

1 **VINCENT** *House* BILL NO. **655**
 2 INTRODUCED BY *Alvin F. Foy, Lester Foy*
 3 *Griffin Graves, Dilliza Lynch, Holmes Stoltz*
 4 A BILL FOR AN ACT ENTITLED: AN ACT TO AMEND SECTIONS
 5 75-7801, 75-7806, 75-7807, AND 75-7813.1, R.C.M. 1947, TO
 6 EXPAND THE DEFINITION OF SPECIAL EDUCATION TO INCLUDE THE *member*
 7 GIFTED AND TALENTED, ELIMINATE THE CULTURAL EXCLUSION FOR *Subcommittee*
 8 EDUCATIONALLY HANDICAPPED, PROVIDE FOR DISCRETIONARY
 9 ESTABLISHMENT OF PROGRAMS FOR THE GIFTED AND TALENTED,
 10 INCLUDE THE TRAINABLE MENTALLY RETARDED IN THE TWENTY-ONE TO
 11 TWENTY-FIVE YEAR AGE ELIGIBILITY, THE RIGHT OF PARENTS TO
 12 PETITION FOR PROGRAMS FOR GIFTED AND TALENTED, TO ALLOW FIVE
 13 PERCENT OF ALLOWABLE COSTS FOR GENERAL DISTRICT
 14 ADMINISTRATIVE COSTS FOR SPECIAL EDUCATION, TO PROVIDE A
 15 RATIO FORMULA FOR PRINCIPALS, AND TO PROVIDE COST OF TRAVEL
 16 FOR SPECIAL EDUCATION PERSONNEL WHO TRAVEL IN RELATION TO
 17 THEIR JOB DESCRIPTIONS."
 18
 19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 20 Section 1. Section 75-7801, R.C.M. 1947, is amended to
 21 read as follows:
 22 "75-7801. Definitions. As used in this Title, unless
 23 the context clearly indicates otherwise:
 24 (1) "Special education" means the kind of instruction
 25 requiring special facilities or programs for mentally

1 retarded, or physically handicapped, ~~children---or---for~~
 2 educationally handicapped and gifted and talented persons.

3 (2) A "mentally retarded child" means any child who is
 4 not capable of profiting from the regular instruction of a
 5 school because his mental ability is substantially below the
 6 mental ability of an average child of the same age. Mentally
 7 retarded children are classified as follows:

8 (a) An "educable mentally retarded child" means a
 9 child who, at maturity, cannot be expected to attain a level
 10 of intellectual functioning greater than that commonly
 11 expected of an eleven-year-old child, but not less than that
 12 of a seven-year-old child.

13 (b) A "trainable mentally retarded child" means a
 14 child who, at maturity, cannot be expected to attain a level
 15 of intellectual functioning greater than that commonly
 16 expected of a seven-year-old child and, for entrance into a
 17 training program, is capable of walking, of clean body
 18 habits, and of obedience to simple commands.

19 (c) A "custodial mentally retarded child" means a
 20 child who does not show a likelihood of attaining clean body
 21 habits, responsiveness to directions, or means of
 22 intelligible communication.

23 (3) A "physically handicapped child" means a child who
 24 is capable of profiting from the regular instruction with
 25 the assistance of special equipment, special services, or

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1 transportation to compensate for physical disabilities such
2 as, but not limited to, cardiac impairment, cerebral palsy,
3 chronic health problems, or inadequate speech, hearing or
4 vision.

5 (4) An "educationally handicapped person" means a
6 child or young adult under the age of twenty-one (21) years
7 who requires special assistance to the extent that he cannot
8 reasonably profit from the regular education program.

9 An educationally handicapped person's learning
10 disorders include, but are not limited to, conditions which
11 have been referred to as visual perception handicaps, brain
12 injury, minimal brain dysfunction, dyslexia, behavioral
13 maladjustment and emotional disturbances. An educationally
14 handicapped person's disorders are not the result of
15 problems with visual acuity, hearing impairment, physical
16 handicaps, ~~cultural-or~~ instructional factors, and mental
17 retardation.

18 (5) "Gifted and talented person" means an individual
19 identified by professionally qualified personnel as mentally
20 gifted or talented in areas like the following:

- 21 (a) academics,
22 (b) fine arts,
23 (c) creativity, and
24 (d) human relations."

25 Section 2. Section 75-7806, R.C.M. 1947, is amended to

1 read as follows:

2 "75-7806. Discretionary establishment of special
3 education program. The trustees of any district may
4 establish and maintain a special education program for:

5 (1) four (4) or more educable mentally retarded
6 children;

7 (2) four (4) or more physically handicapped children;

8 (3) four (4) or more trainable mentally retarded
9 children;

10 (4) four (4) or more educationally handicapped persons
11 between the ages of six (6) and twenty-one (21);

12 (5) four (4) or more gifted and talented persons;

13 ~~(5)~~(6) individual children requiring special education
14 such as home or hospital tutoring, school-to-home telephone
15 communication, or other individual programs; or

16 ~~(6)~~(7) educable mentally retarded children, trainable
17 mentally retarded children, educationally handicapped
18 children, or physically handicapped children under the age
19 of six (6) years of age when the superintendent of public
20 instruction has determined that such programs will:

21 (a) assist a child to achieve levels of competence that
22 will enable him to participate in the regular instruction of
23 the district when he could not participate without special
24 education;

25 (b) permit the conservation or early acquisition of

1 skills which will provide the child with an equal
2 opportunity to participate in the regular instruction of the
3 district; or

4 (c) provide other demonstrated educational advantages
5 which will materially benefit the child; or

6 ~~47~~(8) trainable mentally retarded, educable mentally
7 retarded persons, educationally handicapped persons, or
8 physically handicapped persons who are not less than
9 twenty-one (21) or more than twenty-five (25) years of age
10 when the superintendent of public instruction has determined
11 that such programs will assist a person to achieve levels of
12 competence that will enable him to better participate in
13 society;

14 ~~48~~(9) eligibility for enrollment in special education
15 programs shall be determined under regulations of the
16 superintendent of public instruction issued pursuant to
17 policies adopted by the board of public education."

18 Section 3. Section 75-7807, R.C.M. 1947, is amended to
19 read as follows:

20 "75-7807. Petition of parents for establishment of
21 special education program. The parents of four (4) or more
22 persons requiring special education of the kind provided for
23 educable mentally retarded children, trainable mentally
24 retarded children, educationally handicapped persons, gifted
25 and talented persons, or physically nandicapped children may

1 petition the board of trustees to establish a special
2 education program. Parents residing in several districts may
3 petition the board of trustees of each district to
4 co-operatively establish a special education program of one
5 kind for four (4) or more persons. The interlocal
6 co-operative agreement authorized in chapter 49 of Title 16,
7 R.C.M. 1947, may be used to establish a multi-district
8 special education program."

