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 concurred in.
April 8, 1985	Third reading, amendments concurred in.
	Sent to enrolling.

Reported correctly enrolled.

LC 1269/01

HOUSE BILL NO. 412 1 INTRODUCED BY Laune 2 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY CERTAIN DEFINITIONS USED IN SCHOOL SPECIAL EDUCATION LAW; AMENDING 6 SECTION 20-7-401, MCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 20-7-401, MCA, is amended to read: 10 "20-7-401. Definitions. In this title, unless the 11 context clearly indicates otherwise, the following 12 13 definitions apply: (1) "Appropriate public education" means the provision 14 of regular or special education and related aids and 15 services that are designed to meet individual educational 16 needs of handicapped persons as adequately as the needs of 17 nonhandicapped are met. 18 (2) "Deaf" means a hearing impairment which is so 19 severe that the child's hearing is nonfunctional for the 20 purpose of educational performance. 21 (3) "Deaf/blind" means concomitant hearing and visual 22 impairments, the combination of which causes such severe 23

24 educational problems for the child so impaired that the 25 child cannot be accommodated in a special education program

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1 designed solely for deaf or blind children.

(4) "Emotionally Seriously emotionally disturbed" 2 means a condition exhibiting one or more of the following 3 Δ 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 intellectual, sensory, or health factors; an inability to 7 8 build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or 9 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 or school problems. The term includes a child who is 13 schizophrenic. The term does not include children a child 14 15 who are is socially maladjusted, unless it is determined 16 that the child is seriously emotionally disturbed. The emotionally-disturbed-category-may-include-students-who-also 17 18 may--have--been--diagnosed--by--appropriate--specialists--as 19 psychotic,--sociopathic,--or--schizophrenic.--An-emotionally 20 disturbed-child's-disorders-are-not-primarily-the-result--of 21 problems--with--visual--acuity;-hearing-impairment;-physical handicaps,-cultural--or--instructional--factors,--or--mental 22 retardation--- "Emotionally-disturbed"-refers-to-a-person-who 23 24 has-been-identified;-based-on-a-comprehensive-evaluation;-as 25 having--observable--behavioral--patterns---which---seriously

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2 individual-or-the-educational-rights-of-others-to-the--point that--supportive--services--are--required---These-behavioral 3 4 patterns-may-include: 5 (a)--excessive-physical--or--verbal--aggression--toward oneself--or--others--and--a--lack--of--response--to--regular 6 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-(5) "Handicapped child" means a child evaluated as 14 being retarded, 15 mentally 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

inhibit--the--academic-and-social-or-emotional-growth-of-the

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20 needs special education and related services. <u>A child who is</u>
21 <u>5 years of age or younger may be identified as handicapped</u>
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

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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 я (e.g., mentally retarded/blind οτ 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 а 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.q., 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:

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

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(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.

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.

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

which are primarily the result of visual, hearing, or motor
 handicaps; mental retardation; or environmental, cultural,
 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-

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APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1	HOUSE BILL NO. 412
2	INTRODUCED 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

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 time that adversely affects educational performance: an 5 б 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 17 emotionally-disturbed-category-may-include-students-who-also 18 may--have--been--diagnosed--by--appropriate--specialists--as 19 psychotic7--sociopathic7--or--schizophrenic7--An-emotionally 20 disturbed-child-s-disorders-are-not-primarily-the-result--of 21 problems--with--visual--acuity;-hearing-impairment;-physical 22 handicaps7-cultural--or--instructional--factors7--or--mental 23 retardation --- "Emotionally-disturbed"-refers-to-a-person-who 24 has-been-identified;-based-on-a-comprehensive-evaluation;-as 25 having--observable--behavioral--patterna---which---seriously

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HB 412 Second Reading

1 inhibit--the--academic-and-social-or-emotional-growth-of-the 2 individual-or-the-educational-rights-of-others-to-the--noint 3 that--supportive--services--are--required---These-behavioral 4 patterns-mav-include+ 5 (a)--excessive-physical--or--verbal--aggression--toward б 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 (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 needs special education and related services. A-child-who-is 20 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.

