

Zhuo BILL NO. *355*

INTRODUCED BY *Blussant Casey*
[By Request]

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO EDUCATION OF CHILDREN IN NEED OF SPECIAL EDUCATION OUTSIDE OF THE DISTRICT OF RESIDENCE, ALLOWING THE BOARD OF TRUSTEES OF THE DISTRICT OF RESIDENCE TO ARRANGE THE ATTENDANCE OF A CHILD IN NEED OF SPECIAL EDUCATION IN ANOTHER DISTRICT WITHOUT THE PAYMENT OF TUITION, PROVIDING THAT THE TUITION FOR EDUCATION OUT OF THE STATE OF MONTANA SHALL BE INCLUDED IN THE MAXIMUM BUDGET - WITHOUT - A - VOTE FOR SPECIAL EDUCATION; AMENDING SECTIONS 75-7808 AND 75-5809, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-7808, R.C.M. 1947, is amended to read as follows:

"75-7808. ~~Providing--tuition--in--lieu--of--a--special education--class--or--program.~~ Arranging attendance in another district in lieu of a special education program. In lieu of providing special education in the district, the trustees may arrange for the attendance of a child in need of special education in a special education ~~class--or~~ program approved by the superintendent of public instruction and offered in another district within the state of Montana. Arrangements for the attendance of a child in need of special education

~~are not subject to the laws governing the attendance of pupils in schools outside the district and no tuition shall be charged the district of residence. Attendance at such a class--or--program--shall--be--approved--or--disapproved--in accordance with the laws governing the attendance of pupils in schools outside of the district.~~

~~Whenever a child resides in one elementary district but has approval to attend a special education class or program of another Montana elementary district, the district in which the child resides shall pay the tuition to the elementary district operating the class or program in the same manner as, but at twice the tuition rate, prescribed in section 75-7281 for the payment of tuition.~~

~~Whenever a child has approval to attend a special education class or program of a Montana high school district outside his county of residence, the county in which the child resides shall pay the tuition to the high school district operating the class or program in the same manner as, but at twice the tuition rate, prescribed in section 75-6317 for the payment of tuition.~~

Section 2. Section 75-7809, R.C.M. 1947, is amended to read as follows:

"75-7809. Out-of-state tuition for special education children. The trustees of any district may arrange for the attendance of a child in need of special education in a

1 special education ~~class--or~~ program offered outside of the
2 state of Montana. ~~Attendance-at--such--a--class--or--program~~
3 ~~shall--be--approved--or--disapproved--by--the--trustees--and--the~~
4 ~~county--superintendent--for--elementary--classes--or--programs,--or~~
5 ~~by--the--county--superintendent--for--high--school--classes--or~~
6 ~~programs.~~ Such approvals arrangements shall not be subject
7 to the out-of-state attendance provisions of the laws
8 governing the attendance of pupils in schools outside the
9 state of Montana.

10 Whenever the attendance of a child at an out-of-state
11 special education ~~class-or~~ program is approved arranged, the
12 officials board of trustees authorized--to--approve--such
13 attendance may negotiate the amount and manner of payment of
14 tuition. ~~The--budgeting--provisions--of--sections--75-7203--and~~
15 ~~75-6317--shall--apply--to--these--payments--of--out-of-state~~
16 ~~tuition.~~ The amount of tuition shall be included as a
17 contracted service in section 75-7813.1 (b) (iv) (A) in the
18 maximum - without - a - vote for special education."

-End-

Approved by Committee on Public Health, Welfare & Safety

Zhuo BILL NO. *355*

INTRODUCED BY *Blussault Casey*
[By Request]

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO EDUCATION OF CHILDREN IN NEED OF SPECIAL EDUCATION OUTSIDE OF THE DISTRICT OF RESIDENCE, ALLOWING THE BOARD OF TRUSTEES OF THE DISTRICT OF RESIDENCE TO ARRANGE THE ATTENDANCE OF A CHILD IN NEED OF SPECIAL EDUCATION IN ANOTHER DISTRICT WITHOUT THE PAYMENT OF TUITION, PROVIDING THAT THE TUITION FOR EDUCATION OUT OF THE STATE OF MONTANA SHALL BE INCLUDED IN THE MAXIMUM - BUDGET - WITHOUT - A - VOTE FOR SPECIAL EDUCATION; AMENDING SECTIONS 75-7808 AND 75-5809, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-7808, R.C.M. 1947, is amended to read as follows:

"75-7808. ~~Providing--tuition--in--lieu--of--a--special education--class--or--program.~~ Arranging attendance in another district in lieu of a special education program. In lieu of providing special education in the district, the trustees may arrange for the attendance of a child in need of special education in a special education ~~class-or~~ program approved by the superintendent of public instruction and offered in another district within the state of Montana. Arrangements for the attendance of a child in need of special education

