

SENATE BILL NO. 158  
INTRODUCED BY B. BROWN

IN THE SENATE

January 14, 1983	Introduced and referred to Committee on Education and Cultural Resources.
January 27, 1983	Committee recommend bill do pass as amended. Report adopted.  Statement of Intent attached.
January 28, 1983	Bill printed and placed on members' desks.
January 29, 1983	Second reading, do pass.
January 31, 1983	Correctly engrossed.
February 1, 1983	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

February 2, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 10, 1983	Committee recommend bill be concurred in. Report adopted.
March 11, 1983	Second reading, concurred in.
March 12, 1983	Third reading, concurred in.

IN THE SENATE

March 14, 1983	Returned to Senate. Sent to enrolling.  Reported correctly enrolled.
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1 *Senate* BILL NO. *158*  
2 INTRODUCED BY *Bob Brown*  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 LAW GOVERNING THE MONTANA SCHOOL FOR THE DEAF AND BLIND;  
6 AMENDING SECTIONS 20-8-101, 20-8-102, 20-8-104 THROUGH  
7 20-8-107, 20-8-109 THROUGH 20-8-113, AND 20-8-116, MCA;  
8 REPEALING SECTIONS 20-8-114, 20-8-115, AND 20-8-117 THROUGH  
9 20-8-119, MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 20-8-101, MCA, is amended to read:  
13 "20-8-101. State school for deaf and blind --  
14 independent institution. The school for the deaf and blind,  
15 formerly located at Boulder in connection with the Montana  
16 state training school but transferred before July 1, 1943,  
17 to the city of Great Falls, shall be known and designated as  
18 the Montana state school for the deaf and blind and shall be  
19 conducted as a separate and independent unit and institution  
20 of the state of Montana under the general supervision,  
21 direction, and control of the board of public education  
22 ~~with a local executive board to be appointed in the manner~~  
23 ~~and to have the powers, authority, and duties granted to and~~  
24 ~~required of that board by the provisions of 20-25-303 and~~  
25 20-25-304. However, the transfer of that school or any

1 change in the name thereof or in the objects or purposes  
2 thereof may not be considered or construed to impair or work  
3 any forfeiture or alteration of any rights, grants, or  
4 property made to or acquired by that school or by the state  
5 for the use and benefit of that school prior to July 1,  
6 1943."

7 Section 2. Section 20-8-102, MCA, is amended to read:  
8 "20-8-102. Objects and purposes. The Montana state  
9 school for the deaf and blind shall be a residential and  
10 boarding school for children and adolescents who are deaf or  
11 blind or whose hearing or sight is so defective that they  
12 cannot be successfully taught and for such reason are unable  
13 to receive a sufficient or proper education in the public  
14 schools of the state. The object and purpose of such school  
15 shall be to furnish and provide, by the use of specialized  
16 methods and systems, an ordinary public school education and  
17 to teach such trades and vocations as will enable children  
18 attending such school to become independent and  
19 self-sustaining citizens. Increased and additional  
20 facilities shall be provided from time to time for the more  
21 thorough and successful training of those who show a special  
22 aptitude for becoming proficient at such trades or  
23 vocations. In the interest of economy and increased  
24 opportunities for vocational education and training and in  
25 order that pupils may be practically taught such trades and

1 vocations, so much of all carpentering, printing, painting,  
2 baking, sewing, and other or similar work necessary to be  
3 done for and in and about the school, as the superintendent  
4 of the school may deem practical, shall be done by such  
5 pupils under competent teachers and foremen, ~~permanently or~~  
6 ~~temporarily~~ specialists employed for such purpose, and this  
7 requirement shall apply to both male and female pupils."

8 Section 3. Section 20-8-104, MCA, is amended to read:

9 "20-8-104. Eligibility of children for admittance. On  
10 proper application being made therefor, as prescribed by the  
11 rules of the board of public education, deaf and blind  
12 children who are not more than 18 years of age residing  
13 within the state of Montana and nonresident children who are  
14 not more than 18 years of age, who are not mentally  
15 deficient, dangerously diseased in body, or of confirmed  
16 immorality or incapacitated for useful instruction by reason  
17 of physical disability may be admitted to such school."

