

HOUSE BILL NO. 461

INTRODUCED BY ASAY

BY REQUEST OF THE OFFICE OF SUPERINTENDENT
OF PUBLIC INSTRUCTION

IN THE HOUSE

January 22, 1983	On motion, rules suspended. Bill allowed to be introduced.
January 24, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 4, 1983	Committee recommend bill do pass as amended. Report adopted.
February 5, 1983	Bill printed and placed on members' desks.
February 7, 1983	Second reading, do pass.
February 8, 1983	Considered correctly engrossed.
February 9, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 10, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 17, 1983	Committee recommend bill be concurrred in as amended. Report adopted.
March 19, 1983	Second reading, concurrred in.
March 22, 1983	Third reading, concurrred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 22, 1983

Returned to House with amendments.

March 31, 1983

Second reading, amendments concurred in.

April 1, 1983

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

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 2 INTRODUCED BY Way
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5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE THE TERMS
 7 "DEAF/BLIND", "MULTIHANDICAPPED", AND "RELATED SERVICES" AS
 8 THEY RELATE TO THE LAWS GOVERNING SPECIAL EDUCATION OF
 9 HANDICAPPED PERSONS IN MONTANA; AMENDING SECTION 20-7-401,
 10 MCA."

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

13 Section 1. Section 20-7-401, MCA, is amended to read:
 14 "20-7-401. Definitions. In this title, unless the
 15 context clearly indicates otherwise, the following
 16 definitions apply:

17 (1) "Appropriate public education" means the provision
 18 of regular or special education and related aids and
 19 services that are designed to meet individual educational
 20 needs of handicapped persons as adequately as the needs of
 21 nonhandicapped are met.

22 (2) "Deaf" means a hearing impairment which is so
 23 severe that the child's hearing is nonfunctional for the
 24 purpose of educational performance.

25 (3) "Deaf/blind" means concomitant hearing and visual

1 impairments, the combination of which causes such severe
 2 educational problems for the child so impaired that the
 3 child cannot be accommodated in a special education program
 4 designed solely for deaf or blind children.

5 ~~(3)~~(4) "Emotionally disturbed" means a condition
 6 exhibiting one or more of the following characteristics to a
 7 marked degree and over a long period of time: an inability
 8 to learn which cannot be explained by intellectual, sensory,
 9 or health factors; an inability to build or maintain
 10 satisfactory interpersonal relationships with peers and
 11 teachers; inappropriate types of behavior or feelings under
 12 normal circumstances; a general pervasive mood of
 13 unhappiness or depression; or a tendency to develop physical
 14 symptoms, pains, or fears associated with personal or school
 15 problems. The term does not include children who are
 16 socially maladjusted. The emotionally disturbed category may
 17 include students who also may have been diagnosed by
 18 appropriate specialists as autistic, psychotic, sociopathic,
 19 or schizophrenic. An emotionally disturbed child's disorders
 20 are not primarily the result of problems with visual acuity,
 21 hearing impairment, physical handicaps, cultural or
 22 instructional factors, or mental retardation. "Emotionally
 23 disturbed" refers to a person who has been identified, based
 24 on a comprehensive evaluation, as having observable
 25 behavioral patterns which seriously inhibit the academic and

1 social or emotional growth of the individual or the
2 educational rights of others to the point that supportive
3 services are required. These behavioral patterns may
4 include:

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6 oneself or others and a lack of response to regular
7 educational intervention;

8 (b) high frequency of persistent inattention to
9 academic or social tasks associated with regular classroom
10 performance; and

11 (c) persistent withdrawal from peer or adult
12 interactions associated with the expected social development
13 in a regular educational environment.

14 ~~(4)~~(5) "Handicapped child" means a child evaluated as
15 being mentally retarded, hard-of-hearing, deaf,
16 speech-impaired, visually handicapped, emotionally
17 disturbed, ~~deaf/blind, multihandicapped,~~ orthopedically
18 impaired, other health-impaired, or as having specific
19 learning disabilities, who because of those impairments
20 needs special education and related services.

