

HOUSE BILL NO. 449  
INTRODUCED BY SCHYE

IN THE HOUSE

|                   |  |
|-------------------|--|
| JANUARY 26, 1989  | INTRODUCED AND REFERRED TO COMMITTEE<br>ON EDUCATION & CULTURAL RESOURCES. |
| JANUARY 27, 1989  | FIRST READING.   |
| FEBRUARY 11, 1989 | COMMITTEE RECOMMEND BILL<br>DO PASS. REPORT ADOPTED.                       |
| FEBRUARY 13, 1989 | PRINTING REPORT.   |
| FEBRUARY 14, 1989 | SECOND READING, DO PASS.   |
| FEBRUARY 15, 1989 | ENGROSSING REPORT.   |
| FEBRUARY 16, 1989 | THIRD READING, PASSED.<br>AYES, 97; NOES, 1.                               |
|                   | TRANSMITTED TO SENATE.   |

IN THE SENATE

|                   |  |
|-------------------|--|
| FEBRUARY 17, 1989 | INTRODUCED AND REFERRED TO COMMITTEE<br>ON EDUCATION & CULTURAL RESOURCES. |
|                   | FIRST READING.   |
| MARCH 7, 1989     | COMMITTEE RECOMMEND BILL BE<br>CONCURRED IN AS AMENDED. REPORT<br>ADOPTED. |
| MARCH 8, 1989     | SECOND READING, CONCURRED IN.  |
| MARCH 10, 1989    | THIRD READING, CONCURRED IN.<br>AYES, 48; NOES, 0.                         |
|                   | RETURNED TO HOUSE WITH AMENDMENTS.   |

IN THE HOUSE

|                |                       |
|----------------|-----------------------|
| MARCH 14, 1989 | RECEIVED FROM SENATE. |
|----------------|-----------------------|

MARCH 15, 1989

SECOND READING, AMENDMENTS  
CONCURRED IN.

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 449  
2 INTRODUCED BY Schye  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 LAWS RELATING TO SPECIAL EDUCATION COOPERATIVES AND TO JOINT  
6 BOARDS FORMED FOR THE PURPOSE OF PROVIDING SPECIAL EDUCATION  
7 SERVICES; AMENDING SECTIONS 20-3-362, 20-7-451, AND  
8 20-7-452, MCA; AND PROVIDING AN EFFECTIVE DATE."

9  
10 STATEMENT OF INTENT

11 A statement of intent is required for this bill because  
12 [section 4] requires the superintendent of public  
13 instruction to adopt rules regarding approval of full  
14 service special education cooperatives formed after June 30,  
15 1990. In adopting the rules, the superintendent shall  
16 consider the following factors with regard to the districts  
17 that intend to participate in the cooperatives: special  
18 education enrollment; caseload; service pattern; number of  
19 schools participating; geography of the participating  
20 districts; and any other factors determined to be relevant  
21 by the superintendent of public instruction.

22 [Section 5] requires the superintendent to adopt rules  
23 to determine eligibility for funding reduced caseloads for  
24 itinerant personnel of a full service special education  
25 cooperative or a joint board formed under 20-3-361 for

1 special education purposes. In adopting the rules, the  
2 superintendent shall consider the factors related to the  
3 cooperative or the joint board that are listed for the  
4 rulemaking authority provided in [section 4]. In  
5 determining funding under the rules for formation of a  
6 cooperative or a joint board, the superintendent shall also  
7 consider the length of commitment of the districts forming  
8 the cooperative joint board.

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

11 **Section 1.** Section 20-3-362, MCA, is amended to read:

12 "20-3-362. Powers of joint board of trustees. (1) When  
13 a joint board of trustees is formed as provided by 20-3-361,  
14 it shall have the power to:

15 (a) jointly employ a district superintendent under the  
16 provisions of 20-4-401;

17 (b) jointly employ teachers and specialists under the  
18 provisions of 20-4-201;

19 (c) open a junior high school under the provisions of  
20 20-6-505 if the trustees of a county high school and the  
21 trustees of an elementary district have formed a joint board  
22 of trustees;

23 (d) prescribe and administer joint administrative  
24 policy;

25 (e) jointly provide any program or service authorized

under 20-3-324, including any joint provision of special education services as provided in [section 4]; and

(f) prorate all items of joint expense among the school districts, provided that a controversy over any decision by the joint board to prorate joint costs may, within 30 days, be appealed by the trustees of any district to the superintendent of public instruction for a final decision as to what constitutes a fair and just proration of the cost.

