

HOUSE BILL NO. 466

INTRODUCED BY ELLISON, BERTELSEN, EUDAILY, DUSSAULT,
HOLLIDAY, VINCENT, DONALDSON

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

IN THE HOUSE

January 24, 1981	Introduced and referred to Committee on Education.
February 10, 1981	Committee recommend bill do pass. Report adopted.
February 11, 1981	Bill printed and placed on members' desks.
February 12, 1981	Second reading, do pass.
February 13, 1981	Considered correctly engrossed.
February 14, 1981	Third reading, passed. Ayes, 88; Noes, 0. Transmitted to Senate.

IN THE SENATE

February 16, 1981	Introduced and referred to Committee on Education and Cultural Resources.
March 12, 1981	Committee recommend bill be concurrent in. Report adopted.
March 13, 1981	Second reading, concurred in.
March 16, 1981	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 17, 1981	Returned from Senate. Concurred in.
March 20, 1981	Sent to enrolling. Reported correctly enrolled.

HOUSE BILL NO. 466

INTRODUCED BY *Edwin Butcher* *Carlisle Hussar*
VINCENT *Trilling*
BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE ALLOWABLE COST SCHEDULE FOR SPECIAL EDUCATION TO INCLUDE TRANSPORTATION COSTS FOR SPECIAL EDUCATION PERSONNEL WHO MUST TRAVEL TO IN-STATE CHILD STUDY TEAM AND INDIVIDUALIZED EDUCATION PROGRAM MEETINGS; AMENDING SECTION 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) instruction: salaries, benefits, supplies, textbooks, and other expenses including:
(i) salaries and benefits of special program teachers, regular program teachers, teacher aides, special education supervisors, audiologists, and speech and hearing clinicians--the entire cost if employed full time in the special program; if such personnel are shared between special and regular programs--a portion of the entire cost corresponding to the entire working time which each such person devotes to the special program;
(ii) teaching supplies and textbooks if used exclusively for special programs--the actual total cost;
(iii) other expenses:
(A) contracted services, including fees paid for professional advice and consultation regarding special students or the special program, and the delivery of special education services by public or private agencies--the actual total cost;
(B) transportation costs for special education personnel who must travel on an itinerant basis from school to school or district to district or to in-state child study team meetings or in-state individualized education program meetings--the actual cost to the district calculated on the same mileage rate used by the district for other travel

1 reimbursement purposes;

2 (b) supportive services, including:

3 (i) salaries and benefits of professional supportive

4 personnel--the entire cost if employed full time in the

5 special program; if such personnel are shared between

6 special and regular programs--a portion of the entire cost

7 corresponding to the entire working time which each such

8 person devotes to the special program. Professional

9 supportive personnel may include counselors, social workers,

10 psychologists, psychometrists, physicians, nurses, and

11 physical and occupational therapists.

12 (ii) salaries and benefits of clerical personnel for

13 professional personnel in supportive services--the entire

14 cost if employed full time in the special program; if such

15 personnel are shared between special and regular programs--a

16 portion of the entire cost corresponding to the entire

17 working time which each such person devotes to the special

18 program;

19 (c) equipment:

20 (i) equipment--the actual total cost;

21 (ii) special equipment for district-owned school buses

22 necessary to accommodate special students--the actual total

23 cost;

24 (iii) special equipment for school buses contracted to

25 transport special students--that portion of the contract

1 price attributable to the cost of special equipment or

2 personnel required to accommodate special students--the

3 actual special cost;

4 (d) room and board costs when the special pupil has to

5 attend a program at such a distance from his home that

6 commuting is undesirable as determined by the superintendent

7 of public instruction.

8 (2) The superintendent of public instruction shall,

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

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

11 (a) keeping necessary records for supportive and

12 administrative personnel and any personnel shared between

13 special and regular programs;

14 (b) defining the total special program caseload that

15 shall be assigned to specific support persons and the kinds

16 of professional specialties to be considered relevant to the

17 program before the district may count an allowable cost

18 under subsection (1)(b) of this section; and

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

20 costs may be counted under subsection (1)(c)(i) of this

21 section.

