596	4,596	5,005	5,410
Maps, Charts, Pamphlets	Self-explanatory	2224	C	3	3	3	3
Books	Staff training	2225	C	875	875	953	1,030
Highway Construction	Road repair	2226	C	278	278	303	328
Building Materials	On grounds maintenance	2227	C	4,488	4,488	4,887	5,283
Radio Supplies/Minor							
Equipment	Lab Equipment	2228	C	87	87	95	103
Shop Supplies	Self-Explanatory	2229	C	5,833	5,833	6,352	6,867
Safety Supplies	Self-Explanatory	2232	C	246	246	268	290
Specifications &							
Drawings	Self-Explanatory	2233	C	106	106	115	124
Microfilm Supplies	Self-Explanatory	2239	C	8	8	9	10
Chemicals	Self-Explanatory	2244	C	4,857	4,857	5,289	5,717
Patient Apparel	Self-Explanatory	2246	C	3,606	3,949	4,300	4,648
Shoes	Self-Explanatory	2247	C	247	247	269	291
Fabrics	Self-Explanatory	2248	C	7,833	8,577	9,340	10,097
EKG & EEG Supplies	Self-Explanatory	2249	C	292	292	318	344
Hospital	Self-Explanatory	2250	C	1,107	1,107	1,206	1,304
Meat	Self-Explanatory	2251	C	114,034	125,665	159,367	209,239
Meat	Self-Explanatory	2251	M				

SUPPLIES & MATERIALS

Institution BOULDER RIVER SCHOOL & HOSPITAL

Item	Justification	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
Dairy	Self-explanatory	2252	C	72,784	72,784	75,262	85,495
Dairy	Self-explanatory	2252	M				
Produce	Self-explanatory	2253	C	12,886	12,886	13,033	14,170
Bakery	Self-explanatory	2254	C	19	19	21	23
Laundry	Self-explanatory	2257	C	8,596	8,596	9,361	10,119
Linens & Bedding	Resident use	2258	C	13,506	14,789	16,105	17,410
Kitchen Supplies	Self-explanatory	2259	C	11,892	11,892	12,950	13,999
Grocery	Self-explanatory	2264	C	115,212	126,964	145,573	153,067
Grocery	Self-explanatory	2264	M				
Misc. Medications	Self-explanatory	2265	C	795	795	866	936
Electrical	Self-explanatory	2266	C	2,994	2,994	3,260	3,524
Paper Products	Cottage & Food Service use	2267	C	1,906	2,085	2,325	2,553
Reinforcers	Resident use	2271	C	8,084	8,084	8,803	9,516
TOTALS				<u>585,839</u>	<u>633,765</u>	<u>717,569</u>	<u>819,991</u>

COMMUNICATIONS

Institution BOULDER RIVER SCHOOL & HOSPITAL

DESCRIPTION	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
Telephone - Local Service & Equipment	2301	C	37,409	47,703	47,345	52,553
Telephone - Long Distance	2302	C	712	900	902	1,001
Postage & Mailing	2304	C	3,958	5,200	5,264	5,264
Messenger Service	2307	C	768	800	836	904
Post Office Box Rental	2308	C	15	15	16	17
Advertising	2309	C	1,054	1,100	1,148	1,241
Advertising - National	2310	C	807	850	879	950
Telephone - STS Usage	2314	C	5,129	7,050	6,492	72,06
TOTAL			<u>49,852</u>	<u>63,618</u>	<u>62,882</u>	<u>69,136</u>

TRAVEL

Division BOULDER RIVER SCHOOL AND HOSPITAL

Type/Purpose	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
Resident Related Travel: This type of travel includes resident community exposure trips, special events, doctor's appointments, shopping trips, and group home visits. Of the total travel budget \$ 7,583 in FY82 and \$ 8,646 in FY83 is resident related, and broken out as follows:						
In-State Personal Car Mileage:	2401	C			800	900
In-State State Motor Pool	2404	C			600	646
In-State Other	2405	C			1,800	1,000
In-State Meals	2407	C			3,383	4,700
In-State Lodging	2408	C			1,000	1,400
Total Resident Related Travel					<u>7,583</u>	<u>8,646</u>
Indirect Resident Related Travel: Superintendent's Office: \$1,000 per year. For annual Superintendent's Workshop, community visits to DD facilities in various regions, attendance at quarterly Superintendent's meetings, attendance at various workshops for continuing education credits to maintain Nursing Home Administrators license and to attend other meetings as required. Costs are broken out as follows:						
In-State Personal Car Mileage	2401	C			400	400
In-State Meals	2407	C			200	200
In-State Lodging	2408	C			100	100
Out-of-State Commercial Transportation	2412	C			200	200
Out-of-State Meals	2417	C			50	50
Out-of-State Lodging	2418	C			50	50
Total					<u>1,000</u>	<u>1,000</u>

TRAVEL

Division BOULDER RIVER SCHOOL AND HOSPITAL

Type/Purpose	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
<p>Rehabilitation Department: \$7,800 in FY82 and \$4,000 in FY83 for the following conferences and workshops: American Association on Mental Deficiency, Council for Exceptional Children, Western Regional conference on Humanistic Approaches in Behavior Modification, American Psychological Association Conference and others. All of these conferences are designed to keep professionals current in their fields. Costs are broken out as follows:</p>						
In-State Personal Car Mileage	2401	C			500	600
In-State Meals	2407	C			1,000	1,000
In-State Lodging	2408	C			1,000	1,000
Out-of-State Commercial Transportation	2412	C			700	700
Out-of-State Other	2415	C			150	150
Out-of-State Meals	2417	C			250	300
Out-of-State Lodging	2418	C			200	250
Total					<u>3,800</u>	<u>4,000</u>
<p>Hospital Services Department: \$2,000 in FY72 and \$3,000 in FY83 for the following workshop: Missoula Infection Control Workshop; Medical Records State Meeting; National Medical Records Workshop; Cardiac, Chest, and Emergency Care Workshops; Medical Behavioral Medicine workshop. These workshops are designed to keep professional employees current in their field. Cost are broken out as follows:</p>						
In-State Personal Car Mileage	2401	C			325	400
In-State Meals	2407	C			600	700
In-State Lodging	2408	C			600	700
Out-of-State Commercial Transportation	2412	C			300	600

