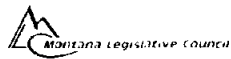


1 House BILL NO. 511
 2 INTRODUCED BY David Nisbet Miller
 3 Thomas Ritzelmann Narles Spencer Steele Justin
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PRESCHOOL space
 5 SPECIAL EDUCATION FOR HANDICAPPED CHILDREN BETWEEN THE AGES
 6 OF 3 AND 6 BY SEPTEMBER 1, 1990; AND AMENDING SECTION
 7 20-7-411, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 20-7-411, MCA, is amended to read:
 11 "20-7-411. Regular classes preferred -- obligation to
 12 establish special education program. (1) All handicapped
 13 children in Montana are entitled to a free appropriate
 14 public education provided in the least restrictive
 15 alternative setting. To the maximum extent appropriate,
 16 handicapped children, including children in public or
 17 private institutions or other care facilities, shall be
 18 educated with children who are not handicapped. Separate
 19 schooling or other removal of handicapped children from the
 20 regular educational environment may occur only when the
 21 nature or severity of the handicap is such that education in
 22 regular classes with the use of supplementary aids and
 23 services cannot be achieved satisfactorily.
 24 (2) After September 1, 1977, the board of trustees of
 25 every school district must provide or establish and maintain

1 a special education program for every handicapped person as
 2 herein defined between the ages of 6 and 18, inclusive.
 3 (3) On or before September 1, 1990, the board of
 4 trustees of each elementary district shall provide or
 5 establish and maintain a special education program for each
 6 handicapped preschool child between the ages of 3 and 6,
 7 inclusive.
 8 (3)(4) The board of trustees of any school district
 9 may meet its obligation to serve handicapped persons by
 10 establishing its own special education program, by
 11 establishing a cooperative special education program, or by
 12 participating in a regional services program."
 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
 16 of this act is extended to the provisions of this act.

-End-



-2- INTRODUCED BILL
 HB 511

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB511, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring preschool special education for handicapped children between the ages of 3 and 6 by September 1, 1990.

ASSUMPTIONS:

1. The federal funds will be appropriated at the level now anticipated.
2. The local program costs will not be in excess of the federal funding.
3. Montana schools will voluntarily serve an additional 200 handicapped preschool children in each year of the 1989 biennium.

FISCAL IMPACT:

No state fiscal impact. School districts would be eligible for federal funds totalling \$1,040,800 in FY88 and \$1,241,200 in FY89.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Schools will be required to provide preschool services for handicapped children beginning in FY1990-91. Assuming that federal funds will cover the costs of these programs, there will be no additional cost to the school district.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The federal government will reduce the current state allocation for special education if schools are not required to provide these services by FY90. However, if federal funds are not available for this program, the state will be required to provide funding estimated at \$1.616 million beginning in FY90.

David L. Hunter DATE 2/2/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Jerry Driscoll DATE 2-3-87

JERRY DRISCOLL, PRIMARY SPONSOR

Fiscal Note for HB511, as introduced.

HB 511

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 511

INTRODUCED BY DRISCOLL, NISBET, MILLER, REGAN, CODY,
THOMAS, HALLIGAN, KITSELMAN, DARKO, SQUIRES, HANSEN,
SPAETH, HARRINGTON, KEENAN, MAZUREK, VAN VALKENBURG

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PRESCHOOL
SPECIAL EDUCATION FOR HANDICAPPED CHILDREN BETWEEN THE AGES
OF 3 AND 6 BY SEPTEMBER 1, 1990; AND AMENDING SECTION
20-7-411, MCA."

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alternative setting. To the maximum extent appropriate,
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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} On or before September 1, 1990, the board of
trustees of each elementary district shall provide or
establish and maintain a special education program for each
handicapped preschool child between the ages of 3 and 6,
inclusive.

{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. Extension of authority. Any
existing authority of the superintendent of public
instruction to make rules on the subject of the provisions
of this act is extended to the provisions of this act.

NEW SECTION. SECTION 3. IMPLEMENTATION CONTINGENCY.
A BOARD OF TRUSTEES OF A SCHOOL DISTRICT IS NOT REQUIRED TO
IMPLEMENT THIS ACT IF THE FEDERAL GOVERNMENT DOES NOT
APPROPRIATE THE AUTHORIZED AMOUNT FOR EACH QUALIFYING
HANDICAPPED PRESCHOOL CHILD FOR SCHOOL FISCAL YEAR 1991 AND
BEYOND.

-End-

-2-

HB 511

SECOND READING

1 HOUSE BILL NO. 511

2 INTRODUCED BY DRISCOLL, NISBET, MILLER, REGAN, CODY,
3 THOMAS, HALLIGAN, KITSELMAN, DARKO, SQUIRES, HANSEN,
4 SPAETH, HARRINGTON, KEENAN, MAZUREK, VAN VALKENBURG

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20 A BOARD OF TRUSTEES OF A SCHOOL DISTRICT IS NOT REQUIRED TO
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23 EACH QUALIFYING HANDICAPPED PRESCHOOL CHILD FOR SCHOOL
24 FISCAL YEAR 1991 AND BEYOND.

-End-

-2-

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3 THOMAS, HALLIGAN, KITSELMAN, DARKO, SQUIRES, HANSEN,
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