

# CHAPTER NO. 661.

HOUSE BILL NO. 116

INTRODUCED BY SOUTH

## IN THE HOUSE

|                   |   |
|-------------------|---|
| January 11, 1979  | Introduced and referred to Committee on Education and Cultural Resources.     |
| February 19, 1979 | Committee recommend bill do pass as amended. Report adopted.                  |
| February 21, 1979 | Printed and placed on members' desks.   |
| February 22, 1979 | Second reading, do pass.  |
|                   | On motion, taken from engrossing and referred to Committee on Appropriations. |
| March 16, 1979    | Committee recommend bill do pass. Report adopted.                             |
| March 17, 1979    | Printed and placed on members' desks.   |
| March 20, 1979    | Second reading, do pass.  |
| March 21, 1979    | Considered correctly engrossed.   |
| March 24, 1979    | Third reading, passed.<br>Transmitted to second house.                        |

## IN THE SENATE

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| March 24, 1979 | Introduced and referred to Committee on Education.        |
| March 26, 1979 | Rereferred to Committee on Finance and Claims.            |
| April 3, 1979  | Committee recommend bill be concurred in. Report adopted. |

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| April 4, 1979  | Second reading, pass consideration.             |
| April 5, 1979  | Motion pass consideration until April 7, 1979.  |
| April 7, 1979  | On motion, consideration be passed for the day. |
| April 9, 1979  | Second reading, concurred in.                   |
| April 11, 1979 | Third reading, concurred in.                    |

IN THE HOUSE

|                |   |
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| April 12, 1979 | Returned from second house.<br>Concurred in. Sent to enrolling.<br><br>Report correctly enrolled. |
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House BILL NO. 116

1 INTRODUCED BY South

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3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ALLOWABLE  
5 COST SCHEDULE FOR SPECIAL EDUCATION PROGRAMS; ELIMINATING  
6 CERTAIN ALLOWABLE COSTS; AMENDING SECTIONS 20-7-422,  
7 20-7-423, AND 20-7-431, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 20-7-431, MCA, is amended to read:  
11 "20-7-431. Allowable cost schedule for special  
12 programs -- superintendent to make rules -- annual  
13 accounting. (1) For the purpose of determining the  
14 maximum-budget-without-a-vote for special education as  
15 defined in 20-9-321, the following schedule of allowable  
16 costs shall be followed by the school district in  
17 preparation of its special education budget for state aid  
18 request purposes and by the superintendent of public  
19 instruction in his review and approval of the budget (for  
20 the purposes of determining the amount of the  
21 maximum-budget-without-a-vote for special education for the  
22 district, and as used in this schedule, "full-time special  
23 pupil" and "regular ANB" are to be determined in accordance  
24 with 20-9-311 and 20-9-313):

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 a  
3 proportion of  
4 ~~tit~~ salaries of professional administrative  
5 personnel--~~a~~-portion-of-the-entire-cost corresponding to the  
6 portion of entire working time which each such person  
7 devotes to the special program;  
8 ~~tit~~-salaries-of-~~clerical~~-personnel-for-administrative  
9 staff--~~the~~--amount-allowed-for-budget-purposes-per-full-time  
10 special-pupil--may-not-exceed-the-amount-budgeted-per-regular  
11 ANB-for-the-current-year;  
12 ~~tit~~-supplies-and-other-expenses--the--amount--allowed  
13 for--budget--purposes--per--full-time--special-pupil--may-not  
14 exceed--the--amount--budgeted--per--regular--ANB--for--the--current  
15 year;  
16 (b) instruction: salaries, benefits, supplies,  
17 textbooks, and other expenses including:  
18 ~~tit~~-salaries-of-principals-and-~~clerical~~-personnel--~~a~~  
19 portion--of--the-entire-cost--corresponding--to--the--portion--of  
20 the-entire-working-time--which--each--such--person--devotes--to  
21 the-special-program--but--not--to--exceed--175--times--the--amount  
22 budgeted--per--regular--ANB--for--the--current--year;  
23 ~~tit~~ salaries and benefits of special program  
24 teachers, regular program teachers, teacher aides, special  
25 education supervisors, audiologists, and speech and hearing

1 clinicians--the entire cost if employed full time in the  
 2 special program; if such personnel are shared between  
 3 special and regular programs--a portion of the entire cost  
 4 corresponding to the entire working time which each such  
 5 person devotes to the special program;

6 ~~teaching supplies and textbooks if used~~  
 7 exclusively for special programs--the actual total cost; if  
 8 ~~shared-with-regular-programs--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 ~~other expenses with--the--exception--of--the~~  
 12 ~~following--items--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:~~

15 (A) contracted services, including fees paid for  
 16 professional advice and consultation regarding special  
 17 students or the special program, and the delivery of special  
 18 education services by public or private agencies--the actual  
 19 total cost;

20 (B) transportation costs for special education  
 21 personnel who must travel on an itinerant basis from school  
 22 to school or district to district--the actual cost to the  
 23 district calculated on the same mileage rate used by the  
 24 district for other travel reimbursement purposes;

25 ~~library services--salaries--books-and-periodicals--~~

1 ~~and--other--expenses--the--amount-allowed-for-budget-purposes~~  
 2 ~~per--full-time--special--pupil--may--not--exceed--the--amount~~  
 3 ~~budgeted-per-regular-ANB-for-the-current-year~~  
 4 ~~tdt[cl] supportive services--including: salaries~~  
 5 ~~benefits--and--other--expenses~~

6 (i) salaries and benefits of professional supportive  
 7 personnel--the entire cost if employed full time in the  
 8 special program; if such personnel are shared between  
 9 special and regular programs--a portion of the entire cost  
 10 corresponding to the entire working time which each such  
 11 person devotes to the special program. Professional  
 12 supportive personnel may include counselors, social workers,  
 13 psychologists, psychometrists, physicians, nurses, and  
 14 physical and occupational therapists.

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

22 ~~other-expenses--the--amount--allowed--for--budget~~  
 23 ~~purposes--per--full-time--special--pupil--may-not-exceed-the~~  
 24 ~~amount-budgeted-per-regular-ANB-for-the-current-year~~

25 ~~operation-of-plant--salaries--benefits--heat--for~~

1 buildings--utilities--except-heating--and-other-supplies--and  
 2 expenses--the-superintendent--of--public--instruction--shall  
 3 make--regulations--fixing-a-ratio--for-operation--spending--per  
 4 full-time--special-pupil--to--such--spending--per--current--years--  
 5 regular--ANB--the--proportion--shall--be--based--on--the--ratio  
 6 between--the--number--of--special--pupils--per--class--and--the  
 7 number--of--regular--pupils--per--class--and--any--other--relevant  
 8 factors--

9       if--maintenance--of--plants--salaries--benefits--  
 10 replacements--and--parts--contracted--services--the  
 11 superintendent--of--public--instruction--shall--make--regulations  
 12 fixing--a--ratio--for--maintenance--spending--per--full--time  
 13 special--pupil--to--such--spending--per--current--years--regular  
 14 ANB--the--proportion--shall--be--based--on--the--ratio--between--the  
 15 number--of--special--pupils--per--class--and--the--number--of--regular  
 16 pupils--per--class--and--any--other--relevant--factors--

17       if--school--food--services--the--amount--allowed--for  
 18 budget--purposes--per--full--time--special--pupil--may--not--exceed  
 19 the--amount--budgeted--per--regular--ANB--for--the--current--years

20       if--student--body--and--auxiliary--services--salaries--and  
 21 other--expenses--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--years

24       if--other--current--charges--insurance--rental--of--land  
 25 and--buildings--and--other--expenses--

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

17       if--insurance--the--superintendent--of--public  
 18 instruction--shall--make--regulations--fixing--a--ratio--for  
 19 insurance--spending--per--full--time--special--pupil--to--such  
 20 spending--per--current--years--regular--ANB--the--proportion--shall  
 21 be--based--on--the--ratio--between--the--number--of--special--pupils  
 22 per--class--and--the--number--of--regular--pupils--per--class--and--any  
 23 other--relevant--factors--

