

Senate Bill 415

In The Senate

February 10, 1981	Introduced and referred to Committee on Finance and Claims.
	Fiscal note requested.
February 16, 1981	Fiscal note returned.
February 17, 1981	Committee recommend bill do not pass as amended.
February 18, 1981	On motion Senate reconsider its action taken on Adverse Committee Report. Motion failed.

*Senate  
Bill No. 415  
Introduced by Rep. Conover and Blaylock  
Signed Hager*

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE YELLOWSTONE BOYS AND GIRLS RANCH, ELEMENTARY DISTRICT NO. 58, SPECIAL EDUCATION PROGRAM IS TO BE FUNDED AT A 100 PERCENT LEVEL OF THE BUDGET APPROVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION; 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--the actual cost to the district calculated on the same mileage rate used by the district for other travel reimbursement purposes;

(b) supportive services, including:

(i) salaries and benefits of professional supportive

1 personnel--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. Professional  
 6 supportive personnel may include counselors, social workers,  
 7 psychologists, psychometrists, physicians, nurses, and  
 8 physical and occupational therapists.

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

16 (c) equipment:

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

18 (ii) special equipment for district-owned school buses  
 19 necessary to accommodate special students--the actual total  
 20 cost;

21 (iii) special equipment for school buses contracted to  
 22 transport special students--that portion of the contract  
 23 price attributable to the cost of special equipment or  
 24 personnel required to accommodate special students--the  
 25 actual special cost;

1 (d) room and board costs when the special pupil has to  
 2 attend a program at such a distance from his home that  
 3 commuting is undesirable as determined by the superintendent  
 4 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)(b) of this section; and

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

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

24 (4) If a board of trustees chooses to exceed the  
 25 budget approved by the superintendent of public instruction,

1 costs in excess of the approved budget may not be reimbursed  
2 under the maximum-budget-without-a-vote for special  
3 education.

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

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

13 (b) If Except as provided in subsection (7), if  
14 special education budgets approved by the superintendent of  
15 public instruction exceed legislative appropriations  
16 available for special education, each district shall receive  
17 a pro rata share of the available appropriations based upon  
18 its budget as a percent of all approved special education  
19 budgets. The amount of the approved budgets in excess of the  
20 available appropriations may not be reimbursed under the  
21 maximum-budget-without-a-vote for special education and is  
22 the responsibility of the school district.

23 771. The special education budget of the Yellowstone  
24 boys and girls ranch elementary school district No. 581  
25 approved by the superintendent of public instruction shall

1 be fully funded and is not to be prorated in accordance with  
2 subsection 161."

-End-

## STATE OF MONTANA

REQUEST NO. 341-81

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 415 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

An act to provide that the Yellowstone Boys and Girls Ranch, Elementary School District Number 58, Special Education program is to be funded at a 100% level of the approved budget for the Superintendent of Public Instruction.

Assumptions

1. The Special Education Appropriation will remain the same.
2. The needs at the Yellowstone Boys and Girls Ranch will remain the same.

Fiscal Impact

(This does not affect revenue)

## Expenditures:

	FY 1982			FY 1983		
	Existing Procedure	Proposed Law	Increase	Existing Procedure	Proposed Law	Increase
Local Assistance	\$256,681	\$284,684	\$28,013	\$256,681	\$284,684	\$28,013
State GF increase	0	\$ 28,013	\$28,013	0	\$ 28,013	\$28,013

Total General Fund increase for the Biennium would be \$56,026.

Technical Note

Because Special Education appropriations have not been set, no increase is provided above. The increase will expand the additional General Fund requirement. If 9% increases are granted for each year, the biennial increase of General Fund under this proposal would be \$63,816 or \$7,790 above the fiscal impact listed.

*David M. Lenny*  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 2-12-81