

HOUSE BILL NO. 412

INTRODUCED BY HAYNE

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

IN THE HOUSE

January 23, 1985	Introduced and referred to Committee on Education and Cultural Resources.
February 7, 1985	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
February 8, 1985	Second reading, do pass.
February 9, 1985	Considered correctly engrossed.
February 11, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1985	Introduced and referred to Committee on Education and Cultural Resources.
March 7, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 9, 1985	Second reading, concurred in.
March 12, 1895	Third reading, concurred in. Ayes, 50; Noes, 0. Returned to House with amendments.

IN THE HOUSE

March 13, 1985

Received from Senate.

April 5, 1985

Second reading, amendments
concurrent in.

April 8, 1985

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 412
 2 INTRODUCTION BY Hayne
 3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY CERTAIN
 6 DEFINITIONS USED IN SCHOOL SPECIAL EDUCATION LAW; AMENDING
 7 SECTION 20-7-401, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 20-7-401, MCA, is amended to read:
 11 "20-7-401. Definitions. In this title, unless the
 12 context clearly indicates otherwise, the following
 13 definitions apply:

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

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

22 (3) "Deaf/blind" means concomitant hearing and visual
 23 impairments, the combination of which causes such severe
 24 educational problems for the child so impaired that the
 25 child cannot be accommodated in a special education program

1 designed solely for deaf or blind children.

2 (4) "~~Emotionally Seriously~~ emotionally disturbed"
 3 means a condition exhibiting one or more of the following
 4 characteristics to a marked degree and over a long period of
 5 time that adversely affects educational performance: an
 6 inability to learn which cannot be explained by
 7 intellectual, sensory, or health factors; an inability to
 8 build or maintain satisfactory interpersonal relationships
 9 with peers and teachers; inappropriate types of behavior or
 10 feelings under normal circumstances; a general pervasive
 11 mood of unhappiness or depression; or a tendency to develop
 12 physical symptoms, ~~pains,~~ or fears associated with personal
 13 or school problems. The term includes a child who is
 14 schizophrenic. The term does not include children a child
 15 who are is socially maladjusted, unless it is determined
 16 that the child is seriously emotionally disturbed. The
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 4 ~~patterns-may-include:~~

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 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 (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. A child who is
 21 5 years of age or younger may be identified as handicapped
 22 without the handicapping condition being specified.

23 (6) "Hard-of-hearing" means a hearing impairment,
 24 whether permanent or fluctuating, which adversely affects a
 25 child's educational performance but which is not included

1 within the definition of deaf.

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

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

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

22 (10) "Other health-impaired" means:

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

1 (b) having limited strength, vitality, or alertness
 2 due to chronic or acute health problems such as a heart
 3 condition, tuberculosis, rheumatic fever, nephritis, asthma,
 4 sickle-cell anemia, hemophilia, epilepsy, lead poisoning,
 5 leukemia, or diabetes.

6 (11) "Related services" means transportation and such
 7 developmental, corrective, and other supportive services as
 8 are required to assist a handicapped child to benefit from
 9 special education and includes speech pathology, audiology,
 10 occupational therapy, and physical therapy.

11 (12) "Special education" means specially designed
 12 instruction, given at no cost to the parents or guardians,
 13 to meet the unique needs of a handicapped child, including
 14 but not limited to classroom instruction, instruction in
 15 physical education, home instruction, and instruction in
 16 hospitals and institutions.

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

1 which are primarily the result of visual, hearing, or motor
 2 handicaps; mental retardation; or environmental, cultural,
 3 or economic disadvantages.

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

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

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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20 severe that the child's hearing is nonfunctional for the
21 purpose of educational performance.

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 15 INSTRUCTION TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS
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-End-

STANDING COMMITTEE REPORT

SENATE

March 6, 1985

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 412

third reading copy (blue color)

(Brown will carry the bill.)

CLARIFYING DEFINITIONS USED IN SCHOOL SPECIAL EDUCATION LAW

Respectfully report as follows: That HOUSE BILL No. 412

be amended as follows:

1. Page 2, line 2.

Following: "Emotionally"

Strike: "Seriously emotionally"

Insert: "Emotionally"

2. Page 2, line 16.

Following: "is"

Strike: "seriously"

3. Page 3, line 22.

Following: "specified"

Insert: "A child who is 5 years of age or younger may be identified as handicapped without the handicapping condition being specified."

AND AS AMENDED
BE CONCURRED IN

~~XXXXXX~~

~~DO NOT PASS~~
~~XXXXXXXXXX~~

Chet Blaylock
Senator Chet Blaylock,

Chairman.

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8 leukemia, or diabetes.

9 (11) "Related services" means transportation and such
10 developmental, corrective, and other supportive services as
11 are required to assist a handicapped child to benefit from
12 special education and includes speech pathology, audiology,
13 occupational therapy, and physical therapy.

14 (12) "Special education" means specially designed
15 instruction, given at no cost to the parents or guardians,
16 to meet the unique needs of a handicapped child, including
17 but not limited to classroom instruction, instruction in
18 physical education, home instruction, and instruction in
19 hospitals and institutions.

20 (13) "Specific learning disability" means a disorder in
21 one or more of the basic psychological processes involved in
22 understanding or in using language, spoken or written, which
23 may manifest itself in an imperfect ability to listen,
24 think, speak, read, write, spell, or do mathematical
25 calculations. The term includes but is not limited to such

1 conditions as perceptual handicaps, brain injury, minimal
2 brain dysfunction, dyslexia, and developmental aphasia. The
3 term does not include children who have learning problems
4 which are primarily the result of visual, hearing, or motor
5 handicaps; mental retardation; or environmental, cultural,
6 or economic disadvantages.

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

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

16 NEW SECTION. SECTION 2. EXTENSION OF AUTHORITY. ANY
17 EXISTING AUTHORITY OF THE SUPERINTENDENT OF PUBLIC
18 INSTRUCTION TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS
19 OF THIS ACT IS EXTENDED TO THE PROVISIONS OF THIS ACT.

-End-