TRAVEL

Division BOULDER RIVER SCHOOL & HOSPITAL

Type/Purpose	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
Out-of-State Other	2415	C			25	50
Out-of-State Meals	2417	C			75	250
Out-of-State Lodging	2418	C			75	300
Total					<u>2,000</u>	<u>3,000</u>
Medical Services: \$1,500 in FY82 and \$2,000 in FY83 for the following workshops: Annual Pharmacist continuing education, X-ray Technician Workshop, EEG Workshop, Medical Laboratory Technician Workshop, Post Graduate Institute for Primary Care Physician and Dental Hygienist Workshop. These workshops are to provide continuing education and to keep the professional persons current in their field. Costs are broken out as follows:						
In-State Personal Car Mileage	2401	C			250	300
In-State Meals	2407	C			400	500
In-State Lodging	2408	C			400	550
Out-of-State Commercial Transportation	2412	C			300	350
Out-of-State Other	2415	C			25	50
Out-of-State Meals	2417	C			50	100
Out-of-State Lodging	2418	C			75	150
Total					<u>1,500</u>	<u>2,000</u>
Education and Related Services Department: \$1,200 in FY82 and \$1,000 in FY83 for the following workshops: AAMO Workshop, Community Program Visits, Social Worker Community Placement Planning, Association for Severely Handicapped Workshop, Council for Exceptional Children Workshop, Deaf/Blind Workshop, and American Speech-Language Hearing Association Workshop. These workshops are designed (conti)						

TRAVEL

BOULDER RIVER SCHOOL AND HOSPITAL

Type/Purpose	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
to keep professional employees current in their field. Costs are broken out as follows:						
In-State Personal Car Mileage	2401	C			350	275
In-State Meals	2407	C			200	300
In-State Lodging	2408	C			275	200
Out-of-State Commercial Transportation	2412	C			250	100
Out-of-State Other	2415	C			25	25
Out-of-State Meals	2417	C			50	50
Out-of-State Lodging	2418	C			50	50
Total					<u>1,200</u>	<u>1,000</u>
Total 1983 Biennium Travel Request					<u>17,083</u>	<u>19,646</u>
Actual & Projected Costs FY80 & FY81:						
In-State Personal Car Mileage	2401	C	1,731	2,400		
In-State Commercial Transportation	2402	C	666	1,100		
In-State State Motor Pool	2404	C	235	250		
In-State Other	2405	C	327	350		
In-State Meals	2407	C	4,884	6,000		
In-State Lodging	2408	C	1,773	2,500		
Out-of-State Personal Car Mileage	2411	C	148	500		
Out-of-State Commercial Transportation	2412	C	1,938	2,000		
Out-of-State Other	2415	C	99	100		
Out-of-State Meals	2417	C	412	400		
Out-of-State Lodging	2418	C	703	800		
Total			<u>12,916</u>	<u>16,400</u>		

RENT

Institution BOULDER RIVER SCHOOL & HOSPITAL

Purpose	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
Data Processing Equipment Copier Rental	2503	C	6,729	7,065	7,418	7,789
Office Equipment Word Processing Equipment Rental	2504	C	6,905	6,905	7,520	8,129
Other Equipment Lab Equipment (Micro Centrifugal Analyser)	2505	C	7,140	13,000	7,906	8,547
Postage Meter	2506	C	191	191	208	225
Small Equipment Tool Allowance	2511	C	120	Ø		
Films For Resident Rescreation	2514	C	1,658	1,658	1,806	1,952
Gas Cylinders Demurage on Oxygen Cylinders	2515	C	1,038	1,038	1,130	1,222
TOTALS			<u>23,781</u>	<u>29,857</u>	<u>25,988</u>	<u>27,864</u>

UTILITIES

BOULDER RIVER SCHOOL & HOSPITAL

Institution

Type	Usage	Rate	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
Natural Gas	114,975 MCF.	3.44	2603	C	341,421			
Electricity	1,316,472 KWH	.0169	2601	C	24,552			
Natural Gas	114,900	4.53	2603	C	505,996			
Electricity	1,316,400	.0217	2601	C	28,565			
Natural Gas	114,900	5.56	2603	C		554,854		683,092
Electricity	1,316,400	.0239	2601	C		31,462		34,621
Natural Gas	114,900	6.85	2603	C				
Electricity	1,316,400	.0263	2601	C				
TOTAL					<u>365,973</u>	<u>534,561</u>	<u>586,316</u>	<u>717,713</u>

REPAIRS & MAINTENANCE

Institution BOULDER RIVER SCHOOL AND HOSPITAL

DESCRIPTION	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
BUILDINGS AND GROUNDS	2701	C	14,401	14,401	15,683	16,953
CONSTRUCTION EQUIPMENT	2702	C	38	38	41	44
OFFICE EQUIPMENT	2704	C	132	150	177	203
SHOP PLANT INDUSTRIAL EQUIPMENT	2705	C	3,903	3,903	4,250	4,594
VEHICLES -- PASSENGER	2706	C	2,339	2,620	2,853	3,084
VEHICLES-- OTHER THAN PASSENGER	2707	C	3,130	3,506	3,818	4,127
VEHICLES -- DUE TO ACCIDENT	2708	C	2,322	2,322	2,529	2,734
RADIO	2709	C	111	111	121	131
MINOR TOOLS & INSTRUMENTS	2711	C	993	993	1,081	1,169
LABORATORY EQUIPMENT	2713	C	135	135	147	159
PHOTOGRAPHIC EQUIPMENT	2714	C	292	292	318	344
BATTERIES	2720	C	64	72	78	84
SPARK PLUGS	2721	C	128	128	139	150
ANTI FREEZE	2722	C	25	25	27	29
OIL FILTERS	2723	C	201	225	252	282
OIL	2724	C	445	445	485	524
TRANSMISSION FLUID	2725	C	51	51	56	61
TIRES & TUBES	2727	C	2,988	3,227	3,514	3,799
PAINT - BUILDINGS	2731	C	700	700	762	824
DATA PROCESSING EQUIPMENT	2743	C	2,863	2,863	3,118	3,371
HOSPITAL FURNITURE, FIXTURES & EQUIPMENT	2744	C	1,972	1,972	2,148	2,322
EDUCATIONAL EQUIPMENT	2745	C	98	98	107	116

REPAIRS & MAINTENANCE

Institution BOULDER RIVER SCHOOL AND HOSPITAL

DESCRIPTION	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
PERSONAL CARE ITEMS	2746	C	1,024	1,024	1,115	1,205
TELEVISIONS & PHONOGRAPHS	2747	C	98	98	107	116
ATHLETIC & RECREATIONAL EQUIPMENT	2748	C	23	23	25	27
MAINTENANCE CONTRACTS	2750	C	16,036	18,201	20,567	23,240
KITCHEN EQUIPMENT	2753	C	1,470	1,470	1,601	1,731
TOTAL			55,959	59,093	65,119	71,423
<p>BOULDER RIVER SCHOOL AND HOSPITAL IS HAVING TO HOUSE RESIDENTS WITH DESTRUCTIVE BEHAVIORS IN INCREASINGLY CROWDED CONDITIONS AS A RESULT OF THE CLOSURE OF COTTAGES #3 AND #5. THE COTTAGES THE RESIDENTS ARE CURRENTLY HOUSED IN WERE NOT DESIGNED FOR INDIVIDUALS WITH DESTRUCTIVE BEHAVIORS. AS A RESULT, THE DAMAGE TO THESE BUILDINGS HAS BEEN EXTREME. BOULDER RIVER SCHOOL AND HOSPITAL WILL HAVE TO REPLACE THE INTERIOR WALLS OF MOST OF THESE BUILDINGS WITH MASONITE AND THE WINDOWS WITH PLEXIGLASS TO KEEP DAMAGE TO A MINIMUM AND TO REDUCE SAFETY HAZARDS TO RESIDENTS. THE DAMAGE AND RESULTING REPAIR COSTS TO COTTAGES RESULTING FROM DESTRUCTIVE RESIDENT BEHAVIOR IS INCREASING DUE TO THE INCREASING</p>						

