

HOUSE BILL NO. 405

1/23 Introduced
1/23 Referred to Education & Cultural Resources
1/24 Fiscal Note Requested
1/31 Fiscal Note Received
2/06 Fiscal Note Requested
2/11 Hearing
2/12 Committee Report-Bill Do Pass
2/12 Statement of Intent Attached
2/16 2nd Reading Do Not Pass
2/16 Bill Killed

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN198-85

Form BD-15

In compliance with a written request received January 24 19 85, there is hereby submitted a Fiscal Note for H.B. 405 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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:

House Bill 405 provides early intervention services for handicapped preschool children through coordination among the Superintendent of Public Instruction, the Board of Trustees of each elementary school district, and the Department of Social and Rehabilitation Services; amending Sections 20-7-411 and 53-20-203, MCA."

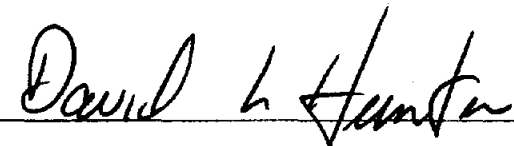
ASSUMPTIONS:

Department of SRS:

1. One FTE -- to coordinate State services for children to start 1/1/87.
2. Establish Preschool Child Services State Council (6 members) by 7/1/87.
3. Funded out of General Fund, since bill charges no fees nor establishes fees.
4. Clerical and other administrative support not requested would be absorbed.
5. \$20,000 grant to be given to provider or providers to initiate the start-up of this program in FY '87.
6. Population of handicapped preschool children ages 0-2 estimated at 175 to be served (beginning 7/1/87).
7. Annualized cost of program (1985 costs) \$686,672.

Office of Public Instruction:

1. The early intervention services will not go into effect during the 1987 biennium.
2. The coordinating meeting can be combined with existing schedules.
3. 1988 and 1989 costs are based on 21.4 new teaching positions @ \$20,000



BUDGET DIRECTOR
Office of Budget and Program Planning

Date:

JAN 30, 1985
HB 405

FISCAL IMPACT:

Department of SRS:

Expenditures:	Current Law		Proposed Law		Proposed Law*	
	FY 86	FY 87	FY 86	FY 87	FY 88	FY 89
FTE	-0-	-0-	-0-	.50	1.00	1.00
Personal Services	-0-	-0-	-0-	\$ 13,540	\$ 27,080	\$ 27,080
Operating Expend.	-0-	-0-	-0-	2,925	7,550	7,550
Equipment	-0-	-0-	-0-	1,100	-0-	-0-
Benefits/claims	-0-	-0-	-0-	20,000	656,554	656,554
TOTAL	-0-	-0-	-0-	\$ 37,565	\$691,184	\$691,184

Funding: 100% General Fund

* Projections based on
FY85 dollar values.

Office of Public Instruct:
Special Ed Costs

-0-	-0-	-0-	-0-	\$428,000	\$428,000
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Funding: 100% General Fund

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

Not clear if bill in sections 2 & 4 include the "profoundly severe" handicapped preschool children.

STATE OF MONTANA
FISCAL NOTE

Revised
REQUEST NO. FNN198-85
Form BD-15

In compliance with a written request received February 6, 19 85, there is hereby submitted a Fiscal Note for H.B. 405 /Revised pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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:

"House Bill 405 provides early intervention services for handicapped preschool children through coordination among the Superintendent of Public Instruction, the Board of Trustees of each elementary school district, and the Department of Social and Rehabilitation Services; amending Sections 20-7-411 and 53-20-203, MCA."

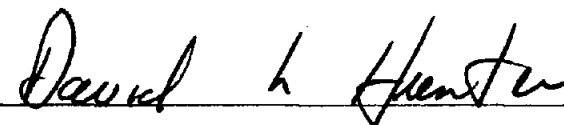
ASSUMPTIONS:

Department of Social and Rehabilitation Services

- 1) One FTE to coordinate early intervention services for children (1/1/88).
- 2) Establish Preschool Child Services State Council (3 members - 1 - SRS, 2 - providers) by 7/1/88.
- 3) Funded out of General Fund, since bill mentions no funding sources (charges or fees).
- 4) Clerical and other administrative support not requested would be absorbed.
- 5) Population of handicapped preschool children ages 0-2 estimated at 75 (7/1/88).
- 6) Annualized cost of program ('85 costs) \$284,319.