18 Section 4. Section 20-8-105, MCA, is amended to read:

19 "20-8-105. When duty of parent or guardian of child to  
20 make application for admission of child -- penalty. (1)  
21 Every parent, guardian, or other person having the custody  
22 or control of any child between the ages of 5 and 18 years  
23 whose hearing or sight is so defective that such child  
24 cannot be properly educated in the public schools of the  
25 state shall make application to the superintendent of said

1 school for admission to such school for at least 9 months  
2 during each school year for a period of 10 years, unless  
3 such child is being taught in a private school or in a  
4 similar institution in another state which affords such  
5 child an education to the same extent as such child can  
6 receive in the Montana ~~state~~ school for the deaf and blind  
7 or unless such child be found, for any reason, to be  
8 ineligible to admission to such school. If such child is  
9 being taught in a private school or in a similar institution  
10 in another state, such attendance must be for at least 9  
11 months in each year for 10 years, unless such child shall  
12 arrive at the age of ~~21~~ 18 years or shall have become  
13 self-sustaining before the expiration of such 10-year  
14 period.

15 (2) The failure of any parent, guardian, or other  
16 person having the custody or control of any blind or deaf  
17 child to comply with the provisions of this section shall be  
18 deemed a misdemeanor and punishable by a fine of not less  
19 than \$5 or more than \$25 for the first offense and not less  
20 than \$25 or more than \$50 for each subsequent offense. Upon  
21 conviction of any parent, guardian, or person having custody  
22 or control of any such child of a failure to comply with the  
23 provisions of this section, the court in which such  
24 conviction is had shall enter in its docket an order  
25 directing such parent, guardian, or other person to comply

with the provisions of this section within 10 days thereafter and shall deliver a copy of such order to such parent, guardian, or other person."

Section 5. Section 20-8-106, MCA, is amended to read:

"20-8-106. Duration of attendance at school ~~==~~ transfer. (1) Every child admitted to such school shall be entitled to attend such school until reaching the age of 21 years unless the board of public education and superintendent determine that attendance at the school will not benefit the child, provided that nothing in this section shall be construed so as to prevent the suspension or expulsion of any child at any time for insubordination or other cause deemed good and sufficient by the board of public education and superintendent.

(2) Transfer of a student from the school to another educational placement must be in accordance with rules of the board of public education."

Section 6. Section 20-8-107, MCA, is amended to read:

"20-8-107. Admission of nonresident children and advance payment of cost -- Indian children. (1) Deaf and blind children who are not residents of the state of Montana, upon application being made therefor, may be admitted to the school, subject to all eligibility requirements prescribed for children who are residents of the state, provided that for each such nonresident child

there shall be paid to the school in advance a sum of money the amount of which shall be determined by a careful estimate of the whole per capita cost of maintaining the school during the year immediately preceding the date of the application, and provided further that no nonresident child shall be admitted to the school except when the full capacity thereof is not required for children who are residents of the state.

(2) Indian children who are Montana residents and wards of the United States shall be eligible to and shall be admitted to such school on the same terms as residents. ~~The school for the deaf and blind is hereby authorized to collect reimbursement from the United States government for expenses incurred in providing services for Indian children who are wards of the United States government."~~

Section 7. Section 20-8-109, MCA, is amended to read:

"20-8-109. Time of regular school term. The regular term of school shall ~~begin on the second Wednesday of September and close on the second Wednesday of June~~ followings provided that the superintendent of such school, with the consent and approval of the board of public education, may provide for the opening of the school on another day and for the closing of the same on another day, provided that the term fixed shall be for a period of 9 months as provided in 20-1-301."

