

SENATE BILL NO. 282

Introduced: 01/25/83

Referred to Committee on Education & Cultural Resources:
01/25/83

Hearing: 1/31/83
Died in Committee.

1 *Senate* BILL NO. *282*
2 INTRODUCED BY *Fuller, Van Valkenburg, Berg*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT AFTER
5 SEPTEMBER 1, 1984, THE TRUSTEES OF EVERY SCHOOL DISTRICT
6 MUST ESTABLISH AND MAINTAIN A SPECIAL EDUCATION PROGRAM FOR
7 MULTIHANDICAPPED AND DEAF/BLIND CHILDREN BETWEEN THE AGES OF
8 3 AND 5, INCLUSIVE; TO DEFINE THE TERMS "MULTIHANDICAPPED"
9 AND "DEAF/BLIND" FOR SPECIAL EDUCATION PURPOSES; AMENDING
10 SECTIONS 20-7-401 AND 20-7-411, MCA; AND PROVIDING A DELAYED
11 EFFECTIVE DATE."

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

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

15 "20-7-401. Definitions. In this title, unless the
16 context clearly indicates otherwise, the following
17 definitions apply:

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

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

1 ~~(3) "Deaf/blind" means concomitant hearing and visual~~
2 ~~impairments, the combination of which causes such severe~~
3 ~~educational problems for the child so impaired that the~~
4 ~~child cannot be accommodated in a special education program~~
5 ~~designed solely for deaf or blind children.~~

6 ~~(3)(1)~~ "Emotionally disturbed" means a condition
7 exhibiting one or more of the following characteristics to a
8 marked degree and over a long period of time: an inability
9 to learn which cannot be explained by intellectual, sensory,
10 or health factors; an inability to build or maintain
11 satisfactory interpersonal relationships with peers and
12 teachers; inappropriate types of behavior or feelings under
13 normal circumstances; a general pervasive mood of
14 unhappiness or depression; or a tendency to develop physical
15 symptoms, pains, or fears associated with personal or school
16 problems. The term does not include children who are
17 socially maladjusted. The emotionally disturbed category may
18 include students who also may have been diagnosed by
19 appropriate specialists as autistic, psychotic, sociopathic,
20 or schizophrenic. An emotionally disturbed child's disorders
21 are not primarily the result of problems with visual acuity,
22 hearing impairment, physical handicaps, cultural or
23 instructional factors, or mental retardation. "Emotionally
24 disturbed" refers to a person who has been identified, based
25 on a comprehensive evaluation, as having observable

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

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

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

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

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

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

1 ~~{6}{7}~~ "Mentally retarded" means significantly
2 subaverage general intellectual functioning existing
3 concurrently with deficits in adaptive behavior and
4 manifested during the developmental period, which adversely
5 affects a child's educational performance.

6 ~~{8} "Multihandicapped" means concomitant impairments~~
7 ~~(e.g., mentally retarded/blind or mentally~~
8 ~~retarded/orthopedically impaired), the combination of which~~
9 ~~causes such severe educational problems for the child so~~
10 ~~impaired that the child cannot be accommodated in a special~~
11 ~~education program solely for one of the impairments. The~~
12 ~~term does not include deaf/blind children.~~

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

21 ~~{8}{10}~~ "Other health-impaired" means limited strength,
22 vitality, or alertness due to chronic or acute health
23 problems such as a heart condition, tuberculosis, rheumatic
24 fever, nephritis, asthma, sickle-cell anemia, hemophilia,
25 epilepsy, lead poisoning, leukemia, or diabetes.

1 ~~(99)~~111 "Special education" means specially designed
 2 instruction, given at no cost to the parents or guardians,
 3 to meet the unique needs of a handicapped child, including
 4 but not limited to classroom instruction, instruction in
 5 physical education, home instruction, and instruction in
 6 hospitals and institutions. The term includes but is not
 7 limited to speech pathology, audiology, occupational
 8 therapy, and physical therapy.

