HOUSE BILL NO. 480

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INTRODUCED BY DONALDSON

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

IN THE HOUSE

January 25, 1985	Introduced and referred to Committee on Education and Cultural Resources.
February 14, 1985	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
February 16, 1985	Second reading, pass consideration.
February 18, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 19, 1985	Third reading, passed.
	Transmitted to Senate.
IN THE S	SENATE
February 21, 1985	Introduced and referred to Committee on Education and Cultural Resources.
March 26, 1985	Committee recommend bill be concurred in. Report adopted.
March 29, 1985	Second reading, concurred in.
March 30, 1985	Third reading, concurred in. Ayes, 49; Noes, 0.
	Returned to House.

IN THE HOUSE

March 30, 1985

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Received from Senate. Sent to enrolling. Reported correctly enrolled.

HOUSE BILL NO. 480 1 INTRODUCED BY Alanding 2 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ANY UNEXPENDED 5 BALANCE FROM THE FIRST YEAR OF A BIENNIAL APPROPRIATION FOR 6 SPECIAL EDUCATION TO BE EXPENDED IN THE SECOND YEAR; TO 7 CLARIFY THE APPROVAL PROCESS FOR SPECIAL EDUCATION ALLOWABLE 8 COSTS; AMENDING SECTION 20-7-431, MCA." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 Section 1. Section 20-7-431, MCA, is amended to read: "20-7-431. Allowable cost schedule for special 13 programs -- superintendent to make rules -- annual 14 accounting. (1) For the purpose of determining the 15 maximum-budget-without-a-vote for special education as 16 defined in 20-9-321, the following schedule of allowable 17 18 costs shall be followed by the school district in preparation of its special education budget for state aid 19 request purposes and by the superintendent of public 20 instruction in his review and approval of the budget (for 21 purposes of determining the amount of the 22 the maximum-budget-without-a-vote for special education for the 23 district, and as used in this schedule, "full-time special 24 pupil" and "regular ANB" are to be determined in accordance 25

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1 with 20-9-311 and 20-9-313);

2 (a) instruction: salaries, benefits, supplies,
3 textbooks, and other expenses including:

4 (i) salaries and benefits of special program teachers, 5 regular program teachers, teacher aides, special education 6 supervisors, audiologists, and speech and hearing clinicians--the entire cost if employed full time in the 7 8 special program; if such personnel are shared between special and regular programs--a portion of the entire cost 9 corresponding to the entire working time which each such 10 11 person devotes to the special program;

12 (ii) teaching supplies and textbooks if used 13 exclusively for special programs--the actual total cost;

14 (iii) other expenses:

15 (A) contracted services, including fees paid for 16 professional advice and consultation regarding special 17 students or the special program, and the delivery of special 18 education services by public or private agencies--the actual 19 total cost;

(B) transportation costs for special education
personnel who must travel on an itinerant basis from school
to school or district to district or to in-state child study
team meetings or in-state individualized education program
meetings--the actual cost to the district calculated on the
same mileage rate used by the district for other travel

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1 reimbursement purposes;

2 (b) supportive services, including:

3 (i) salaries and benefits of professional supportive personnel--the entire cost if employed full time in the 4 special program; if such personnel are shared between 5 special and regular programs--a portion of the entire cost 6 7 corresponding to the entire working time which each such person devotes to the special program. Professional 8 supportive personnel may include counselors, social workers, 9 10 psychologists, psychometrists, physicians, nurses, and 11 physical and occupational therapists.

12 (ii) salaries and benefits of clerical personnel for 13 professional personnel in supportive services--the entire 14 cost if employed full time in the special program; if such 15 personnel are shared between special and regular programs--a 16 portion of the entire cost corresponding to the entire 17 working time which each such person devotes to the special 18 program;

19 (c) equipment:

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(i) equipment--the actual total cost;

21 (ii) special equipment for district-owned school buses 22 necessary to accommodate special students--the actual total 23 cost;

(iii) special equipment for school buses contracted totransport special students--that portion of the contract

1 price attributable to the cost of special equipment or 2 personnel required to accommodate special students--the 3 actual special cost;

4 (d) room and board costs when the special pupil has to
5 attend a program at such a distance from his home that
6 commuting is undesirable as determined by the superintendent
7 of public instruction.