9 Section 4. Section 75-7813.1, R.C.M. 1947, is amended
10 to read as follows:

11 "75-7813.1. Allowable cost schedule for special
12 programs -- the superintendent of public instruction to make
13 rules -- annual accounting. (1) For the purpose of
14 determining the maximum-budget-without-a-vote for special
15 education as defined in sections 75-6905 (20) and 75-6905
16 (21), the following schedule of allowable costs shall be
17 followed by the school district in preparation of its
18 special education budget for state aid request purposes and
19 by the superintendent of public instruction in his review
20 and approval of the budget for the purposes of determining
21 the amount of the maximum-budget-without-a-vote for special
22 education for the district, and as used in this schedule,
23 "full-time special pupil" and "regular ANB" are to be
24 determined in accordance with sections 75-6902 and 75-6903.

25 (a) Administration; salaries, benefits, supplies and

1 other expenses of the superintendent's office, the office of
2 the board of trustees, and the business office including:

3 (i) salaries of professional administrative personnel;
4 ~~---a-portion-of-the-entire-cost-corresponding-to-the-portion~~
5 ~~of-entire-working-time-which-each-such-person-devotes-to-the~~
6 ~~special-program~~

7 (ii) salaries of clerical personnel for administrative
8 staff; ~~----the-amount-allowed-for-budget-purposes-per~~
9 ~~full-time-special-pupil-may-not-exceed-the-amount-budgeted~~
10 ~~per-regular-ANB-for-the-current-year~~

11 (iii) supplies and other expenses; ~~----the-amount~~
12 ~~allowed-for-budget-purposes-per-full-time-special-pupil-may~~
13 ~~not-exceed-the-amount-budgeted-per-regular-ANB-for-the~~
14 ~~current-year.~~

15 (iv) an amount allowed for budget purposes not to
16 exceed five percent (5%) of approved budget without the
17 specific approval of the superintendent of public
18 instruction.

19 (b) Instruction; salaries, benefits, supplies,
20 textbooks and other expenses including:

21 (i) salaries of principals and clerical personnel -- a
22 portion of the entire cost corresponding to the ~~portion--of~~
23 ~~the--entire--working--time-which-each-such-person-devotes-to~~
24 ~~the-special-program-but-not-to-exceed-one--and--seventy-five~~
25 ~~hundredths--(1.75)-times-the-amount-budgeted-per-regular-ANB~~

1 ~~for--the--current--year~~ ratio of the number of regular
2 classroom students to the number of full-time special
3 education students, and in the case of resource teachers and
4 speech therapists, the number of full-time equivalent
5 students;

6 (ii) salaries and benefits of special program teachers,
7 regular program teachers, teacher aides, special education
8 supervisors, audiologists, and speech and hearing
9 clinicians--the entire cost if employed full-time in the
10 special program. If such personnel are shared between
11 special and regular programs--a portion of the entire cost
12 corresponding to the entire working time which each such
13 person devotes to the special program;

14 (iii) teaching supplies and textbooks--if used
15 exclusively for special programs the actual total cost. If
16 shared with regular programs--the amount allowed for budget
17 purposes per full-time special pupil may not exceed the
18 amount budgeted per regular ANB for the current year;

19 (iv) other expenses--with the exception of the
20 following items, the amount allowed for budget purposes per
21 full-time special pupil may not exceed the amount budgeted
22 per regular ANB for the current year:

23 (A) Contracted services, including fees paid for
24 professional advice and consultation regarding special
25 students or the special program, and the delivery of special

1 education services by nonprofit agencies--the actual total
2 cost.

3 (B) Transportation costs for special education
4 personnel who must travel ~~on-an-itinerant-basis-from-school~~
5 ~~to-school-or-district-to-district~~ in order to fulfill the
6 responsibilities of their particular job description -- the
7 actual cost to the district calculated on the same ~~mileage~~
8 ~~rate~~ basis used by the district for other travel
9 reimbursement purposes.

10 (c) Library services; salaries, books and periodicals
11 and other expenses--the amount allowed for budget purposes
12 per full-time special pupil may not exceed the amount
13 budgeted per regular ANB for the current year.

14 (d) Supportive services; salaries, benefits and other
15 expenses:

16 (i) salaries and benefits of professional supportive
17 personnel--the entire cost if employed full-time in the
18 special program. If such personnel are shared between
19 special and regular programs--a portion of the entire cost
20 corresponding to the entire working time which each such
21 person devotes to the special program.

22 Professional supportive personnel may include
23 counselors, social workers, psychologists, psychometrists,
24 physicians, nurses, and physical and occupational
25 therapists.

1 (ii) salaries and benefits of clerical personnel for
2 professional personnel in supportive services--the entire
3 cost if employed full-time in the special program. If such
4 personnel are shared between special and regular programs--a
5 portion of the entire cost corresponding to the entire
6 working time which each such person devotes to the special
7 program;

8 (iii) other expenses--the amount allowed for budget
9 purposes per full-time special pupil may not exceed the
10 amount budgeted per regular ANB for the current year.

11 (e) Operation of plant; salaries, benefits, heat for
12 buildings, utilities except heating, and other supplies and
13 expenses--the superintendent of public instruction shall
14 make regulations fixing a ratio for operation spending per
15 full-time special pupil to such spending per current year's
16 regular ANB. The proration shall be based on the ratio
17 between the number of special pupils per class and the
18 number of regular pupils per class and any other relevant
19 factors.

20 (f) Maintenance of plant; salaries, benefits,
21 replacements and parts, contracted services--the
22 superintendent of public instruction shall make regulations
23 fixing a ratio for maintenance spending per full-time
24 special pupil to such spending per current year's regular
25 ANB. The proration shall be based on the ratio between the

1 number of special pupils per class and the number of regular
2 pupils per class and any other relevant factors.

3 (g) School food services--the amount allowed for budget
4 purposes per full-time special pupil may not exceed the
5 amount budgeted per regular ANB for the current year.

6 (h) Student body and auxiliary services; salaries and
7 other expenses--the amount allowed for budget purposes per
8 full-time special pupil may not exceed the amount budgeted
9 per regular ANB for the current year.

