

HOUSE BILL NO. 471

1/25 Introduced
1/25 Referred to Education & Cultural Resources
2/11 Hearing
2/14 Statement of Intent Attached
2/14 Committee Report-Bill Pass As Amended
2/16 2nd Reading Pass
2/19 3rd Reading Pass

Transmitted to Senate

2/21 Referred to Education & Cultural Resources
3/11 Hearing
3/22 Comm Report-Bill Concurred As Amended
3/23 2nd Reading Concurred
3/26 3rd Reading Concurred

Returned to House with Amendments

4/05 2nd Reading Amendments Not Concurred
4/09 Conference Committee Appointed
4/16 Conference Committee Dissolved
4/16 Free Conference Committee Appointed
Died in Process

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL NO. 471

INTRODUCED BY *J. H. Hammond* *Blylock* *Rob* *Endally*
Section

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CREATION OF SPECIAL EDUCATION SERVICE AREAS; AMENDING SECTIONS 20-7-451 AND 20-7-452, MCA."

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

NEW SECTION. Section 1. Special education service areas. (1) For the purpose of providing comprehensive and efficient special education services to Montana children, the superintendent of public instruction shall divide the state into special education service areas.

(2) The superintendent shall adopt rules to implement special education service areas. The rules must be based on the following criteria:

(a) A special education service area may consist of a single school district or a special education cooperative of two or more school districts.

(b) A special education service area shall serve a geographic area encompassing a minimum school enrollment of 3,000 pupils based on average number belonging. A school district of at least 3,000 pupils may constitute a single service area. The superintendent of public instruction may make exceptions to this enrollment requirement only for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

compelling reasons of population density, geographic factors, or unique local conditions.

(3) Each school district must be counted in a special education service area for purposes of planning.

(4) Membership in a special education cooperative within a special education service area is voluntary; however, state funds for administration, clerical services, speech therapists, psychologists, itinerant and consultative teachers, and other support staff within a service area must be budgeted with the cooperative. Individual districts may continue to budget for self-contained teachers, resource teachers, and aides.

Section 2. Section 20-7-451, MCA, is amended to read:

"20-7-451. Authorization to create full service special education cooperatives -- special funding provisions. (1) A school district may contract with one or more other school districts to establish a cooperative to perform all special education administrative services, activities, and undertakings that the school district entering into the contract is authorized by law to perform. The cooperative contract must be authorized by the boards of trustees of the districts entering into the contract and the superintendent of public instruction.

(2) A cooperative contract may allow money allocated to a cooperative to be expended for:



INTRODUCED BILL
HB 471

1 (a) recruitment of professionals or employees for the
2 cooperative; and

3 (b) facility rental and supportive services including
4 but not limited to janitorial and communication services.

5 (3) The superintendent of public instruction may
6 transfer directly to a cooperative the state and federal
7 portion of a district's budgeted costs for contracted
8 special education services.

9 (4) The county superintendent shall serve as fiscal
10 agent for a cooperative. In any cooperative composed of
11 districts from more than one county, the county
12 superintendent of the county with the largest pupil
13 enrollment based on average number belonging shall serve as
14 fiscal agent.

15 (5) A school district that elects to participate in a
16 cooperative shall do so for a minimum period of 4 years."

17 Section 3. Section 20-7-452, MCA, is amended to read:

18 "20-7-452. Detailed contents of full service special
19 education cooperative contracts. The contract authorized in
20 20-7-451 may include all necessary and proper matters but
21 must specify the following:

22 (1) its duration, which must be no less than 4 years;

23 (2) the precise organization, composition, and nature
24 of the cooperative;

25 (3) the purpose of the cooperative;

1 (4) the manner of financing the cooperative and
2 establishing and maintaining a budget therefor;

3 (5) the permissible method to be employed in
4 accomplishing the partial or complete termination of the
5 cooperative agreement and for disposing of property upon
6 partial or complete termination;

7 (6) provision for ~~an administrator or~~ a joint board
8 responsible for administering the cooperative, including
9 representation composed of trustees of the contracting
10 districts ~~on the joint board~~;

11 (7) the manner of acquiring, holding, and disposing of
12 real and personal property used by the cooperative;

13 (8) any other necessary and proper matters."