(8) "Multihandicapped" means concomitant impairments 7 retarded/blind ог mentally 8 (e.g., mentally retarded/orthopedically impaired), the combination of which 9 causes such severe educational problems for the child so 10 11 impaired that the child cannot be accommodated in a special education program designed solely for one of the 12 impairments. The term does not include deaf/blind children. 13 14 (9) "Orthopedically impaired" means severe а 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), 19 and impairments from other causes (e.g., fractures or burns 20 which cause contractures, amputation, cerebral palsy). 21

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

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

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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.

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

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."
13 <u>NEW SECTION. SECTION 2. EXTENSION OF AUTHORITY. ANY</u>

- 14 EXISTING AUTHORITY OF THE SUPERINTENDENT OF PUBLIC
- 15 INSTRUCTION TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS
- 16 OF THIS ACT IS EXTENDED TO THE PROVISIONS OF THIS ACT.

-End-

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HOUSE BILL NO. 412

INTRODUCED BY HAYNE

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

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."

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9 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

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designed solely for deaf or blind children.

2 (4) "Emotionally Seriously emotionally disturbed" 3 means a condition exhibiting one or more of the following A 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 17 emotionally-disturbed-category-may-include-students-who-also 18 may--have--been--diagnosed--by--appropriate--specialists--as 19 psychoticy--sociopathicy--or--schizophrenicy--An-emotionally 20 disturbed-child+s-disorders-arc-not-primarily-the-result--of 21 problems--with--visual--acuity;-hearing-impairment;-physical 22 handicaps,-cultural--or--instructional--factors,--or--mental 23 retardation---"Emotionally-disturbed"-refers-to-a-person-who 24 has-been-identified;-based-on-a-comprehensive-evaluation;-as 25 having--observable--behavioral--patterns---which---scriously

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THIRD READING

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

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

tb}--high--frequency--of--persistent---inattention---to 8 9 academic--or--social-tasks-associated-with-regular-classroom 10 performance7-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 mentallv retarded, hard-of-hearing, deaf, 16 speech-impaired, visually handicapped, emotionally disturbed, deaf/blind, multihandicapped, orthopedically 17 18 impaired, other health-impaired, or as having specific learning disabilities, who because of those impairments 19 20 needs special education and related services. A-child-who-is 21 5--years--of-age-or-younger-may-be-identified-as-handicapped without-the-handicapping-condition-being-specified-22

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

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1 within the definition of deaf.

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

7 (8) "Multihandicapped" means concomitant impairments A (e.g., mentally retarded/blind or mentally retarded/orthopedically impaired), the combination of which g 10 causes such severe educational problems for the child so 11 impaired that the child cannot be accommodated in a special education program designed solely for one of the 12 13 impairments. The term does not include deaf/blind children. 14 (9) "Orthopedically impaired" means а severe 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 21 which cause contractures, amputation, cerebral palsy).

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

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

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(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.

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.

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

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which are primarily the result of visual, hearing, or motor
 handicaps; mental retardation; or environmental, cultural,
 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."

13 NEW SECTION. SECTION 2. EXTENSION OF AUTHORITY. ANY

14 EXISTING AUTHORITY OF THE SUPERINTENDENT OF PUBLIC

15 INSTRUCTION TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS

OF THIS ACT IS EXTENDED TO THE PROVISIONS OF THIS ACT.

-End-

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STANDING COMMITTEE REPORT

MR. PRESIDENT	ł –
	•••
We, your committee on EDUCATION AND CULTURAL RESOURCES	
having had under consideration	
<u>third</u> reading copy (<u>blue</u>) color (Brown will carry the bill.)	
CLARIFYING DEFINITIONS USED IN SCHOOL SPECIAL EDUCATION LAW	
Respectfully report as follows: ThatHOUSE_BILLNo412 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: " <u>specified</u> " 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

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Senator Chet Playlock,

................... Chairman.