REPAIRS & MAINTENANCE

Institution BOULDER RIVER SCHOOL AND HOSPITAL

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Page 3 of 3

DESCRIPTION	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
<p>CONCENTRATION OF THIS TYPE OF RESIDENT AT BOULDER RIVER SCHOOL AND HOSPITAL. IN ADDITION, BOULDER RIVER SCHOOL AND HOSPITAL IS DEALING WITH INCREASINGLY ANTIQUATED EQUIPMENT AND BUILDINGS WHICH REQUIRE GREATER AMOUNTS OF REPAIR AND MAINTENANCE TO KEEP THEM FUNCTIONAL. MAJOR RECONSTRUCTION AND REPAIR IS REQUIRED WITH INCREASING FREQUENCY. AS AN EXAMPLE, DUE TO DESIGN PROBLEMS, THE SHOWER ROOMS AND BATH-ROOMS IN COTTAGES #10 THRU #15 ARE REQUIRING CONTINUAL REPAIR OF WALLS, GAS FIRED WATER HEATERS IN THE COTTAGES HAVE REACHED AN AGE WHERE THEY HAVE TO BE REPLACED. THESE COST \$900 EACH. BECAUSE OF INABILITY TO PURCHASE NEW VEHICLES, MANY HAVE OVER 100,000 MILES AND NEED EXCESSIVE REPAIRS AND MAINTENANCE TO KEEP THEM OPERATIONAL. MANY ARE RESTRICTED TO ON-GROUNDS USE OR DEADLINED BECAUSE THEY CAN NOT BE MADE ROAD WORTHY. IT IS, FOR THE MOST PART, IMPOSSIBLE TO PROJECT HOW THE REPAIR AND MAINTENANCE BUDGET WILL BE UTILIZED, SINCE MUCH OF IT IS COMMITTED TO SITUATIONS AS THEY ARISE.</p>						

OTHER EXPENDITURES

Institution BOULDER RIVER SCHOOL AND HOSPITAL

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Page 1 of 1

Description/Purpose	Expenditure ID	Status	FY 80 Actual	FY 81	FY 82	FY 83
Dues	2801	C	40	40	40	40
Subscriptions (Professional Magazines)	2802	C	1,735	1,735	1,735	1,735
Registration Fees for Training Conferences	2809	C	1,165	2,165	2,165	2,165
Freight & Express	2822	C	2,489	1,489	2,489	2,489
Licenses (Hospital, Nursing Home)	2823	C	585	585	585	585
General	2899	C	10	10	10	10
Totals			6,024	6,024	7,024	7,024

BOULDER RIVER SCHOOL AND HOSPITAL EQUIPMENT PRIORITY
FISCAL YEAR 1982

<u>PRIORITY</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>COST</u>
1	LIVING ROOM CHAIRS	12	4,800
1	MATTRESSES	30	3,000
2	HOT & COLD FOOD DELIVERY CARTS	8	28,000
3	LARGE CAPACITY CLOTHES WASHERS	3	1,200
3	LARGE CAPACITY CLOTHES DRYERS	3	1,000
4	COMMERCIAL GAS DRYER	1	1,100
4	COMMERCIAL ELECTRIC DRYERS	2	2,200
4	COMMERCIAL ELECTRIC WASHERS	2	2,200
5	+ CENTURY BATHING SYSTEMS	6	30,012
5	/ HOIST	2	1,000
6	+ ELECTRONIC SKIN THERMOMETER	1	300
6	/ INTRAVENOUS VACCUUM INFUSION PUMP	1	500
7	SEDANS	3	21,000
8	FOOD DELIVERY TRUCK	1	14,000
9	STATION WAGONS	2	18,000
10	PASSENGER BUS	1	30,000
11	RECLINING CHAIRS	3	1,100
12	TELEVISION SETS	3	2,250
13	EXERCISE MATS	4	980
14	CHEST BOARD	1	700
14	GRID	1	600
15	WHIRLPOOL TURBINES	3	2,631
16	DILUTOR (GILFORD)	1	540
17	ELECTROLYTE SYSTEM	1	3,995
18	GARBAGE DISPOSAL	1	1,500
19	DISH CARTS	6	1,800
20	DENTAL UNIT	1	7,500
21	CONVENTION OVENS	2	5,000
22	IBM CORRECTING SELECTRIC TYPEWRITERS	2	1,800
23	PICKUPS	2	14,000
24	ONE TON TRUCK MOTOR	1	2,000
25	MICROSCOPE	1	<u>3,920</u>
TOTAL COST			\$208,628

BOULDER RIVER SCHOOL AND HOSPITAL EQUIPMENT PRIORITY
FISCAL YEAR 1983

<u>PRIORITY</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>COST</u>
1	SOFAS	12	6,600
1	LIVING ROOM CHAIRS	12	4,800
1	MATTRESSES	45	4,500
1	BEDS	48	7,200
2	PASSENGER BUS	1	30,000
3	RECLINING CHAIRS	3	1,000
4	TELEVISION SETS	3	2,250
5	WHIRLPOOL TURBINES	2	1,634
6	COULTER HEMAGLOBINOMETER	1	1,295
7	MEDIDENTA PROHY UNIT	1	440
8	REACH-IN UPRIGHT FREEZER	1	3,000
9	PICKUP	1	7,000
10	CONFERENCE ROOM CHAIRS	12	600
11	STEREOS	3	1,800
12	SONY ½" BETA PLAY SLP-303, SONY ½" BETA PLAYER/RECORDER SLD-323, NANOTEC EDITING CONTROLLER 376	1 set	3,500
13	SONY B/W CAMERA AV-3260	1	549
14	VIEWFINDER, AVF-3250A	1	320
TOTAL COST			\$76,488

TABLE 1: Inflation Factors Used to Project Preliminary Current
Level Budget Request Package