10 (i) Other current charges; insurance, rental of land
11 and buildings, and other expenses:

12 (i) rental of land and buildings, when such premises
13 meet all requirements of the board of public education and
14 the department of health and environmental sciences--no such
15 costs may be charged to the special program without specific
16 authorization from the superintendent of public instruction
17 unless the land and buildings are shared between the special
18 and regular pupils, and the amount of the total cost that
19 may be charged to the special program may not exceed
20 whatever proportion the number of special full-time pupils
21 are to the total enrollment of the school district of the
22 previous year. Provided, however, that any school district
23 renting land and buildings for special education purposes
24 prior to the 1974-75 school year is not subject to this
25 requirement, and will charge a portion of the total cost

1 when shared with regular programs, to be prorated based on
2 the amount of building space used by each type of program;

3 (ii) insurance--the superintendent of public
4 instruction shall make regulations fixing a ratio for
5 insurance spending per full-time special pupil to such
6 spending per current year's regular ANB. The proration shall
7 be based on the ratio between the number of special pupils
8 per class and the number of regular pupils per class and any
9 other relevant factors;

10 (iii) all other expenses--the amount allowed for budget
11 purposes per full-time special pupil for a school year may
12 not exceed the amount budgeted per regular ANB for the
13 current school year.

14 (j) Capital outlay; sites, buildings, remodeling and
15 improvements, equipment and other:

16 (i) classroom remodeling and improvements for a program
17 for physically handicapped students--the actual total cost;
18 all other remodeling and improvements--the amount allowed
19 for budget purposes per full-time special pupil for a school
20 year may not exceed the amount budgeted per regular ANB for
21 the current school year;

22 (ii) equipment--the actual total cost;

23 (iii) sites--buildings--no such costs may be charged to
24 the special program unless the sites and/or buildings are
25 shared between the special and regular students, and the

1 amount of the total cost that may be charged to the special
2 program may not exceed whatever proportion the number of
3 special full-time pupils are to the total full-time
4 enrollment of the school.

5 (iv) other--the amount allowed for budget purposes may
6 not exceed the amount budgeted per regular ANB for the
7 current year.

8 (k) Room and board costs when the special pupil has to
9 attend a program at such a distance from his home that
10 commuting is undesirable as determined by the superintendent
11 of public instruction.

12 (2) The superintendent of public instruction shall,
13 prior to the time when a district must have prepared its
14 budget for the 1975-1976 year, promulgate rules and
15 regulations, in accordance with the policies of the board of
16 public education, for:

17 (a) keeping necessary records for supportive and
18 administrative personnel and any personnel shared between
19 special and regular programs;

20 (b) defining the total special program caseload that
21 shall be assigned to specific support persons and the kinds
22 of professional specialties to be considered relevant to the
23 program before the district may count an allowable cost
24 under subsection (1) (d) of this section;

25 (c) defining the kinds or types of equipment whose

1 costs may be counted under subsections (1) (j) (ii) of this
2 section; and

3 (d) prescribing formulas for calculating, the portion
4 of operation and maintenance costs, insurance, building and
5 rental costs properly allocable to the special programs, as
6 prescribed by subsections (1) (e), (1) (f), (1) (i) (i), and
7 (1) (i) (ii) of this section.

8 (3) An annual accounting of all expenditures of school
9 district general fund monies for special education shall be
10 made by the district trustees on forms furnished by the
11 superintendent of public instruction. The superintendent of
12 public instruction shall make rules for such accounting."

-End-

STATE OF MONTANA

REQUEST NO. 240-75

FISCAL NOTE

Form BD 15

In compliance with a written request received February 21, 19 75, there is hereby submitted a Fiscal Note for House Bill 655 (amended) pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 655, as amended: (1) expands the definition of special education to include the gifted and talented, (2) provides for discretionary establishment of programs for the gifted and talented, (3) includes the trainable mentally retarded in the 21 - 25 year age eligibility group, (4) provides parents of gifted and talented the right to petition for programs, and (5) provides travel allowances for special education personnel.

ASSUMPTIONS:

1. Appropriate estimates are based upon a current school population of 178,000.
2. The Bureau for the Eudcationally Handicapped estimates 2% of school population are gifted and talented; thus 3,560 Montana school children would be so categorized. Using the Great Falls Gifted and Talented Project model as a basis, estimated costs would be \$120 per child. Approximately 1,750 children will receive services the first year and all such children will receive services thereafter.
3. The inclusion of the trainable mentally retarded will result in an estimated additional 250 eligibles; 125 would require services the first year. All 250 would require services each year thereafter. The estimated cost per person is \$1,800 per year. Treatment centers will be located in population centers, thus creating a requirement for funding room and board for those outside the centers.
4. The change in travel allowance will result in additional \$25,000 per year transportation costs.

FISCAL IMPACT:

	FY 76	FY 77
Estimated Special Education Expenditures under Current Law	\$ 13,300,000	\$ 13,300,000
Estimated Special Education Expenditures under Proposed Law	13,815,800	14,427,200
Estimated increase in expenditures	\$ 515,800	\$ 1,127,200

CONCLUSION:

Enactment of House Bill 655 would result in an estimated increase in expenditures of \$1.64 million during the biennium.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 26, 1975

STATE OF MONTANA

REQUEST NO. 191-75

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 75, there is hereby submitted a Fiscal Note for House Bill 655 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 655: (1) expands the definition of special education to include the gifted and talented, (2) eliminates the cultural exclusion for educationally handicapped, (3) provides for discretionary establishment of programs for the gifted and talented, (4) includes the trainable mentally retarded in the 21-25 year age eligibility group, (5) provides parents of gifted and talented the right to petition for programs, (6) allows a maximum of 5% of allowable General District Administrative costs for special education, (7) provides a ratio formula for salaries of principals and clerical personnel, and (8) provides travel allowances for special education personnel.

ASSUMPTIONS:

1. Appropriate estimates are based upon a current school population of 178,000.
2. A special education resource room costs \$18,000 per year to operate.
3. The Bureau for the Educationally Handicapped estimates 2% of school population are gifted and talented; thus 3,560 Montana school children would be so categorized. Thirty gifted and talented students can be accommodated in a resource room.
4. A New Mexico study indicates that elimination of the cultural exclusion for educationally handicapped results in 7.38% of school children classified as educationally handicapped. Since Montana presently provides special education to 3% of the school children, an estimated 4.38% or 7,796 additional children would be eligible.
5. The inclusion of the trainable mentally retarded will result in an estimated additional 250 eligibles; 125 would require services the first year. All 250 would require services each year thereafter. The estimated cost per person is \$1,800/year. Treatment centers will be located in population centers, thus creating a requirement for funding room and board for those outside the centers.
6. Changes in the derivation of administrative cost ceilings and salaries of principals and clerical help will not alter current procedures markedly.
7. The change in travel allowance will result in additional \$25,000/year transportation costs.