24       if--all--other--expenses--the--amount--allowed--for--budget  
 25 purposes--per--full--time--special--pupil--for--a--school--year--may

1 not-exceed-the-amount--budgeted--per--regulator--ANB--for--the  
2 current-school-year  
3        tjtid capital--outlays--remodeling--and-improvements,  
4 equipment; v-and-other  
5        tj--classroom--remodeling--and--improvements---for---a  
6 program--for---handicapped---students---who---need---special  
7 facilities--the--actual--total--costs--all--other--remodeling--and  
8 improvements--the--amount--allowed--for--budget--purposes--per  
9 full--time--special--pupil--for-a--school--year--may--not--exceed--the  
10 amount--budgeted--per--regulator--ANB--for--the--current--school--year  
11        titill equipment--the actual total cost;  
12        titill special equipment for district-owned school  
13 buses necessary to accommodate special students--the actual  
14 total cost;  
15        titill special equipment for school buses contracted  
16 to transport special students--that portion of the contract  
17 price attributable to the cost of special equipment or  
18 personnel required to accommodate special students--the  
19 actual special cost;  
20        tvj--other--the--amount--allowed--for--budget--purposes--may  
21 not-exceed-the-amount--budgeted--per--regulator--ANB--for--the  
22 current--year  
23        tktel room and board costs when the special pupil has  
24 to attend a program at such a distance from his home that  
25 commuting is undesirable as determined by the superintendent

1 of public instruction.

2 (2) The superintendent of public instruction shall

3 prior to September 1, 1977, revise the rules in accordance

4 with the policies of the board of public education for:

5 (a) keeping necessary records for supportive and

6 administrative personnel and any personnel shared between

7 special and regular programs;

8 (b) defining the total special program caseload that

9 shall be assigned to specific support persons and the kinds

10 of professional specialties to be considered relevant to the

11 program before the district may count an allowable cost

12 under subsection (1) of this section; and

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

14 costs may be counted under subsection (1) of this section;

15 this section--end

16 ~~and~~--prescribing--formulas--for--calculating--the--portion

17 of--operation--and--maintenance--costs--insurance--building--and

18 rent--costs--property--allocable--to--the--special--programs--as

19 prescribed--by--subsections--~~1~~--~~2~~--~~3~~--~~4~~--~~5~~--~~6~~--~~7~~--~~8~~--~~9~~--~~10~~--~~11~~--~~12~~--~~13~~--~~14~~--~~15~~--~~16~~--~~17~~--~~18~~--~~19~~--~~20~~--~~21~~--~~22~~--~~23~~--~~24~~--~~25~~--~~26~~--~~27~~--~~28~~--~~29~~--~~30~~--~~31~~--~~32~~--~~33~~--~~34~~--~~35~~--~~36~~--~~37~~--~~38~~--~~39~~--~~40~~--~~41~~--~~42~~--~~43~~--~~44~~--~~45~~--~~46~~--~~47~~--~~48~~--~~49~~--~~50~~--~~51~~--~~52~~--~~53~~--~~54~~--~~55~~--~~56~~--~~57~~--~~58~~--~~59~~--~~60~~--~~61~~--~~62~~--~~63~~--~~64~~--~~65~~--~~66~~--~~67~~--~~68~~--~~69~~--~~70~~--~~71~~--~~72~~--~~73~~--~~74~~--~~75~~--~~76~~--~~77~~--~~78~~--~~79~~--~~80~~--~~81~~--~~82~~--~~83~~--~~84~~--~~85~~--~~86~~--~~87~~--~~88~~--~~89~~--~~90~~--~~91~~--~~92~~--~~93~~--~~94~~--~~95~~--~~96~~--~~97~~--~~98~~--~~99~~--~~100~~--~~101~~--~~102~~--~~103~~--~~104~~--~~105~~--~~106~~--~~107~~--~~108~~--~~109~~--~~110~~--~~111~~--~~112~~--~~113~~--~~114~~--~~115~~--~~116~~--~~117~~--~~118~~--~~119~~--~~120~~--~~121~~--~~122~~--~~123~~--~~124~~--~~125~~--~~126~~--~~127~~--~~128~~--~~129~~--~~130~~--~~131~~--~~132~~--~~133~~--~~134~~--~~135~~--~~136~~--~~137~~--~~138~~--~~139~~--~~140~~--~~141~~--~~142~~--~~143~~--~~144~~--~~145~~--~~146~~--~~147~~--~~148~~--~~149~~--~~150~~--~~151~~--~~152~~--~~153~~--~~154~~--~~155~~--~~156~~--~~157~~--~~158~~--~~159~~--~~160~~--~~161~~--~~162~~--~~163~~--~~164~~--~~165~~--~~166~~--~~167~~--~~168~~--~~169~~--~~170~~--~~171~~--~~172~~--~~173~~--~~174~~--~~175~~--~~176~~--~~177~~--~~178~~--~~179~~--~~180~~--~~181~~--~~182~~--~~183~~--~~184~~--~~185~~--~~186~~--~~187~~--~~188~~--~~189~~--~~190~~--~~191~~--~~192~~--~~193~~--~~194~~--~~195~~--~~196~~--~~197~~--~~198~~--~~199~~--~~200~~--~~201~~--~~202~~--~~203~~--~~204~~--~~205~~--~~206~~--~~207~~--~~208~~--~~209~~--~~210~~--~~211~~--~~212~~--~~213~~--~~214~~--~~215~~--~~216~~--~~217~~--~~218~~--~~219~~--~~220~~--~~221~~--~~222~~--~~223~~--~~224~~--~~225~~--~~226~~--~~227~~--~~228~~--~~229~~--~~230~~--~~231~~--~~232~~--~~233~~--~~234~~--~~235~~--~~236~~--~~237~~--~~238~~--~~239~~--~~240~~--~~241~~--~~242~~--~~243~~--~~244~~--~~245~~--~~246~~--~~247~~--~~248~~--~~249~~--~~250~~--~~251~~--~~252~~--~~253~~--~~254~~--~~255~~--~~256~~--~~257~~--~~258~~--~~259~~--~~260~~--~~261~~--~~262~~--~~263~~--~~264~~--~~265~~--~~266~~--~~267~~--~~268~~--~~269~~--~~270~~--~~271~~--~~272~~--~~273~~--~~274~~--~~275~~--~~276~~--~~277~~--~~278~~--~~279~~--~~280~~--~~281~~--~~282~~--~~283~~--~~284~~--~~285~~--~~286~~--~~287~~--~~288~~--~~289~~--~~290~~--~~291~~--~~292~~--~~293~~--~~294~~--~~295~~--~~296~~--~~297~~--~~298~~--~~299~~--~~300~~--~~301~~--~~302~~--~~303~~--~~304~~--~~305~~--~~306~~--~~307~~--~~308~~--~~309~~--~~310~~--~~311~~--~~312~~--~~313~~--~~314~~--~~315~~--~~316~~--~~317~~--~~318~~--~~319~~--~~320~~--~~321~~--~~322~~--~~323~~--~~324~~--~~325~~--~~326~~--~~327~~--~~328~~--~~329~~--~~330~~--~~331~~--~~332~~--~~333~~--~~334~~--~~335~~--~~336~~--~~337~~--~~338~~--~~339~~--~~340~~--~~341~~--~~342~~--~~343~~--~~344~~--~~345~~--~~346~~--~~347~~--~~348~~--~~349~~--~~350~~--~~351~~--~~352~~--~~353~~--~~354~~--~~355~~--~~356~~--~~357~~--~~358~~--~~359~~--~~360~~--~~361~~--~~362~~--~~363~~--~~364~~--~~365~~--~~366~~--~~367~~--~~368~~--~~369~~--~~370~~--~~371~~--~~372~~--~~373~~--~~374~~--~~375~~--~~376~~--~~377~~--~~378~~--~~379~~--~~380~~--~~381~~--~~382~~--~~383~~--~~384~~--~~385~~--~~386~~--~~387~~--~~388~~--~~389~~--~~390~~--~~391~~--~~392~~--~~393~~--~~394~~--~~395~~--~~396~~--~~397~~--~~398~~--~~399~~--~~400~~--~~401~~--~~402~~--~~403~~--~~404~~--~~405~~--~~406~~--~~407~~--~~408~~--~~409~~--~~410~~--~~411~~--~~412~~--~~413~~--~~414~~--~~415~~--~~416~~--~~417~~--~~418~~--~~419~~--~~420~~--~~421~~--~~422~~--~~423~~--~~424~~--~~425~~--~~426~~--~~427~~--~~428~~--~~429~~--~~430~~--~~431~~--~~432~~--~~433~~--~~434~~--~~435~~--~~436~~--~~437~~--~~438~~--~~439~~--~~440~~--~~441~~--~~442~~--~~443~~--~~444~~--~~445~~--~~446~~--~~447~~--~~448~~--~~449~~--~~450~~--~~451~~--~~452~~--~~453~~--~~454~~--~~455~~--~~456~~--~~457~~--~~458~~--~~459~~--~~460~~--~~461~~--~~462~~--~~463~~--~~464~~--~~465~~--~~466~~--~~467~~--~~468~~--~~469~~--~~470~~--~~471~~--~~472~~--~~473~~--~~474~~--~~475~~--~~476~~--~~477~~--~~478~~--~~479~~--~~480~~--~~481~~--~~482~~--~~483~~--~~484~~--~~485~~--~~486~~--~~487~~--~~488~~--~~489~~--~~490~~--~~491~~--~~492~~--~~493~~--~~494~~--~~495~~--~~496~~--~~497~~--~~498~~--~~499~~--~~500~~--~~501~~--~~502~~--~~503~~--~~504~~--~~505~~--~~506~~--~~507~~--~~508~~--~~509~~--~~510~~--~~511~~--~~512~~--~~513~~--~~514~~--~~515~~--~~516~~--~~517~~--~~518~~--~~519~~--~~520~~--~~521~~--~~522~~--~~523~~--~~524~~--~~525~~--~~526~~--~~527~~--~~528~~--~~529~~--~~530~~--~~531~~--~~532~~--~~533~~--~~534~~--~~535~~--~~536~~--~~537~~--~~538~~--~~539~~--~~540~~--~~541~~--~~542~~--~~543~~--~~544~~--~~545~~--~~546~~--~~547~~--~~548~~--~~549~~--~~550~~--~~551~~--~~552~~--~~553~~--~~554~~--~~555~~--~~556~~--~~557~~--~~558~~--~~559~~--~~560~~--~~561~~--~~562~~--~~563~~--~~564~~--~~5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1       (4) If a board of trustees chooses to exceed the  
 2 budget approved by the superintendent of public instruction,  
 3 costs in excess of the approved budget may not be reimbursed  
 4 under the maximum-budget-without-a-vote for special  
 5 education."