(2) The joint board of trustees shall not have the power to transact business that is not specifically related to the joint administration of the districts."

**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.

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

(a) recruitment of professionals or employees for the

cooperative; and

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

~~(3) The superintendent of public instruction may pay directly to a cooperative the approved allowable costs for contracted special education services from the state special revenue fund for state equalization aid as provided in 20-9-343. The total of such payments must be within the limit set by the legislature for approved special education budgets."~~

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

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

(1) its duration, which may not be less than 3 years;

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

(3) the purpose of the cooperative;

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

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

partial or complete termination;

(6) provision for ~~an--administrator--or--a--joint~~ a management board that is responsible for administering the cooperative, ~~including representation~~ and that is comprised of trustees of the contracting districts on-the-joint-board or their authorized representatives;

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

(8) any other necessary and proper matters."

**NEW SECTION. Section 4. Funding provisions for special education cooperatives or joint boards.** (1) The superintendent of public instruction shall pay directly to a cooperative or to a joint board formed under 20-3-361 for special education purposes the approved allowable costs for contracted special education services from the state special revenue fund for state equalization aid as provided in 20-9-343. The total of the payments must be within the limit set by the legislature for approved special education budgets.

(2) A school district that elects to participate in a cooperative shall:

(a) agree in the cooperative contract to participate for a period of at least 3 years; and

(b) confirm in writing to the management board provided for in 20-7-452 by October 1 of the current school

fiscal year the district's intention to participate or to not participate in the cooperative in the next 2 school fiscal years.

(3) A school district that elects to participate in a joint board formed under 20-3-361 for special education purposes shall confirm in writing to the joint board by October 1 of the current school fiscal year the district's intention to participate or to not participate in a joint board agreement for the next school fiscal year.

(4) After June 30, 1990, a cooperative that has not met the requirements of 20-7-453 and 20-7-454 may not be funded under the provisions of this section except by approval of the superintendent of public instruction. The superintendent shall adopt rules for approval of full service special education cooperatives formed after June 30, 1990.

**NEW SECTION. Section 5. Reduced caseloads for qualifying cooperatives or joint boards.** The superintendent of public instruction may reduce the caseloads for any itinerant personnel of a full service special education cooperative or a joint board formed under 20-3-361 for special education purposes if the cooperative or joint board meets the requirements of [section 4]. The superintendent shall adopt rules to determine the eligibility of a cooperative or a joint board for reduced caseloads under

1 this section.

2 NEW SECTION. **Section 6.** Codification instruction.  
3 [Sections 4 and 5] are intended to be codified as an  
4 integral part of Title 20, chapter 7, part 4, and the  
5 provisions of Title 20, chapter 7, part 4, apply to  
6 [sections 4 and 5].

7 NEW SECTION. **Section 7.** Extension of authority. Any  
8 existing authority to make rules on the subject of the  
9 provisions of [this act] is extended to the provisions of  
10 [this act].

11 NEW SECTION. **Section 8.** Effective date. [This act] is  
12 effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB449, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an Act entitled: "An Act to generally revise the laws relating to special education cooperatives and to joint boards formed for the purpose of providing special education services; amending Sections 20-3-362, 20-7-451, and 20-7-452, MCA; and providing an effective date."

FISCAL IMPACT: None

EFFECT ON COUNTY:

This legislation is designed to provide some stability for special education coops to provide a firmer base for planning and budgeting.

TECHNICAL DEFECTS:

Section 4 (2)(a) and (b) appear to cause some confusion.



2/2/89

RAY SHACKLEFORD, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE



TED E. SCHYE, PRIMARY SPONSOR

DATE

Fiscal Note for HB449, as introduced

**HB 449**

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

1 HOUSE BILL NO. 449  
2 INTRODUCED BY Schye  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 LAWS RELATING TO SPECIAL EDUCATION COOPERATIVES AND TO JOINT  
6 BOARDS FORMED FOR THE PURPOSE OF PROVIDING SPECIAL EDUCATION  
7 SERVICES; AMENDING SECTIONS 20-3-362, 20-7-451, AND  
8 20-7-452, MCA; AND PROVIDING AN EFFECTIVE DATE."

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11 A statement of intent is required for this bill because  
12 [section 4] requires the superintendent of public  
13 instruction to adopt rules regarding approval of full  
14 service special education cooperatives formed after June 30,  
15 1990. In adopting the rules, the superintendent shall  
16 consider the following factors with regard to the districts  
17 that intend to participate in the cooperatives: special  
18 education enrollment; caseload; service pattern; number of  
19 schools participating; geography of the participating  
20 districts; and any other factors determined to be relevant  
21 by the superintendent of public instruction.