FISCAL IMPACT:

	FY 76	FY 77
Estimated Special Education Expenditures under Current Law	\$ 13,300,000	\$ 13,300,000
Estimated Special Education Expenditures under Proposed Law	<u>22,767,800</u>	<u>23,162,000</u>
Estimated Increase in Expenditures	<u>\$ 9,467,800</u>	<u>\$ 9,862,000</u>

CONCLUSION:

Enactment of House Bill 655 would result in an estimated increase in expenditures of \$19.3 million during the biennium.

TECHNICAL NOTE:

Section 4ai of the bill provides guidelines for allocating salaries of principals and clerical personnel by outlining a ratio of the number of regular classroom students to the number of full-time special education students. If the intent is to allocate costs of principal and clerical salaries to special education and regular classroom categories, a more appropriate ratio would be the number of special education students to the total number of students.

Michael D. Bellings
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/13/75

Approved by Committee
on Education

HOUSE BILL NO. 655

INTRODUCED BY DUSSAULT, FABREGA, LESTER, FAGG, VINCENT,
TROPILA, TRAVIS, GILLIGAN, LYNCH, HOLMES, STOLTZ,
HUENNEKENS, KIMBLE, LUEBECK

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
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(2) A "mentally retarded child" means any child who is
not capable of profiting from the regular instruction of a
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mental ability of an average child of the same age. Mentally
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(a) An "educable mentally retarded child" means a
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of a seven-year-old child.

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child who, at maturity, cannot be expected to attain a level
of intellectual functioning greater than that commonly
expected of a seven-year-old child and, for entrance into a
training program, is capable of walking, of clean body
habits, and of obedience to simple commands.

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child who does not show a likelihood of attaining clean body
habits, responsiveness to directions, or means of
intelligible communication.

(3) A "physically handicapped child" means a child who

1 is capable of profiting from the regular instruction with
2 the assistance of special equipment, special services, or
3 transportation to compensate for physical disabilities such
4 as, but not limited to, cardiac impairment, cerebral palsy,
5 chronic health problems, or inadequate speech, hearing or
6 vision.

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14 injury, minimal brain dysfunction, dyslexia, behavioral
15 maladjustment and emotional disturbances. An educationally
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17 problems with visual acuity, hearing impairment, physical
18 handicaps, ~~cultural-or~~ CULTURAL OR instructional factors,
19 and mental retardation.

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21 identified by professionally qualified personnel as mentally
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3 read as follows:

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8 children;
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- 10 (3) four (4) or more trainable mentally retarded
11 children;
- 12 (4) four (4) or more educationally handicapped persons
13 between the ages of six (6) and twenty-one (21);

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15 ~~(5)~~ (6) individual children requiring special education
16 such as home or hospital tutoring, school-to-home telephone
17 communication, or other individual programs; or

18 ~~(6)~~ (7) educable mentally retarded children, trainable
19 mentally retarded children, educationally handicapped
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21 of six (6) years of age when the superintendent of public
22 instruction has determined that such programs will:

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3 skills which will provide the child with an equal
4 opportunity to participate in the regular instruction of the
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3 petition the board of trustees to establish a special
4 education program. Parents residing in several districts may
5 petition the board of trustees of each district to
6 co-operatively establish a special education program of one
7 kind for four (4) or more persons. The interlocal
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15 rules -- annual accounting. (1) For the purpose of
16 determining the maximum-budget-without-a-vote for special
17 education as defined in sections 75-6905 (20) and 75-6905
18 (21), the following schedule of allowable costs shall be
19 followed by the school district in preparation of its
20 special education budget for state aid request purposes and
21 by the superintendent of public instruction in his review
22 and approval of the budget for the purposes of determining
23 the amount of the maximum-budget-without-a-vote for special
24 education for the district, and as used in this schedule,
25 "full-time special pupil" and "regular ANB" are to be

1 determined in accordance with sections 75-6902 and 75-6903.

2 (a) Administration; salaries, benefits, supplies and
3 other expenses of the superintendent's office, the office of
4 the board of trustees, and the business office including;

5 (i) salaries of professional administrative personnel;
6 ~~---a-portion-of-the-entire-cost-corresponding-to-the-portion~~
7 ~~of-entire-working-time-which-each-such-person-devotes-to-the~~
8 ~~special-program -- A PORTION OF THE ENTIRE COST~~
9 ~~CORRESPONDING TO THE PORTION OF ENTIRE WORKING TIME WHICH~~
10 ~~EACH SUCH PERSON DEVOTES TO THE SPECIAL PROGRAM;~~

11 (ii) salaries of clerical personnel for administrative
12 staff; ~~-----the-amount-allowed-for-budget-purposes-per~~
13 ~~full-time-special-pupil-may-not-exceed-the-amount-budgeted~~
14 ~~per-regular-ANB-for-the-current-year -- THE AMOUNT ALLOWED~~
15 ~~FOR BUDGET PURPOSES PER FULL-TIME SPECIAL PUPIL MAY NOT~~
16 ~~EXCEED THE AMOUNT BUDGETED PER REGULAR ANB FOR THE CURRENT~~
17 ~~YEAR;~~

18 (iii) supplies and other expenses; ~~----the-amount~~
19 ~~allowed-for-budget-purposes-per-full-time-special-pupil-may~~
20 ~~not-exceed-the-amount-budgeted-per-regular-ANB-for-the~~
21 ~~current-year. -- THE AMOUNT ALLOWED FOR BUDGET PURPOSES PER~~
22 ~~FULL-TIME SPECIAL PUPIL MAY NOT EXCEED THE AMOUNT BUDGETED~~
23 ~~PER REGULAR ANB FOR THE CURRENT YEAR.~~

24 ~~(iv)--an-amount-allowed-for-budget-purposes-not-to~~
25 ~~exceed-five-percent-(5%)-of-approved-budget-without-the~~

1 ~~specific-approval-of-the-superintendent-of-public~~
2 ~~instruction;~~

3 (b) Instruction; salaries, benefits, supplies,
4 textbooks and other expenses including:

5 (i) salaries of principals and clerical personnel -- a
6 portion of the entire cost corresponding to the ~~portion-of~~
7 ~~the-entire-working-time-which-each-such-person-devotes-to~~
8 ~~the-special-program-but-not-to-exceed-one-and-seventy-five~~
9 ~~hundredths-(1.75)-times-the-amount-budgeted-per-regular-ANB~~
10 ~~for-the-current-year~~ PORTION OF THE ENTIRE WORKING TIME
11 WHICH EACH SUCH PERSON DEVOTES TO THE SPECIAL PROGRAM BUT
12 NOT TO EXCEED ONE AND SEVENTY-FIVE HUNDREDTHS (1.75) TIMES
13 THE AMOUNT BUDGETED PER REGULAR ANB FOR THE CURRENT YEAR
14 ratio-of-the-number-of-regular-classroom-students-to-the
15 number-of-full-time-special-education-students,-and-in-the
16 case-of-resource-teachers-and-speech-therapists,-the-number
17 of-full-time-equivalent-students;

18 (ii) salaries and benefits of special program teachers,
19 regular program teachers, teacher aides, special education
20 supervisors, audiologists, and speech and hearing
21 clinicians--the entire cost if employed full-time in the
22 special program. If such personnel are shared between
23 special and regular programs--a portion of the entire cost
24 corresponding to the entire working time which each such
25 person devotes to the special program;

1 (iii) teaching supplies and textbooks--if used
2 exclusively for special programs the actual total cost. If
3 shared with regular programs--the amount allowed for budget
4 purposes per full-time special pupil may not exceed the
5 amount budgeted per regular ANB for the current year;

6 (iv) other expenses--with the exception of the
7 following items, the amount allowed for budget purposes per
8 full-time special pupil may not exceed the amount budgeted
9 per regular ANB for the current year:

10 (A) Contracted services, including fees paid for
11 professional advice and consultation regarding special
12 students or the special program, and the delivery of special
13 education services by nonprofit agencies--the actual total
14 cost.

15 (B) Transportation costs for special education
16 personnel who must travel ~~on-an-itinerant-basis-from-school~~
17 ~~to-school-or-district-to-district~~ in order to fulfill the
18 responsibilities of their particular job description -- the
19 actual cost to the district calculated on the same ~~mileage~~
20 rate basis used by the district for other travel
21 reimbursement purposes.

22 (c) Library services; salaries, books and periodicals
23 and other expenses--the amount allowed for budget purposes
24 per full-time special pupil may not exceed the amount
25 budgeted per regular ANB for the current year.

1 (d) Supportive services; salaries, benefits and other
2 expenses:

3 (i) salaries and benefits of professional supportive
4 personnel--the entire cost if employed full-time in the
5 special program. If such personnel are shared between
6 special and regular programs--a portion of the entire cost
7 corresponding to the entire working time which each such
8 person devotes to the special program.

9 Professional supportive personnel may include
10 counselors, social workers, psychologists, psychometrists,
11 physicians, nurses, and physical and occupational
12 therapists.

13 (ii) salaries and benefits of clerical personnel for
14 professional personnel in supportive services--the entire
15 cost if employed full-time in the special program. If such
16 personnel are shared between special and regular programs--a
17 portion of the entire cost corresponding to the entire
18 working time which each such person devotes to the special
19 program;

20 (iii) other expenses--the amount allowed for budget
21 purposes per full-time special pupil may not exceed the
22 amount budgeted per regular ANB for the current year.

23 (e) Operation of plant; salaries, benefits, heat for
24 buildings, utilities except heating, and other supplies and
25 expenses--the superintendent of public instruction shall

1 make regulations fixing a ratio for operation spending per
 2 full-time special pupil to such spending per current year's
 3 regular ANB. The proration shall be based on the ratio
 4 between the number of special pupils per class and the
 5 number of regular pupils per class and any other relevant
 6 factors.

7 (f) Maintenance of plant; salaries, benefits,
 8 replacements and parts, contracted services--the
 9 superintendent of public instruction shall make regulations
 10 fixing a ratio for maintenance spending per full-time
 11 special pupil to such spending per current year's regular
 12 ANB. The proration shall be based on the ratio between the
 13 number of special pupils per class and the number of regular
 14 pupils per class and any other relevant factors.

15 (g) School food services--the amount allowed for budget
 16 purposes per full-time special pupil may not exceed the
 17 amount budgeted per regular ANB for the current year.

18 (h) Student body and auxiliary services; salaries and
 19 other expenses--the amount allowed for budget purposes per
 20 full-time special pupil may not exceed the amount budgeted
 21 per regular ANB for the current year.

22 (i) Other current charges; insurance, rental of land
 23 and buildings, and other expenses:

24 (i) rental of land and buildings, when such premises
 25 meet all requirements of the board of public education and

1 the department of health and environmental sciences--no such
 2 costs may be charged to the special program without specific
 3 authorization from the superintendent of public instruction
 4 unless the land and buildings are shared between the special
 5 and regular pupils, and the amount of the total cost that
 6 may be charged to the special program may not exceed
 7 whatever proportion the number of special full-time pupils
 8 are to the total enrollment of the school district of the
 9 previous year. Provided, however, that any school district
 10 renting land and buildings for special education purposes
 11 prior to the 1974-75 school year is not subject to this
 12 requirement, and will charge a portion of the total cost
 13 when shared with regular programs, to be prorated based on
 14 the amount of building space used by each type of program;

15 (ii) insurance--the superintendent of public
 16 instruction shall make regulations fixing a ratio for
 17 insurance spending per full-time special pupil to such
 18 spending per current year's regular ANB. The proration shall
 19 be based on the ratio between the number of special pupils
 20 per class and the number of regular pupils per class and any
 21 other relevant factors;

22 (iii) all other expenses--the amount allowed for budget
 23 purposes per full-time special pupil for a school year may
 24 not exceed the amount budgeted per regular ANB for the
 25 current school year.

1 (j) Capital outlay; sites, buildings, remodeling and
 2 improvements, equipment and other:

3 (i) classroom remodeling and improvements for a program
 4 for physically handicapped students--the actual total cost;
 5 all other remodeling and improvements--the amount allowed
 6 for budget purposes per full-time special pupil for a school
 7 year may not exceed the amount budgeted per regular ANB for
 8 the current school year;

9 (ii) equipment--the actual total cost;

10 (iii) sites--buildings--no such costs may be charged to
 11 the special program unless the sites and/or buildings are
 12 shared between the special and regular students, and the
 13 amount of the total cost that may be charged to the special
 14 program may not exceed whatever proportion the number of
 15 special full-time pupils are to the total full-time
 16 enrollment of the school.