6       Section 2. Section 20-7-422, MCA, is amended to read:  
 7       "20-7-422. Out-of-state tuition for special education  
 8 children. (1) If the trustees of any district recommend to  
 9 the superintendent of public instruction the attendance of a  
 10 child in need of special education in a special education  
 11 program offered outside of the state of Montana, such  
 12 arrangements shall not be subject to the out-of-state  
 13 attendance provisions of the laws governing the attendance  
 14 of pupils in schools outside the state of Montana.

15       (2) Whenever the attendance of a child at an  
 16 out-of-state special education program is approved by the  
 17 superintendent of public instruction, it shall be the  
 18 responsibility of the superintendent of public instruction,  
 19 in cooperation with the department of social and  
 20 rehabilitation services and the department of institutions,  
 21 to negotiate the program for the child and the amount and  
 22 manner of payment of tuition. The amount of tuition shall be  
 23 included as a contracted service in  
 24 20-7-431(1)(b)†††††(A) in the  
 25 maximum-budget-without-a-vote for special education."

1       Section 3. Section 20-7-423, MCA, is amended to read:  
 2       "20-7-423. Arranging attendance in a private  
 3 institution. Whenever the trustees determine that a  
 4 handicapped child is in need of services that can only be  
 5 provided by a private institution and the superintendent of  
 6 public instruction so approves, the board of trustees may  
 7 negotiate the amount and manner of payment of tuition and it  
 8 shall be included as a contracted service as allowed in  
 9 20-7-431(1)(b)†††††(A)."

-End-

## STATE OF MONTANA

Request No. 509-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received March 27, 1979, there is hereby submitted a Fiscal Note for House Bill 116 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 116 eliminates indirect costs as reimbursable costs under special education and provides for districts placing children in out-of-district special education programs to pay tuition.

## ASSUMPTIONS:

1. Savings under FY 1979 schedules would be \$3,800,000 to the Foundation Program.
2. School costs will inflate at 7% per year.
3. This law would not take effect until FY 1981.
4. Net costs to districts for tuition would be \$582,664 in FY 1979.

## FISCAL IMPACT:

|                                      | FY 81                  |
|--------------------------------------|------------------------|
| Special education under current law  | \$32.58 million        |
| Special education under proposed law | <u>28.23 million</u>   |
| Net savings to Foundation Program    | <u>\$ 4.35 million</u> |

## LOCAL IMPACT:

Beginning in FY 1981, local government must provide increased funding approximating \$4.35 million per year for special education. Also, approximately \$1.5 million must be paid by school districts for out-of-district special education tuition. (The net effect of the tuition payments may be somewhat lower than \$1.5 million, assuming that any increase in tax levies by paying districts will be offset by reduced levies by receiving districts.)

*Richard A. Denny Jr.*  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 3/28/79

APPROVED BY COMM. ON  
EDUCATION & CULTURAL RESOURCES

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA,

13                   Section 1. Section 20-7-431, MCA, is amended to read:

14                   "20-7-431. Allowable cost schedule for special

15                   programs -- superintendent to make rules -- annual

16                   accounting. {1} For the purpose of determining the

17                   maximum-budget-without-a-vote for special education as

18                   defined in 20-9-321, the following schedule of allowable

19                   costs shall be followed by the school district in

20                   preparation of its special education budget for state aid

21                   request purposes and by the superintendent of public

22                   instruction in his review and approval of the budget (for

23                   the purposes of determining the amount of the

24                   maximum-budget-without-a-vote for special education for the

25                   district, and as used in this schedule, "full-time special

1 pupil" and "regular ANB" are to be determined in accordance  
2 with 20-9-311 and 20-9-313):

3        tit--administration--salaries--benefits--supplies--and  
4 other-expenses-of-the-superintendent's-office--the-office-of  
5 the-board-of-trustees--and-the-business-office--including--a  
6 proportion-of

7        tit--salaries----of----professionals----administrative  
8 personnel--a-portion-of-the-entire-cost-corresponding-to-the  
9 portion-of--entire--working--time--which--each--such--person  
10 devotes-to-the-special-program

11       tit--salaries--of-clerical-personnel-for-administrative  
12 staff--the-amount-allowed-for-budget-purposes-per--full-time  
13 special-pupil--may-not-exceed-the-amount-budgeted-per-regular  
14 ANB-for-the-current-year

15       tit--supplies--and--other-expenses--the-amount-allowed  
16 for-budget-purposes-per--full-time--special--pupil--may--not  
17 exceed--the--amount-budgeted-per-regular-ANB-for-the-current  
18 year

19       tit--instruction: salaries, benefits, supplies,  
20 textbooks, and other expenses including:

21       tit--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-1-75-times--the--amount  
25 budgeted-per-regular-ANB-for-the-current-year