~~are not subject to the laws governing the attendance of pupils in schools outside the district and no tuition shall be charged the district of residence. Attendance-at--such--a class--or--program--shall--be--approved--or--disapproved--in accordance-with-the-laws-governing-the-attendance-of--pupils in-schools-outside-of-the-district.~~

~~Whenever-a-child-resides-in-one-elementary-district-but has--approval-to-attend-a-special-education-class-or-program of-another-Montana--elementary--district,--the--district--in which--the--child--resides--shall--pay--the--tuition--to--the elementary-district-operating-the-class-or--program--in--the same-manner-as,--but--at--twice--the--tuition--rate,--prescribed--in section-75-7281-for-the-payment-of-tuition.~~

~~Whenever--a--child--has--approval--to--attend--a--special education-class-or-program-of-a-Montana-high-school-district outside-his-county-of-residence,--the--county--in--which--the child--resides--shall--pay--the--tuition--to--the-high-school district-operating-the-class-or-program-in-the--same--manner as,--but--at--twice--the--tuition--rate,--prescribed--in--section 75-6317-for-the-payment-of-tuition."~~

Section 2. Section 75-7809, R.C.M. 1947, is amended to read as follows:

"75-7809. Out-of-state tuition for special education children. The trustees of any district may arrange for the attendance of a child in need of special education in a

1 special education ~~class--or~~ program offered outside of the
2 state of Montana. ~~Attendance at--such--a--class--or--program~~
3 ~~shall--be--approved--or--disapproved--by--the--trustees--and--the~~
4 ~~county--superintendent--for--elementary--classes--or--programs--or~~
5 ~~by--the--county--superintendent--for--high--school--classes--or~~
6 ~~programs.~~ Such approvals arrangements shall not be subject
7 to the out-of-state attendance provisions of the laws
8 governing the attendance of pupils in schools outside the
9 state of Montana.

10 Whenever the attendance of a child at an out-of-state
11 special education ~~class-or~~ program is approved arranged, the
12 officials board of trustees authorized--to--approve--such
13 attendance may negotiate the amount and manner of payment of
14 tuition. ~~The budgeting provisions of--sections--75-7203--and~~
15 ~~75-6917--shall--apply--to--these--payments--of--out-of-state~~
16 ~~tuition.~~ The amount of tuition shall be included as a
17 contracted service in section 75-7813.1 (b) (iv) (A) in the
18 maximum - without - a - vote for special education."

-End-

1 House BILL NO. 355
 2 INTRODUCED BY Alissault Casey
 3 [By Request]
 4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO EDUCATION
 5 OF CHILDREN IN NEED OF SPECIAL EDUCATION OUTSIDE OF THE
 6 DISTRICT OF RESIDENCE, ALLOWING THE BOARD OF TRUSTEES OF THE
 7 DISTRICT OF RESIDENCE TO ARRANGE THE ATTENDANCE OF A CHILD
 8 IN NEED OF SPECIAL EDUCATION IN ANOTHER DISTRICT WITHOUT THE
 9 PAYMENT OF TUITION, PROVIDING THAT THE TUITION FOR EDUCATION
 10 OUT OF THE STATE OF MONTANA SHALL BE INCLUDED IN THE MAXIMUM
 11 - BUDGET - WITHOUT - A - VOTE FOR SPECIAL EDUCATION;
 12 AMENDING SECTIONS 75-7808 AND 75-5809, R.C.M. 1947."
 13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 Section 1. Section 75-7808, R.C.M. 1947, is amended to
 16 read as follows:
 17 "75-7808. Providing--tuition--in--lieu--of--a--special
 18 education--class--or--program. Arranging attendance in another
 19 district in lieu of a special education program. In lieu of
 20 providing special education in the district, the trustees
 21 may arrange for the attendance of a child in need of special
 22 education in a special education ~~class-or~~ program approved
 23 by the superintendent of public instruction and offered in
 24 another district within the state of Montana. Arrangements
 25 for the attendance of a child in need of special education

1 are not subject to the laws governing the attendance of
 2 pupils in schools outside the district and no tuition shall
 3 be charged the district of residence. Attendance-at--such--a
 4 class--or--program--shall--be--approved--or--disapproved--in
 5 accordance-with-the-laws-governing-the-attendance-of--pupils
 6 in-schools-outside-of-the-district.
 7 Whenever-a-child-resides-in-one-elementary-district-but
 8 has--approval-to-attend-a-special-education-class-or-program
 9 of-another-Montana--elementary--district,--the--district--in
 10 which--the--child--resides--shall--pay--the--tuition--to--the
 11 elementary-district-operating-the-class-or--program--in--the
 12 same-manner-as,--but--at--twice--the--tuition--rate,--prescribed--in
 13 section-75-7201-for-the-payment-of-tuition.
 14 Whenever--a--child--has--approval--to--attend--a--special
 15 education-class-or-program-of-a-Montana-high-school-district
 16 outside-his-county-of-residence,--the--county--in--which--the
 17 child--resides--shall--pay--the--tuition--to--the--high--school
 18 district-operating-the-class-or-program-in-the--same--manner
 19 as,--but--at--twice--the--tuition--rate,--prescribed--in--section
 20 75-6317-for-the-payment-of-tuition."
 21 Section 2. Section 75-7809, R.C.M. 1947, is amended to
 22 read as follows:
 23 "75-7809. Out-of-state tuition for special education
 24 children. The trustees of any district may arrange for the
 25 attendance of a child in need of special education in a