17 (iv) other--the amount allowed for budget purposes may
 18 not exceed the amount budgeted per regular ANB for the
 19 current year.

20 (k) Room and board costs when the special pupil has to
 21 attend a program at such a distance from his home that
 22 commuting is undesirable as determined by the superintendent
 23 of public instruction.

24 (2) The superintendent of public instruction shall,
 25 prior to the time when a district must have prepared its

1 budget for the 1975-1976 year, promulgate rules and
 2 regulations, in accordance with the policies of the board of
 3 public education, for:

4 (a) keeping necessary records for supportive and
 5 administrative personnel and any personnel shared between
 6 special and regular programs;

7 (b) defining the total special program caseload that
 8 shall be assigned to specific support persons and the kinds
 9 of professional specialties to be considered relevant to the
 10 program before the district may count an allowable cost
 11 under subsection (1) (d) of this section;

12 (c) defining the kinds or types of equipment whose
 13 costs may be counted under subsections (1) (j) (ii) of this
 14 section; and

15 (d) prescribing formulas for calculating, the portion
 16 of operation and maintenance costs, insurance, building and
 17 rental costs properly allocable to the special programs, as
 18 prescribed by subsections (1) (e), (1) (f), (1) (i) (1), and
 19 (1) (i) (ii) of this section.

20 (3) An annual accounting of all expenditures of school
 21 district general fund monies for special education shall be
 22 made by the district trustees on forms furnished by the
 23 superintendent of public instruction. The superintendent of
 24 public instruction shall make rules for such accounting."

-End-

HOUSE BILL NO. 655

INTRODUCED BY DUSSAULT, FABREGA, LESTER, FAGG, VINCENT,
TROPILA, TRAVIS, GILLIGAN, LYNCH, HOLMES, STOLTZ,
HUENNEKENS, KIMBLE, LUEBECK

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
75-7801, 75-7806, 75-7807, AND 75-7813.1, R.C.M. 1947, TO
EXPAND THE DEFINITION OF SPECIAL EDUCATION TO INCLUDE THE
GIFTED AND TALENTED, ~~ELIMINATE-THE-CULTURAL-EXCLUSION-FOR~~
~~EDUCATIONALLY---HANDICAPPED,~~ PROVIDE FOR DISCRETIONARY
ESTABLISHMENT OF PROGRAMS FOR THE GIFTED AND TALENTED,
INCLUDE THE TRAINABLE MENTALLY RETARDED IN THE TWENTY-ONE TO
TWENTY-FIVE YEAR AGE ELIGIBILITY, THE RIGHT OF PARENTS TO
PETITION FOR PROGRAMS FOR GIFTED AND TALENTED, ~~TO-ALLOW-FIVE~~
~~PERCENT---OF---ALLOWABLE---COSTS---FOR---GENERAL---DISTRICT~~
~~ADMINISTRATIVE-COSTS-FOR-SPECIAL--EDUCATION,--TO--PROVIDE--A~~
~~RATIO--FORMULA-FOR-PRINCIPALS,~~ AND TO PROVIDE COST OF TRAVEL
FOR SPECIAL EDUCATION PERSONNEL WHO TRAVEL IN RELATION TO
THEIR JOB DESCRIPTIONS."

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

Section 1. Section 75-7801, R.C.M. 1947, is amended to
read as follows:

"75-7801. Definitions. As used in this Title, unless
the context clearly indicates otherwise:

(1) "Special education" means the kind of instruction
requiring special facilities or programs for mentally
retarded, ~~or~~ physically handicapped, ~~children---or---for~~
educationally handicapped and gifted and talented persons.

(2) A "mentally retarded child" means any child who is
not capable of profiting from the regular instruction of a
school because his mental ability is substantially below the
mental ability of an average child of the same age. Mentally
retarded children are classified as follows:

(a) An "educable mentally retarded child" means a
child who, at maturity, cannot be expected to attain a level
of intellectual functioning greater than that commonly
expected of an eleven-year-old child, but not less than that
of a seven-year-old child.

(b) A "trainable mentally retarded child" means a
child who, at maturity, cannot be expected to attain a level
of intellectual functioning greater than that commonly
expected of a seven-year-old child and, for entrance into a
training program, is capable of walking, of clean body
habits, and of obedience to simple commands.

(c) A "custodial mentally retarded child" means a
child who does not show a likelihood of attaining clean body
habits, responsiveness to directions, or means of
intelligible communication.

(3) A "physically handicapped child" means a child who

1 is capable of profiting from the regular instruction with
 2 the assistance of special equipment, special services, or
 3 transportation to compensate for physical disabilities such
 4 as, but not limited to, cardiac impairment, cerebral palsy,
 5 chronic health problems, or inadequate speech, hearing or
 6 vision.

7 (4) An "educationally handicapped person" means a
 8 child or young adult under the age of twenty-one (21) years
 9 who requires special assistance to the extent that he cannot
 10 reasonably profit from the regular education program.

11 An educationally handicapped person's learning
 12 disorders include, but are not limited to, conditions which
 13 have been referred to as visual perception handicaps, brain
 14 injury, minimal brain dysfunction, dyslexia, behavioral
 15 maladjustment and emotional disturbances. An educationally
 16 handicapped person's disorders are not the result of
 17 problems with visual acuity, hearing impairment, physical
 18 handicaps, ~~cultural~~-or CULTURAL OR instructional factors,
 19 and mental retardation.

20 (5) "Gifted and talented person" means an individual
 21 identified by professionally qualified personnel as mentally
 22 gifted or talented in areas like the following:

- 23 (a) academics,
 24 (b) fine arts,
 25 (c) creativity, and

1 (d) human relations."