22 (3) An annual accounting of all expenditures of school

23 district general fund moneys for special education shall be

24 made by the district trustees on forms furnished by the

25 superintendent of public instruction. The superintendent of

1 public instruction shall make rules for such accounting.

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

7 (5) Allowable costs prescribed in this section do not
8 include the costs of the teachers' retirement system, the
9 public employees' retirement system, the federal social
10 security system, or the costs for unemployment compensation
11 insurance.

12 (6) (a) Notwithstanding other provisions of the law,
13 the superintendent of public instruction shall not approve a
14 ~~maximum-budget-without-a-vote~~ for special education which
15 exceeds legislative appropriations.

16 (b) If special education budgets approved by the
17 superintendent of public instruction exceed legislative
18 appropriations available for special education, each
19 district shall receive a pro rata share of the available
20 appropriations based upon its budget as a percent of all
21 approved special education budgets. The amount of the
22 approved budgets in excess of the available appropriations
23 may not be reimbursed under the
24 ~~maximum-budget-without-a-vote~~ for special education and is
25 the responsibility of the school district."

STATE OF MONTANA

REQUEST NO. 387-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, 19 81, there is hereby submitted a Fiscal Note for House Bill 466 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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:

A proposal to allow necessary travel by special education personnel to be an allowable cost under the legislative definition.

Assumptions:

These expenditures would be made within the present available fund.

Revenue:

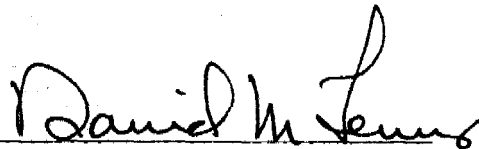
None.

Expenditure:

No increase in expenditures.

Comment:

Expenditures over all would not be raised due to the cap placed on special education costs in section 20-7-431, MCA.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-21-81

Approved by Committee
on Education

HOUSE BILL NO. 466

INTRODUCED BY Edwin Butcher Embely Nussau
VINCENT Theliday
BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE ALLOWABLE
COST SCHEDULE FOR SPECIAL EDUCATION TO INCLUDE
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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 AHB" are to be determined in accordance

with 20-9-311 and 20-9-313):

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textbooks, and other expenses including:

(i) salaries and benefits of special program teachers,
regular program teachers, teacher aides, special education
supervisors, audiologists, and speech and hearing
clinicians--the entire cost if employed full time in the
special program; if such personnel are shared between
special and regular programs--a portion of the entire cost
corresponding to the entire working time which each such
person devotes to the special program;

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exclusively for special programs--the actual total cost;

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(A) contracted services, including fees paid for
professional advice and consultation regarding special
students or the special program, and the delivery of special
education services by public or private agencies--the actual
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(B) transportation costs for special education
personnel who must travel on an itinerant basis from school
to school or district to district or to in-state child study
team meetings or in-state individualized education program
meetings--the actual cost to the district calculated on the
same mileage rate used by the district for other travel

HB 466

1 reimbursement purposes;

2 (b) supportive services, including:

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5 special program; if such personnel are shared between
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7 corresponding to the entire working time which each such
8 person devotes to the special program. Professional
9 supportive personnel may include counselors, social workers,
10 psychologists, psychometrists, physicians, nurses, and
11 physical and occupational therapists.

12 (ii) salaries and benefits of clerical personnel for
13 professional personnel in supportive services--the entire
14 cost if employed full time in the special program; if such
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17 working time which each such person devotes to the special
18 program;

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20 (i) equipment--the actual total cost;

21 (ii) special equipment for district-owned school buses
22 necessary to accommodate special students--the actual total
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25 transport special students--that portion of the contract

1 price attributable to the cost of special equipment or
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5 attend a program at such a distance from his home that
6 commuting is undesirable as determined by the superintendent
7 of public instruction.

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

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16 of professional specialties to be considered relevant to the
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20 costs may be counted under subsection (1)(c)(i) of this
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23 district general fund moneys for special education shall be
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25 superintendent of public instruction. The superintendent of

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3 budget approved by the superintendent of public instruction,
4 costs in excess of the approved budget may not be reimbursed
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-End-

-5-

HB 466

HOUSE BILL NO. 466

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VINCENT *Almond* *Holliday*
BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

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