14 NEW SECTION. Section 4. Codification instruction.
15 Section 1 is intended to be codified as an integral part of
16 Title 20, chapter 7, part 4, and the provisions of Title 20
17 apply to section 1.

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

1 STATEMENT OF INTENT

2 HOUSE BILL 471

3 House Education and Cultural Resources Committee

4

5 A statement of intent is required for this bill because
6 it grants rulemaking authority to the superintendent of
7 public instruction for the purpose of dividing the state
8 into special education service areas in order to provide
9 efficient and comprehensive special education services to
10 Montana children.

11 Section 1 of the bill provides the basic criteria that
12 the superintendent of public instruction must consider in
13 adopting rules to implement special education service areas.

14 In acknowledgement of this criteria, the superintendent
15 of public instruction may adopt rules for dividing the
16 entire state into special education service areas, for
17 distributing funding, and for addressing any controversies
18 that arise from the creation of special education service
19 areas.

1 HOUSE BILL NO. 471

2 INTRODUCED BY J. HAMMOND, BLAYLOCK,

3 PECK, EUDAILY, BACHINI

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CREATION OF
6 SPECIAL EDUCATION SERVICE AREAS; AMENDING SECTIONS 20-7-451
7 AND 20-7-452, MCA."

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

9
10 NEW SECTION. Section 1. Special education service
11 areas. (1) For the purpose of providing comprehensive and
12 efficient special education services to Montana children,
13 the superintendent of public instruction shall divide the
14 state into special education service areas.

15 (2) The superintendent shall adopt rules to implement
16 special education service areas. The rules must be based on
17 the following criteria:

18 (a) A special education service area may consist of a
19 single school district or a special education cooperative of
20 two or more school districts.

21 (b) A special education service area shall serve a
22 geographic area encompassing a minimum school enrollment of
23 ~~3,000~~ 2,000 pupils based on average number belonging. A
24 school district of at least ~~3,000~~ 2,000 pupils may
25 constitute a single service area. The superintendent of

1 public instruction may make exceptions to this enrollment
2 requirement only for compelling reasons of population
3 density, geographic factors, or unique local conditions.

4 (3) Each school district must be counted in a special
5 education service area for purposes of planning.

6 (4) Membership in a special education cooperative
7 within a special education service area is voluntary;
8 however, state funds for administration, clerical services,
9 speech therapists, psychologists, itinerant and consultative
10 teachers, and other support staff within a service area must
11 be budgeted with the cooperative. Individual districts may
12 continue to budget for self-contained teachers, resource
13 teachers, and aides.

14 Section 2. Section 20-7-451, MCA, is amended to read:

15 "20-7-451. Authorization to create full service
16 special education cooperatives -- special funding
17 provisions. (1) A school district may contract with one or
18 more other school districts to establish a cooperative to
19 perform all special education administrative services,
20 activities, and undertakings that the school district
21 entering into the contract is authorized by law to perform.
22 The cooperative contract must be authorized by the boards of
23 trustees of the districts entering into the contract and the
24 superintendent of public instruction.

25 (2) A cooperative contract may allow money allocated

1 to a cooperative to be expended for:

2 (a) recruitment of professionals or employees for the
3 cooperative; and

4 (b) facility rental and supportive services including
5 but not limited to janitorial and communication services.

6 (3) The superintendent of public instruction may
7 transfer directly to a cooperative the state and federal
8 portion of a district's budgeted costs for contracted
9 special education services.

10 (4) The county superintendent OR HIS AUTHORIZED
11 REPRESENTATIVE shall serve as fiscal agent for a
12 cooperative. In any cooperative composed of districts from
13 more than one county, the county superintendent of the
14 county with the largest pupil enrollment based on average
15 number belonging, OR HIS AUTHORIZED REPRESENTATIVE, shall
16 serve as fiscal agent, UNLESS OTHERWISE AGREED UPON BY
17 PARTICIPATING DISTRICTS.