2 Section 2. Section 75-7806, R.C.M. 1947, is amended to
 3 read as follows:

4 "75-7806. Discretionary establishment of special
 5 education program. The trustees of any district may
 6 establish and maintain a special education program for:

7 (1) four (4) or more educable mentally retarded
 8 children;

9 (2) four (4) or more physically handicapped children;

10 (3) four (4) or more trainable mentally retarded
 11 children;

12 (4) four (4) or more educationally handicapped persons
 13 between the ages of six (6) and twenty-one (21);

14 (5) four (4) or more gifted and talented persons;

15 ~~(5)~~ (6) individual children requiring special education
 16 such as home or hospital tutoring, school-to-home telephone
 17 communication, or other individual programs; or

18 ~~(6)~~ (7) educable mentally retarded children, trainable
 19 mentally retarded children, educationally handicapped
 20 children, or physically handicapped children under the age
 21 of six (6) years of age when the superintendent of public
 22 instruction has determined that such programs will:

23 (a) assist a child to achieve levels of competence that
 24 will enable him to participate in the regular instruction of
 25 the district when he could not participate without special

1 education;

2 (b) permit the conservation or early acquisition of
3 skills which will provide the child with an equal
4 opportunity to participate in the regular instruction of the
5 district; or

6 (c) provide other demonstrated educational advantages
7 which will materially benefit the child; or

8 ~~7~~(8) trainable mentally retarded, educable mentally
9 retarded persons, educationally handicapped persons, or
10 physically handicapped persons who are not less than
11 twenty-one (21) or more than twenty-five (25) years of age
12 when the superintendent of public instruction has determined
13 that such programs will assist a person to achieve levels of
14 competence that will enable him to better participate in
15 society;

16 ~~6~~(9) eligibility for enrollment in special education
17 programs shall be determined under regulations of the
18 superintendent of public instruction issued pursuant to
19 policies adopted by the board of public education."

20 Section 3. Section 75-7807, R.C.M. 1947, is amended to
21 read as follows:

22 "75-7807. Petition of parents for establishment of
23 special education program. The parents of four (4) or more
24 persons requiring special education of the kind provided for
25 educable mentally retarded children, trainable mentally

1 retarded children, educationally handicapped persons, gifted
2 and talented persons, or physically handicapped children may
3 petition the board of trustees to establish a special
4 education program. Parents residing in several districts may
5 petition the board of trustees of each district to
6 co-operatively establish a special education program of one
7 kind for four (4) or more persons. The interlocal
8 co-operative agreement authorized in chapter 49 of Title 16,
9 R.C.M. 1947, may be used to establish a multi-district
10 special education program."

11 Section 4. Section 75-7813.1, R.C.M. 1947, is amended
12 to read as follows:

13 "75-7813.1. Allowable cost schedule for special
14 programs -- the superintendent of public instruction to make
15 rules -- annual accounting. (1) For the purpose of
16 determining the maximum-budget-without-a-vote for special
17 education as defined in sections 75-6905 (20) and 75-6905
18 (21), the following schedule of allowable costs shall be
19 followed by the school district in preparation of its
20 special education budget for state aid request purposes and
21 by the superintendent of public instruction in his review
22 and approval of the budget for the purposes of determining
23 the amount of the maximum-budget-without-a-vote for special
24 education for the district, and as used in this schedule,
25 "full-time special pupil" and "regular ANB" are to be

1 determined in accordance with sections 75-6902 and 75-6903.

2 (a) Administration; salaries, benefits, supplies and
3 other expenses of the superintendent's office, the office of
4 the board of trustees, and the business office including;

5 (i) salaries of professional administrative personnel;
6 ~~---a-portion-of-the-entire-cost-corresponding-to-the-portion~~
7 ~~of-entire-working-time-which-each-such-person-devotes-to-the~~
8 ~~special-program -- A PORTION OF THE ENTIRE COST~~
9 ~~CORRESPONDING TO THE PORTION OF ENTIRE WORKING TIME WHICH~~
10 ~~EACH SUCH PERSON DEVOTES TO THE SPECIAL PROGRAM;~~

11 (ii) salaries of clerical personnel for administrative
12 staff; ~~-----the-amount-allowed-for-budget-purposes-per~~
13 ~~full-time-special-pupil-may-not-exceed-the-amount-budgeted~~
14 ~~per-regular-ANB-for-the-current-year -- THE AMOUNT ALLOWED~~
15 ~~FOR BUDGET PURPOSES PER FULL-TIME SPECIAL PUPIL MAY NOT~~
16 ~~EXCEED THE AMOUNT BUDGETED PER REGULAR ANB FOR THE CURRENT~~
17 ~~YEAR;~~

18 (iii) supplies and other expenses; ~~----the-amount~~
19 ~~allowed-for-budget-purposes-per-full-time-special-pupil-may~~
20 ~~not-exceed-the-amount-budgeted-per-regular-ANB-for-the~~
21 ~~current-year -- THE AMOUNT ALLOWED FOR BUDGET PURPOSES PER~~
22 ~~FULL-TIME SPECIAL PUPIL MAY NOT EXCEED THE AMOUNT BUDGETED~~
23 ~~PER REGULAR ANB FOR THE CURRENT YEAR.~~

24 ~~(iv)--an-amount-allowed-for-budget-purposes-not-to~~
25 ~~exceed-five-percent-(5)--of-approved-budget-without-the~~

1 ~~specific-approval-of-the-superintendent-of-public~~
2 ~~instruction;~~

3 (b) Instruction; salaries, benefits, supplies,
4 textbooks and other expenses including:

5 (i) salaries of principals and clerical personnel -- a
6 portion of the entire cost corresponding to the ~~portion-of~~
7 ~~the-entire-working-time-which-each-such-person-devotes-to~~
8 ~~the-special-program-but-not-to-exceed-one-and-seventy-five~~
9 ~~hundredths-(1.75)-times-the-amount-budgeted-per-regular-ANB~~
10 ~~for-the-current-year~~ PORTION OF THE ENTIRE WORKING TIME
11 WHICH EACH SUCH PERSON DEVOTES TO THE SPECIAL PROGRAM BUT
12 NOT TO EXCEED ONE AND SEVENTY-FIVE HUNDREDTHS (1.75) TIMES
13 THE AMOUNT BUDGETED PER REGULAR ANB FOR THE CURRENT YEAR
14 ratio-of-the-number-of-regular-classroom-students-to-the
15 number-of-full-time-special-education-students,-and-in-the
16 case-of-resource-teachers-and-speech-therapists,-the-number
17 of-full-time-equivalent-students;

18 (ii) salaries and benefits of special program teachers,
19 regular program teachers, teacher aides, special education
20 supervisors, audiologists, and speech and hearing
21 clinicians--the entire cost if employed full-time in the
22 special program. If such personnel are shared between
23 special and regular programs--a portion of the entire cost
24 corresponding to the entire working time which each such
25 person devotes to the special program;

1 (iii) teaching supplies and textbooks--if used
 2 exclusively for special programs the actual total cost. If
 3 shared with regular programs--the amount allowed for budget
 4 purposes per full-time special pupil may not exceed the
 5 amount budgeted per regular ANB for the current year;

6 (iv) other expenses--with the exception of the
 7 following items, the amount allowed for budget purposes per
 8 full-time special pupil may not exceed the amount budgeted
 9 per regular ANB for the current year:

10 (A) Contracted services, including fees paid for
 11 professional advice and consultation regarding special
 12 students or the special program, and the delivery of special
 13 education services by nonprofit agencies--the actual total
 14 cost.