Office of Public Instruction:

- 1) The early intervention services will not go into effect during the 1987 biennium.
- 2) The coordinating meeting can be combined with existing schedules.
- 3) 1988 and 1989 costs are based on 21.4 new teaching positions @ \$20,000 to serve the estimated population of 214.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 11, 1985

FISCAL IMPACT:

	<u>Current Law</u>		<u>Proposed Law</u>		<u>Proposed Law</u>	
	<u>FY 86</u>	<u>FY 87</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>
Expenditures:						
Department of Social and Rehabilitation Services:						
FTE	-0-	-0-	-0-	-0-	0.50	1.00
Personal Services	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 13,540	\$27,080
Operating Expenditures	-0-	-0-	-0-	-0-	2,925	6,575
Equipment	-0-	-0-	-0-	-0-	1,100	-0-
Benefits/Claims	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>250,664</u>
TOTAL	-0-	-0-	-0-	-0-	\$17,565	\$284,319

Funding: 100% General Fund

Office of Public Instruction:

Expenditures:

Special Ed Costs	-0-	-0-	-0-	-0-	\$428,000	\$428,000
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Funding: 100% General Fund. (There is a possibility of obtaining up to \$600 per child of Public Law 8913 funds).

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

Department of Social and Rehabilitation Services:

It is unclear who will be served. Is the intent to serve only those children who are severely and moderately handicapped or will the profoundly involved also be served?

It is difficult to estimate the target population since handicapping conditions are sometimes not diagnosed prior to age 2. However, with increased community awareness of this program, the identified population may increase.

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

STATEMENT OF INTENT

HOUSE BILL 405

House Education and Cultural Resources Committee

1 rules adopted by the superintendent of public instruction
2 for the conduct of special education programs as required by
3 20-7-402.

5 A statement of intent is required for this bill because
6 it grants the superintendent of public instruction and the
7 department of social and rehabilitation services rulemaking
8 authority in section 3. It is intended that the
9 superintendent of public instruction and the department
10 adopt rules establishing eligibility criteria by which to
11 determine those moderately or severely handicapped preschool
12 children entitled to early intervention services under this
13 bill. The criteria must focus on disabilities that can be
14 expected to continue indefinitely and that cause a
15 substantial delay in a child's development and ability to
16 function in society.

17 In addition, the superintendent of public instruction
18 and the department shall adopt rules for:

19 (1) mediation of disputes concerning eligibility for
20 or appropriateness of services in individual cases;

21 (2) the conduct of hearings relating to eligibility or
22 appropriateness; and

23 (3) any other due process or procedural requirements
24 that may result from the implementation of this bill.

25 To the extent possible, the rules must comply with the



HOUSE BILL NO. 405

INTRODUCED BY DRISCOLL, KEENAN, D. BROWN,

FULLER, REGAN, R. MANNING, HARRINGTON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE EARLY INTERVENTION SERVICES FOR HANDICAPPED PRESCHOOL CHILDREN THROUGH COORDINATION AMONG THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE BOARD OF TRUSTEES OF EACH ELEMENTARY SCHOOL DISTRICT, AND THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; AMENDING SECTIONS 20-7-411 AND 53-20-203, MCA."

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

Section 1. Section 20-7-411, MCA, is amended to read:

"20-7-411. Regular classes preferred -- obligation to establish special education program. (1) All handicapped children in Montana are entitled to a free appropriate public education provided in the least restrictive alternative setting. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, shall be educated with children who are not handicapped. Separate schooling or other removal of handicapped children from the regular educational environment may occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and

services cannot be achieved satisfactorily.

(2) After September 1, 1977, the board of trustees of every school district must provide or establish and maintain a special education program for every handicapped person as herein defined between the ages of 6 and 18, inclusive.

(3) After September 1, 1987, the board of trustees of each elementary district shall provide or establish and maintain a special education program for each moderately and severely handicapped preschool child between the ages of 3 and 6, inclusive. For the purposes of this subsection, "handicapped preschool child" has the meaning provided in [section 2].

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

NEW SECTION. Section 2. Definitions. As used in [sections 2 through 4], the following definitions apply:

(1) "Department" means the department of social and rehabilitation services.

(2) "Early intervention services" means education programs designed to address a child's developmental deficits in sensory, motor, communication, self-help, and socialization areas, including but not limited to classroom

1 instruction, parent training and consultation,
2 transportation to classroom programs, and other ancillary
3 services such as physical therapy, occupational therapy, and
4 speech therapy.

5 (3) "Handicapped preschool child" means a child
6 between the time of identification of the child's handicap
7 and the age of 6 who meets the eligibility criteria for any
8 moderate to severe handicapping condition that requires
9 early intervention services.

10 NEW SECTION. Section 3. Early intervention services
11 established. (1) It is the policy of the legislature to
12 provide early intervention services to any moderately or
13 severely handicapped preschool child immediately upon
14 identification of the child's handicapping condition for
15 purposes of fostering the child's developmental growth,
16 maximizing the child's potential for independent functioning
17 in society, and reducing the stress of the child's family.