1        ~~ffff~~ salaries and benefits of special program  
 2 teachers, regular program teachers, teacher aides, special  
 3 education supervisors, audiologists, and speech and hearing  
 4 clinicians--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        ~~ffff~~ teaching supplies and textbooks if used  
 10 exclusively for special programs--the actual total cost; if  
 11 shared--with-regular-programs--the-amount-allowed-for-budget  
 12 purposes--per-full-time-special-pupil--may--not--exceed--the  
 13 amount-budgeted-per-regular-ANB-for-the-current-year;

14        ~~ffff~~ other expenses with--the--exception--of--the  
 15 following--items--the-amount-allowed-for-budget-purposes--per  
 16 full-time--special--pupil--may--not--exceed--the-amount-budgeted  
 17 per-regular-ANB-for-the-current-year:

18        (A) contracted services, including fees paid for  
 19 professional advice and consultation regarding special  
 20 students or the special program, and the delivery of special  
 21 education services by public or private agencies--the actual  
 22 total cost;

23        (B) transportation costs for special education  
 24 personnel who must travel on an itinerant basis from school  
 25 to school or district to district--the actual cost to the

1        district calculated on the same mileage rate used by the  
 2 district for other travel reimbursement purposes;

3        ~~ffff~~ library-servicest-salaries--books-and-periodicals--  
 4 and-other-expenses--the-amount-allowed-for--budget--purposes  
 5 per--full-time--special--pupil--may--not--exceed--the-amount  
 6 budgeted-per-regular-ANB-for-the-current-year;

7        ~~ffff~~ supportive services, including: salaries  
 8 and-other-expenses;

9        (i) salaries and benefits of professional supportive  
 10 personnel--the entire cost if employed full time in the  
 11 special program; if such personnel are shared between  
 12 special and regular programs--a portion of the entire cost  
 13 corresponding to the entire working time which each such  
 14 person devotes to the special program. Professional  
 15 supportive personnel may include counselors, social workers,  
 16 psychologists, psychometrists, physicians, nurses, and  
 17 physical and occupational therapists.

18        (ii) salaries and benefits of clerical personnel for  
 19 professional personnel in supportive services--the entire  
 20 cost if employed full time in the special program; if such  
 21 personnel are shared between special and regular programs--a  
 22 portion of the entire cost corresponding to the entire  
 23 working time which each such person devotes to the special  
 24 program;

25        ~~ffff~~ other--expenses--the--amount--allowed--for--budget

1 purposes-per-full-time-special--pupil--may--not--exceed--the  
 2 amount-budgeted-per-regular-ANB-for-the-current-year  
 3        for--operation--of--plants--salaries--benefits--heat--for  
 4 buildings--utilities--except--heatings--and--other--supplies--and  
 5 expenses--the--superintendent--of--public--instruction--shall  
 6 make-regulations--fixing-a-ratio--for--operation--spending--per  
 7 full-time--special--pupil--to--such--spending--per--current--year's  
 8 regular-ANB--the--proration--shall--be--based--on--the--ratio  
 9 between--the--number--of--special--pupils--per--class--and--the  
 10 number--of--regular--pupils--per--class--and--any--other--relevant  
 11 factors.  
 12        for--maintenance--of--plants--salaries--benefits--  
 13 replacements--and--parts--contracted--services--the  
 14 superintendent--of--public--instruction--shall--make--regulations  
 15 fixing--a--ratio--for--maintenance--spending--per--full--time  
 16 special--pupil--to--such--spending--per--current--year's--regular  
 17 ANB--the--proration--shall--be--based--on--the--ratio--between--the  
 18 number--of--special--pupils--per--class--and--the--number--of--regular  
 19 pupils--per--class--and--any--other--relevant--factors.  
 20        for--school--food--services--the--amount--allowed--for  
 21 budget--purposes--per--full--time--special--pupil--may--not--exceed  
 22 the--amount--budgeted--per--regular--ANB--for--the--current--year  
 23        for--student--body--and--auxiliary--services--salaries--and  
 24 other--expenses--the--amount--allowed--for--budget--purposes--per  
 25 full--time--special--pupil--may--not--exceed--the--amount--budgeted

1 per--regular--ANB--for--the--current--year  
 2        for--other--current--charges--insurance--rental--of--land  
 3 and--buildings--and--other--expenses  
 4        for--rental--of--land--and--buildings--when--such--premises  
 5 meet--all--requirements--of--the--board--of--public--education--and  
 6 the--department--of--health--and--environmental--sciences--no--such  
 7 costs--may--be--charged--to--the--special--program--without--specific  
 8 authorization--from--the--superintendent--of--public--instruction  
 9 unless--the--land--and--buildings--are--shared--between--the--special  
 10 and--regular--pupils--and--the--amount--of--the--total--cost--that  
 11 may--be--charged--to--the--special--program--may--not--exceed  
 12 whatever--proportion--the--number--of--special--full--time--pupils  
 13 are--to--the--total--enrollment--of--the--school--district--of--the  
 14 previous--year. However, any--school--district--renting--land--and  
 15 buildings--for--special--education--purposes--prior--to--the  
 16 1974-75--school--year--is--not--subject--to--this--requirement--and  
 17 will--charge--a--portion--of--the--total--cost--when--shared--with  
 18 regular--programs--to--be--prorated--based--on--the--amount--of  
 19 building--space--used--by--each--type--of--program  
 20        for--insurance--the--superintendent--of--public  
 21 instruction--shall--make--regulations--fixing--a--ratio--for  
 22 insurance--spending--per--full--time--special--pupil--to--such  
 23 spending--per--current--year's--regular--ANB--the--proration--shall  
 24 be--based--on--the--ratio--between--the--number--of--special--pupils  
 25 per--class--and--the--number--of--regular--pupils--per--class--and--any

## 1 other-relevant-factors

2            ~~for other expenses the amount allowed for budget~~  
3    purposes per full-time student pupil for a school year may  
4    not exceed the amount budgeted per regular ANB for the  
5    current school year.

6 tjtid1111 capital-outlays-remodeling-and-improvements,  
7 equipment-v-and-others

8            ++>--classroom--remodeling--and--improvements--for--a  
9 program--for--handicapped--students--who--need--special  
10 facilities--the--actual--total--costs--all--other--remodeling--and  
11 improvements--the--amount--allowed--for--budget--purposes--per  
12 full--time--special--pupil--for--a--school--year--may--not--exceed--the  
13 amount--budgeted--per--regular--ANS--for--the--current--school--year--

15        ~~fill~~ special equipment for district-owned school  
16        buses necessary to accommodate special students--the actual  
17        total cost:

18                + + + + + special equipment for school buses contracted  
19    to transport special students--that portion of the contract  
20    price attributable to the cost of special equipment or  
21    personnel required to accommodate special students--the  
22    actual special cost;

23           {v)--other--the--amount--allowed--for--budget--purposes--may  
24    net--exceed--the--amount--budgeted--per--regular--ANB--for--the  
25    current--year.

1           ~~to~~ ~~the~~ room and board costs when the special pupil  
2    has to attend a program at such a distance from his home  
3    that commuting is undesirable as determined by the  
4    superintendent of public instruction.

8 (a) keeping necessary records for supportive and  
9 administrative personnel and any personnel shared between  
10 special and regular programs;

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

16 (c) defining the kinds or types of equipment whose  
17 costs may be counted under subsection (1) of this section; and

19        --prescribing--formulas--for-catastinating-the-portion 20       of-operation-and-maintenance-costs--insurance--building--and 21       rental-costs--property-allocable-to-the-special-programs--as 22       prescribed--by--subsections--{17677--{17677--{176777777--and 23       {176777777--of--this-section. |

24 (3) An annual accounting of all expenditures of school  
25 district general fund moneys for special education shall be

1 made by the district trustees on forms furnished by the  
 2 superintendent of public instruction. The superintendent of  
 3 public instruction shall make rules for such accounting.