Section 8. Section 20-8-110, MCA, is amended to read:

"20-8-110. Property vested in school. All lands heretofore granted by the government of the United States to the state of Montana for the use and benefit of the deaf and dumb are hereby set apart and declared to be for the use and benefit in perpetuity of the Montana state school for the deaf and blind, and all funds arising from the sale or leasing of said lands, or any part or portion thereof, shall be applied to the proper use and benefit thereof and ~~all donations, gifts, devises, or grants which have been heretofore or may hereafter be made by any person or corporation to said school~~ shall vest in the state of Montana for the use and benefit thereof."

Section 9. Section 20-8-111, MCA, is amended to read:

"20-8-111. Duty of board of public education as to property of school. The board of public education shall ~~have the power and it shall be its duty to, either directly or through a contract with a nonprofit corporation,~~ receive, hold, manage, use, and dispose of ~~any and all~~ real and personal property made over to such board or to the state of Montana by purchase, gift, devise, bequest, or otherwise acquired and the proceeds, interest, and income thereof for the use and benefit of said school. All donations, gifts, devises, or grants made before, on, or after October 1, 1983, to the school shall vest in the board or its designee,

as trustee for the state of Montana, for the use and benefit of the school and its students."

Section 10. Section 20-8-112, MCA, is amended to read:

"20-8-112. Expenditure of school moneys. No moneys belonging to the deaf and blind school fund shall be expended for any purpose other than for the Montana state school for the deaf and blind, and any moneys belonging to any fund or funds which may be hereafter created for such school shall be expended for the express purpose designated in the act or acts creating such fund or funds and for no other purpose."

Section 11. Section 20-8-113, MCA, is amended to read:

"20-8-113. ~~Additional duties~~ Duties of superintendent of school for the deaf and blind. The superintendent of the Montana school for the deaf and blind ~~is hereby authorized to add to his present duties that of acting as combined employment placement officer and school field worker temporarily for the sake of economy in order to set up this office and operate same until such time as in his opinion evidence warrants employing a part time employment officer and school field worker and part time instructor, shall:~~

(1) administer the programs and functions of the school within the guidelines of statutes and under policies prescribed by the board of public education;

1 (2) prepare and submit reports, summaries, and other  
2 information requested by the board;

3 (3) establish and pursue professional and technical  
4 contacts that will contribute information and guidance  
5 toward effective and efficient operation of the school;

6 (4) maintain effective liaison between the school, the  
7 superintendent of public instruction, local school  
8 districts, and other public and private agencies that have  
9 an interest in or influence upon the school;

10 (5) pursue a program of information for parents,  
11 professionals, and the general public."

12 Section 12. Section 20-8-116, MCA, is amended to read:

13 "20-8-116. Employment placement officer—duties —  
14 continuing education. As employment placement officer, it  
15 shall be his duty to (1) The superintendent shall gather and  
16 record such data and statistics to help him locate suitable  
17 employment for such blind, deaf, and hard-of-hearing persons  
18 not in attendance at said school or for those who have been  
19 trained by the department of social and rehabilitation  
20 services when it so requests such assistance. He shall  
21 consult with various county, state, and federal agencies and  
22 with the department of social and rehabilitation services to  
23 secure employment for self-sustaining persons. He shall  
24 coordinate his work with such federal agencies as social  
25 security and reemployment for those out of work, as required

1 ~~under this law by this part.~~

2 (2) The superintendent may, within funding  
3 limitations, develop and offer continuing education programs  
4 of a vocational nature for the visually impaired and hearing  
5 impaired that use the campus and facilities of the school  
6 during the summer months and other times when the school's  
7 facilities are not being used by its students."

8 NEW SECTION. Section 13. Communications skills  
9 required of certain employees. (1) Each permanent employee  
10 of the school who works with deaf children or works for or  
11 with a fellow employee who is deaf must acquire acceptable  
12 total communications skills by the end of his first year of  
13 employment.

14 (2) Acceptable total communications skills must be  
15 determined by the superintendent and a deaf adult of his  
16 choice, who together shall design an objective test of  
17 receptive and expressive total communication skills, which  
18 must be taken by each employee referred to in subsection  
19 (1).