18 (2) To carry out the intent of subsection (1), the
19 department shall provide, by September 1, 1988, early
20 intervention services for any moderately or severely
21 handicapped preschool child between birth and the age of 2,
22 inclusive, and the superintendent of public instruction and
23 the board of trustees of each elementary school district
24 shall provide, according to 20-7-411, early intervention
25 services to any moderately or severely handicapped preschool

1 child between the ages of 3 and 6, inclusive, either
2 directly or by contract with public or private agencies.
3 The department and the superintendent of public instruction
4 shall coordinate activities to assure the effective and
5 efficient delivery of services.

6 (3) The superintendent of public instruction and the
7 department shall adopt rules establishing eligibility
8 criteria by which to determine those moderately or severely
9 handicapped preschool children entitled to early
10 intervention services under [sections 2 through 4]. The
11 criteria must focus on disabilities that can be expected to
12 continue indefinitely and that cause a substantial delay in
13 a child's development and ability to function in society.

14 (4) An individual program plan must be developed
15 annually for each child receiving early intervention
16 services, and the plan must contain specific and measurable
17 goals and objectives for the child's developmental growth.
18 The plan must be developed at an annual planning meeting
19 with the participation of the parents or a representative of
20 the child and professionals with specialized knowledge
21 related to the child's disabilities. A representative of the
22 resident school district of the child shall participate in
23 the planning meeting the last year before the child enters
24 school.

25 (5) (a) The superintendent of public instruction and

1 the department shall adopt rules for:

2 (i) mediation of disputes concerning eligibility for
3 or appropriateness of services in individual cases;

4 (ii) the conduct of hearings relating to eligibility or
5 appropriateness; and

6 (iii) any other due process or procedural requirements
7 that may result from the implementation of [sections 2
8 through 4].

9 (b) To the extent possible, the rules must comply with
10 the rules adopted for the conduct of special education
11 programs as required by 20-7-402.

12 NEW SECTION. Section 4. Coordinating council for
13 early intervention services. (1) The department and the
14 superintendent of public instruction shall establish
15 jointly a coordinating council for early intervention
16 services.

17 (2) The superintendent of public instruction and the
18 director of the department, or their designees, shall:

19 (a) serve on the council;

20 (b) each appoint one recognized expert in early
21 intervention services for handicapped preschool children;
22 and

23 (c) appoint jointly one representative of a major
24 consumer advocacy group that represents the interests of
25 handicapped children and one representative of a provider

1 group serving handicapped preschool children.

2 (3) The coordinating council shall meet at least
3 semiannually and shall ensure that the department and the
4 superintendent of public instruction:

5 (a) set appropriate standards for early intervention
6 services;

7 (b) implement and maintain standardized statewide
8 program evaluation systems that measure individual child
9 progress, program compliance with standards, and overall
10 program effectiveness; and

11 (c) implement and maintain a statewide central
12 registry of early intervention services.

13 Section 5. Section 53-20-203, MCA, is amended to read:
14 "53-20-203. Responsibilities of department. The
15 department shall:

16 (1) take cognizance of matters affecting the
17 developmentally disabled citizens of the state;

18 (2) initiate a preventive developmental disabilities
19 program which shall include but not be limited to the
20 implementation of developmental disabilities care,
21 treatment, prevention, and research as can best be
22 accomplished by community-centered services. Every means
23 shall be utilized to initiate and operate the service
24 program in cooperation with local agencies under the
25 provisions of 53-20-205 and 53-20-207.

1 (3) collect and disseminate information relating to
2 developmental disabilities;

3 (4) prepare, with the assistance of the planning and
4 advisory council, an annual comprehensive plan for the
5 initiation and maintenance of developmental disabilities
6 services in the state. The services shall include but not
7 be limited to community comprehensive developmental
8 disabilities services as referred to in 53-20-202.

9 (5) provide to the planning and advisory council a
10 written quarterly report of planning, program, and fiscal
11 activities of the department in regard to community-based
12 services for the developmentally disabled;

13 (6) provide by rule for the evaluation of persons who
14 apply for services or persons admitted into a program at a
15 developmental disability facility;

16 (7) provide state personnel to assist regional
17 councils provided for in 53-20-207;

18 (8) receive from agencies of the government of the
19 United States and other agencies, persons or groups of
20 persons, associations, firms, or corporations grants of
21 money, receipts from fees, gifts, supplies, materials, and
22 contributions to initiate and maintain developmental
23 disabilities services within the state; and

24 (9) require that habilitation plans be developed,
25 implemented, and continuously maintained for all

1 developmentally disabled persons who are served through a
2 community-based program funded by the state; and

3 (10) provide early intervention services to moderately
4 and severely handicapped preschool children as required by
5 [sections 2 through 4]."

-End-