

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. Transmitted to second house.

IN THE SENATE

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.

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

April 12, 1979	Returned from second house. Concurred in. Sent to enrolling. Report correctly enrolled.
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HOUSE BILL NO. 116

INTRODUCED BY _____

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

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

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

"20-7-431. Allowable cost schedule for special programs -- superintendent to make rules -- annual accounting. (1) For the purpose of determining the maximum-budget-without-a-vote for special education as defined in 20-9-321, the following schedule of allowable costs shall be followed by the school district in preparation of its special education budget for state aid request purposes and by the superintendent of public instruction in his review and approval of the budget (for the purposes of determining the amount of the maximum-budget-without-a-vote for special education for the district, and as used in this schedule, "full-time special pupil" and "regular ANB" are to be determined in accordance with 20-9-311 and 20-9-313):

(a) administration: salaries, benefits, supplies, and

other expenses of the superintendent's office, the office of the board of trustees, and the business office including a proportion of

~~+++ salaries of professional administrative personnel--a-portion-of-the-entire-cost~~ corresponding to the portion of entire working time which each such person devotes to the special program;

~~+++salaries-of-clerical-personnel-for-administrative staff--the-amount-allowed-for-budget-purposes-per-full-time special-pupil-may-not-exceed-the-amount-budgeted-per-regular ANB-for-the-current-year~~

~~+++supplies-and-other-expenses--the-amount-allowed for-budget-purposes-per-full-time-special-pupil-may-not exceed-the-amount-budgeted-per-regular-ANB-for--the-current year~~

(b) instruction: salaries, benefits, supplies, textbooks, and other expenses including:

~~+++salaries-of-principals-and-clerical-personnel--a-portion--of--the-entire-cost-corresponding-to-the-portion-of the-entire-working-time-which-each-such-person-devotes-to the-special-program-but-not-to-exceed-175-times-the-amount budgeted-per-regular-ANB-for-the-current-year~~

~~+++~~(1) salaries and benefits of special program teachers, regular program teachers, teacher aides, special education supervisors, audiologists, and speech and hearing

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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 ~~(iii)(iii)~~ 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 ~~(iv)(iiii)~~ 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 ~~(c)--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 ~~(d)(c)~~ 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 ~~(iii)--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 ~~(e)--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 year's
 5 regular ANB. The proration 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 (f) 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 year's regular
 14 ANB. The proration 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 (g) 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 year.

20 (h) 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 year.

24 (i) other current charges, insurance, rental of land
 25 and buildings, and other expenses.

1 (i) 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 year. 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 (ii) 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 year's regular ANB. The proration 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 (iii) all other expenses, the amount allowed for budget
 25 purposes per full-time special pupil for a school year may

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1 not-exceed-the-amount--budgeted--per--regular--ANS--for--the
2 current-school-year;

3 ~~(j)(d)~~ capital--outlays--remodeling--and-improvements
4 equipment; v--and-others;

5 ~~(i)~~--classroom--remodeling--and--improvements---for---a
6 program---for---handicapped---students---who---need--special
7 facilities--the-actual-total-cost; 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-regular-ANS-for-the-current-school-year;

11 ~~(i)(ii)~~ equipment--the actual total cost;

12 ~~(i)(iii)~~ special equipment for district-owned school
13 buses necessary to accommodate special students--the actual
14 total cost;

15 ~~(i)(iii)~~ 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 ~~(v)~~--other--the--amount--allowed--for--budget-purposes--may
21 not-exceed-the-amount--budgeted--per--regular--ANS--for--the
22 current-year;

23 ~~(k)(e)~~ 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)~~(d)(c)~~ of this section; and

13 (c) defining the kinds or types of equipment whose
14 costs may be counted under subsection (1)~~(j)(i)(d)(ii)~~ of
15 this section; end

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

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

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)††††(iii)(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)††††(iii)(A)."