20 (3) Upon request to the board of public education by  
21 the superintendent, an exception to this requirement may be  
22 made for an employee not working directly with deaf  
23 children.

24 NEW SECTION. Section 14. Repealer. Sections 20-8-114,  
25 20-8-115, and 20-8-117 through 20-8-119, MCA, are repealed.

- 1        NEW SECTION. Section 15. Codification    Instruction.
- 2        Section 13 is intended to be codified as an integral part of
- 3        Title 20, chapter 8, part 1.

-End-

## 1 STATEMENT OF INTENT

## 2 SENATE BILL 158

3 Senate Education and Cultural Resources Committee

4

5 Sections 3 and 5 of the bill delegate rulemaking  
6 authority to the Board of Public Education. The board has  
7 already adopted rules in these areas of procedures for  
8 admission to the School for the Deaf and Blind  
9 (ARM 10.61.201) and of transfers into another educational  
10 placement (ARM 10.61.204). The committee would contemplate  
11 that the board republish these rules, citing the proper  
12 statutory authorities after SB 158 is enacted. The board  
13 would, of course, retain the power to amend these rules in  
14 the future in such manner as it deemed proper for the  
15 governance of the school.

16 Section 13 gives the board authority to establish  
17 employment criteria in the area of communications skills for  
18 school staff who work with deaf children. Rules in this area  
19 should recognize that teachers need a high level of skills  
20 such as sign language in order to communicate to deaf  
21 pupils, while some custodial or administration employees may  
22 be able to work well for the school with a lower level of  
23 communications skills. The board should establish a  
24 relatively informal procedure for establishing compliance  
25 with its criteria, such as certification by the

1 superintendent and one deaf adult, and it may reserve the  
2 right to grant waivers from its policy.



App. by comm. on education  
and cultural resources

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~~with--a--local-executive-board-to-be-appointed-in-the-manner~~  
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change in the name thereof or in the objects or purposes  
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14 period.

15 (2) The failure of any parent, guardian, or other  
16 person having the custody or control of any blind or deaf  
17 child to comply with the provisions of this section shall be  
18 deemed a misdemeanor and punishable by a fine of not less  
19 than \$5 or more than \$25 for the first offense and not less  
20 than \$25 or more than \$50 for each subsequent offense. Upon  
21 conviction of any parent, guardian, or person having custody  
22 or control of any such child of a failure to comply with the  
23 provisions of this section, the court in which such  
24 conviction is had shall enter in its docket an order  
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17 ~~receptive and expressive total communication skills, which~~  
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- 1        NEW SECTION. Section 15. Codification instruction.
- 2        Section 13 is intended to be codified as an integral part of
- 3        Title 20, chapter 8, part 1.

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22 be able to work well for the school with a lower level of  
23 communications skills. The board should establish a  
24 relatively informal procedure for establishing compliance  
25 with its criteria, such as certification by the

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2 right to grant waivers from its policy.

SENATE BILL NO. 158  
INTRODUCED BY B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAW GOVERNING THE MONTANA SCHOOL FOR THE DEAF AND BLIND; AMENDING SECTIONS 20-8-101, 20-8-102, 20-8-104 THROUGH 20-8-107, 20-8-109 THROUGH 20-8-113, AND 20-8-116, MCA; REPEALING SECTIONS 20-8-114, 20-8-115, AND 20-8-117 THROUGH 20-8-119, MCA."

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

Section 1. Section 20-8-101, MCA, is amended to read:

"20-8-101. State school for deaf and blind -- independent institution. The school for the deaf and blind, formerly located at Boulder in connection with the Montana state training school but transferred before July 1, 1943, to the city of Great Falls, shall be known and designated as the Montana state school for the deaf and blind and shall be conducted as a separate and independent unit and institution of the state of Montana under the general supervision, direction, and control of the board of public education, with--a--executive-board-to-be-appointed-in-the-manner-and-to-have-the-powers-authority-and-duties-granted-to-and-required-of-that-board-by-the-provisions--of--28-25-303--and 28-25-304. However, the transfer of that school or any

change in the name thereof or in the objects or purposes thereof may not be considered or construed to impair or work any forfeiture or alteration of any rights, grants, or property made to or acquired by that school or by the state for the use and benefit of that school prior to July 1, 1943."