21 ~~(5)~~(6) "Hard-of-hearing" means a hearing impairment,
22 whether permanent or fluctuating, which adversely affects a
23 child's educational performance but which is not included
24 within the definition of deaf.

25 ~~(6)~~(7) "Mentally retarded" means significantly

1 subaverage general intellectual functioning existing
2 concurrently with deficits in adaptive behavior and
3 manifested during the developmental period, which adversely
4 affects a child's educational performance.

5 ~~(8) "Multihandicapped" means concomitant impairments~~
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7 ~~retarded/orthopedically impaired), the combination of which~~
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9 ~~impaired that the child cannot be accommodated in a special~~
10 ~~education program designed solely for one of the~~
11 ~~impairments. The term does not include deaf/blind children.~~

12 ~~(7)~~(9) "Orthopedically impaired" means a severe
13 orthopedic impairment which adversely affects a child's
14 educational performance. The term includes but is not
15 limited to impairment caused by congenital anomaly (e.g.,
16 clubfoot or absence of some member), impairments caused by
17 disease (e.g., poliomyelitis, bone tuberculosis), and
18 impairments from other causes (e.g., fractures or burns
19 which cause contractures, amputation, cerebral palsy).

20 ~~(8)~~(10) "Other health-impaired" means:

21 ~~(a) having an autistic condition that is manifested by~~
22 ~~severe communication and other developmental and educational~~
23 ~~problems; or~~

24 ~~(b) having limited strength, vitality, or alertness~~
25 ~~due to chronic or acute health problems such as a heart~~

1 condition, tuberculosis, rheumatic fever, nephritis, asthma,
2 sickle-cell anemia, hemophilia, epilepsy, lead poisoning,
3 leukemia, or diabetes.

4 (11) "Related services" means transportation and such
5 developmental, corrective, and other supportive services as
6 are required to assist a handicapped child to benefit from
7 special education.

8 ~~(9)(12) "Special education" means specially designed~~
9 ~~instruction, given at no cost to the parents or guardians,~~
10 ~~to meet the unique needs of a handicapped child, including~~
11 ~~but not limited to classroom instruction, instruction in~~
12 ~~physical education, home instruction, and instruction in~~
13 ~~hospitals and institutions. The term includes but is not~~
14 ~~limited to speech pathology, audiology, occupational~~
15 ~~therapy, and physical therapy.~~

16 ~~(10)(13) "Specific learning disability" means a~~
17 ~~disorder in one or more of the basic psychological processes~~
18 ~~involved in understanding or in using language, spoken or~~
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20 ~~to listen, think, speak, read, write, spell, or do~~
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1 visual, hearing, or motor handicaps; mental retardation; or
2 environmental, cultural, or economic disadvantages.

3 ~~(11)(14) "Speech/language impaired" means a~~
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8 ~~(12)(15) "Visually handicapped" means a visual~~
9 ~~impairment which, after correction, adversely affects a~~
10 ~~child's educational performance. The term includes both~~
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-End-

App. by comm. on education and cultural resources

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23 severe that the child's hearing is nonfunctional for the
24 purpose of educational performance.

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-End-

March 17, 1983

SENATE STANDING COMMITTEE REPORT
(Education & Cultural Resources)

That House Bill No. 461 be amended as follows:

1. Page 5, lines 4 and 5.

Strike: ", INCLUDING SPEECH PATHOLOGY, AUDIOLOGY, OCCUPATIONAL
THERAPY, AND PHYSICAL THERAPY,"

2. Page 5, line 8.

Following: "education"

Insert: "and includes speech pathology, audiology, occupational
therapy, and physical therapy"

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6 ~~(14) "Speech/language impaired" means a~~
7 ~~communication disorder such as stuttering, impaired~~
8 ~~articulation, or a language or voice impairment which~~
9 ~~adversely affects a child's interpersonal relationships or~~
10 ~~educational performance.~~

11 ~~(15) "Visually handicapped" means a visual~~
12 ~~impairment which, after correction, adversely affects a~~
13 ~~child's educational performance. The term includes both~~
14 ~~partially seeing and blind children."~~

-End-