

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 concurring in as amended. Report adopted.
March 19, 1983	Second reading, concurred in.
March 22, 1983	Third reading, concurred 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.

House BILL NO. 461

INTRODUCED BY Osby

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OF PUBLIC INSTRUCTION

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

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

Section 1. Section 20-7-401, MCA, is amended to read:

"20-7-401. Definitions. In this title, unless the
context clearly indicates otherwise, the following
definitions apply:

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

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

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

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

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

5 (a) excessive physical or verbal aggression toward
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~~
6 ~~(e.g., mentally retarded/blind or mentally~~
7 ~~retarded/orthopedically impaired), the combination of which~~
8 ~~causes such severe educational problems for the child so~~
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~~

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

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

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

~~(13) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes but is not limited to such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of~~

visual, hearing, or motor handicaps; mental retardation; or environmental, cultural, or economic disadvantages.

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

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

-End-

App. by comm. on education
and cultural resources

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A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE THE TERMS
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nonhandicapped are met.

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

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

~~impairments, the combination of which causes such severe
educational problems for the child so impaired that the
child cannot be accommodated in a special education program
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(3)(4) "Emotionally disturbed" means a condition
exhibiting one or more of the following characteristics to a
marked degree and over a long period of time: an inability
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satisfactory interpersonal relationships with peers and
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on a comprehensive evaluation, as having observable
behavioral patterns which seriously inhibit the academic and

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

(a) excessive physical or verbal aggression toward oneself or others and a lack of response to regular educational intervention;

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

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

~~†††151~~ "Handicapped child" means a child evaluated as being mentally retarded, hard-of-hearing, deaf, speech-impaired, visually handicapped, emotionally disturbed, ~~deaf/blind, multihandicapped,~~ orthopedically impaired, other health-impaired, or as having specific learning disabilities, who because of those impairments needs special education and related services.

~~†5†161~~ "Hard-of-hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included within the definition of deaf.

~~†6†171~~ "Mentally retarded" means significantly

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

~~181 "Multihandicapped" means concomitant impairments~~
~~is.g., mentally retarded/blind or mentally~~
~~retarded/orthopedically impaired), the combination of which~~
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~~education program designed solely for one of the~~
~~impairments. The term does not include deaf/blind children.~~

~~†7†191~~ "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes but is not limited to impairment caused by congenital anomaly (e.g., clubfoot or absence of some member), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy).

~~†8†101~~ "Other health-impaired" means:

~~1a1 having an autistic condition that is manifested by~~
~~severe communication and other developmental and educational~~
~~problems; or~~

~~1b1 having limited strength, vitality, or alertness~~
~~due to chronic or acute health problems such as a heart~~

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

~~111 "Related services", INCLUDING SPEECH PATHOLOGY, AUDIOLOGY, OCCUPATIONAL THERAPY, AND PHYSICAL THERAPY, means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education.~~

~~121 "Special education" means specially designed instruction, given at no cost to the parents or guardians, to meet the unique needs of a handicapped child, including but not limited to classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes but is not limited to speech pathology, audiology, occupational therapy, and physical therapy.~~

~~131 "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes but is not limited to such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children~~

who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; or environmental, cultural, or economic disadvantages.

~~141 "Speech/language impaired" means a communication disorder such as stuttering, impaired articulation, or a language or voice impairment which adversely affects a child's interpersonal relationships or educational performance.~~

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(2) "Deaf" means a hearing impairment which is so
severe that the child's hearing is nonfunctional for the
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~~(3) "Deaf/blind" means concomitant hearing and visual~~

~~impairments, the combination of which causes such severe
educational problems for the child so impaired that the
child cannot be accommodated in a special education program
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~~(3)(4) "Emotionally disturbed" means a condition~~
exhibiting one or more of the following characteristics to a
marked degree and over a long period of time: an inability
to learn which cannot be explained by intellectual, sensory,
or health factors; an inability to build or maintain
satisfactory interpersonal relationships with peers and
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~~(4)(5)~~ "Handicapped child" means a child evaluated as being mentally retarded, hard-of-hearing, deaf, speech-impaired, visually handicapped, emotionally disturbed, ~~deaf/blind, multihandicapped,~~ orthopedically impaired, other health-impaired, or as having specific learning disabilities, who because of those impairments needs special education and related services.

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

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

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

~~(8) "Multihandicapped" means concomitant impairments (e.g., mentally retarded/blind or mentally retarded/orthopedically impaired), the combination of which causes such severe educational problems for the child so impaired that the child cannot be accommodated in a special education program designed solely for one of the impairments. The term does not include deaf/blind children.~~

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

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

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

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

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

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

~~(10)(13) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes but is not limited to such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children~~

who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; or environmental, cultural, or economic disadvantages.

~~(11)(14) "Speech/language impaired" means a communication disorder such as stuttering, impaired articulation, or a language or voice impairment which adversely affects a child's interpersonal relationships or 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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