4 (4) If a board of trustees chooses to exceed the  
 5 budget approved by the superintendent of public instruction,  
 6 costs in excess of the approved budget may not be reimbursed  
 7 under the maximum-budget-without-a-vote for special  
 8 education.

9 (5) IF SPECIAL EDUCATION BUDGETS APPROVED BY THE  
 10 SUPERINTENDENT OF PUBLIC INSTRUCTION EXCEED LEGISLATIVE  
 11 APPROPRIATIONS AVAILABLE FOR SPECIAL EDUCATION, EACH  
 12 DISTRICT SHALL RECEIVE A PRO RATA SHARE OF THE AVAILABLE  
 13 APPROPRIATIONS BASED UPON ITS BUDGET AS A PERCENT OF ALL  
 14 APPROVED SPECIAL EDUCATION BUDGETS. THE AMOUNT OF THE  
 15 APPROVED BUDGETS IN EXCESS OF THE AVAILABLE APPROPRIATIONS  
 16 MAY NOT BE REIMBURSED UNDER THE  
 17 MAXIMUM-BUDGET-WITHOUT-A-VOTE FOR SPECIAL EDUCATION AND IS  
 18 THE RESPONSIBILITY OF THE SCHOOL DISTRICT."

19 SECTION 2. SECTION 20-7-421, MCA, IS AMENDED TO READ:  
 20 "20-7-421. Arranging attendance in another district in  
 21 lieu of a special education program ~~--tuition.~~ (1) With the  
 22 approval of the superintendent of public instruction, the  
 23 trustees may arrange for the attendance of a child in need  
 24 of special education in a special education program in  
 25 another district within the state of Montana. Arrangements

1 for the attendance of a child in need of special education  
 2 are not subject to the laws governing the attendance of  
 3 pupils in schools outside the district, ~~and no tuition shall~~  
~~be charged the district of residence--However--tuition--as~~  
~~required--under--20-5-303--may be charged for children who are~~  
~~not considered full-time special education pupils as defined~~  
~~in 20-9-311 except as provided in subsection (2).~~

8 (2) The resident district of pupils attending a  
 9 special education program in another district is responsible  
 10 for payment of tuition as established in 20-5-305 and  
 11 20-5-312a."

12 Section 3. Section 20-7-422, MCA, is amended to read:  
 13 "20-7-422. Out-of-state tuition for special education  
 14 children. (1) If the trustees of any district recommend to  
 15 the superintendent of public instruction the attendance of a  
 16 child in need of special education in a special education  
 17 program offered outside of the state of Montana, such  
 18 arrangements shall not be subject to the out-of-state  
 19 attendance provisions of the laws governing the attendance  
 20 of pupils in schools outside the state of Montana.

21 (2) Whenever the attendance of a child at an  
 22 out-of-state special education program is approved by the  
 23 superintendent of public instruction, it shall be the  
 24 responsibility of the superintendent of public instruction,  
 25 in cooperation with the department of social and

7           Section 4. Section 20-7-423, MCA, is amended to read:

8           "20-7-423. Arranging attendance in a private

9           institution. Whenever the trustees determine that a

10          handicapped child is in need of services that can only be

11          provided by a private institution and the superintendent of

12          public instruction so approves, the board of trustees may

13          negotiate the amount and manner of payment of tuition and it

14          shall be included as a contracted service as allowed in

15          20-7-431(1)(b)+++(iii)(A)."

16 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY  
17 1, 1980.

-End-

HOUSE BILL NO. 116  
INTRODUCED BY SOUTH

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ALLOWABLE  
5 COST SCHEDULE FOR SPECIAL EDUCATION PROGRAMS; ELIMINATING  
6 CERTAIN ALLOWABLE COSTS; PROVIDING FOR SPECIAL EDUCATION  
7 TUITION; ESTABLISHING PROCEDURES IF APPROVED BUDGETS EXCEED  
8 APPROPRIATIONS; AMENDING SECTIONS 20-7-421, 20-7-422,  
9 20-7-423, AND 20-7-431, MCA; AND PROVIDING AN EFFECTIVE  
10 DATE."

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

13                   Section 1. Section 20-7-431, MCA, is amended to read:

14                   "20-7-431. Allowable cost schedule for special

15                   programs -- superintendent to make rules -- annual

16                   accounting. (1) For the purpose of determining the

17                   maximum-budget-without-a-vote for special education as

18                   defined in 20-9-321, the following schedule of allowable

19                   costs shall be followed by the school district in

20                   preparation of its special education budget for state aid

21                   request purposes and by the superintendent of public

22                   instruction in his review and approval of the budget (for

23                   the purposes of determining the amount of the

24                   maximum-budget-without-a-vote for special education for the

25                   district, and as used in this schedule, "full-time special

1 pupil" and "regular ANB" are to be determined in accordance  
2 with 20-9-311 and 20-9-313):

3        tot--administration--salaries--benefits--supplies--and  
4 other-expenses-of-the-superintendent's-office--the-office-of  
5 the-board-of-trustees--and-the-business-office-including--a  
6 transaction-of

7        tit--salaries--of--professional--administrative  
8 personnel--a--portion--of--the--entire--cost--corresponding--to--the  
9 portion--of--entire--working--time--which--each--such--person  
10 devotes--to--the--special--program

11        tit--salaries--of--clerical--personnel--for--administrative  
12 staff--the--amount--allowed--for--budget--purposes--per--full--time  
13 special--pupil--may--not--exceed--the--amount--budgeted--per--regular  
14 ANB--for--the--current--year

15        tit--supplies--and--other--expenses--the--amount--allowed  
16 for--budget--purposes--per--full--time--special--pupil--may--not  
17 exceed--the--amount--budgeted--per--regular--ANB--for--the--current  
18 year

19        total instruction: salaries, benefits, supplies,  
20 textbooks, and other expenses including:

21        tit--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--1.75--times--the--amount  
25 budgeted--per--regular--ANB--for--the--current--year

1        ~~ffff~~ salaries and benefits of special program  
 2    teachers, regular program teachers, teacher aides, special  
 3    education supervisors, audiologists, and speech and hearing  
 4    clinicians--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        ~~ffff~~ teaching supplies and textbooks if used  
 10   exclusively for special programs--the actual total cost; ~~ff~~  
 11   ~~shared--with--regular--programs--the--amount--allowed--for--budget~~  
 12   ~~purposes--per--full--time--special--pupil--may--not--exceed--the~~  
 13   ~~amount--budgeted--per--regular--ANB--for--the--current--year~~

14       ~~ffff~~ other expenses with--the--exception--of--the  
 15   following--items--the--amount--allowed--for--budget--purposes--per  
 16   full--time--special--pupil--may--not--exceed--the--amount--budgeted  
 17   per--regular--ANB--for--the--current--year:

18       (A) contracted services, including fees paid for  
 19   professional advice and consultation regarding special  
 20   students or the special program, and the delivery of special  
 21   education services by public or private agencies--the actual  
 22   total cost;

23       (B) transportation costs for special education  
 24   personnel who must travel on an itinerant basis from school  
 25   to school or district to district--the actual cost to the

1        district calculated on the same mileage rate used by the  
 2    district for other travel reimbursement purposes;  
 3       ~~ffff~~ library-service--salaries--books--and--periodicals--  
 4    and--other--expenses--the--amount--allowed--for--budget--purposes  
 5    per--full--time--special--pupil--may--not--exceed--the--amount  
 6    budgeted--per--regular--ANB--for--the--current--year

7        ~~ffff~~ supportive services, including: salaries  
 8    benefits--and--other--expenses

9        (i) salaries and benefits of professional supportive  
 10   personnel--the entire cost if employed full time in the  
 11   special program; if such personnel are shared between  
 12   special and regular programs--a portion of the entire cost  
 13   corresponding to the entire working time which each such  
 14   person devotes to the special program. Professional  
 15   supportive personnel may include counselors, social workers,  
 16   psychologists, psychometrists, physicians, nurses, and  
 17   physical and occupational therapists.