Section 2. Section 20-8-102, MCA, is amended to read:

"20-8-102. Objects and purposes. The Montana state school for the deaf and blind shall be a residential and boarding school for children and adolescents who are deaf or blind or whose hearing or sight is so defective that they cannot be successfully taught and for such reason are unable to receive a sufficient or proper education in the public schools of the state. The object and purpose of such school shall be to furnish and provide, by the use of specialized methods and systems, an ordinary public school education and to teach such trades and vocations as will enable children attending such school to become independent and self-sustaining citizens. Increased and additional facilities shall be provided from time to time for the more thorough and successful training of those who show a special aptitude for becoming proficient at such trades or vocations. In the interest of economy and increased opportunities for vocational education and training and in order that pupils may be practically taught such trades and



vocations, so much of all carpentering, printing, painting, baking, sewing, and other or similar work necessary to be done for and in and about the school, as the superintendent of the school may deem practical, shall be done by such pupils under competent teachers and foremen--permanently-or temporarily specialists employed for such purpose, and this requirement shall apply to both male and female pupils."

Section 3. Section 20-8-104, MCA, is amended to read:

"20-8-104. Eligibility of children for admittance. Upon proper application being made therefor, ~~as prescribed by the rules of the board of public education,~~ deaf and blind children who are not more than 18 years of age residing within the state of Montana and nonresident children who are not more than 18 years of age, who are not mentally deficient, dangerously diseased in body, or of confirmed immorality or incapacitated for useful instruction by reason of physical disability may be admitted to such school."

Section 4. Section 20-8-105, MCA, is amended to read:

"20-8-105. When duty of parent or guardian of child to make application for admission of child -- penalty. (1) Every parent, guardian, or other person having the custody or control of any child between the ages of 5 and 18 years whose hearing or sight is so defective that such child cannot be properly educated in the public schools of the state shall make application to the superintendent of said

school for admission to such school for at least 9 months during each school year for a period of 10 years, unless such child is being taught in a private school or in a similar institution in another state which affords such child an education to the same extent as such child can receive in the Montana state school for the deaf and blind or unless such child be found, for any reason, to be ineligible to admission to such school. If such child is being taught in a private school or in a similar institution in another state, such attendance must be for at least 9 months in each year for 10 years, unless such child shall arrive at the age of ~~21~~ 18 years or shall have become self-sustaining before the expiration of such 10-year period.

(2) The failure of any parent, guardian, or other person having the custody or control of any blind or deaf child to comply with the provisions of this section shall be deemed a misdemeanor and punishable by a fine of not less than \$5 or more than \$25 for the first offense and not less than \$25 or more than \$50 for each subsequent offense. Upon conviction of any parent, guardian, or person having custody or control of any such child of a failure to comply with the provisions of this section, the court in which such conviction is had shall enter in its docket an order directing such parent, guardian, or other person to comply

1 with the provisions of this section within 10 days  
2 thereafter and shall deliver a copy of such order to such  
3 parent, guardian, or other person."

4 Section 5. Section 20-8-106, MCA, is amended to read:

5 "20-8-106. Duration of attendance at school ==  
6 ~~transfer.~~ (1) Every child admitted to such school shall be  
7 entitled to attend such school until reaching the age of 21  
8 years unless the board of public education and  
9 superintendent determine that attendance at the school will  
10 not benefit the child, provided that nothing in this section  
11 shall be construed so as to prevent the suspension or  
12 expulsion of any child at any time for insubordination or  
13 other cause deemed good and sufficient by the board of  
14 public education and superintendent.

