

HOUSE BILL NO. 444

INTRODUCED BY SWIFT, MUELLER

BY REQUEST OF THE OFFICE OF
SUPERINTENDENT OF PUBLIC INSTRUCTION

IN THE HOUSE

January 22, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 7, 1983	Committee recommend bill do pass. Report adopted.
February 8, 1983	Bill printed and placed on members' desks.
February 9, 1983	Second reading, do pass.
February 10, 1983	Considered correctly engrossed.
February 11, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 23, 1983	Committee recommend bill be concurrent in as amended. Report adopted. Statement of Intent attached.
March 24, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983

Returned to House with
amendments and Statement of
Intent.

April 1, 1983

Second reading, amendments and
Statement of Intent concurred
in.

April 4, 1983

Third reading, amendments and
Statement of Intent concurred
in.

Sent to enrolling.

Reported correctly enrolled.

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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE BASIS ON
7 WHICH EACH SCHOOL DISTRICT RECEIVES ITS PRO RATA SHARE OF
8 THE AVAILABLE APPROPRIATIONS FOR SPECIAL EDUCATION WHENEVER
9 THE TOTAL ALLOWABLE COST OF THE SPECIAL EDUCATION BUDGETS
10 EXCEEDS AVAILABLE APPROPRIATIONS; AMENDING SECTION 20-7-431,
11 MCA."
12

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

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

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

1 district, and as used in this schedule, "full-time special
2 pupil" and "regular ANB" are to be determined in accordance
3 with 20-9-311 and 20-9-313):

4 (a) instruction: salaries, benefits, supplies,
5 textbooks, and other expenses including:

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

14 (ii) teaching supplies and textbooks if used
15 exclusively for special programs--the actual total cost;

16 (iii) other expenses:

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

22 (B) transportation costs for special education
23 personnel who must travel on an itinerant basis from school
24 to school or district to district or to in-state child study
25 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 reimbursement purposes;

(b) supportive services, including:

(i) salaries and benefits of professional supportive personnel—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. Professional supportive personnel may include counselors, social workers, psychologists, psychometrists, physicians, nurses, and physical and occupational therapists.

(ii) salaries and benefits of clerical personnel for professional personnel in supportive services—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;

(c) equipment:

(i) equipment—the actual total cost;

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

(iii) special equipment for school buses contracted to transport special students—that portion of the contract price attributable to the cost of special equipment or personnel required to accommodate special students—the actual special cost;

(d) room and board costs when the special pupil has to attend a program at such a distance from his home that commuting is undesirable as determined by the superintendent of public instruction.

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

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

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

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

(3) An annual accounting of all expenditures of school 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) Allowable costs prescribed in this section do not
10 include the costs of the teachers' retirement system, the
11 public employees' retirement system, the federal social
12 security system, or the costs for unemployment compensation
13 insurance.

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

18 (b) If ~~the total allowable cost of the~~ special
19 education budgets approved by the superintendent of public
20 instruction ~~exceed~~ exceeds legislative appropriations
21 available for special education, each district shall receive
22 a pro rata share of the available appropriations based upon
23 ~~its--budget--as--a-percent-of-all-approved-special-education~~
24 budgets prioritized budget items as established by the
25 superintendent of public instruction. The amount of the

1 approved budgets in excess of the available appropriations
2 may not be reimbursed under the
3 ~~maximum-budget-without-a-vote~~ for special education and is
4 the responsibility of the school district."

-End-

App. by comm. on education
and cultural resources

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10 special program; if such personnel are shared between
11 special and regular programs--a portion of the entire cost
12 corresponding to the entire working time which each such
13 person devotes to the special program;
14 (ii) teaching supplies and textbooks if used
15 exclusively for special programs--the actual total cost;
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17 (A) contracted services, including fees paid for
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19 students or the special program, and the delivery of special
20 education services by public or private agencies--the actual
21 total cost;
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23 personnel who must travel on an itinerant basis from school
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1 meetings--the actual cost to the district calculated on the
2 same mileage rate used by the district for other travel
3 reimbursement purposes;

4 (b) supportive services, including:

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

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

21 (c) equipment:

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

23 (ii) special equipment for district-owned school buses
24 necessary to accommodate special students--the actual total
25 cost;

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2 transport special students--that portion of the contract
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4 personnel required to accommodate special students--the
5 actual special cost;

6 (d) room and board costs when the special pupil has to
7 attend a program at such a distance from his home that
8 commuting is undesirable as determined by the superintendent
9 of public instruction.

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

13 (a) keeping necessary records for supportive and
14 administrative personnel and any personnel shared between
15 special and regular programs;

16 (b) defining the total special program caseload that
17 shall be assigned to specific support persons and the kinds
18 of professional specialties to be considered relevant to the
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15 the superintendent of public instruction shall not approve a
16 maximum-budget-without-a-vote for special education which
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18 (b) If the total allowable cost of the special
19 education budgets approved by the superintendent of public
20 instruction ~~exceed~~ exceeds legislative appropriations
21 available for special education, each district shall receive
22 a pro rata share of the available appropriations based upon
23 ~~its budget as a percent of all approved special education~~
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(4) If a board of trustees chooses to exceed the budget approved by the superintendent of public instruction, costs in excess of the approved budget may not be reimbursed under the maximum-budget-without-a-vote for special education.

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

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

(b) If the total allowable cost of the special education budgets approved by the superintendent of public instruction exceed exceeds legislative appropriations available for special education, each district shall receive a pro rata share of the available appropriations based upon its--budget--as--a-percent-of-all-approved-special-education budgets prioritized budget items as established by the superintendent of public instruction. The amount of the

approved budgets in excess of the available appropriations may not be reimbursed under the maximum-budget-without-a-vote for special education and is the responsibility of the school district."

-End-

March 23, 1983

SENATE STANDING COMMITTEE REPORT
(Education & Cultural Resources)

That the following Statement of Intent be added to House Bill No. 444:

STATEMENT OF INTENT

HOUSE BILL 444

A statement of intent is required of this bill because it grants authority to the Superintendent of Public Instruction to prioritize budget items to determine total amounts to be distributed to districts for special education.

It is intended that the prioritization be aimed at providing maximum funding for basic required or mandated services and least funding for other allowable services. The priorities must be structured to provide the most services to the greatest number of students within the limitations of local conditions. The priorities should be established by a combination of mandated services, student/teacher ratios, and local conditions that affect costs of providing services. The district's share of the funding is not intended to be line-itemed by the Office of Public Instruction, the bill provides a manner for determining the funding to be received by the districts. The manner in which the funds are to be used by the district is to be done within the allowable cost schedule provided in 20-7-431.

March 23, 1983

SENATE STANDING COMMITTEE REPORT
(Education & Cultural Resources)

That House Bill No. 444 be amended as follows:

1. Title, line 11.

Following: "MCA"

Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 6.

Following: line 4

Insert: "NEW SECTION. Section 2. Effective date. This act is effective on passage and approval."

1 STATEMENT OF INTENT

2 HOUSE BILL 444

3 Senate Education and Cultural Resources Committee
4

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19 intended to be line-itemed by the Office of Public
20 Instruction; the bill provides a manner for determining the
21 funding to be received by the districts. The manner in which
22 the funds are to be used by the district is to be done within
23 the allowable cost schedule provided in 20-7-431.

REFERENCE BILL

HB 444

HOUSE BILL NO. 444

INTRODUCED BY SWIFT, MUELLER

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

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SECTION 2. ~~EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON~~
~~PASSAGE AND APPROVAL.~~

-End-