

MINUTES OF THE MEETING OF THE JOINT APPROPRIATIONS SUBCOMMITTEE
FOR INSTITUTIONS
January 15, 1981

Boulder River School and Hospital
Supplemental Executive Session

JACK K. MOORE, CHAIRMAN called the Executive Session for Boulder River School and Hospital Personal Services Supplemental to order at 9:45 a.m. Committee members present were:

Rep. Conroy
Rep. Ernst
Rep. Etchart
Sen. Thomas
Sen. Johnson

THE CHAIRMAN read a letter to the Committee, which was the response he had requested from the Denver Regional Office by Judy Johnson. See Exhibit 13. He also read the letter written by Gilbert D. Roman to Representative Pat Williams. See Exhibit 14.

He then asked the Committee to turn to Exhibit 12, Page 5, in regard to the Modified Program II. He proposed the Committee authorize the Modified Program II for the 18 additional people along with the additional \$5,000 in Supplies and Materials, plus the \$30,000 for the bus. He felt by doing this, it would show the Office of Civil Rights the Committee's good intent to comply with their complaint. He further proposed the Committee request the Director of Institutions to initiate a reevaluation program for screening of the Boulder residents under 21 to determine whether or not these residents can best be served at Boulder.

MR. SOUTH stated the Child Study Teams have already started this reevaluation, and only one resident has been found that possibly could be transferred to the community.

MR. BLOUKE stated that after he had spoken to Mr. Heard, he was informed the CST felt there was only one child who possibly could be placed into the community. The other residents screened by the CST's, were reported to be appropriately placed in the Boulder River School and Hospital.

SEN. THOMAS stated his dislike of having the federal government telling the Committee what to do. He noted that Senator Anderson has some legislation pending to correct the state definitions, and also is requesting the Office of Public Instruction to redo the state's Three Year Plan.

THE CHAIRMAN stated the state's Three Year Plan has to be updated every year. He stressed that the Modification Program II be approved, to indicate our good intentions to comply under 94-142.

Minutes of the Meeting of the Joint Appropriations
Subcommittee for Institutions
Executive Session - Personal Services Supplemental for BRSH
January 15, 1981

Page 2

REP. CONROY asked Mr. South, if we provide you with the additional staffing as requested in the addendum, to satisfy the requirements of the OCR, is it your intention to sign the document mandated by the OCR without the affirmation of the Committee.

MR. SOUTH stated he would not make any decision until the Governor has signed the Appropriations Bill that allows for the 18 additional staff at Boulder. He noted he has until the end of April to sign.

REP. CONROY opposed signing anything with the federal government regardless of what the Committee recommends.

SEN. JOHNSON asked Mr. South if he was only asking for the dollars that would allow the staff to stay on without making a commitment.

MR. SOUTH stated that 16 people are at Boulder now under an Office of Superintendent of Public Instruction Grant. This Grant is not available in FY 82. He noted he would like to retain the 16 people already there plus 2 additional employees as stated in the modification.

SEN. JOHNSON asked what about the reimbursement.

MR. HOFFMAN stated the reimbursement issue may take a legal definition as to what is received at Boulder can be classified as education or not. He felt the people to determine this would be the Department of Social Rehabilitation Services Division and Medicare. He asked Mr. South if he would request these positions regardless of the OCR suit.

MR. SOUTH stated he would take this into consideration as compared to what is being provided at Eastmont. He felt in terms of fairness, he would request the same for Boulder. He stated that at some point the Legislature is going to have to determine the type of services the state is going to provide for the residents at Boulder.

SEN. THOMAS stated he hoped this service would be determined by the legislation already in process by Senator Anderson. He felt the problem lies in the question of how far we provide education services to children who do not have the capability of functioning under the education program provided. He felt it was not human for us to require these children to have 4 to 5 hours of education. He stated there are indications that these children are developing emotional problems as a result of this educational demand on them.

THE CHAIRMAN stated he would like to get the Denver Regional Office representatives to appear before the Committee to explain their definition of inadequate services for the remaining children residing at Boulder.

MR. SOUTH stated the largest issue is a Constitutional issue in regard to discrimination for not providing education. This discrimination applies to age, sex, and handicap.

SEN. THOMAS questioned the definition of education. He felt we are really not providing education, in a traditional sense, but more basic life skills. He felt that laws would have to be rewritten in the state of Montana to accommodate what education is. He felt the question arises do we abide by the federal guideline, or will the federal government hold us accountable for implementing the state law. He also asked if Denver was going to interpret the federal statutes or will they interpret our state statutes.

SEN. JOHNSON stated part of the problem in dealing with the federal interpretations, is that there is more than one federal office involved, and they do not agree either.

THE CHAIRMAN explained why it is necessary to approve the Modification Program II. By complying with the federal complaint, we will request in black and white what more needs to be done to comply with 94-142 and our existing state law. He felt if Senator Anderson's bill supplements this, then we are further along.

SEN. THOMAS expressed concern over the \$45,224 spent on the children from Boulder as compared to the children in the public school system.

MR. BLOUKE state the Denver Regional Office representatives are coming to Warm Springs State Hospital on January 27. They are connected with the National Institution of Mental Health, and have indicated this is not a visit due to a complaint, but is instead, part of their annual review program.

SEN. JOHNSON asked if we go along with appropriating the 18 additional staff, aren't we admitting that we feel this is appropriate.

THE CHAIRMAN stated this is true, but until the complaint is dropped, if we refuse any portion of the modification, we will not be getting approximately 2.5 million dollars in federal funds. He explained to the Committee that the original money appropriated from the OSPI for Boulder for two years, is no longer available.

SEN. THOMAS asked what part of the federal funds would be withheld.

MR. SOUTH stated there are different opinions as to how much federal funds can be withheld. He felt it would include the Special Education Funds.

THE CHAIRMAN asked if there was no further discussion on the Modification Program II for the 18 additional staff at Boulder, he would like to hear a motion.

SEN. ETCHART moved the Modified Program II for the 18 additional people, along with the additional \$5,000 in Supplies and Materials, plus the \$30,000 for the bus be approved.

The results of the roll call vote were:

Rep. Moore	Yes	Sen. Johnson	No
Sen. Etchart	Yes	Sen. Thomas	No
Rep. Conroy	Yes		
Rep. Ernst	Yes		

The motion passed with 4 in favor and 2 opposed.


MR. BOOKER stated for the record, one of the above positions, a teacher aide, would be funded \$12,000 with carry over money.

THE CHAIRMAN asked if there were any further comments or a motion to bring Boulder up to the staffing ratio of 1 to 1. By changing the staffing ratio, this would allow the FTE to be changed from 466.26 to 471.90.

SEN. ETCHART stated he would like to stay with the lower FTE figure of 466.26.

There was no motion on this proposal.

There being no further discussion on the Personal Services area of the supplemental for the Boulder River School and Hospital, the meeting was adjourned at 11:05.



JACK K, MOORE, Chairman