-End-

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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:

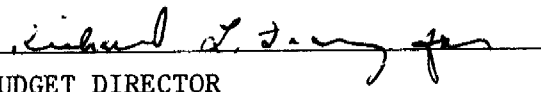
1. Savings under FY 1979 schedules would be \$3,800,000 to the Foundation Program.
2. School costs will inflate at 7% per year.
3. This law would not take effect until FY 1981.
4. Net costs to districts for tuition would be \$582,664 in FY 1979.

FISCAL IMPACT:

	<u>FY 81</u>
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.)


BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 3/28/79

APPROVED BY COMM. ON
EDUCATION & CULTURAL RESOURCES

HOUSE BILL NO. 116
INTRODUCED BY SOUTH

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

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

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

"20-7-431. Allowable cost schedule for special programs -- superintendent to make rules -- annual accounting. (1) For the purpose of determining the maximum-budget-without-a-vote for special education as defined in 20-9-321, the following schedule of allowable costs shall be followed by the school district in preparation of its special education budget for state aid request purposes and by the superintendent of public instruction in his review and approval of the budget (for the purposes of determining the amount of the maximum-budget-without-a-vote for special education for the district, and as used in this schedule, "full-time special

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

(a) ~~administration; salaries; benefits; supplies; and other expenses of the superintendent's office; the office of the board of trustees; and the business office including a proportion of~~

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

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

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

(b) (A) instruction: salaries, benefits, supplies, textbooks, and other expenses including:

~~(i) salaries of principals and clerical personnel a portion of the entire cost corresponding to the portion of the entire working time which each such person devotes to the special program but not to exceed 1.75 times the amount budgeted per regular ANB for the current year~~

1 ~~(iii)~~ 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 ~~(iv)~~ 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-ANS-for-the-current-year;

14 ~~(v)~~ 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-ANS-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 ~~(c)~~--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-ANS-for-the-current-year;

7 ~~(d)~~~~(B)~~ 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 ~~(iii)~~--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 (e) operation of plant, 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 (f) maintenance of plant, 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 (g) 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 (h) 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 (i) other current charges, insurance, rental of land
 3 and buildings and other expenses.
 4 (j) 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 (k) 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 ~~+++)-all-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-ANS-for-the~~

5 ~~current-school-year;~~

6 ~~++++)(c) capital-outlays-remodeling-and-improvements;~~

7 ~~equipment; and~~

8 ~~(i)-classroom-remodeling-and-improvements-for-a~~

9 ~~program-for-handicapped-students-who-need-special~~

10 ~~facilities-the-actual-total-cost-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;~~

14 ~~++++)(i) equipment--the actual total cost;~~

15 ~~++++)(iii) special equipment for district-owned school~~

16 ~~buses necessary to accommodate special students--the actual~~

17 ~~total cost;~~

18 ~~++++)(iv) 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 ~~not-exceed-the-amount-budgeted-per-regular-ANS-for-the~~

25 ~~current-year;~~

1 ~~(k)(1)(D) 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)(d)(c) of this section; and

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

17 costs may be counted under subsection (1)(j)(i)(d)(iii) of

18 this section; and

19 (d) prescribing formulas for calculating 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 (1)(e), (1)(f), (1)(g) and

23 (1)(i)(ii) 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
 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(1)(b)††††(iiii)(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)††††(iiii)(A)."

16 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
17 1, 1989.

-End-

HOUSE BILL NO. 116
INTRODUCED BY SOUTH

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

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

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

"20-7-431. Allowable cost schedule for special programs -- superintendent to make rules -- annual accounting. (1) For the purpose of determining the maximum-budget-without-a-vote for special education as defined in 20-9-321, the following schedule of allowable costs shall be followed by the school district in preparation of its special education budget for state aid request purposes and by the superintendent of public instruction in his review and approval of the budget (for the purposes of determining the amount of the maximum-budget-without-a-vote for special education for the district, and as used in this schedule, "full-time special

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

~~(a) administration; salaries; benefits; supplies; and other expenses of the superintendent's office; the office of the board of trustees; and the business office including a proportion of~~