18       (ii) salaries and benefits of clerical personnel for  
 19   professional personnel in supportive services--the entire  
 20   cost if employed full time in the special program; if such  
 21   personnel are shared between special and regular programs--a  
 22   portion of the entire cost corresponding to the entire  
 23   working time which each such person devotes to the special  
 24   program;

25       ~~ffff~~ other--expenses--the--amount--allowed--for--budget

1 purposes--per--full--time--special--pupil--may--not--exceed--the  
 2 amount--budgeted--per--reguter--ANB--for--the--current--year  
 3 (f) --operation--of--plants--activities--benefits--heat--for  
 4 buildings--utilities--except--heatting--and--other--supplies--and  
 5 expenses--the--superintendent--of--public--instruction--shall  
 6 make--regulations--fixing--a--ratio--for--operation--spending--per  
 7 full--time--special--pupil--to--such--spending--per--current--year--  
 8 reguter--ANB--the--protection--shall--be--based--on--the--ratio  
 9 between--the--number--of--special--pupils--per--class--and--the  
 10 number--of--regular--pupils--per--class--and--any--other--relevant  
 11 factors  
 12 (f) --maintenance--of--plants--activities--benefits  
 13 replacement--and--parts--contracted--services--the  
 14 superintendent--of--public--instruction--shall--make--regulations  
 15 fixing--a--ratio--for--seintenance--spending--per--full--time  
 16 special--pupil--to--such--spending--per--current--year--reguter  
 17 ANB--the--protection--shall--be--based--on--the--ratio--between--the  
 18 number--of--special--pupils--per--class--and--the--number--of--reguter  
 19 pupils--per--class--and--any--other--relevant--factors  
 20 (g) --school--food--services--the--amount--allotted--for  
 21 budget--purposes--per--full--time--special--pupil--may--not--exceed  
 22 the--amount--budgeted--per--reguter--ANB--for--the--current--year  
 23 th)--student--body--and--auxiliary--services--series--and  
 24 other--expenses--the--amount--allotted--for--budget--purposes--per  
 25 full--time--special--pupil--may--not--exceed--the--amount--budgeted

1 per--reguter--ANB--for--the--current--year  
 2 (f) --other--current--charges--insurance--renter--of--land  
 3 and--buildings--and--other--expenses--  
 4 (f) --rental--of--land--and--buildings--when--such--premises  
 5 meet--all--requirements--of--the--board--of--public--education--and  
 6 the--department--of--health--and--environments--sciences--no--such  
 7 costs--may--be--charged--to--the--special--program--without--specific  
 8 authorization--from--the--superintendent--of--public--instruction  
 9 unless--the--land--and--buildings--are--shared--between--the--special  
 10 and--regular--pupils--and--the--amount--of--the--total--cost--that  
 11 may--be--charged--to--the--special--program--may--not--exceed  
 12 whatever--proportion--the--number--of--special--full--time--pupils  
 13 are--to--the--total--enrollment--of--the--school--district--of--the  
 14 previous--year--However--any--school--district--renting--land--and  
 15 buildings--for--spectral--education--purposes--prior--to--the  
 16 third--75--school--year--is--not--subject--to--this--requirement--and  
 17 will--charge--a--portion--of--the--total--cost--when--shared--with  
 18 regular--program--to--be--prorated--based--on--the--amount--of  
 19 building--space--used--by--each--type--of--program  
 20 (f) --insurance--the--superintendent--of--public  
 21 instruction--shall--make--regulations--fixing--a--ratio--for  
 22 insurance--spending--per--full--time--spectral--pupil--to--such  
 23 spending--per--current--year--a--regular--ANB--the--protection--shall  
 24 be--based--on--the--ratio--between--the--number--of--special--pupils  
 25 per--class--and--the--number--of--regular--pupils--per--class--and--any

## 1 other-relevant-factors

2           + + + + - all - other - expenses -- the - amount - allowed - for - budget  
3    purposes - per - full - time - spectator - pupil - for - a - school - year -- may  
4    not -- exceed -- the -- amount -- budgeted -- per -- regular - ANB - for - the  
5    current - school - year

6 fffffd1LLI capital-outlays-remodeling-and-improvements-  
7 equipment-in-kind-other+

8            +---+classroom---remodeling---and---improvements---for---a  
9        program---for---handicapped---students---who---need---special  
10      facilities---the---actual---total---cost---of---other---remodeling---and  
11      improvements---the---amount---allowed---for---budget---purposes---per  
12      full---time---special---pupil---for---a---school---year---may---not---exceed---the  
13      amount---budgeted---per---regular---ANS---for---the---current---school---years

15        \*\*\*\*\* special equipment for district-owned school  
16    buses necessary to accommodate special students--the actual  
17    total cost!

18                ~~for~~ special equipment for school buses contracted  
19        to transport special students--that portion of the contract  
20        price attributable to the cost of special equipment or  
21        personnel required to accommodate special students--the  
22        actual special cost;

23           ~~for--other--the--amount--allowed--for--budget--purposes--may~~  
24    ~~not--exceed--the--amount--budgeted--per--regular--ANB--for--the~~  
25    ~~current--year~~

1        ~~that~~ room and board costs when the special pupil  
2    has to attend a program at such a distance from his home  
3    that commuting is undesirable as determined by the  
4    superintendent of public instruction.

8 (a) keeping necessary records for supportive and  
9 administrative personnel and any personnel shared between  
10 special and regular programs;

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

16 (c) defining the kinds or types of equipment whose  
17 costs may be counted under subsection (1) of this section—end

24 (3) An annual accounting of all expenditures of school  
25 district general fund moneys for special education shall be

1 made by the district trustees on forms furnished by the  
 2 superintendent of public instruction. The superintendent of  
 3 public instruction shall make rules for such accounting.

4 (4) If a board of trustees chooses to exceed the  
 5 budget approved by the superintendent of public instruction,  
 6 costs in excess of the approved budget may not be reimbursed  
 7 under the maximum-budget-without-a-vote for special  
 8 education.

9 151. IF SPECIAL EDUCATION BUDGETS APPROVED BY THE  
 10 SUPERINTENDENT OF PUBLIC INSTRUCTION EXCEED LEGISLATIVE  
 11 APPROPRIATIONS AVAILABLE FOR SPECIAL EDUCATION, EACH  
 12 DISTRICT SHALL RECEIVE A PRO RATA SHARE OF THE AVAILABLE  
 13 APPROPRIATIONS BASED UPON ITS BUDGET AS A PERCENT OF ALL  
 14 APPROVED SPECIAL EDUCATION BUDGETS. THE AMOUNT OF THE  
 15 APPROVED BUDGETS IN EXCESS OF THE AVAILABLE APPROPRIATIONS  
 16 MAY NOT BE REIMBURSED UNDER THE  
 17 MAXIMUM-BUDGET-WITHOUT-A-VOTE FOR SPECIAL EDUCATION AND IS  
 18 THE RESPONSIBILITY OF THE SCHOOL DISTRICT."

19 SECTION 2. SECTION 20-7-421, MCA, IS AMENDED TO READ:  
 20  
 21 "20-7-421. Arranging attendance in another district in  
 22 lieu of a special education program -- tuition. (1) With the  
 23 approval of the superintendent of public instruction, the  
 24 trustees may arrange for the attendance of a child in need  
 25 of special education in a special education program in  
 another district within the state of Montana. Arrangements

1 for the attendance of a child in need of special education  
 2 are not subject to the laws governing the attendance of  
 3 pupils in schools outside the district, and no tuition shall  
 4 be charged the district of residence. However, tuition as  
 5 required under 20-5-303 may be charged for children who are  
 6 not considered full-time special education pupils as defined  
 7 in 20-9-311 except as provided in subsection (2).