1 special education ~~class--or~~ program offered outside of the
2 state of Montana. ~~Attendance at such a class--or--program~~
3 ~~shall be approved or disapproved by the trustees and the~~
4 ~~county superintendent for elementary classes or programs, or~~
5 ~~by the county superintendent for high school classes--or~~
6 ~~programs.~~ Such approvals arrangements shall not be subject
7 to the out-of-state attendance provisions of the laws
8 governing the attendance of pupils in schools outside the
9 state of Montana.

10 Whenever the attendance of a child at an out-of-state
11 special education ~~class--or~~ program is approved arranged, the
12 officials board of trustees authorized to approve such
13 attendance may negotiate the amount and manner of payment of
14 tuition. ~~The budgeting provisions of sections 75-7203 and~~
15 ~~75-6117 shall apply to these payments of out-of-state~~
16 ~~tuition.~~ The amount of tuition shall be included as a
17 contracted service in section 75-7813.1 (b) (iv) (A) in the
18 maximum - without - a - vote for special education."

-End-

HOUSE BILL NO. 355

INTRODUCED BY DUSSAULT, CASEY

(BY REQUEST)

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO EDUCATION OF CHILDREN IN NEED OF SPECIAL EDUCATION OUTSIDE OF THE DISTRICT OF RESIDENCE, ALLOWING THE BOARD OF TRUSTEES OF THE DISTRICT OF RESIDENCE TO ARRANGE THE ATTENDANCE OF A CHILD IN NEED OF SPECIAL EDUCATION IN ANOTHER DISTRICT WITHOUT THE PAYMENT OF TUITION, PROVIDING THAT THE TUITION FOR EDUCATION OUT OF THE STATE OF MONTANA SHALL BE INCLUDED IN THE MAXIMUM - BUDGET - WITHOUT - A - VOTE FOR SPECIAL EDUCATION; AMENDING SECTIONS 75-7808 AND 75-5809, R.C.M. 1947."

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for the attendance of a child in need of special education are not subject to the laws governing the attendance of pupils in schools outside the district and no tuition shall be charged the district of residence. Attendance-at--such--a class--or--program--shall--be--approved--or--disapproved--in accordance-with-the-laws-governing-the-attendance-of--pupils in-schools-outside-of-the-district.

~~Whenever-a-child-resides-in-one-elementary-district-but has--approval-to-attend-a-special-education-class-or-program of-another-Montana--elementary--district,--the--district--in which--the--child--resides--shall--pay--the--tuition--to--the elementary-district-operating-the-class-or--program--in--the same-manner-as,--but-at-twice-the-tuition-rate,--prescribed-in section-75-7201-for-the-payment-of-tuition.~~

~~Whenever--a--child--has--approval--to--attend--a--special education-class-or-program-of-a-Montana-high-school-district outside-his-county-of-residence,--the--county--in--which--the child--resides--shall--pay--the--tuition--to--the-high-school district-operating-the-class-or-program-in-the--same--manner as,--but--at--twice--the-tuition-rate,--prescribed-in-section 75-6317-for-the-payment-of-tuition."~~

Section 2. Section 75-7809, R.C.M. 1947, is amended to read as follows:

"75-7809. Out-of-state tuition for special education children. The trustees of any district may arrange for the

1 attendance of a child in need of special education in a
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5 ~~county--superintendent--for--elementary--classes--or--programs,--or~~
6 ~~by--the--county--superintendent--for--high--school--classes--or~~
7 ~~programs.~~ Such approvals arrangements shall not be subject
8 to the out-of-state attendance provisions of the laws
9 governing the attendance of pupils in schools outside the
10 state of Montana.

11 Whenever the attendance of a child at an out-of-state
12 special education ~~class--or~~ program is approved arranged, the
13 ~~officials~~ board of trustees ~~authorized--to--approve--such~~
14 ~~attendance~~ may negotiate the amount and manner of payment of
15 tuition. ~~The--budgeting--provisions--of--sections--75-7203--and~~
16 ~~75-6317--shall--apply--to--these--payments--of--out-of-state~~
17 ~~tuition.~~ The amount of tuition shall be included as a
18 contracted service in section 75-7813.1 (b) (iv) (A) in the
19 maximum - without - a - vote for special education."

-End-