18 (5) A school district that elects to participate in a
19 cooperative shall do so for a minimum period of 4 years."

20 Section 3. Section 20-7-452, MCA, is amended to read:

21 "20-7-452. Detailed contents of full service special
22 education cooperative contracts. The contract authorized in
23 20-7-451 may include all necessary and proper matters but
24 must specify the following:

25 (1) its duration, which must be no less than 4 years;

1 (2) the precise organization, composition, and nature
2 of the cooperative;

3 (3) the purpose of the cooperative;

4 (4) the manner of financing the cooperative and
5 establishing and maintaining a budget therefor;

6 (5) the permissible method to be employed in
7 accomplishing the partial or complete termination of the
8 cooperative agreement and for disposing of property upon
9 partial or complete termination;

10 (6) provision for ~~an administrator or~~ a joint board
11 responsible for administering the cooperative, including
12 representation composed of trustees of the contracting
13 districts ~~on---the---joint---board~~ OR THEIR AUTHORIZED
14 REPRESENTATIVES;

15 (7) the manner of acquiring, holding, and disposing of
16 real and personal property used by the cooperative;

17 (8) any other necessary and proper matters."

18 NEW SECTION. Section 4. Codification instruction.
19 Section 1 is intended to be codified as an integral part of
20 Title 20, chapter 7, part 4, and the provisions of Title 20
21 apply to section 1.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 471

3 House Education and Cultural Resources Committee

4
5 A statement of intent is required for this bill because
6 it grants rulemaking authority to the superintendent of
7 public instruction for the purpose of dividing the state
8 into special education service areas in order to provide
9 efficient and comprehensive special education services to
10 Montana children.

11 Section 1 of the bill provides the basic criteria that
12 the superintendent of public instruction must consider in
13 adopting rules to implement special education service areas.

14 In acknowledgement of this criteria, the superintendent
15 of public instruction may adopt rules for dividing the
16 entire state into special education service areas, for
17 distributing funding, and for addressing any controversies
18 that arise from the creation of special education service
19 areas.

HOUSE BILL NO. 471

INTRODUCED BY J. HAMMOND, BLAYLOCK,

PECK, EUDAILY, BACHINI

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CREATION OF SPECIAL EDUCATION SERVICE AREAS; AMENDING SECTIONS 20-7-451 AND 20-7-452, MCA."

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

NEW SECTION. Section 1. Special education service areas. (1) For the purpose of providing comprehensive and efficient special education services to Montana children, the superintendent of public instruction shall divide the state into special education service areas.

(2) The superintendent shall adopt rules to implement special education service areas. The rules must be based on the following criteria:

(a) A special education service area may consist of a single school district or a special education cooperative of two or more school districts.

(b) A special education service area shall serve a geographic area encompassing a minimum school enrollment of ~~3,000~~ 2,000 pupils based on average number belonging. A school district of at least ~~3,000~~ 2,000 pupils may constitute a single service area. The superintendent of

public instruction may make exceptions to this enrollment requirement only for compelling reasons of population density, geographic factors, or unique local conditions.

(3) Each school district must be counted in a special education service area for purposes of planning.

(4) Membership in a special education cooperative within a special education service area is voluntary; however, state funds for administration, clerical services, speech therapists, psychologists, itinerant and consultative teachers, and other support staff within a service area must be budgeted with the cooperative. Individual districts may continue to budget for self-contained teachers, resource teachers, and aides.

Section 2. Section 20-7-451, MCA, is amended to read:

"20-7-451. Authorization to create full service special education cooperatives -- special funding provisions. (1) A school district may contract with one or more other school districts to establish a cooperative to perform all special education administrative services, activities, and undertakings that the school district entering into the contract is authorized by law to perform. The cooperative contract must be authorized by the boards of trustees of the districts entering into the contract and the superintendent of public instruction.