Expenditure Code	Expenditure Code Name	Inflation Factor		
		FY 1981	FY 1982	FY 1983
2100	Contracted Services			
2103	Data Processing Services	8.9	8.9	8.1
2104	Insurance and Bonds	6.3	8.4	7.5
2110	Printing	20.0 10.0	8.0	8.0
2116	Medical Services	23.8 15.0	8.0	8.9
	All other Contracted Services	0.0	8.9	8.1
2200	Supplies and Materials			
2203, 2246, 2248 and 2258	Clothing	9.5	8.9	8.1
2205	Food	10.2	12.0	9.0
2208	Laboratory	14.7	14.3	12.4
2209	Medical	23.8 15.0	8.0	8.4
2211, 2267, 2276	Paper Products	9.4	11.5	9.8
2216	Gasoline	36.7	20.0	20.0
2222	Drugs	10.0	9.0	9.0
2242	Deisel	20.0	20.0	20.0
2251	Meat	10.2	9.0	9.0
2255	Tobacco	10.0	12.0	12.0
2264	Grocery	10.2	12.0	9.0
2275	Poultry	10.2	9.0	9.0
	All other Supplies and Materials	0.0	8.9	8.1
2300	Communications			
2301	Tele.-Local Ser. & Equip.	13.0	12.0	11.0
2304	Tele.-Long Distance	13.0	12.0	11.0
2304	Postage and Mailing	33.0	0.0	0.0
2314	Telephone - STS Usage	13.0	12.0	11.0
2315	Data Transmission Lines	13.0	12.0	11.0
	All other Communications	0.0	8.9	8.1
2400	Travel			
	All Travel	15.0	15.0	15.0
2500	Rent			
2502	Buildings	13.6	10.1	10.3
2503	Data Processing Equipment	5.0	5.0	5.0
	All other Rent	0.0	8.9	8.1
2600	Utilities			
2601	Electricity	28.5	10.0	10.0
2602	Heating Fuel	36.7	20.0	20.0
2603	Natural Gas	31.6	22.7	23.2
	All other Utilities	0.0	8.9	8.1

2700	Repair and Maintenance			
2704	Office Equipment	13.5	17.7 13.0	14.8 13.0
2706, 2707	Vehicle Repairs	12.0	8.9	8.1
2720	Batteries	12.0	8.9	8.1
2723	Oil	12.0	12.0	12.0
•2726	Grease	12.0	12.0	12.0
2727	Tires and Tubes	8.0	8.9	8.1
2750	Maintenance Contracts	13.5	17.7 13.0	14.8 13.0
All other Repair and Maintenance		0.0	8.9	8.1

<u>Expenditure Code</u>	<u>Expenditure Code Name</u>	<u>FY 1981</u>	<u>Inflation Factor FY 1982</u>	<u>FY 1983</u>
2800	Other Expenses			
All other Expenses		0.0	0.0	0.0
2900	Good Purchased for Resale			
All Goods Purchased for Resale		0.0	0.0	0.0
3100	Equipment			
All Equipment		0.0	0.0	0.0
3200	Livestock			
All Livestock		0.0	0.0	0.0
4000	Capital Outlay			
All Capital Outlay		0.0	0.0	0.0
5000	Local Assistance			
All Local Assistance		0.0	0.0	0.0
6000	Grants			
All Grants		0.0	0.0	0.0
7000	Benefits and Claims			
All Benefits and Claims		0.0	0.0	0.0
8000	Transfers			
All Transfers		0.0	0.0	0.0
9000	Debt Service			
All Debt Service		0.0	0.0	0.0

NOTE: If the above reflects that no increases were provided in each of the three fiscal years, increases may have been provided on a case-by-case basis. The absence of inflation factors merely indicates that the automated system did not provide across-the-board increases.

Friday 12:00 PM

STATE OF MONTANA
OFFICE OF PUBLIC INSTRUCTION, et al
[hereinafter called "Respondents"]

and

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
[hereinafter called "Compliance Agency"]

SETTLEMENT AGREEMENT

A complaint having been filed with Compliance Agency pursuant to Section 504 of the Rehabilitation Act of 1973 against the Office of Public Instruction [OPI], Department of Institutions [DOI], Boulder River School and Hospital [BRSH], Boulder Public Schools [BPS], and other Local Education Agencies [LEAs], hereinafter referred to as Respondents, concerning violations of the above Act and its implementing regulations in the provision of a free appropriate public education for handicapped students age twenty-one and under residing in State institutions for the mentally retarded, the parties hereto, the above-named Respondents and the Office for Civil Rights of the Department of Education and its successor agency, agree to resolve and settle this matter on the following terms and conditions:

SECTION I
General Provisions

A. This Agreement does not constitute an admission by Respondents of a violation or violations of the regulations implementing Section 504 of the Rehabilitation Act of 1973, nor an admission by Respondents of Compliance Agency's jurisdiction, provided, however, that Respondents agree that this Agreement is itself enforceable as provided in Section _____.

B. Nothing in this Agreement shall be construed to limit or restrict the requirements of Federal regulations implementing Section 504 of the Rehabilitation Act of 1973 or P.L. 94-142.

C. Any allegations of past or future violations of civil rights laws within the jurisdiction of Compliance Agency against Respondents not comprised within the above-mentioned complaint may be the subject of separate and distinct complaints to or compliance reviews by Compliance Agency.

D. Respondents agree that all policies, practices and procedures shall be maintained and conducted in a manner which does not discriminate on the basis of handicap in violation of Section 504 of the Rehabilitation Act of 1973 or P. L. 94-142.

E. Respondents agree that there shall be no discrimination or retaliation of any kind against any person because of the filing of a complaint, giving of testimony or assistance, receiving any benefits, or participation in any manner in an investigation or proceeding under Section 504 of the Rehabilitation Act of 1973. Respondents agree to promulgate a formal policy assuring such protection to persons participating in activity related to State and Federal civil rights laws.

F. It is understood that this Agreement may be subject to release by Compliance Agency under the Freedom of Information Act. However, the contents of conciliation discussions between the parties and personally identifiable references to such discussions will be

excluded and treated as confidential insofar as possible under the Freedom of Information Act.

SECTION II

Relief

Office of Public Instruction

A. Methods of Administration

The Montana Office of Public Instruction assures Compliance Agency that, as the State Education Agency, it will take all steps necessary to effectuate the provisions of this Agreement, and to assure implementation of a free appropriate public education to the children covered in this complaint; however, nothing in the function of the Office of Public Instruction shall be construed to absolve other agencies or institutions of independent responsibility for effectuating the provisions of this Agreement for assuring compliance with the provisions of Section 504 of the Rehabilitation Act of 1973. The methods of the Office of Public Instruction will follow to assure compliance with Federal regulations include, but are not limited to, the following:

1. Obtaining a written agreement from the Montana Department of Social and Rehabilitation Services [SRS] or the State agency or agencies responsible for the creation, licensing, and monitoring of community-based facilities for immediate and continuing participation in all staffings, meetings, and activities necessary to assure and implement the provision of a free appropriate public

education in the least restrictive environment to all mentally retarded children residing in Boulder River School and Hospital. The agreement will include, but not be limited to, the following:

a. Specification of what facilities are currently available for the community-based residence of the mentally retarded, where such facilities are located, and the types of training services and accommodations that are available, including medical services. The agreement shall specify what monitoring procedures are followed by SRS and the frequency of monitoring, as well as the standards used for determining compliance with applicable State and Federal regulations governing those facilities. SRS and OPI shall jointly determine what facilities are required in order to assure a continuum of placement for handicapped mentally retarded children in the least restrictive environment, and shall determine where such facilities shall be located.