15 ~~(2) Transfer of a student from the school to another~~  
16 ~~educational placement must be in accordance with rules of~~  
17 ~~the board of public education."~~

18 Section 6. Section 20-8-107, MCA, is amended to read:

19 "20-8-107. Admission of nonresident children and  
20 advance payment of cost -- Indian children. (1) Deaf and  
21 blind children who are not residents of the state of  
22 Montana, upon application being made therefor, may be  
23 admitted to the school, subject to all eligibility  
24 requirements prescribed for children who are residents of  
25 the state, provided that for each such nonresident child

1 there shall be paid to the school in advance a sum of money  
2 the amount of which shall be determined by a careful  
3 estimate of the whole per capita cost of maintaining the  
4 school during the year immediately preceding the date of the  
5 application, and provided further that no nonresident child  
6 shall be admitted to the school except when the full  
7 capacity thereof is not required for children who are  
8 residents of the state.

9 (2) Indian children who are Montana residents and  
10 wards of the United States shall be eligible to and shall be  
11 admitted to such school on the same terms as residents. The  
12 ~~school--for--the--deaf--and--blind--is--hereby--authorized--to~~  
13 ~~collect--reimbursement--from--the--United--States--government--for~~  
14 ~~expenses--incurred--in--providing--services--for--Indian--children~~  
15 ~~who--are--wards--of--the--United--States--government."~~

16 Section 7. Section 20-8-109, MCA, is amended to read:

17 "20-8-109. Time of regular school term. The regular  
18 term of school shall begin--on--the--second--Wednesday--of  
19 September---and--close--on--the--second--Wednesday--of--June  
20 following; provided that the superintendent of such--schools  
21 with--the--consent--and--approval--of--the--board--of--public  
22 education, may provide for the opening--of--the--school--on  
23 another--day--and--for--the--closing--of--the--same--on--another--day,  
24 provided that the term fixed shall be--for--a--period--of--9  
25 months be as provided in 20-1-301."

Section 8. Section 20-8-110, MCA, is amended to read:

"20-8-110. Property vested in school. All lands heretofore granted by the government of the United States to the state of Montana for the use and benefit of the deaf and dumb are hereby set apart and declared to be for the use and benefit in perpetuity of the Montana state school for the deaf and blind, and all funds arising from the sale or leasing of said lands, or any part or portion thereof, shall be applied to the proper use and benefit thereof and all ~~donations, gifts, devises, or grants which have been heretofore or may hereafter be made by any person or corporation to said school~~ shall vest in the state of Montana for the use and benefit thereof."

Section 9. Section 20-8-111, MCA, is amended to read:

"20-8-111. Duty of board of public education as to property of school. The board of public education shall have ~~the power and it shall be its duty to~~ either directly or through a contract with a nonprofit corporation, receive, hold, manage, use, and dispose of ~~any and all~~ real and personal property made over to such board or to the state of Montana by purchase, gift, devise, bequest, or otherwise acquired and the proceeds, interest, and income thereof for the use and benefit of said school. All donations, gifts, devises, or grants made before, on, or after October 1, 1983, to the school shall vest in the board or its designee,

as trustee for the state of Montana, for the use and benefit of the school and its students."

Section 10. Section 20-8-112, MCA, is amended to read:

"20-8-112. Expenditure of school moneys. No moneys belonging to the deaf and blind school fund shall be expended for any purpose other than for the Montana state school for the deaf and blind, and any moneys belonging to any fund or funds which may be hereafter created for such school shall be expended for the express purpose designated in the act or acts creating such fund or funds and for no other purpose."

Section 11. Section 20-8-113, MCA, is amended to read:

"20-8-113. ~~Additional duties~~ Duties of superintendent of school for the deaf and blind. The superintendent of the Montana school for the deaf and blind ~~is hereby authorized to add to his present duties that of acting as combined employment placement officer and school field worker temporarily for the sake of economy in order to set up this office and operate same until such time as in his opinion evidence warrants employing a part-time employment officer and school field worker and part-time instructors shall;~~

(1) administer the programs and functions of the school within the guidelines of statutes and under policies prescribed by the board of public education;

1 (2) prepare and submit reports, summaries, and other  
2 information requested by the board;

3 (3) establish and pursue professional and technical  
4 contacts that will contribute information and guidance  
5 toward effective and efficient operation of the school;

6 (4) maintain effective liaison between the school, the  
7 superintendent of public instruction, local school  
8 districts, and other public and private agencies that have  
9 an interest in or influence upon the school;

10 (5) pursue a program of information for parents,  
11 professionals, and the general public."