22 [Section 5] requires the superintendent to adopt rules  
23 to determine eligibility for funding reduced caseloads for  
24 itinerant personnel of a full service special education  
25 cooperative or a joint board, formed under 20-3-361 for

1 special education purposes. In adopting the rules, the  
2 superintendent shall consider the factors related to the  
3 cooperative or the joint board that are listed for the  
4 rulemaking authority provided in [section 4]. In  
5 determining funding under the rules for formation of a  
6 cooperative or a joint board, the superintendent shall also  
7 consider the length of commitment of the districts forming  
8 the cooperative joint board.

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

11 **Section 1.** Section 20-3-362, MCA, is amended to read:

12 "20-3-362. Powers of joint board of trustees. (1) When  
13 a joint board of trustees is formed as provided by 20-3-361,  
14 it shall have the power to:

15 (a) jointly employ a district superintendent under the  
16 provisions of 20-4-401;

17 (b) jointly employ teachers and specialists under the  
18 provisions of 20-4-201;

19 (c) open a junior high school under the provisions of  
20 20-6-505 if the trustees of a county high school and the  
21 trustees of an elementary district have formed a joint board  
22 of trustees;

23 (d) prescribe and administer joint administrative  
24 policy;

25 (e) jointly provide any program or service authorized



under 20-3-324, including any joint provision of special education services as provided in [section 4]; and

(f) prorate all items of joint expense among the school districts, provided that a controversy over any decision by the joint board to prorate joint costs may, within 30 days, be appealed by the trustees of any district to the superintendent of public instruction for a final decision as to what constitutes a fair and just proration of the cost.

(2) The joint board of trustees shall not have the power to transact business that is not specifically related to the joint administration of the districts."

**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.

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

(a) recruitment of professionals or employees for the

cooperative; and

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

~~{3}--The superintendent of public instruction may pay directly to a cooperative the approved allowable costs for contracted special education services from the state special revenue fund for state equalization aid as provided in 20-9-343. The total of such payments must be within the limit set by the legislature for approved special education budgets."~~

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

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

(1) its duration, which may not be less than 3 years;

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

(3) the purpose of the cooperative;

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

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

1 partial or complete termination;

2 (6) provision for ~~an--administrator--or--a--joint a~~  
3 management board that is responsible for administering the  
4 cooperative,--including--representation and that is comprised  
5 of trustees of the contracting districts ~~on-the-joint-board~~  
6 or their authorized representatives;

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

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

10 NEW SECTION. Section 4. Funding provisions for  
11 special education cooperatives or joint boards. (1) The  
12 superintendent of public instruction shall pay directly to a  
13 cooperative or to a joint board formed under 20-3-361 for  
14 special education purposes the approved allowable costs for  
15 contracted special education services from the state special  
16 revenue fund for state equalization aid as provided in  
17 20-9-343. The total of the payments must be within the limit  
18 set by the legislature for approved special education  
19 budgets.

20 (2) A school district that elects to participate in a  
21 cooperative shall:

22 (a) agree in the cooperative contract to participate  
23 for a period of at least 3 years; and

24 (b) confirm in writing to the management board  
25 provided for in 20-7-452 by October 1 of the current school

1 fiscal year the district's intention to participate or to  
2 not participate in the cooperative in the next 2 school  
3 fiscal years.

4 (3) A school district that elects to participate in a  
5 joint board formed under 20-3-361 for special education  
6 purposes shall confirm in writing to the joint board by  
7 October 1 of the current school fiscal year the district's  
8 intention to participate or to not participate in a joint  
9 board agreement for the next school fiscal year.

10 (4) After June 30, 1990, a cooperative that has not  
11 met the requirements of 20-7-453 and 20-7-454 may not be  
12 funded under the provisions of this section except by  
13 approval of the superintendent of public instruction. The  
14 superintendent shall adopt rules for approval of full  
15 service special education cooperatives formed after June 30,  
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17 NEW SECTION. Section 5. Reduced caseloads for  
18 qualifying cooperatives or joint boards. The superintendent  
19 of public instruction may reduce the caseloads for any  
20 itinerant personnel of a full service special education  
21 cooperative or a joint board formed under 20-3-361 for  
22 special education purposes if the cooperative or joint board  
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24 shall adopt rules to determine the eligibility of a  
25 cooperative or a joint board for reduced caseloads under

1 this section.