8 (2) The superintendent of public instruction shall,
9 prior to September 1, 1977, revise the rules in accordance
10 with the policies of the board of public education for:

11 (a) keeping necessary records for supportive and 12 administrative personnel and any personnel shared between 13 special and regular programs;

(b) defining the total special program caseload that
shall be assigned to specific support persons and the kinds
of professional specialties to be considered relevant to the
program before the district may count an allowable cost
under subsection (1)(b) of this section; and

(c) defining the kinds or types of equipment whose
costs may be counted under subsection (l)(c)(i) of this
section.

(3) An annual accounting of all expenditures of school
district general fund moneys for special education shall be
made by the district trustees on forms furnished by the
superintendent of public instruction. The superintendent of

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1 public instruction shall make rules for such accounting.

2 (4) If a board of trustees chooses to exceed the 3 budget approved by the superintendent of public instruction, 4 costs in excess of the approved budget may not be reimbursed 5 under the maximum-budget-without-a-vote for special 6 education.

7 (5) Allowable costs prescribed in this section do not 8 include the costs of the teachers' retirement system, the 9 public employees' retirement system, the federal social 10 security system, or the costs for unemployment compensation 11 insurance.

12 (6) (a) Notwithstanding other provisions of the law, 13 the superintendent of public instruction shall not approve a 14 maximum-budget-without-a-vote for special education which 15 exceeds legislative appropriations; however, any unexpended 16 balance from the first year of a biennial appropriation may 17 be spent in the second year of the biennium in addition to 18 the second year appropriation.

(b) If the total allowable cost of the special education budgets approved-by-the-superintendent-of-public instruction exceeds legislative appropriations available for special education, each district shall receive a pro rata share of the available appropriations based upon prioritized budget items as established by the superintendent of public instruction. The amount of the approved budgets in excess of

- 1 the available appropriations may not be reimbursed under the
- 2 maximum-budget-without-a-vote for special education and is
- 3 the responsibility of the school district."

-End-

LC 1279/01

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

HOUSE BILL NO. 480 1 INTRODUCED BY 2 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ANY UNEXPENDED 5 BALANCE FROM THE FIRST YEAR OF A BIENNIAL APPROPRIATION FOR 6 SPECIAL EDUCATION TO BE EXPENDED IN THE SECOND YEAR: TO 7 8 CLARIFY THE APPROVAL PROCESS FOR SPECIAL EDUCATION ALLOWABLE 9 COSTS: AMENDING SECTION 20-7-431, MCA." 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 20-7-431, MCA, is amended to read: 12 13 "20-7-431. Allowable cost schedule for special programs -- superintendent to make rules 14 -annual 15 accounting. (1) For the purpose of determining the maximum-budget-without-a-vote for special education as 16 defined in 20-9-321, the following schedule of allowable 17 costs shall be followed by the school district in 18 preparation of its special education budget for state aid 19 request purposes and by the superintendent of public 20 21 instruction in his review and approval of the budget (for the purposes of determining the amount of 22 the maximum-budget-without-a-vote for special education for the 23 district, and as used in this schedule, "full-time special 24 pupil" and "regular ANB" are to be determined in accordance 25

1 with 20-9-311 and 20-9-313);

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3 textbooks, and other expenses including:

4 (i) salaries and benefits of special program teachers, 5 regular program teachers, teacher aides, special education 6 supervisors, audiologists, and speech and hearing 7 clinicians--the entire cost if employed full time in the 8 special program; if such personnel are shared between 9 special and regular programs--a portion of the entire cost 10 corresponding to the entire working time which each such 11 person devotes to the special program;

12 (ii) teaching supplies and textbooks if used 13 exclusively for special programs--the actual total cost:

14 (iii) other expenses:

15 (A) contracted services, including fees paid for 16 professional advice and consultation regarding special 17 students or the special program, and the delivery of special 18 education services by public or private agencies--the actual 19 total cost;

(B) transportation costs for special education personnel who must travel on an itinerant basis from school to school or district to district or to in-state child study team meetings or in-state individualized education program meetings--the actual cost to the district calculated on the same mileage rate used by the district for other travel