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

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

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

(b) (A) instruction: salaries, benefits, supplies, textbooks, and other expenses including:

~~(i) salaries of principals and clerical personnel a portion of the entire cost corresponding to the portion of the entire working time which each such person devotes to the special program but not to exceed 1.75 times the amount budgeted per regular ANB for the current year~~

1 ~~+++)(ii)~~ 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 ~~+++)(iii)~~ 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-ANS-for-the-current-year;~~

14 ~~+++)(iiii)~~ 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-ANS-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 ~~(c)--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-ANS-for-the-current-year;~~

7 ~~(d)(i)(B)~~ 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 ~~+++)-other--expenses--the--amount--allowed--for-budget~~

1 purposes-per-full-time-special-pupils-may-not-exceed-the
 2 amount-budgeted-per-regular-AMB-for-the-current-year
 3 (e) operation-of-plants-servives-benefits-heat-for
 4 buildings-utilities-except-heatng-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-pupils-to-such-spending-per-current-years
 8 regular-AMBs-the-proportion-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-servives-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-pupils-to-such-spending-per-current-years-regular
 17 AMBs-the-proportion-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 (g) school-food-servives-the-amount-allowed-for
 21 budget-purposes-per-full-time-special-pupils-may-not-exceed
 22 the-amount-budgeted-per-regular-AMB-for-the-current-year
 23 (h) student-body-and-auxiliary-servives-servives-and
 24 other-expenses-the-amount-allowed-for-budget-purposes-per
 25 full-time-special-pupils-may-not-exceed-the-amount-budgeted

1 per-regular-AMB-for-the-current-year
 2 (i) other-current-charges-insurance-rent-of-land
 3 and-buildings-and-other-expenses
 4 (j) rent-of-land-and-buildings-when-such-premises
 5 meet-its-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-pro-rated-based-on-the-amount-of
 19 building-space-used-by-each-type-of-program
 20 (k) insurance-the-superintendent-of-public
 21 instruction-shall-make-regulations-fixing-a-ratio-for
 22 insurance-spending-per-full-time-special-pupils-to-such
 23 spending-per-current-years-regular-AMBs-the-proportion-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 special pupil for a school year may

4 not exceed the amount budgeted per regular ANB for the

5 current school year;

6 ~~+++~~ ~~id~~ ~~(c)~~ capital outlay, remodeling and improvements;

7 equipment; and other;

8 ~~(+)~~ classroom remodeling and improvements--for a

9 program for handicapped students who need special

10 facilities--the actual total cost; 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 ANB for the current school year;

14 ~~+++~~ ~~(i)~~ equipment--the actual total cost;

15 ~~+++~~ ~~(ii)~~ special equipment for district-owned school

16 buses necessary to accommodate special students--the actual

17 total cost;

18 ~~+++~~ ~~(iii)~~ 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 not exceed the amount budgeted per regular ANB for the

25 current year;

1 ~~(k)~~ ~~(d)~~ 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)~~(d)~~~~(c)~~ of this section; and

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

17 costs may be counted under subsection (1)~~(j)~~~~+++~~~~(d)~~~~(i)~~ of

18 this section; end

19 ~~(d)~~ --prescribing formulas for calculating the portion

20 of operation and maintenance costs, insurance, building and

21 rental costs properly allocable to the special programs--as

22 prescribed by subsections ~~(i)~~~~(e)~~ and ~~(i)~~~~(f)~~ and ~~(i)~~~~(i)~~~~(i)~~ and

23 ~~(i)~~~~(i)~~~~(i)~~ 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
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(1)(b)††††(iii)(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)††††(iii)(A)."