1 INTRODUCED BY HAYNE 2 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY CERTAIN 5 DEFINITIONS USED IN SCHOOL SPECIAL EDUCATION LAW; AMENDING 6 SECTION 20-7-401, MCA." 7 8 HE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 20-7-401, MCA, is amended to read: 10

HOUSE BILL NO. 412

*20-7-401. Definitions. In this title, unless the 11 context clearly indicates otherwise, the following 12 13 definitions apply:

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

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

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

Montana Legislative Council

1 designed solely for deaf or blind children.

2 (4) "Emotionally Seriously--emotionally EMOTIONALLY 3 disturbed" means a condition exhibiting one or more of the 4 following characteristics to a marked degree and over a long 5 period of time that adversely affects educational 6 performance: an inability to learn which cannot be explained 7 by 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 mood of unhappiness or depression; or a tendency to develop 11 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 who are is socially maladjusted, unless it is determined 15 16 that the child is seriously emotionally disturbed. The 17 emotionally-disturbed-category-may-include-students-who-also 18 may--have--been--diagnosed--by--appropriate--specialists--as 19 psychoticy--sociopathicy--or--schizophrenic--An-emotionally 20 disturbed-child-s-disorders-are-not-primarily-the-result--of 21 problems--with--visual--acuityy-hearing-impairmenty-physical 22 handicaps7-cultural--or--instructional--factors7--or--mental 23 retardation---"Emotionally-disturbed"-refers-to-a-person-who 24 has-been-identified; based-on-a-comprehensive-evaluation; as having--observable--behavioral--patterns---which---seriously 25

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HB 412 **REFERENCE BILL**

inhibit--the--academic-and-social-or-emotional-growth-of-the 2 individual-or-the-educational-rights-of-others-to-the--point 3 that--supportive--services--are--required---These-behavioral 4 patterns-may-include: 5 ta)--excessive-physical--or--verbal--aggression--toward δ oneself--or--others--and--s--lack--of--response--to--regular

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11 {c}--persistent---withdrawal---from---peer---or---adult interactions-associated-with-the-expected-social-development 12 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 impaired, other health-impaired, or as having specific 18 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, A CHILD 23 WHO IS 5 YEARS OF AGE OR YOUNGER MAY BE IDENTIFIED AS HANDICAPPED WITHOUT THE HANDICAPPING CONDITION 24 BEING 25 SPECIFIED.

1 (6) "Hard-of-hearing" means a hearing impairment, 2 whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included 3 within the definition of deaf. 4

5 (7) "Mentally retarded" means significantly subaverage 6 general intellectual functioning existing concurrently with 7 deficits in adaptive behavior and manifested during the 8 developmental period, which adversely affects a child's 9 educational performance.

(8) "Multihandicapped" means concomitant impairments 10 11 (e.g., mentally retarded/blind or mentally retarded/orthopedically impaired), the combination of which 12 causes such severe educational problems for the child so 13 impaired that the child cannot be accommodated in a special 14 education program designed solely for one of the 15 16 impairments. The term does not include deaf/blind children. 17 (9) "Orthopedically impaired" means а severe orthopedic impairment which adversely affects a child's 18 educational performance. The term includes but is not 19 limited to impairment caused by congenital anomaly (e.g., 20 clubfoot or absence of some member), impairments caused by 21 22 disease (e.g., poliomyelitis, bone tuberculosis), and 23 impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy). 24

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

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

4 (b) having limited strength, vitality, or alertness 5 due to chronic or acute health problems such as a heart 6 condition, tuberculosis, rheumatic fever, nephritis, asthma, 7 sickle-cell anemia, hemophilia, epilepsy, lead poisoning, 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.

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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

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conditions as perceptual handicaps, brain injury, minimal 1 brain dysfunction, dyslexia, and developmental aphasia. The 2 term does not include children who have learning problems 3 which are primarily the result of visual, hearing, or motor 4 handicaps; mental retardation; or environmental, cultural, 5 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 child's interpersonal relationships 10 or educational 11 performance.

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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-

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