8 (2) The resident district of pupils attending a  
 9 special education program in another district is responsible  
 10 for payment of tuition as established in 20-5-305 and  
 11 20-5-312a."

12 Section 3. Section 20-7-422, MCA, is amended to read:  
 13  
 14 "20-7-422. Out-of-state tuition for special education  
 15 children. (1) If the trustees of any district recommend to  
 16 the superintendent of public instruction the attendance of a  
 17 child in need of special education in a special education  
 18 program offered outside of the state of Montana, such  
 19 arrangements shall not be subject to the out-of-state  
 20 attendance provisions of the laws governing the attendance  
 21 of pupils in schools outside the state of Montana.

22 (2) Whenever the attendance of a child at an  
 23 out-of-state special education program is approved by the  
 24 superintendent of public instruction, it shall be the  
 25 responsibility of the superintendent of public instruction,  
 in cooperation with the department of social and

1 rehabilitation services and the department of institutions,  
2 to negotiate the program for the child and the amount and  
3 manner of payment of tuition. The amount of tuition shall be  
4 included as a contracted service in  
5 20-7-431(1)(b)~~11111(A)~~ in the  
6 maximum-budget-without-a-vote for special education.\*

7 Section 4. Section 20-7-423, MCA, is amended to read:  
8 "20-7-423. Arranging attendance in a private  
9 institution. Whenever the trustees determine that a  
10 handicapped child is in need of services that can only be  
11 provided by a private institution and the superintendent of  
12 public instruction so approves, the board of trustees may  
13 negotiate the amount and manner of payment of tuition and it  
14 shall be included as a contracted service as allowed in  
15 20-7-431(1)(b)~~11111(A)~~."

16 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY  
17 12, 1980.

-End-

1 HOUSE BILL NO. 116  
2 INTRODUCED BY SOUTH  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ALLOWABLE  
5 COST SCHEDULE FOR SPECIAL EDUCATION PROGRAMS; ELIMINATING  
6 CERTAIN ALLOWABLE COSTS; PROVIDING FOR SPECIAL EDUCATION  
7 TUITION; ESTABLISHING PROCEDURES IF APPROVED BUDGETS EXCEED  
8 APPROPRIATIONS; AMENDING SECTIONS 20-7-421, 20-7-422,  
9 20-7-423, AND 20-7-431, MCA; AND PROVIDING AN EFFECTIVE  
10 DATE."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA,

13                   Section 1. Section 20-7-431, MCA, is amended to read:

14                   "20-7-431. Allowable cost schedule for special

15                   programs -- superintendent to make rules -- annual

16                   accounting. (1) For the purpose of determining the

17                   maximum-budget-without-a-vote for special education as

18                   defined in 20-9-321, the following schedule of allowable

19                   costs shall be followed by the school district in

20                   preparation of its special education budget for state aid

21                   request purposes and by the superintendent of public

22                   instruction in his review and approval of the budget (for

23                   the purposes of determining the amount of the

24                   maximum-budget-without-a-vote for special education for the

25                   district, and as used in this schedule, "full-time special

1 pupil" and "regular ANB" are to be determined in accordance  
2 with 20-9-311 and 20-9-313):

3        tot--administrative--salaries--benefits--supplies--and  
4 other-expenses-of-the-superintendent's-office--the-office-of  
5 the-board-of-trustees--and-the-business-office--including--  
6 proportion-of

7        t11--salaries----of----professional----administrative  
8 personnel--a-portion-of-the-entire-cost-corresponding-to-the  
9 portion-of--entire--working--time--which--each--such--person  
10 devotes--to-the-special-program

11        t111--salaries--of-clerical-personnel-for-administrative  
12 staff--the-amount-allowed-for-budget-purposes-per--full-time  
13 special-pupil--may-not-exceed-the-amount-budgeted-per-regular  
14 ANB-for-the-current-year

15        t1111--supplies--and--other-expenses--the-amount-allowed  
16 for-budget-purposes-per--full-time--special--pupil--may--not  
17 exceed--the--amount-budgeted-per-regular-ANB-for-the-current  
18 year

19        t11111 instruction: salaries, benefits, supplies,  
20 textbooks, and other expenses including:

21        t111111--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--175-times--the--amount  
25 budgeted-per-regular-ANB-for-the-current-year

1       titill salaries and benefits of special program  
 2 teachers, regular program teachers, teacher aides, special  
 3 education supervisors, audiologists, and speech and hearing  
 4 clinicians--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       titill teaching supplies and textbooks if used  
 10 exclusively for special programs--the actual total cost; if  
 11 shared--with--regular--programs--the--amount--allowed--for--budget  
 12 purposes--per--full--time--special--pupil--may--not--exceed--the  
 13 amount--budgeted--per--regular--ANB--for--the--current--year

14       titill other expenses with--the--exception--of--the  
 15 following items--the--amount--allowed--for--budget--purposes--per  
 16 full--time--special--pupil--may--not--exceed--the--amount--budgeted  
 17 per--regular--ANB--for--the--current--year:

18       (A) contracted services, including fees paid for  
 19 professional advice and consultation regarding special  
 20 students or the special program, and the delivery of special  
 21 education services by public or private agencies--the actual  
 22 total cost;

23       (B) transportation costs for special education  
 24 personnel who must travel on an Itinerant basis from school  
 25 to school or district to district--the actual cost to the

1       district calculated on the same mileage rate used by the  
 2 district for other travel reimbursement purposes;  
 3       titill library services--salaries--books--and--periodicals--  
 4 and--other--expenses--the--amount--allowed--for--budget--purposes  
 5 per--full--time--special--pupil--may--not--exceed--the--amount  
 6 budgeted--per--regular--ANB--for--the--current--year  
 7       titill supportive services, including: salaries  
 8 and--other--expenses--  
 9       (i) salaries and benefits of professional supportive  
 10 personnel--the entire cost if employed full time in the  
 11 special program; if such personnel are shared between  
 12 special and regular programs--a portion of the entire cost  
 13 corresponding to the entire working time which each such  
 14 person devotes to the special program. Professional  
 15 supportive personnel may include counselors, social workers,  
 16 psychologists, psychometrists, physicians, nurses, and  
 17 physical and occupational therapists.

18       (ii) salaries and benefits of clerical personnel for  
 19 professional personnel in supportive services--the entire  
 20 cost if employed full time in the special program; if such  
 21 personnel are shared between special and regular programs--a  
 22 portion of the entire cost corresponding to the entire  
 23 working time which each such person devotes to the special  
 24 program;

25       titill other--expenses--the--amount--allowed--for--budget

1 purposes per full-time special pupil may not exceed the  
 2 amount budgeted per regular ANB for the current year.  
 3 The operation of plants salaries benefits heat for  
 4 buildings utilities except heating and other supplies and  
 5 expenses the superintendent of public instruction shall  
 6 make regulations fixing a ratio for operation spending per  
 7 full-time special pupil to such spending per current year's  
 8 regular ANB. The proration shall be based on the ratio  
 9 between the number of special pupils per class and the  
 10 number of regular pupils per class and any other relevant  
 11 factors.  
 12 If maintenance of plants salaries benefits  
 13 replacements and parts contracted services the  
 14 superintendent of public instruction shall make regulations  
 15 fixing a ratio for maintenance spending per full-time  
 16 special pupil to such spending per current year's regular  
 17 ANB. The proration shall be based on the ratio between the  
 18 number of special pupils per class and the number of regular  
 19 pupils per class and any other relevant factors.  
 20 For school food services the amount allowed for  
 21 budget purposes per full-time special pupil may not exceed  
 22 the amount budgeted per regular ANB for the current year.  
 23 The student body and auxiliary services salaries and  
 24 other expenses the amount allowed for budget purposes per  
 25 full-time special pupil may not exceed the amount budgeted