Facility Needs Assessment

least restrictive

b. Specific mechanisms for SRS to have access to all necessary data concerning retarded children residing in State institutions, including test results, personnel, and the child, for the purpose of assessing the child's educational/residential/training needs. Interagency agreements and timelines shall afford SRS appropriate time to complete individual habilitation plans detailing services it regards as necessary and appropriate for the child. For the purposes of this Agreement, Individual Habilitation Plan [IHP] refers to training designated to be provided by SRS-DDD.

c. Provisions for accessibility to IHP records of SRS by OPI to allow OPI the capability of monitoring IHP training functions for compliance with Section 504 of the Rehabilitation Act of 1973 and P.L. 94-142.

d. Provision for a joint plan to assure that a continuum of placements is created, [where appropriate] to provide education and training services in the least restrictive environment.

Least restrictive environment includes, but is not limited to, the following concepts:

- 1) More to less structured living
- 2) Larger to smaller facilities
- 3) Larger to smaller living units
- 4) Group to individual residence
- 5) Segregated from the community to integrated into community living
- 6) Dependent to independent living

STAFF WORK

2. Obtaining written agreements from the Department of Institutions, Boulder River School and Hospital, and local education agencies, where appropriate, for immediate and continuing participation in all staffings, meetings and activities necessary under this Agreement to assure all mentally retarded children residing in State institutions are afforded a free appropriate public education in the least restrictive environment.

a. OPI shall require reporting from the local education agencies on a regular basis, but at least annually, of the following:

(i) The alternative settings for education that are available in its special education programs; e.g.:

(a) Regular classroom in the public school.

(b) Special classes in the public school.

(c) Related services provided in the classroom of a public school.

(d) Related services provided in a separate classroom in the public school.

(e) Instruction at home or in the hospital.

(f) Supplementary teaching in the regular classroom.

(ii) Number of students enrolled in the education program in the facility. How many of the total are enrolled in each of the alternate settings?

(iii) Whether each of the students is reviewed annually to consider the least restrictive environment.

(iv) Whether there are students in its program who could achieve adequately in the regular school program. If so, review each case and list timeline for placement in a public school program.

b. OPI shall require reporting from the Department of Institutions and Boulder River School and Hospital on a regular basis, but at least annually, the following:

(i) Number of children committed to the Department of Institutions and number of children served in each of the institutions within the administrative purview of the Department of Institutions.

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(ii) The IHP of each child who remains in an institution.

(iii) For each child who can benefit from a less restrictive environment, from services with nonhandicapped persons, and for each child who is not receiving a comparable number of hours of instruction to hours received by nonhandicapped students in the State of Montana, a report indicating which services or placement opportunities have not been fulfilled, the reasons therefor, and a statement of the efforts taken to effect a remedy.

(iv) For each child who, from the date of the IHP and/or review, has been on a waiting list or who has been denied services, including placement in a less restrictive environment, education services or activities with nonhandicapped persons, or comparable instructional hours, for thirty [30] days or more, a statement of the length of the wait, the reasons therefor, and the steps taken to remedy the delay.

(v) The date of admission and date of first staffing for each child admitted to the Department of Institutions.

3. OPI shall include in its compliance plan guidelines for determination of when direct services shall be provided or provided for, where full compliance cannot be timely achieved without such direct services. OPI shall also develop a compliance plan, and disseminate it to all State and local education agencies providing education services and activities. The Plan shall detail provisions for determining compliance and for defunding of non-complying agencies

within OPI's administrative purview under the regulations implementing Public Law 94-142 and for use of such monies for direct services to achieve compliance.

4. OPI shall use, in part, the assessment of the needed facilities to determine compliance of other agencies with State and Federal law. When such compliance has not been achieved, OPI will undertake steps to achieve compliance.

5. OPI shall assure that each facility providing education to handicapped children offers a variety of settings in which education may take place and from which the least restrictive environment for the student may be chosen. Where such a continuum may be provided by a number of different entities, OPI shall assure that appropriate agreements are obtained to assure provision of a free appropriate public education in the least restrictive environment to children residing in State institutions.

6. OPI shall establish written monitoring, reporting, or exchange of information procedures to be followed on a regular basis so that the Office of Public Instruction may determine whether compliance is being achieved on an immediate and continuing basis. Agreements to such monitoring, reporting, or exchange of information procedures shall be obtained where necessary. Such procedures and agreements shall contain specific time frames for reporting and specific monitoring schedules.

7. OPI shall directly inform all other agencies, including local education agencies, of their responsibilities under this Agreement,

under Section 504 of the Rehabilitation Act of 1973, and under Public Law 94-142, including agencies not directly named in this complaint but who are responsible for providing free appropriate public education.

8. OPI shall assure that all staffings conducted to effectuate this Agreement, on an immediate and continuing basis, shall include, but not necessarily be limited to, the following:

- a. Prior timely written notice to parents, guardians, or surrogate parents of complete procedural safeguards available under 34 C.F.R. 104.36 and 45 C.F.R. 121a, Subpart E.
- b. Current and complete evaluations and assessment of the child's handicapping condition(s) will be used.
- c. A documented specific statement of short-term goals, long-term goals and current level of performance.
- d. A documented complete assessment of educational needs, including determination of hours per day of instruction needed to meet those needs. Hours of instruction shall be designated comparable to the hours of instruction received by nonhandicapped children in the State of Montana [MCA], unless medically or programmatically contraindicated. Where contraindicated, specific medical or educational reasons shall be provided and documented in the IHP.
- e. An assessment of residential needs, based solely on the needs of the child, without consideration of agency responsibility for case management or agency financial responsibility for the delivery of services.

f. The specific consideration of the maximum extent to which services can be provided with persons who are not handicapped based on review of the handicapped child's best interests.

Services means all services, including residential. For those programs and parts of programs and activities that do not include association with nonhandicapped persons, specific documented educational justification shall be provided.

g. Staffing meetings shall include the evaluations and assessments of SRS for services and for placement. Final decisions concerning the IHP shall be made jointly between SRS-DDD and the State agency or institution which has evaluated the child. For the purpose of the restaffing of children in Boulder River School and Hospital, this shall be Boulder River School and Hospital.

h. At such time as it has been determined by the staffing committees that a child can benefit from education with nonhandicapped students but that the appropriate residential services must be provided at Boulder River School and Hospital, then a second staffing shall be held to determine whether the services with nonhandicapped persons will be provided in Boulder Public Schools.

i. All such staffings shall include the documented participation of agencies or entities which under State or Federal law have a legal responsibility to provide education or training services, related services, residential or community-based

treatment. The educational recommendations shall be made by those who have current case management responsibility or who have actually evaluated the child for educational or training needs and services, related services, or residential or community-based needs, or are designated by Federal regulations to participate.

j. OPI shall establish immediate and continuing procedures to appoint or provide for the appointment of surrogate parents and/or advocacy specialists to assure the rights of children are adequately protected.

k. For the purpose of restaffing of children at Boulder River School and Hospital, surrogate parents may include attorneys from DD-MAP, Montana Legal Services, or other appropriate agencies that can provide impartial services and protect the legal rights of the child.