2 NEW SECTION. **Section 6.** Codification instruction.  
3 [Sections 4 and 5] are intended to be codified as an  
4 integral part of Title 20, chapter 7, part 4, and the  
5 provisions of Title 20, chapter 7, part 4, apply to  
6 [sections 4 and 5].

7 NEW SECTION. **Section 7.** Extension of authority. Any  
8 existing authority to make rules on the subject of the  
9 provisions of [this act] is extended to the provisions of  
10 [this act].

11 NEW SECTION. **Section 8.** Effective date. [This act] is  
12 effective July 1, 1989.

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1 HOUSE BILL NO. 449  
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16 provisions of 20-4-401;

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18 provisions of 20-4-201;

19 (c) open a junior high school under the provisions of  
20 20-6-505 if the trustees of a county high school and the  
21 trustees of an elementary district have formed a joint board  
22 of trustees;

23 (d) prescribe and administer joint administrative  
24 policy;

25 (e) jointly provide any program or service authorized

under 20-3-324, including any joint provision of special education services as provided in [section 4]; and

(f) prorate all items of joint expense among the school districts, provided that a controversy over any decision by the joint board to prorate joint costs may, within 30 days, be appealed by the trustees of any district to the superintendent of public instruction for a final decision as to what constitutes a fair and just proration of the cost.

(2) The joint board of trustees shall not have the power to transact business that is not specifically related to the joint administration of the districts."

**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.

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

(a) recruitment of professionals or employees for the

cooperative; and

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

~~{3}--The superintendent of public instruction may pay directly to a cooperative the approved allowable costs for contracted special education services from the state special revenue fund for state equalization aid as provided in 20-9-343. The total of such payments must be within the limit set by the legislature for approved special education budgets."~~

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

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

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1 partial or complete termination;

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3 management board that is responsible for administering the  
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20 (2) A school district that elects to participate in a  
21 cooperative shall:

22 (a) agree in the cooperative contract to participate  
23 for a period of at least 3 years; and

24 (b) confirm in writing to the management board  
25 provided for in 20-7-452 by October 1 of the current school

1 fiscal year the district's intention to participate or to  
2 not participate in the cooperative in the next 2 school  
3 fiscal years.

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14 superintendent shall adopt rules for approval of full  
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16 1990.

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21 cooperative or a joint board formed under 20-3-361 for  
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LC 0039/01

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3 [Sections 4 and 5] are intended to be codified as an  
4 integral part of Title 20, chapter 7, part 4, and the  
5 provisions of Title 20, chapter 7, part 4, apply to  
6 [sections 4 and 5].

7 NEW SECTION. **Section 7.** Extension of authority. Any  
8 existing authority to make rules on the subject of the  
9 provisions of [this act] is extended to the provisions of  
10 [this act].

11 NEW SECTION. **Section 8.** Effective date. [This act] is  
12 effective July 1, 1989.

-End-

SENATE STANDING COMMITTEE REPORT

March 7, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 449 (third reading copy -- blue), respectfully report that HB 449 be amended and as so amended be concurred in:

Sponsor: Schye (Blaylock)

1. Page 5, lines 21 and 22.

Following: "shall"

Strike: ":

(a)"

2. Page 5, line 23.

Following: "years"

Strike: remainder of line 23 through page 6, line 3

Insert: "."

AND AS AMENDED BE CONCURRED IN

Signed: 

H. W. Hammond, Chairman

SENATE

scrhb449.307

HB 449



HOUSE BILL NO. 449  
INTRODUCED BY SCHYE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO SPECIAL EDUCATION COOPERATIVES AND TO JOINT BOARDS FORMED FOR THE PURPOSE OF PROVIDING SPECIAL EDUCATION SERVICES; AMENDING SECTIONS 20-3-362, 20-7-451, AND 20-7-452, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 4] requires the superintendent of public instruction to adopt rules regarding approval of full service special education cooperatives formed after June 30, 1990. In adopting the rules, the superintendent shall consider the following factors with regard to the districts that intend to participate in the cooperatives: special education enrollment; caseload; service pattern; number of schools participating; geography of the participating districts; and any other factors determined to be relevant by the superintendent of public instruction.

[Section 5] requires the superintendent to adopt rules to determine eligibility for funding reduced caseloads for itinerant personnel of a full service special education cooperative or a joint board formed under 20-3-361 for

special education purposes. In adopting the rules, the superintendent shall consider the factors related to the cooperative or the joint board that are listed for the rulemaking authority provided in [section 4]. In determining funding under the rules for formation of a cooperative or a joint board, the superintendent shall also consider the length of commitment of the districts forming the cooperative joint board.

