

HOUSE BILL 13

Introduced by Cobb

6/16	Introduced
6/16	Fiscal Note Requested
6/19	Referred to Education & Cultural Resources
6/20	Hearing Died in Committee

1 HOUSE BILL NO. 13
2 INTRODUCED BY COBB

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE AS ALLOWABLE
5 COSTS FOR SPECIAL EDUCATION PROGRAMS THE COSTS OF THE
6 TEACHERS' RETIREMENT SYSTEM, THE PUBLIC EMPLOYEES'
7 RETIREMENT SYSTEM, THE FEDERAL SOCIAL SECURITY SYSTEM, OR
8 THE COSTS FOR UNEMPLOYMENT COMPENSATION INSURANCE; AMENDING
9 SECTION 20-7-431, MCA; AND PROVIDING A DELAYED EFFECTIVE
10 DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 20-7-431, MCA, is amended to read:
14 "20-7-431. Allowable cost schedule for special
15 programs -- superintendent to make rules -- annual
16 accounting. (1) For the purpose of determining the
17 maximum-budget-without-a-vote for special education as
18 defined in 20-9-321, the following schedule of allowable
19 costs shall must be followed by the school district in
20 preparation of its special education budget for state aid
21 request purposes and by the superintendent of public
22 instruction in his review and approval of the budget (for
23 the purposes of determining the amount of the
24 maximum-budget-without-a-vote for special education for the
25 district, and as used in this schedule, "full-time special

1 pupil" and "regular ANB" are to be determined in accordance
2 with 20-9-311 and 20-9-313):

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

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

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

15 (iii) other expenses:

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

21 (B) transportation costs for special education
22 personnel who must travel on an itinerant basis from school
23 to school or district to district or to in-state child study
24 team meetings or in-state individualized education program
25 meetings--the actual cost to the district calculated on the

1 same mileage rate used by the district for other travel
2 reimbursement purposes;

3 (b) supportive services, including:

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

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

20 (c) equipment:

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

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

25 (iii) special equipment for school buses contracted to

1 transport special students--that portion of the contract
2 price attributable to the cost of special equipment or
3 personnel required to accommodate special students--the
4 actual special cost;

5 (iv) repair and maintenance of equipment--the actual
6 total cost;

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

11 (2) The superintendent of public instruction shall,
12 ~~prior to September 17, 1977, revise the~~ adopt rules in
13 accordance with the policies of the board of public
14 education for:

15 (a) keeping necessary records for supportive and
16 administrative personnel and any personnel shared between
17 special and regular programs;

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

23 (c) defining the kinds or types of equipment whose
24 costs may be counted under subsection (1)(c)(i) of this
25 section.

1 (3) An annual accounting of all expenditures of school
 2 district general fund moneys money for special education
 3 shall must be made by the district trustees on forms
 4 furnished by the superintendent of public instruction. The
 5 superintendent of public instruction shall make rules for
 6 such the accounting.

7 (4) If a board of trustees chooses to exceed the
 8 budget approved by the superintendent of public instruction,
 9 costs in excess of the approved budget may not be reimbursed
 10 under the maximum-budget-without-a-vote for special
 11 education.

12 (5) Allowable costs prescribed in this section ~~do~~ not
 13 include the costs of the teachers' retirement system, the
 14 public employees' retirement system, the federal social
 15 security system, or the costs for unemployment compensation
 16 insurance.

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

24 (b) If the total allowable cost of the special
 25 education budgets exceeds legislative appropriations

1 available for special education, each district shall receive
 2 a pro rata share of the available appropriations based upon
 3 prioritized budget items as established by the
 4 superintendent of public instruction. The amount of the
 5 approved budgets in excess of the available appropriations
 6 may not be reimbursed under the
 7 maximum-budget-without-a-vote for special education and is
 8 the responsibility of the school district."

9 NEW SECTION. Section 2. Effective date. [This act] is
 10 effective July 1, 1990.

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