9. OPI shall develop, in cooperation with other agencies as may be necessary, a plan to resolve disputes among agencies for allocating specific responsibility for educational or residential services under State law.

10. OPI shall continue or establish an interagency committee to facilitate regular and continuing communication and cooperation among State and local education agencies and other entities that operate education programs and activities under State or Federal law. The members of the committee shall include the Office of Public Instruction; the Department of Institutions; Boulder River

School and Hospital; Boulder Public Schools, as appropriate; local education agencies, as appropriate; and Social and Rehabilitation Services or other appropriate State agency or agencies responsible for the creation, licensing and monitoring of community-based facilities. The participation of Social Rehabilitation Services [or similar agency] shall be sought by agreement between the Office of Public Instruction and Social and Rehabilitation Services [or similar agency]. The committee shall include a representative of the State institutions for the retarded, where appropriate. OPI shall establish and disseminate procedures for convening the committee.

11. OPI shall establish guidelines and a model notice for use by LEAs and State agencies to assure that LEAs and other agencies provide complying substantive notice to parents, guardians, surrogate parents of the LEA and other agencies' duties under Section 504 and Public Law 94-142, including duties to provide education in the least restrictive environment, obligation to provide a continuum of placements and services, and complete due process rights of parents and children. OPI will establish guidelines or model procedures to assure that LEAs and State program child find procedures locate the parents or guardians of children who have been committed to State residential facilities or community-based settings. This shall be accomplished by agreements with other agencies, where necessary. OPI shall establish direct monitoring and reporting schedules to assure that such notification meets the requirements of this Agreement and Federal regulations, and is being implemented.

12. OPI will attempt to obtain an agreement with necessary parties, such as the State judiciary, to form a plan for the evaluation and staffing of each handicapped child believed to be retarded before such child is committed to a residential facility for the mentally retarded. This plan shall include designation of the agency or entity responsible for the provision of notice to appropriate parties, designation of appropriate parties, timelines for pre-commitment staffing, and provisions for obtaining an appropriate evaluation before commitment.

13. OPI shall obtain all agreements necessary in this section and shall develop procedures and plans under this section within days. The agreements, procedures and plans shall be submitted to Compliance Agency, to be effective immediately upon Compliance Agency's approval of same. Agreements obtained to effectuate this settlement shall comply with the provisions of Section 504 of the Rehabilitation Act of 1973 and Public Law 94-142.

B. Least Restrictive Environment

[Re-evaluation/restaffing of children currently residing in Boulder River School and Hospital]

1. The children to whom this section applies include those children in the following age groups:

- a. Children who had not attained the age of 21 by June 3, 1977, who resided in Boulder River School and Hospital at any time before that date and who are currently residing in an institution.

DISCRETIONARY PROVISIONS

b. Children who had not attained the age of 21 by June 30, 1980, who resided in Boulder River School and Hospital at any time before that date who are currently residing in an institution;

c. Children admitted to Boulder River School and Hospital on or after July 1, 1980, who had not yet attained the age of 19, who are currently residing in Boulder River School and Hospital.

2. The Office of Public Instruction, Department of Institutions, and Boulder River School and Hospital assure that all children specified in II-B-1 have been or will be re-evaluated using current test results. Such results must have been obtained in accordance with Federal regulations and within the past year. If a specific re-evaluation has not been performed, such an omission must be explained and approved by the staffing committee or completed within days.

3. Such staffing shall include all the elements in Section II A-8 and be conducted in accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 and P.L. 94-142.

4. The Office of Public Instruction, Department of Institutions and Boulder River School and Hospital, in cooperation with other State agencies, agree to assure completion of the restaffings using current test results, no later than January 31, 1981. The Office of Public Instruction will take steps to assure the attendance of persons from the following agencies at the restaffing meetings:

Department of Institutions; Boulder River School and Hospital; Boulder Public Schools; Social and Rehabilitation Services, Developmental Disabilities Division; the local education agency of domicile of the child [where parent or guardian resides]; parent or guardian of the child, advocates and/or surrogate parents, and other appropriate persons as may be necessary, including at least one of the child's regular teachers. The Office of Public Instruction may also be present.

5. For the purpose of restaffing the children in residence at Boulder River School and Hospital for the remediation of this complaint, the due process procedures adopted by the Department of Institutions shall be implemented. Those procedures are attached hereto and incorporated herein by reference.

6. Additional rules for the conduct of the staffing meetings may be developed by the Office of Public Instruction in conjunction with other agencies [Attachment A].

7. Copies of the specific IHP for each child shall be made available to all parties invited to participate in the staffing meeting, subject to applicable privacy laws.

C. Comparability of Services

1. The Office of Public Instruction has obtained an agreement with the Department of Institutions dated August 30, 1980, effective for a period of one year, delineating the respective authority of the two agencies for case management and compliance responsibilities in

State operated programs, including programs at Boulder River School and Hospital. That plan is attached hereto and referred to as Attachment B. Compliance Agency agrees that the specification of the length of the instructional day as outlined in the plan [page 17] under State law meets the requirements of Federal regulations as a policy for the assurance of comparable school day services to handicapped students who reside in State operated programs. The Department of Institutions agrees to monitor the implementation of standards at Boulder River School and Hospital to assure that specific justification or explanation is written and included in the IHP of each child who is receiving fewer hours per day of instruction than mandated for nonhandicapped students by State law. The Department of Institutions agrees to provide the Office of Public Instruction, for compliance purposes, on a quarterly basis, a report specifying each instance in which a resident is receiving fewer hours and the written explanation therefor.

2. The Office of Public Instruction agrees to submit to Compliance Agency within _____ days a plan or model agreement to ensure that other State agencies and local education agencies provide comparability in the number of hours of the instructional day of mentally retarded children as appropriate for each individual child.

D. Department of Institutions and Boulder River School and Hospital

1. The Department of Institutions and Boulder River School and Hospital agree to assist in formulating the plans necessary to

carry out the provisions of Section A, 1-b, 1-c, 2-b, 5, 6, 8, 9, 10, 11 and 12, Section B and Section C.

2. The Department of Institutions and Boulder River School and Hospital agree to fully implement the provision of a free appropriate public education to children within its jurisdiction no later than _____ days following the approval of all plans by Compliance Agency.

