

HOUSE BILL 468

IN THE HOUSE

January 30, 1979

Introduced and referred to
Committee on Education and
Cultural Resources.

1 Hocutt BILL NO. 468
2 INTRODUCED BY Cherry

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, INCLUDING RETIREMENT BENEFITS;
7 AMENDING SECTION 20-7-431, MCA; AND PROVIDING AN EFFECTIVE
8 DATE."

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

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

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

1 (a) administration: salaries, benefits, supplies, and
2 other expenses of the superintendent's office, the office of
3 the board of trustees, and the business office including a
4 proportion of ~~portion of~~ 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 ~~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 ~~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 ~~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-1.75-times-the-amount~~
22 ~~budgeted-per-regular-ANB-for-the-current-year~~

23 ~~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 ~~(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)~~(iii) other expenses including ~~with-the-exception~~
12 ~~of--the--following--items--the--amount--allowed--for--budget~~
13 ~~purposes-per-full-time-special-pupil--may-not-exceed-the~~
14 ~~amount-budgeted-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--plants--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 (j) 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 (k) 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 (l) 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, and other:~~
 5 ~~{j} 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 ~~{j}(i) equipment; the actual total cost;~~
 12 ~~{j}(ii) special equipment for district-owned school~~
 13 ~~buses necessary to accommodate special students; the actual~~
 14 ~~total cost;~~
 15 ~~{j}(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 ~~{j} other; the amount allowed for budget purposes may~~
 21 ~~not exceed the amount budgeted per regular ANS for the~~
 22 ~~current year;~~
 23 ~~{k}(a) 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)(i)~~ of
 15 this section; and
 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 (1)(c), (f), (j)(i)(i), and~~
 20 ~~(j)(i)(ii) 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 ~~(5) Allowable costs prescribed in subsections (1)(a),~~
7 ~~(1)(b)(i), (1)(c)(i), and (1)(c)(ii) do not include the~~
8 ~~costs of the teachers' retirement system, the public~~
9 ~~employees' retirement system, the federal social security~~
10 ~~system, or the costs for unemployment compensation~~
11 ~~insurance."~~

12 Section 2. Effective date. Subsections (1) through (4)
13 of section 1 are effective July 1, 1980.

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