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

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(c) open a junior high school under the provisions of 20-6-505 if the trustees of a county high school and the trustees of an elementary district have formed a joint board of trustees;

(d) prescribe and administer joint administrative policy;

(e) jointly provide any program or service authorized

1 under 20-3-324, including any joint provision of special  
2 education services as provided in [section 4]; and

3 (f) prorate all items of joint expense among the  
4 school districts, provided that a controversy over any  
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24 to a cooperative to be expended for:

25 (a) recruitment of professionals or employees for the

1 cooperative; and

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

4 ~~{3}--The superintendent of public instruction may pay~~  
5 ~~directly to a cooperative the approved allowable costs for~~  
6 ~~contracted special education services from the state special~~  
7 ~~revenue fund for state equalization aid as provided in~~  
8 ~~20-9-343. The total of such payments must be within the~~  
9 ~~limit set by the legislature for approved special education~~  
10 ~~budgets."~~

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

12 "20-7-452. Detailed contents of full service special  
13 education cooperative contracts. The contract authorized in  
14 20-7-451 may include all necessary and proper matters but  
15 must specify the following:

16 (1) its duration, which may not be less than 3 years;

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

19 (3) the purpose of the cooperative;

20 (4) the manner of financing the cooperative and  
21 establishing and maintaining a budget therefor for the  
22 cooperative;

23 (5) the permissible method to be employed in  
24 accomplishing the partial or complete termination of the  
25 cooperative agreement and for disposing of property upon

1 partial or complete termination;

2 (6) provision for ~~an--administrator--or--a--joint a~~  
3 management board that is responsible for administering the  
4 cooperative--including-representation and that is comprised  
5 of trustees of the contracting districts ~~on-the-joint-board~~  
6 or their authorized representatives;

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

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

10 NEW SECTION. Section 4. Funding provisions for  
11 special education cooperatives or joint boards. (1) The  
12 superintendent of public instruction shall pay directly to a  
13 cooperative or to a joint board formed under 20-3-361 for  
14 special education purposes the approved allowable costs for  
15 contracted special education services from the state special  
16 revenue fund for state equalization aid as provided in  
17 20-9-343. The total of the payments must be within the limit  
18 set by the legislature for approved special education  
19 budgets.

20 (2) A school district that elects to participate in a  
21 cooperative shall:

22 (a) agree in the cooperative contract to participate  
23 for a period of at least 3 years; and

24 (b) ~~confirm--in--writing--to--the--management--board~~  
25 ~~provided--for--in--20-7-452--by--October-1--of--the--current--school~~

1 ~~fiscal-year-the-district's-intention-to--participate--or--to~~  
2 ~~not--participate--in--the--cooperative--in--the--next-2-school~~  
3 ~~fiscal-years.~~

4 (3) A school district that elects to participate in a  
5 joint board formed under 20-3-361 for special education  
6 purposes shall confirm in writing to the joint board by  
7 October 1 of the current school fiscal year the district's  
8 intention to participate or to not participate in a joint  
9 board agreement for the next school fiscal year.

10 (4) After June 30, 1990, a cooperative that has not  
11 met the requirements of 20-7-453 and 20-7-454 may not be  
12 funded under the provisions of this section except by  
13 approval of the superintendent of public instruction. The  
14 superintendent shall adopt rules for approval of full  
15 service special education cooperatives formed after June 30,  
16 1990.

17 NEW SECTION. Section 5. Reduced caseloads for  
18 qualifying cooperatives or joint boards. The superintendent  
19 of public instruction may reduce the caseloads for any  
20 itinerant personnel of a full service special education  
21 cooperative or a joint board formed under 20-3-361 for  
22 special education purposes if the cooperative or joint board  
23 meets the requirements of [section 4]. The superintendent  
24 shall adopt rules to determine the eligibility of a  
25 cooperative or a joint board for reduced caseloads under

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1 this section.

2 NEW SECTION. **Section 6.** Codification instruction.  
3 [Sections 4 and 5] are intended to be codified as an  
4 integral part of Title 20, chapter 7, part 4, and the  
5 provisions of Title 20, chapter 7, part 4, apply to  
6 [sections 4 and 5].

7 NEW SECTION. **Section 7.** Extension of authority. Any  
8 existing authority to make rules on the subject of the  
9 provisions of [this act] is extended to the provisions of  
10 [this act].

11 NEW SECTION. **Section 8.** Effective date. [This act] is  
12 effective July 1, 1989.

-End-