3. The Department of Institutions and Boulder River School and Hospital agree to submit a plan to Compliance Agency within _____ days detailing the procedure to be used to initiate and complete accurate hearing assessments for all children who have not had a complete hearing assessment; and a procedure for restaffing each child after the completion of the assessment within _____ days.

E. Local Education Agencies

1. Local education agencies shall adopt complete substantive notice and procedures for dissemination of notice to assure that parents of children who are committed to a State residential facility or community-based setting are informed of the LEA's duties under 34 C.F.R. Part 104 and under the regulations implementing P. L. 94-142. The LEA may adopt the substantive notice and procedures outlined by OPI so long as such notice and procedures have had the prior approval of Compliance Agency in settlement of the existing complaint. If a district does not adopt the notice and dissemination procedures outlined by OPI, it shall submit its notice and plan for dissemination

to Compliance Agency within days. Such notice shall include, but not be limited to, the duties of the LEA listed in Section II, A-11.

2. The LEA agrees to participate in precommitment staffings held for the purpose of obtaining an IEP for mentally retarded children within its jurisdiction.

3. The LEA agrees to participate in post-commitment staffings of mentally retarded children within its jurisdiction who have been committed or are residing in residential facilities or community-based settings.

4. The LEA agrees to report to OPI on such a basis as OPI specifies in settlement of this complaint, and to provide and report on continuum of placements within its jurisdiction.

5. The LEA agrees to fully implement the provisions of this agreement within days.

F. Boulder Public Schools

1. Boulder Public Schools agrees to all of the provisions contained in Section . However, the obligation to comply with those provisions applies only to those children who are within its jurisdiction based upon the domicile of the parent(s) or legal guardian.

2. With respect to those children who are within the jurisdiction of Boulder River School and Hospital based solely upon their residence within Boulder River School and Hospital, the following procedures shall apply:

a. At such time as it has been determined by a staffing committee as outlined in Section A that a child can benefit from education or activities with nonhandicapped students, but requires the residential [living or medical] services provided at Boulder River School and Hospital, Boulder Public Schools agrees to participate in a staffing of that child as outlined in Section A .

b. Prior to such staffing, Boulder Public Schools shall notify the parent(s) and/or legal guardian of its duties under 34 C.F.R. Part 104 and under the regulations implementing P. L. 94-142. Boulder Public Schools shall submit to Compliance Agency within _____ days for its approval a model notice, which shall be used and which shall be effective upon approval by Compliance Agency.

3. For those children who have no parent or guardian and are, therefore, within the jurisdiction of Boulder Public Schools based on their residence within the District's jurisdiction, procedures may be first developed by OPI for referral to community-based settings where appropriate may be first followed, unless it has been determined that the child falls under Category 2 above.

SECTION IV
Enforcement

A. The Office of Public Instruction represents to the Office for Civil Rights that continuing steps have been taken to effect voluntary compliance with Federal regulations to remedy the areas of non-compliance found in the Letter of Findings issued by the Office for

Civil Rights. These steps are documented in detail as Attachment A, incorporated herein by reference and include actions taken to and include the effective date of this Agreement.

B. It is understood by the parties to this Agreement that full compliance can be achieved only upon implementation of a free appropriate public education in the least restrictive environment. All parties understand that the implementation of appropriate programs may be delayed until the legislature responds to the budget proposals submitted under this Agreement. It is also understood that the Office for Civil Rights may operate within its own time frames and may recommend enforcement during the pendency of further negotiations for full implementation of policies and procedures that will result in the actual delivery of free appropriate public education under the requirements of Federal regulations.

C. Compliance Agency shall have the right at any time to review compliance with this Agreement. As part of such review, Compliance Agency may require written reports, may inspect Respondent's facilities, examine witnesses, examine and copy documents, and take any other steps necessary to determine compliance with this Agreement.

D. Any violation of this Agreement is a violation of Section 504 of the Rehabilitation Act of 1973. Violation of this Agreement will subject Respondent to the sanctions provided for by Section 504 of the Rehabilitation Act of 1973 and its implementing regulation.

E. If at any time Compliance Agency or its successor(s) determine that Respondents have violated any portion of this Agreement,

VISITORS' REGISTER

HOUSE JOINT APPROPRIATIONS SUB COMMITTEE FOR INSTITUTIONS

BOULDER RIVER SCHOOL & HOSPITAL BUDGET

1/13/81

BILL _____

Date _____

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPO
James O'Leary	Helena	BRSH		
R L Head	Boulder	BRSH		
Ed Blouke	Helena	Dept. of Institutions		
C Smith	Helena	Dept. of Institutions		
W Parker	Helena	Dept. of Inst.		
Tim Hamboen	"	Dept. of Institutions		
Amy Bullinger	"	Taxpayer		
Joe Roberts	Helena	DD Leg Action Comm.		
John Fife	Hamilton	DD Leg Action Comm.		
Winnie Koenig	Kalispell	DD Leg Action Comm.		
James Koenig	Helena	L. A. Legislative Comm.		
Lee Texas	Butte	A7SCMP Local 971 - Boulder		
R. Nadine Jensen	Helena	MT. ST. Council #9 AFSCME, AFL-CIO		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59601
(406) 449-3095

Ed Argenbriht
Superintendent

January 14, 1981

To: Representative Jack Moore

From: Judy Johnson, Director
Special Education

The letter quoted below was dictated to Joyce Thompson, Office of Public Instruction, by Loa Bliss of the Office of Civil Rights, Denver, Colorado, January 14, 1981, in response to a telephone call placed by Judy Johnson.

"The Office for Civil Rights has been asked to respond to an inquiry from the Montana State Senate Appropriations Committee as to whether an appropriation to Boulder River School and Hospital to employ 18 FTE for the benefit of children age 21 and under residing there will bring Boulder River School and Hospital into compliance with federal regulations. The Office for Civil Rights responds as follows:

We believe that consideration of adequate funding for staff to provide services to children in Boulder River School and Hospital is a step in the right direction, since we recognize that sufficient financial support is essential to the successful operation of any program. However, compliance is judged by OCR not specifically in terms of financial support but in terms of the actual compliance with regulatory requirements.

The two major areas of non-compliance found by OCR included: 1. Inadequate determination of whether all children in fact need to reside in Boulder River School and Hospital in the context of the least restrictive environment appropriate to the educational needs of the individual child, with direction to specifically consider this issue as a remedial measure; and 2. Inadequate services provided to those children who remain in an institutionalized setting. Compliance will be judged based upon the adequacy of the response to both of the above issues.

Since, wholly apart from action being taken by the Legislature, some remedial steps are being taken but have not yet been completed, it is not possible for OCR to determine full compliance at this time or to definitively state to what extent a specific appropriation will resolve all issues.

We have found that a definite response to the Senate inquiry is difficult because of the request for an immediate response, because of the lack of a total context in which to judge the proposed Senate action, and because of the fact that much work of a non-financial nature remains to be done before complete compliance is achieved.