15 (B) Transportation costs for special education
 16 personnel who must travel ~~on-an-itinerant-basis-from-school~~
 17 ~~to-school-or-district-to-district~~ in order to fulfill the
 18 responsibilities of their particular job description -- the
 19 actual cost to the district calculated on the same ~~mileage~~
 20 rate basis used by the district for other travel
 21 reimbursement purposes.

22 (c) Library services; salaries, books and periodicals
 23 and other expenses--the amount allowed for budget purposes
 24 per full-time special pupil may not exceed the amount
 25 budgeted per regular ANB for the current year.

1 (d) Supportive services; salaries, benefits and other
 2 expenses:

3 (i) salaries and benefits of professional supportive
 4 personnel--the entire cost if employed full-time in the
 5 special program. If such personnel are shared between
 6 special and regular programs--a portion of the entire cost
 7 corresponding to the entire working time which each such
 8 person devotes to the special program.

9 Professional supportive personnel may include
 10 counselors, social workers, psychologists, psychometrists,
 11 physicians, nurses, and physical and occupational
 12 therapists.

13 (ii) salaries and benefits of clerical personnel for
 14 professional personnel in supportive services--the entire
 15 cost if employed full-time in the special program. If such
 16 personnel are shared between special and regular programs--a
 17 portion of the entire cost corresponding to the entire
 18 working time which each such person devotes to the special
 19 program;

20 (iii) other expenses--the amount allowed for budget
 21 purposes per full-time special pupil may not exceed the
 22 amount budgeted per regular ANB for the current year.

23 (e) Operation of plant; salaries, benefits, heat for
 24 buildings, utilities except heating, and other supplies and
 25 expenses--the superintendent of public instruction shall

1 make regulations fixing a ratio for operation spending per
 2 full-time special pupil to such spending per current year's
 3 regular ANB. The proration shall be based on the ratio
 4 between the number of special pupils per class and the
 5 number of regular pupils per class and any other relevant
 6 factors.

7 (f) Maintenance of plant; salaries, benefits,
 8 replacements and parts, contracted services--the
 9 superintendent of public instruction shall make regulations
 10 fixing a ratio for maintenance spending per full-time
 11 special pupil to such spending per current year's regular
 12 ANB. The proration shall be based on the ratio between the
 13 number of special pupils per class and the number of regular
 14 pupils per class and any other relevant factors.

15 (g) School food services--the amount allowed for budget
 16 purposes per full-time special pupil may not exceed the
 17 amount budgeted per regular ANB for the current year.

18 (h) Student body and auxiliary services; salaries and
 19 other expenses--the amount allowed for budget purposes per
 20 full-time special pupil may not exceed the amount budgeted
 21 per regular ANB for the current year.

22 (i) Other current charges; insurance, rental of land
 23 and buildings, and other expenses:

24 (i) rental of land and buildings, when such premises
 25 meet all requirements of the board of public education and

1 the department of health and environmental sciences--no such
 2 costs may be charged to the special program without specific
 3 authorization from the superintendent of public instruction
 4 unless the land and buildings are shared between the special
 5 and regular pupils, and the amount of the total cost that
 6 may be charged to the special program may not exceed
 7 whatever proportion the number of special full-time pupils
 8 are to the total enrollment of the school district of the
 9 previous year. Provided, however, that any school district
 10 renting land and buildings for special education purposes
 11 prior to the 1974-75 school year is not subject to this
 12 requirement, and will charge a portion of the total cost
 13 when shared with regular programs, to be prorated based on
 14 the amount of building space used by each type of program;

15 (ii) insurance--the superintendent of public
 16 instruction shall make regulations fixing a ratio for
 17 insurance spending per full-time special pupil to such
 18 spending per current year's regular ANB. The proration shall
 19 be based on the ratio between the number of special pupils
 20 per class and the number of regular pupils per class and any
 21 other relevant factors;

22 (iii) all other expenses--the amount allowed for budget
 23 purposes per full-time special pupil for a school year may
 24 not exceed the amount budgeted per regular ANB for the
 25 current school year.

1 (j) Capital outlay; sites, buildings, remodeling and
2 improvements, equipment and other:

3 (i) classroom remodeling and improvements for a program
4 for physically handicapped students--the actual total cost;
5 all other remodeling and improvements--the amount allowed
6 for budget purposes per full-time special pupil for a school
7 year may not exceed the amount budgeted per regular ANB for
8 the current school year;

9 (ii) equipment--the actual total cost;

10 (iii) sites--buildings--no such costs may be charged to
11 the special program unless the sites and/or buildings are
12 shared between the special and regular students, and the
13 amount of the total cost that may be charged to the special
14 program may not exceed whatever proportion the number of
15 special full-time pupils are to the total full-time
16 enrollment of the school.

17 (iv) other--the amount allowed for budget purposes may
18 not exceed the amount budgeted per regular ANB for the
19 current year.

20 (k) Room and board costs when the special pupil has to
21 attend a program at such a distance from his home that
22 commuting is undesirable as determined by the superintendent
23 of public instruction.

24 (2) The superintendent of public instruction shall,
25 prior to the time when a district must have prepared its

1 budget for the 1975-1976 year, promulgate rules and
2 regulations, in accordance with the policies of the board of
3 public education, for:

4 (a) keeping necessary records for supportive and
5 administrative personnel and any personnel shared between
6 special and regular programs;

7 (b) defining the total special program caseload that
8 shall be assigned to specific support persons and the kinds
9 of professional specialties to be considered relevant to the
10 program before the district may count an allowable cost
11 under subsection (1) (d) of this section;

12 (c) defining the kinds or types of equipment whose
13 costs may be counted under subsections (1) (j) (ii) of this
14 section; and

15 (d) prescribing formulas for calculating, the portion
16 of operation and maintenance costs, insurance, building and
17 rental costs properly allocable to the special programs, as
18 prescribed by subsections (1) (e), (1) (f), (1) (i) (i), and
19 (1) (i) (ii) of this section.

20 (3) An annual accounting of all expenditures of school
21 district general fund monies for special education shall be
22 made by the district trustees on forms furnished by the
23 superintendent of public instruction. The superintendent of
24 public instruction shall make rules for such accounting."

-End-