(2) A cooperative contract may allow money allocated

1 to a cooperative to be expended for:

2 (a) recruitment of professionals or employees for the
3 cooperative; and

4 (b) facility rental and supportive services including
5 but not limited to janitorial and communication services.

6 (3) The superintendent of public instruction may
7 transfer directly to a cooperative the state and federal
8 portion of a district's budgeted costs for contracted
9 special education services.

10 (4) The county superintendent OR HIS AUTHORIZED
11 REPRESENTATIVE shall serve as fiscal agent for a
12 cooperative. In any cooperative composed of districts from
13 more than one county, the county superintendent of the
14 county with the largest pupil enrollment based on average
15 number belonging, OR HIS AUTHORIZED REPRESENTATIVE, shall
16 serve as fiscal agent, UNLESS OTHERWISE AGREED UPON BY
17 PARTICIPATING DISTRICTS.

18 (5) A school district that elects to participate in a
19 cooperative shall do so for a minimum period of 4 years."

20 Section 3. Section 20-7-452, MCA, is amended to read:

21 "20-7-452. Detailed contents of full service special
22 education cooperative contracts. The contract authorized in
23 20-7-451 may include all necessary and proper matters but
24 must specify the following:

25 (1) its duration, which must be no less than 4 years;

1 (2) the precise organization, composition, and nature
2 of the cooperative;

3 (3) the purpose of the cooperative;

4 (4) the manner of financing the cooperative and
5 establishing and maintaining a budget therefor;

6 (5) the permissible method to be employed in
7 accomplishing the partial or complete termination of the
8 cooperative agreement and for disposing of property upon
9 partial or complete termination;

10 (6) provision for ~~an administrator or~~ a joint board
11 responsible for administering the cooperative, ~~including~~
12 representation composed of trustees of the contracting
13 districts ~~on---the---joint---board~~ OR THEIR AUTHORIZED
14 REPRESENTATIVES;

15 (7) the manner of acquiring, holding, and disposing of
16 real and personal property used by the cooperative;

17 (8) any other necessary and proper matters."

18 NEW SECTION. Section 4. Codification instruction.
19 Section 1 is intended to be codified as an integral part of
20 Title 20, chapter 7, part 4, and the provisions of Title 20
21 apply to section 1.

-End-

STANDING COMMITTEE REPORT

SENATE

March 22, 1986

MR. PRESIDENT

We, your committee on..... EDUCATION AND CULTURAL RESOURCES.....

having had under consideration..... HOUSE BILL..... No. 471.....

third reading copy (blue)
color

(Senator Blaylock will carry the bill.)

CREATING SPECIAL EDUCATION SERVICE AREAS

Respectfully report as follows: That..... HOUSE BILL..... No. 471.....

be amended as follows:

1. Title, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, line 2.

Following: "requirement"

Strike: "only"

3. Page 2, line 3.

Following: "conditions."

Insert: "Exceptions must be made to districts that employ a full complement of staff needed to provide all of the required special education services."

4. Page 4.

Following: line 21

Insert: "NEW SECTION. Section 5. Effective date. This act is effective July 1, 1986."

AND AS AMENDED,
BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXXXX~~

Chet Blaylock
.....
Senator Chet Blaylock,

Chairman.

HOUSE BILL NO. 471

INTRODUCED BY J. HAMMOND, BLAYLOCK,

PECK, EUDAILY, BACHINI

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CREATION OF SPECIAL EDUCATION SERVICE AREAS; AMENDING SECTIONS 20-7-451 AND 20-7-452, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Special education service areas. (1) For the purpose of providing comprehensive and efficient special education services to Montana children, the superintendent of public instruction shall divide the state into special education service areas.

(2) The superintendent shall adopt rules to implement special education service areas. The rules must be based on the following criteria:

(a) A special education service area may consist of a single school district or a special education cooperative of two or more school districts.