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1 reimbursement purposes;

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(b) supportive services, including:

(i) salaries and benefits of professional supportive 3 personnel--the entire cost if employed full time in the 4 special program; if such personnel are shared between 5 special and regular programs--a portion of the entire cost 6 corresponding to the entire working time which each such 7 person devotes to the special program. Professional 8 9 supportive personnel may include counselors, social workers, psychologists, psychometrists, physicians, nurses, and 10 physical and occupational therapists. 11

(ii) salaries and benefits of clerical personnel for professional personnel in supportive services--the entire cost if employed full time in the special program; if such personnel are shared between special and regular programs--a portion of the entire cost corresponding to the entire working time which each such person devotes to the special program;

19 (c) equipment:

20 (i) equipment--the actual total cost;

21 (ii) special equipment for district-owned school buses 22 necessary to accommodate special students--the actual total 23 cost;

(iii) special equipment for school buses contracted totransport special students--that portion of the contract

price attributable to the cost of special equipment or
 personnel required to accommodate special students--the
 actual special cost;

4 (d) room and board costs when the special pupil has to 5 attend a program at such a distance from his home that 6 commuting is undesirable as determined by the superintendent 7 of public instruction.

8 (2) The superintendent of public instruction shall,
9 prior to September 1, 1977, revise the rules in accordance
10 with the policies of the board of public education for:

11 (a) keeping necessary records for supportive and 12 administrative personnel and any personnel shared between 13 special and regular programs;

(b) defining the total special program caseload that
shall be assigned to specific support persons and the kinds
of professional specialties to be considered relevant to the
program before the district may count an allowable cost
under subsection (1)(b) of this section; and

19 (c) defining the kinds or types of equipment whose
20 costs may be counted under subsection (1)(c)(i) of this
21 section.

(3) An annual accounting of all expenditures of school
district general fund moneys for special education shall be
made by the district trustees on forms furnished by the
superintendent of public instruction. The superintendent of

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1 public instruction shall make rules for such accounting.

2 (4) If a board of trustees chooses to exceed the 3 budget approved by the superintendent of public instruction, 4 costs in excess of the approved budget may not be reimbursed 5 under the maximum-budget-without-a-vote for special 6 education.

7 (5) Allowable costs prescribed in this section do not 8 include the costs of the teachers' retirement system, the 9 public employees' retirement system, the federal social 10 security system, or the costs for unemployment compensation 11 insurance.

12 (6) (a) Notwithstanding other provisions of the law, 13 the superintendent of public instruction shall not approve a 14 maximum-budget-without-a-vote for special education which 15 exceeds legislative appropriations; however, any unexpended 16 balance from the first year of a biennial appropriation may 17 be spent in the second year of the biennium in addition to 18 the second year appropriation.

(b) If the total allowable cost of the special education budgets approved-by-the-superintendent-of-public instruction exceeds legislative appropriations available for special education, each district shall receive a pro rata share of the available appropriations based upon prioritized budget items as established by the superintendent of public instruction. The amount of the approved budgets in excess of

- 1 the available appropriations may not be reimbursed under the
- 2 maximum-budget-without-a-vote for special education and is
- 3 the responsibility of the school district."

-End-

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12 (ii) teaching supplies and textbooks if used13 exclusively for special programs--the actual total cost;

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15 (A) contracted services, including fees paid for 16 professional advice and consultation regarding special 17 students or the special program, and the delivery of special 18 education services by public or private agencies--the actual 19 total cost;

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personnel who must travel on an itinerant basis from school
to school or district to district or to in-state child study
team meetings or in-state individualized education program
meetings--the actual cost to the district calculated on the
same mileage rate used by the district for other travel

THIRD READING H**8 480**

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reimbursement purposes; 1

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(b) supportive services, including:

(i) salaries and benefits of professional supportive З 4 personnel--the entire cost if employed full time in the special program; if such personnel are shared between 5 special and regular programs--a portion of the entire cost 6 corresponding to the entire working time which each such 7 person devotes to the special program. Professional 8 supportive personnel may include counselors, social workers, 9 10 psychologists, psychometrists, physicians, nurses, and physical and occupational therapists. 11

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(c) equipment:

(i) equipment--the actual total cost;

(ii) special equipment for district-owned school buses 21 22 necessary to accommodate special students--the actual total 23 cost;

(iii) special equipment for school buses contracted to 24 transport special students--that portion of the contract 25

price attributable to the cost of special equipment or 1 personnel required to accommodate special students--the actual special cost:

(d) room and board costs when the special pupil has to 4 attend a program at such a distance from his home that 5 commuting is undesirable as determined by the superintendent 6 7 of public instruction.