12 Section 12. Section 20-8-116, MCA, is amended to read:

13 "20-8-116. Employment placement officer---duties --  
14 ~~continuing education. As employment placement officer--it~~  
15 ~~shall be his duty to~~ (1) The superintendent shall gather and  
16 record such data and statistics to help him locate suitable  
17 employment for such blind, deaf, and hard-of-hearing persons  
18 not in attendance at said school or for those who have been  
19 trained by the department of social and rehabilitation  
20 services when it so requests such assistance. He shall  
21 consult with various county, state, and federal agencies and  
22 with the department of social and rehabilitation services to  
23 secure employment for self-sustaining persons. He shall  
24 coordinate his work with such federal agencies as social  
25 security and reemployment for those out of work, as required

1 ~~under this law by this part.~~

2 (2) The superintendent may, within funding  
3 limitations, develop and offer continuing education programs  
4 of a vocational nature for the visually impaired and hearing  
5 impaired that use the campus and facilities of the school  
6 during the summer months and other times when the school's  
7 facilities are not being used by its students."

8 NEW SECTION. Section 13. Communications skills  
9 required of certain employees. (1) Each permanent employee  
10 of the school who works with deaf children or works for or  
11 with a fellow employee who is deaf must acquire acceptable  
12 total communications skills AS PRESCRIBED BY THE BOARD OF  
13 PUBLIC EDUCATION by the end of his first year of employment.

14 ~~(2) Acceptable total communications skills must be~~  
15 ~~determined by the superintendent and a deaf adult of his~~  
16 ~~choice, who together shall design an objective test of~~  
17 ~~receptive and expressive total communication skills, which~~  
18 ~~must be taken by each employee referred to in subsection~~  
19 ~~(1).~~

20 ~~(3)~~ (2) Upon request to the board of public education  
21 by the superintendent, an exception to this requirement may  
22 be made for an employee not working directly with deaf  
23 children.

24 NEW SECTION. Section 14. Repealer. Sections 20-8-114,  
25 20-8-115, and 20-8-117 through 20-8-119, MCA, are repealed.

- 1        NEW SECTION. Section 15. Codification instruction.
- 2        Section 13 is intended to be codified as an integral part of
- 3        Title 20, chapter 8, part 1.

-End-

## 1 STATEMENT OF INTENT

## 2 SENATE BILL 158

3 Senate Education and Cultural Resources Committee

1 superintendent and one deaf adult, and it may reserve the  
2 right to grant waivers from its policy.

4  
5 Sections 3 and 5 of the bill delegate rulemaking  
6 authority to the Board of Public Education. The board has  
7 already adopted rules in these areas of procedures for  
8 admission to the School for the Deaf and Blind  
9 [ARM 10.61.201] and of transfers into another educational  
10 placement [ARM 10.61.204]. The committee would contemplate  
11 that the board republish these rules, citing the proper  
12 statutory authorities after SB 158 is enacted. The board  
13 would, of course, retain the power to amend these rules in  
14 the future in such manner as it deemed proper for the  
15 governance of the school.

16 Section 13 gives the board authority to establish  
17 employment criteria in the area of communications skills for  
18 school staff who work with deaf children. Rules in this area  
19 should recognize that teachers need a high level of skills  
20 such as sign language in order to communicate to deaf  
21 pupils, while some custodial or administration employees may  
22 be able to work well for the school with a lower level of  
23 communications skills. The board should establish a  
24 relatively informal procedure for establishing compliance  
25 with its criteria, such as certification by the

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