(b) A special education service area shall serve a geographic area encompassing a minimum school enrollment of ~~3,000~~ 2,000 pupils based on average number belonging. A school district of at least ~~3,000~~ 2,000 pupils may constitute a single service area. The superintendent of

public instruction may make exceptions to this enrollment requirement ~~only~~ for compelling reasons of population density, geographic factors, or unique local conditions. EXCEPTIONS MUST BE MADE TO DISTRICTS THAT EMPLOY A FULL COMPLEMENT OF STAFF NEEDED TO PROVIDE ALL OF THE REQUIRED SPECIAL EDUCATION SERVICES.

(3) Each school district must be counted in a special education service area for purposes of planning.

(4) Membership in a special education cooperative within a special education service area is voluntary; however, state funds for administration, clerical services, speech therapists, psychologists, itinerant and consultative teachers, and other support staff within a service area must be budgeted with the cooperative. Individual districts may continue to budget for self-contained teachers, resource teachers, and aides.

Section 2. Section 20-7-451, MCA, is amended to read: "20-7-451. Authorization to create full service special education cooperatives -- special funding provisions. (1) A school district may contract with one or more other school districts to establish a cooperative to perform all special education administrative services, activities, and undertakings that the school district entering into the contract is authorized by law to perform. The cooperative contract must be authorized by the boards of

REFERENCE BILL

HB 471



1 trustees of the districts entering into the contract and the
 2 superintendent of public instruction.

3 (2) A cooperative contract may allow money allocated
 4 to a cooperative to be expended for:

5 (a) recruitment of professionals or employees for the
 6 cooperative; and

7 (b) facility rental and supportive services including
 8 but not limited to janitorial and communication services.

9 (3) The superintendent of public instruction may
 10 transfer directly to a cooperative the state and federal
 11 portion of a district's budgeted costs for contracted
 12 special education services.

13 (4) The county superintendent OR HIS AUTHORIZED
 14 REPRESENTATIVE shall serve as fiscal agent for a
 15 cooperative. In any cooperative composed of districts from
 16 more than one county, the county superintendent of the
 17 county with the largest pupil enrollment based on average
 18 number belonging, OR HIS AUTHORIZED REPRESENTATIVE, shall
 19 serve as fiscal agent, UNLESS OTHERWISE AGREED UPON BY
 20 PARTICIPATING DISTRICTS.

21 (5) A school district that elects to participate in a
 22 cooperative shall do so for a minimum period of 4 years."

23 Section 3. Section 20-7-452, MCA, is amended to read:

24 "20-7-452. Detailed contents of full service special
 25 education cooperative contracts. The contract authorized in

1 20-7-451 may include all necessary and proper matters but
 2 must specify the following:

3 (1) its duration, which must be no less than 4 years;

4 (2) the precise organization, composition, and nature
 5 of the cooperative;

6 (3) the purpose of the cooperative;

7 (4) the manner of financing the cooperative and
 8 establishing and maintaining a budget therefor;

9 (5) the permissible method to be employed in
 10 accomplishing the partial or complete termination of the
 11 cooperative agreement and for disposing of property upon
 12 partial or complete termination;

13 (6) provision for ~~an--administrater--of~~ a joint board
 14 responsible for administering the cooperative, ~~including~~
 15 ~~representation composed of trustees~~ of the contracting
 16 districts ~~on--the---joint---board~~ OR THEIR AUTHORIZED
 17 REPRESENTATIVES;

18 (7) the manner of acquiring, holding, and disposing of
 19 real and personal property used by the cooperative;

20 (8) any other necessary and proper matters."

21 NEW SECTION. Section 4. Codification instruction.
 22 Section 1 is intended to be codified as an integral part of
 23 Title 20, chapter 7, part 4, and the provisions of Title 20
 24 apply to section 1.

25 NEW SECTION. SECTION 5. EFFECTIVE DATE. THIS ACT IS

HB 0471/03

1 EFFECTIVE JULY 1, 1986.

-End-