9 ~~(10)~~112 "Specific learning disability" means a
 10 disorder in one or more of the basic psychological processes
 11 involved in understanding or in using language, spoken or
 12 written, which may manifest itself in an imperfect ability
 13 to listen, think, speak, read, write, spell, or do
 14 mathematical calculations. The term includes but is not
 15 limited to such conditions as perceptual handicaps, brain
 16 injury, minimal brain dysfunction, dyslexia, and
 17 developmental aphasia. The term does not include children
 18 who have learning problems which are primarily the result of
 19 visual, hearing, or motor handicaps; mental retardation; or
 20 environmental, cultural, or economic disadvantages.

21 ~~(11)~~113 "Speech/language impaired" means a
 22 communication disorder such as stuttering, impaired
 23 articulation, or a language or voice impairment which
 24 adversely affects a child's interpersonal relationships or
 25 educational performance.

1 ~~(12)~~114 "Visually handicapped" means a visual
 2 impairment which, after correction, adversely affects a
 3 child's educational performance. The term includes both
 4 partially seeing and blind children."

5 Section 2. Section 20-7-411, MCA, is amended to read:
 6 "20-7-411. Regular classes preferred -- obligation to
 7 establish special education program. (1) All handicapped
 8 children in Montana are entitled to a free appropriate
 9 public education provided in the least restrictive
 10 alternative setting. To the maximum extent appropriate,
 11 handicapped children, including children in public or
 12 private institutions or other care facilities, shall be
 13 educated with children who are not handicapped. Separate
 14 schooling or other removal of handicapped children from the
 15 regular educational environment may occur only when the
 16 nature or severity of the handicap is such that education in
 17 regular classes with the use of supplementary aids and
 18 services cannot be achieved satisfactorily.

19 (2) ~~After September 1, 1977, the Ihs~~ board of trustees
 20 of every school district ~~must~~ shall provide or establish and
 21 maintain a special education program for:

22 (a) every handicapped person ~~child~~ as herein defined
 23 in 20-7-401 between the ages of 6 and 18, inclusive; and

24 (b) ~~after September 1, 1984, every multihandicapped~~
 25 and deaf/blind child, as defined in 20-7-401, between the

1 ages of 3 and 5, inclusive.

2 (3) The board of trustees of any school district may
3 meet its obligation to serve handicapped persons by
4 establishing its own special education program, by
5 establishing a cooperative special education program, or by
6 participating in a regional services program."

7 NEW SECTION. Section 3. Effective date. This act is
8 effective July 1, 1984.

-End-

STATE OF MONTANA

REQUEST NO. 245-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 282 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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:

Senate Bill 282 provides that after September 1, 1984, the trustees of every school district must establish and maintain a special education program for multi-handicapped and deaf/blind children between the ages of 3 and 5, inclusive.

ASSUMPTIONS:

- 1) Forty-one deaf-blind and/or multihandicapped children, ages 3, 4 and 5, are currently being served in permissive programs in the state.
- 2) Forty-nine deaf-blind and/or multihandicapped children, ages 6, 7 and 8, are currently being served in mandatory special education programs.
- 3) Assuming the incidence for ages 3, 4 and 5 is the same as for ages 6, 7 and 8, we would conclude that approximately eight preschool deaf-blind and multi-handicapped children in Montana are currently not being provided services.
- 4) Assume that non-identified children are most likely in small rural programs, necessitating higher costs.
- 5) Second year of the biennium inflation estimated at six percent.

FISCAL IMPACT:

REVENUE:	<u>1984</u>	<u>1985</u>
Federal Part B		
Under Current Law	\$7,954	\$7,954
Under Proposed Law	<u>9,321</u>	<u>9,312</u>
Increased Revenue	<u><u>1,358</u></u>	<u><u>1,358</u></u>

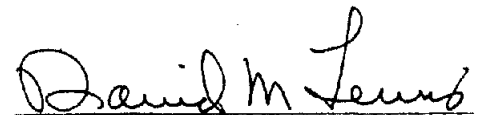
EXPENDITURES:		
Under Current Law	\$278,800	\$295,528
Under Proposed Law	<u>401,600</u>	<u>425,696</u>
Increase Expenditures	<u><u>\$122,800</u></u>	<u><u>\$130,168</u></u>

GENERAL FUND COST:	<u><u>\$121,442</u></u>	<u><u>\$128,810</u></u>
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COMMENTS:

These full-time special education students do not generate ANB for school districts.

FISCAL NOTE 8/DD/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-83