1 per regular ANB for the current year.  
 2 If other current charges insurance rent of land  
 3 and buildings and other expenses  
 4 rental of land and buildings when such premises  
 5 meet all requirements of the board of public education and  
 6 the department of health and environmental sciences no such  
 7 costs may be charged to the special program without specific  
 8 authorization from the superintendent of public instruction  
 9 unless the land and buildings are shared between the special  
 10 and regular pupils and the amount of the total cost that  
 11 may be charged to the special program may not exceed  
 12 whatever proportion the number of special full-time pupils  
 13 are to the total enrollment of the school district of the  
 14 previous year. However any school district renting land and  
 15 buildings for special education purposes prior to the  
 16 1974-75 school year is not subject to this requirement and  
 17 will charge a portion of the total cost when shared with  
 18 regular programs to be prorated based on the amount of  
 19 building space used by each type of program.  
 20 If insurance the superintendent of public  
 21 instruction shall make regulations fixing a ratio for  
 22 insurance spending per full-time special pupil to such  
 23 spending per current year's regular ANB. The proration shall  
 24 be based on the ratio between the number of special pupils  
 25 per class and the number of regular pupils per class and any

## 1 other-relevant-factors\*

2        t~~t~~t~~t~~t~~t~~ other-expenses--the-amount-allowed-for-budget  
 3        purposes-per-full-time-special-pupil-for-a-school--year--may  
 4        not-exceed--the--amount--budgeted--per--regular-ANB--for--the  
 5        current-school-year\*

6        t~~t~~t~~t~~t~~t~~ capital-outlays-remodeling-and-improvements\*  
 7        equipmenti \*-and-others

8        t~~t~~--classroom--remodeling--and--improvements---for---a  
 9        program---for---handicapped---students---who---need---special  
 10        facilities--the-actual-total-cost--t~~t~~ other-remodeling--and  
 11        improvements--the--amount--allowed--for--budget-purposes-per  
 12        full-time-special-pupil-for-a-school--year--may--not--exceed--the  
 13        amount-budgeted-per-regular-ANB--for--the--current--school--year\*

14        t~~t~~t~~t~~ equipment--the actual total cost;

15        t~~t~~t~~t~~t~~t~~ special equipment for district-owned school  
 16        buses necessary to accommodate special students--the actual  
 17        total cost;

18        t~~t~~t~~t~~t~~t~~ special equipment for school buses contracted  
 19        to transport special students--that portion of the contract  
 20        price attributable to the cost of special equipment or  
 21        personnel required to accommodate special students--the  
 22        actual special cost;

23        t~~t~~--other--the--amount-allowed-for-budget-purposes--may  
 24        not-exceed-the-amount--budgeted--per--regular--ANB--for--the  
 25        current--year\*

1        t~~t~~t~~t~~t~~t~~ room and board costs when the special pupil  
 2        has to attend a program at such a distance from his home  
 3        that commuting is undesirable as determined by the  
 4        superintendent of public instruction.

5        (2) The superintendent of public instruction shall,  
 6        prior to September 1, 1977, revise the rules in accordance  
 7        with the policies of the board of public education for:

8        (a) keeping necessary records for supportive and  
 9        administrative personnel and any personnel shared between  
 10        special and regular programs;

11        (b) defining the total special program caseload that  
 12        shall be assigned to specific support persons and the kinds  
 13        of professional specialties to be considered relevant to the  
 14        program before the district may count an allowable cost  
 15        under subsection (1)t~~t~~t~~t~~ of this section; and

16        (c) defining the kinds or types of equipment whose  
 17        costs may be counted under subsection (1)t~~t~~t~~t~~t~~t~~ of  
 18        this section~~t~~and

19        t~~t~~--prescribing--formulates--for-calculateing-the-portion  
 20        of-operation-and-maintenance-costs--insurance--building--and  
 21        rental--costs--property-allocable-to-the-special--programs--as  
 22        prescribed--by--subsections--t~~t~~t~~t~~--t~~t~~t~~t~~--t~~t~~t~~t~~--and  
 23        t~~t~~t~~t~~t~~t~~--of--this--section.

24        (3) An annual accounting of all expenditures of school  
 25        district general fund moneys for special education shall be

1 made by the district trustees on forms furnished by the  
 2 superintendent of public instruction. The superintendent of  
 3 public instruction shall make rules for such accounting.

4 (4) If a board of trustees chooses to exceed the  
 5 budget approved by the superintendent of public instruction,  
 6 costs in excess of the approved budget may not be reimbursed  
 7 under the maximum-budget-without-a-vote for special  
 8 education.

9 151. IF SPECIAL EDUCATION BUDGETS APPROVED BY THE  
 10 SUPERINTENDENT OF PUBLIC INSTRUCTION EXCEED LEGISLATIVE  
 11 APPROPRIATIONS AVAILABLE FOR SPECIAL EDUCATION, EACH  
 12 DISTRICT SHALL RECEIVE A PRO RATA SHARE OF THE AVAILABLE  
 13 APPROPRIATIONS BASED UPON ITS BUDGET AS A PERCENT OF ALL  
 14 APPROVED SPECIAL EDUCATION BUDGETS. THE AMOUNT OF THE  
 15 APPROVED BUDGETS IN EXCESS OF THE AVAILABLE APPROPRIATIONS  
 16 MAY NOT BE REIMBURSED UNDER THE  
 17 MAXIMUM-BUDGET-WITHOUT-A-VOTE FOR SPECIAL EDUCATION AND IS  
 18 THE RESPONSIBILITY OF THE SCHOOL DISTRICT."

19 SECTION 2. SECTION 20-7-421, MCA, IS AMENDED TO READ:  
 20 "20-7-421. Arranging attendance in another district in  
 21 lieu of a special education program ~~==~~ tuition. (1) With the  
 22 approval of the superintendent of public instruction, the  
 23 trustees may arrange for the attendance of a child in need  
 24 of special education in a special education program in  
 25 another district within the state of Montana. Arrangements

1 for the attendance of a child in need of special education  
 2 are not subject to the laws governing the attendance of  
 3 pupils in schools outside the district, ~~and no tuition shall~~  
 4 ~~be charged the district of residence. However, tuition as~~  
 5 ~~required under 20-5-303 may be charged for children who are~~  
 6 ~~not considered full-time special education pupils as defined~~  
 7 ~~in 20-9-311 except as provided in subsection (2).~~

8 (2) The resident district of pupils attending a  
 9 special education program in another district is responsible  
 10 for payment of tuition as established in 20-5-305 and  
 11 20-5-312."

12 Section 3. Section 20-7-422, MCA, is amended to read:  
 13 "20-7-422. Out-of-state tuition for special education  
 14 children. (1) If the trustees of any district recommend to  
 15 the superintendent of public instruction the attendance of a  
 16 child in need of special education in a special education  
 17 program offered outside of the state of Montana, such  
 18 arrangements shall not be subject to the out-of-state  
 19 attendance provisions of the laws governing the attendance  
 20 of pupils in schools outside the state of Montana.

21 (2) Whenever the attendance of a child at an  
 22 out-of-state special education program is approved by the  
 23 superintendent of public instruction, it shall be the  
 24 responsibility of the superintendent of public instruction,  
 25 in cooperation with the department of social and

1 rehabilitation services and the department of institutions,  
2 to negotiate the program for the child and the amount and  
3 manner of payment of tuition. The amount of tuition shall be  
4 included as a contracted service in  
5 20-7-431(l)(b)†††††(A) in the  
6 maximum-budget-without-a-vote for special education."

7 Section 4. Section 20-7-423, MCA, is amended to read:  
8 "20-7-423. Arranging attendance in a private  
9 institution. Whenever the trustees determine that a  
10 handicapped child is in need of services that can only be  
11 provided by a private institution and the superintendent of  
12 public instruction so approves, the board of trustees may  
13 negotiate the amount and manner of payment of tuition and it  
14 shall be included as a contracted service as allowed in  
15 20-7-431(l)(b)†††††(A)."

16 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY  
17 1980.

-End-