8 (2) The superintendent of public instruction shall, 9 prior to September 1, 1977, revise the rules in accordance 10 with the policies of the board of public education for:

(a) keeping necessary records for supportive and 11 administrative personnel and any personnel shared between 12 13 special and regular programs;

14 (b) defining the total special program caseload that 15 shall be assigned to specific support persons and the kinds 16 of professional specialties to be considered relevant to the 17 program before the district may count an allowable cost 18 under subsection (1)(b) of this section; and

19 (c) defining the kinds or types of equipment whose 20 costs may be counted under subsection (1)(c)(i) of this 21 section.

22 (3) An annual accounting of all expenditures of school 23 district general fund moneys for special education shall be 24 made by the district trustees on forms furnished by the 25 superintendent of public instruction. The superintendent of

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LC 1279/01

1	public	instruction	shall	make	rules	for	such	accounting
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2 (4) If a board of trustees chooses to exceed the 3 budget approved by the superintendent of public instruction, 4 costs in excess of the approved budget may not be reimbursed 5 under the maximum-budget-without-a-vote for special 6 education.

7 (5) Allowable costs prescribed in this section do not
8 include the costs of the teachers' retirement system, the
9 public employees' retirement system, the federal social
10 security system, or the costs for unemployment compensation
11 insurance.

12 (6) (a) Notwithstanding other provisions of the law,
13 the superintendent of public instruction shall not approve a
14 maximum-budget-without-a-vote for special education which
15 exceeds legislative appropriations; however, any unexpended
16 balance from the first year of a biennial appropriation may
17 be spent in the second year of the biennium in addition to
18 the second year appropriation.

(b) If the total allowable cost of the special education budgets approved-by-the-superintendent-of-public instruction exceeds legislative appropriations available for special education, each district shall receive a pro rata share of the available appropriations based upon prioritized budget items as established by the superintendent of public instruction. The amount of the approved budgets in excess of 1 the available appropriations may not be reimbursed under the

2 maximum-budget-without-a-vote for special education and is

3 the responsibility of the school district."

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HB 0480/02

Montana Legislative Council

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2	INTRODUCED BY DONALDSON
3	BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ANY UNEXPENDED
6	BALANCE FROM THE FIRST YEAR OF A BIENNIAL APPROPRIATION FOR
7	SPECIAL EDUCATION TO BE EXPENDED IN THE SECOND YEAR; TO
8	CLARIFY THE APPROVAL PROCESS FOR SPECIAL EDUCATION ALLOWABLE
9	COSTS; AMENDING SECTION 20-7-431, MCA."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 20-7-431, MCA, is amended to read:
13	"20-7-431. Allowable cost schedule for special
14	programs superintendent to make rules annual
15	accounting. (1) For the purpose of determining the
16	maximum-budget-without-a-vote for special education as
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18	costs shall be followed by the school district in
19	preparation of its special education budget for state aid
20	request purposes and by the superintendent of public
21	instruction in his review and approval of the budget (for
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23	maximum-budget-without-a-vote for special education for the
24	district, and as used in this schedule, "full-time special
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students or the special program, and the delivery of special
education services by public or private agencies--the actual
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1 reimbursement purposes;

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(b) supportive services, including:

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price attributable to the cost of special equipment or
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district general fund moneys for special education shall be
made by the district trustees on forms furnished by the
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HB 480

1 public instruction shall make rules for such accounting.

2 (4) If a board of trustees chooses to exceed the
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4 costs in excess of the approved budget may not be reimbursed
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- 1 the available appropriations may not be reimbursed under the
- 2 maximum-budget-without-a-vote for special education and is
- 3 the responsibility of the school district."

-End-

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