16 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
17 1, 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."
 11
 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 ~~(a) -- 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 ~~(i) -- 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 ~~(ii) -- 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 ~~(iii) -- 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 (b) (A) 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 175 times the amount~~
 25 ~~budgeted per regular ANB for the current year;~~

1 ~~{ii}~~(i) 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 ~~{iii}~~(ii) teaching supplies and textbooks if used
 10 exclusively for special programs--the actual total cost; ~~{f~~
 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 ~~{iv}~~(iii) 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 ~~{c}~~--~~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 ~~{d}~~~~{c}~~(B) 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 ~~{iii}~~--other--expenses--the--amount--allowed--for--budget

1 purposes-per-full-time-special-pupit-may-not-exceed-the
 2 amount-budgeted-per-regular-ANB-for-the-current-year†
 3 (e)--operation--of--plants-salariesy-benefitsy-heat-for
 4 buildingsy-utilities-except-heatingy-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-pupit-to-such-spending-per-current-year's
 8 regular-ANB-The-proration-shall-be-based-on-the-ratio
 9 between--the--number--of--special-pupits-per-class-and-the
 10 number-of-regular-pupits-per-class-and--any--other--relevant
 11 factors*
 12 (f)--maintenance---of---plants---salariesy---benefitsy
 13 replacements---and---partsy---contracted---services--the
 14 superintendent--of--public-instruction-shall-make-regulations
 15 fixing--a--ratio--for--maintenance--spending--per--full-time
 16 special-pupit--to--such-spending-per-current-year's-regular
 17 ANB-The-proration-shall-be-based-on-the-ratio-between--the
 18 number-of-special-pupits-per-class-and-the-number-of-regular
 19 pupits-per-class-and-any-other-relevant-factors*
 20 (g)--school--food--services--the--amount--allowed--for
 21 budget-purposes-per-full-time-special-pupit-may-not-exceed
 22 the-amount-budgeted-per-regular-ANB-for-the-current-year†
 23 (h)--student--body-and-auxiliary-services-salaries-and
 24 other-expenses--the-amount-allowed-for-budget--purposes--per
 25 full-time--special--pupit-may-not-exceed-the-amount-budgeted

1 per-regular-ANB-for-the-current-year†
 2 (i)--other-current-charges-insurancey-rental--of--land
 3 and-buildingsy-and-other-expenses†
 4 (j)--rental--of--land-and-buildingsy-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-pupitsy-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--pupits
 13 are--to--the--total-enrollment-of-the-school-district-of-the
 14 previous-yeary-Howevery-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--programsy--to--be--prorated--based-on-the-amount-of
 19 building-space-used-by-each-type-of-program*
 20 (k)--insurance--the--superintendent--of--public
 21 instruction--shall--make--regulations--fixing--a--ratio--for
 22 insurance-spending--per--full-time--special--pupit--to--such
 23 spending-per-current-year's-regular-ANB-The-proration-shall
 24 be--based--on-the-ratio-between-the-number-of-special-pupits
 25 per-class-and-the-number-of-regular-pupits-per-class-and-any

1 other-relevant-factors
2 ~~{+++} all 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 ~~{++}{d}{c} capital outlay, remodeling and improvements~~
7 ~~equipment, and 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 ANB for the current school year~~
14 ~~{++}{i} equipment--the actual total cost;~~
15 ~~{+++}{iii} special equipment for district-owned school~~
16 ~~buses necessary to accommodate special students--the actual~~
17 ~~total cost;~~
18 ~~{+}{iiii} 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 ~~not exceed the amount budgeted per regular ANB for the~~
25 ~~current year~~

1 ~~{k}{e}{d}~~ 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)~~{d}{c}~~ of this section; and
16 (c) defining the kinds or types of equipment whose
17 costs may be counted under subsection (1)~~{++}{++}{d}{iii}~~ of
18 this section ~~and~~
19 ~~{d}--prescribing--formulas--for--calculating--the--portion~~
20 ~~of--operation--and--maintenance--costs--insurance--building--and~~
21 ~~rental--costs--property--attributable--to--the--special--programs--as~~
22 ~~prescribed--by--subsections--(1){e}--(1){f}--(1){++}{++}--and~~
23 ~~{++}{++}{++}--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~~
 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(1)(b)(iv)(iii)(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)(iv)(iii)(A)."

16 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
17 1, 1989.

-End-