We applaud the positive efforts taken by the Senate committee and are encouraged by the integrity and compassion shown in this extremely complex and sensitive matter.

Letter signed by: Gilbert D. Rorer, Ed.D.

Regional Director

EXHIBIT 13



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

PAT WILLIAMS
MONTANA
WESTERN DISTRICT

COMMITTEES:
EDUCATION AND LABOR
INTERIOR

WASHINGTON OFFICE:
1233 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-3211

TOLL-FREE NUMBER
1-800-332-6177

January 9, 1981

Robert L. Laumeyer
Superintendent
Boulder Public Schools
Boulder, Montana 59632

Dear Mr. Laumeyer:

The Department of Education has provided me with the enclosed report regarding the Boulder Public Schools and the "Education for All Handicapped Children Act."

I understand that Dr. Roman met with the parties to this complaint in Helena on November 13th, and that since that time an Office for Civil Rights representative, Miss Bliss, has also met with several of the concerned parties. I would be interested in the outcome of these meetings, and would appreciate it if you would keep me posted.

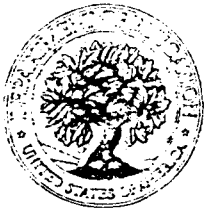
Best regards.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Pat Williams

EXHIBIT 14



DEPARTMENT OF EDUCATION
REGION VIII
FEDERAL OFFICE BUILDING
1961 STOUT STREET
DENVER, COLORADO 80294

DEC 8 1980

December 3, 1980

OFFICE OF THE REGIONAL DIRECTOR
OFFICE FOR CIVIL RIGHTS

Re: 08791096

The Honorable Pat Williams
House of Representatives
Congress of the United States
1233 Longworth Building
Washington, D. C. 20515

Dear Representative Williams:

At your request I am responding to a communication from one of your constituents concerning findings of noncompliance with Federal regulations issued by the Office for Civil Rights [OCR], Department of Education, Region VIII. I enclose a copy of my Office's response to Mr. Lewellyn, attorney for Boulder Public Schools. In addition, I submit the following response to the concerns expressed by Mr. Robert Laumeyer.

OCR initiated an investigation in response to two complaints from Montana residents. The first alleged a denial of services to an individual child at Boulder River School and Hospital. The second alleged a denial of services to the class of children residing there and named the State agencies that were subsequently investigated. The complainants filed two Federal court actions before filing their complaints with OCR.

The first individual complaint was closed without OCR issuing any findings when the complainant informed OCR that a settlement had been reached in the Federal action. Since no settlement or court determination had been reached or was imminent in the second suit, OCR continued its investigation as required by Adams v. Hufstedler. OCR reached its findings after thorough investigation in which OCR determined that the facts indicated noncompliance with Federal regulations. Representatives of Boulder Public Schools, the Office of Public Instruction, Department of Institutions, and Boulder River School and Hospital were interviewed extensively during the on-site stage of the investigation. In addition, both Boulder River School and Hospital and the Office of Public Instruction have not been awaiting the outcome of the Federal court action, and began, during the pendency of OCR's investigation, to move

ahead in attempting to improve the services at Boulder River School and Hospital. In fact, the Office of Public Instruction and the U. S. Office of Special Education conducted their own investigations and reached similar conclusions.

The responsibility for providing educational services to the handicapped under Federal regulations is shared among the several state and local education agencies and institutions. Since an appropriate education was not being provided to the children in residence at Boulder River School and Hospital, all entities who, under Federal regulations, legally share the responsibility for the provision of services were notified. The regulations allow state officials the flexibility to determine, for administrative purposes, exactly how that shared responsibility should be allocated. The resolution of the complaint should take into account each entity's role in the provision of services to the end that compliance with Federal regulations in the treatment of handicapped children is achieved. The areas of non-compliance may well have occurred because of a lack of an implemented and coordinated plan to address the educational needs of the retarded children in the institution.

Because compliance responsibility is legally shared, all agencies and institutions received substantially identical notice of non-compliance and required corrective action. All letters stressed the cooperative nature of the remedy. Therefore, all affected state agencies may join in formulating a corrective plan. On October 8, 1980, the Office of Public Instruction sent a written response to OCR indicating a willingness to reach a coordinated resolution to many of the findings issued. This approach is consistent with the overall responsibility of that office for the management of education matters in the State of Montana.

OCR has been working closely with state and local agencies involved to provide the best possible service to handicapped individuals. Recently we attended a meeting in Helena of the Interim Joint Legislative Committee on Appropriations. At that meeting, which was attended by most of the named parties in the instant case, all parties agreed that there was a definite problem within the state in the areas that we had focused on regarding services to the handicapped. Again, it was pointed out that the Office of Public Instruction and the U. S. Office of Special Education had also conducted their own investigations and had, in fact, reached similar conclusions. OCR intends to continue to cooperate in reaching a resolution for the state through the State Education Agency and is gratified that all state agencies have consented to participate.

Montana State law explicitly provides for comprehensive services to handicapped children and in many ways complements the goals of

the Federal law. In addition, the state must, and did, as a condition of receiving Federal financial assistance, assure that it will follow Federal regulations for education to the handicapped. It further assured that the State Plan to implement these Federal goals is consistent with state law. The application of Federal regulations may in some instances lead to results that are inconsistent with state law. At this point in the resolution process, however, it cannot be said that a negotiated settlement will necessarily be contrary to existing state law.

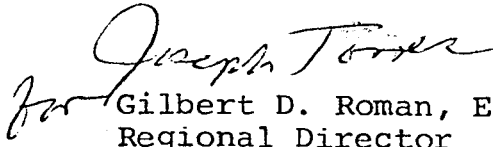
The determination of who is responsible for the education of handicapped children in institutions was made entirely in accordance with Federal regulations. Where Federal regulations make reference to state law, such state laws were considered and will continue to be considered when amendments have occurred.

The resolution of this complaint will require, in part, a consideration of the individual needs of each of the children residing in Boulder River School and Hospital. The programs that are received, therefore, must be tailored to each child's individual requirements. We are willing to be flexible in our assessment as long as there is the willingness to provide some education to those who are severely handicapped [i.e., mat children]. The judgment as to how much is enough or not enough and in what educational environment programs should be conducted will be left to those who are professionally trained in the area of special education. However, our findings were based in part on a determination that services identified as necessary by the Boulder River School and Hospital evaluation and staffing committee for those very children were not, in fact, being provided.

I would like to leave you with the very favorable impression that I had when I left Helena after meeting with pertinent parties named in this complaint. I felt that all present wanted to be able to provide for these children and all were searching for the proper methods of accomplishing that task.

Thank you for your interest in this matter; please feel free to call or write for further clarification.

Sincerely,


Gilbert D. Roman, Ed.D.
Regional Director

Enclosure: As requested