

1

House BILL NO. 415

2

INTRODUCED BY

Forbes Simpkins-Wiseman Wm Ryan Trapp

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN LAWS RELATING TO THE MONTANA SCHOOL FOR THE DEAF AND BLIND; REVISING ADMISSION ELIGIBILITY; AUTHORIZING NEGOTIATIONS WITH OUT-OF-STATE EDUCATIONAL INSTITUTIONS FOR ADMISSION OF OUT-OF-STATE STUDENTS; CLARIFYING PROVISIONS RELATING TO THE SUSPENSION AND EXPULSION OF STUDENTS; STATUTORILY APPROPRIATING FEES PAID BY OUT-OF-STATE STUDENTS; AMENDING SECTIONS 17-7-502, 20-8-104, 20-8-106, 20-8-107, AND 20-8-116, MCA; REPEALING SECTION 20-8-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11

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

13

14 **Section 1.** Section 20-8-104, MCA, is amended to read:

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"**20-8-104. Eligibility of children for admittance.** ~~On~~ Upon proper application being made therefor for admittance, as prescribed by the rules of the board of public education, ~~deaf and blind~~ and either pursuant to an individualized educational plan developed jointly by a child's local educational agency and the Montana school for the deaf and blind or by direct application by the child's parents, hearing impaired or visually impaired children who are not more than ~~18~~ 21 years of age residing within the state of Montana and nonresident children who are not more than ~~18~~ 21 years of age, ~~who are not mentally deficient, dangerously diseased in body, or of confirmed immorality or incapacitated for useful instruction by reason of physical disability~~ may be admitted to ~~such school~~ the Montana school for the deaf and blind if the child's local educational agency and the Montana school for the deaf and blind determine that the admittance constitutes the most appropriate educational placement for the child."

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26 **Section 2.** Section 20-8-106, MCA, is amended to read:

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"**20-8-106. Duration of attendance at school -- suspension or expulsion -- transfer.** (1) ~~Every~~ Each child admitted to ~~such~~ the school ~~shall be~~ is entitled to attend ~~such~~ the school until reaching the age of 21 years ~~unless the board of public education and superintendent determine that attendance at the school will not benefit the child, provided that nothing~~ if attendance at the Montana school for the deaf and blind is

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1 the most appropriate educational placement for the child.

2 (2) Nothing in this section shall may be construed so as to prevent the suspension or expulsion of
 3 any a child at any time for insubordination or other cause deemed considered good and sufficient by the
 4 board of public education and superintendent of the Montana school for the deaf and blind if the suspension
 5 or expulsion complies with other applicable state and federal law.

6 (2)(3) Transfer of a student from the school to another educational placement must be in
 7 accordance comply with rules of adopted by the board of public education."

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9 **Section 3.** Section 20-8-107, MCA, is amended to read:

10 **"20-8-107. Admission of nonresident children and advance payment of cost -- Indian children. (1)**

11 ~~Deaf and blind~~ Hearing impaired or visually impaired children who are not residents of the state of Montana,
 12 ~~upon~~ may be admitted to the Montana school for the deaf and blind after proper application being made
 13 ~~therefor for admission, may be admitted to the school,~~ subject to all eligibility requirements prescribed for
 14 children who are residents of the state, ~~provided that for if:~~

15 (a) each such nonresident child there shall be paid to the school is paid in advance a sum of money
 16 the amount of which shall be determined by a careful for each child equal to an estimate of the whole per
 17 capita cost of maintaining the school during the year immediately preceding the date of the application;
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19 (b) provided further that no nonresident child shall be admitted to the school except when the full
 20 capacity thereof of the school is not required for children who are residents of the state.

21 (2) The Montana school for the deaf and blind is authorized to negotiate with an out-of-state
 22 educational institution to place a student at the school. If a group of out-of-state students attends the
 23 Montana school for the deaf and blind, the educational institution of the other state shall pay in advance
 24 to the Montana school for the deaf and blind an amount of money for each student determined as a result
 25 of a negotiated agreement between the superintendent of the Montana school for the deaf and blind and
 26 the out-of-state educational institution. The agreement must be approved by the board of public education.

27 (2)(3) Indian children who are Montana residents and wards of the United States shall be are
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29 (4) The money paid by an out-of-state institution must be deposited in a state special revenue
 30 account and is statutorily appropriated, pursuant to 17-7-502, to the Montana school for the deaf and blind

1 for educational purposes."

3 **Section 4.** Section 20-8-116, MCA, is amended to read:

4 **"20-8-116. Employment placement -- continuing education.** (1) The superintendent of the Montana
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19 **Section 5.** Section 17-7-502, MCA, is amended to read:

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21 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
22 without the need for a biennial legislative appropriation or budget amendment.

23 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
24 with both of the following provisions:

25 (a) The law containing the statutory authority must be listed in subsection (3).

26 (b) The law or portion of the law making a statutory appropriation must specifically state that a
27 statutory appropriation is made as provided in this section.

28 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
29 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706;
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 12 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
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 17 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
 18 July 1, 1995.) "

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20 NEW SECTION. **Section 6. Repealer.** Section 20-8-105, MCA, is repealed.

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22 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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23

-END-

1 HOUSE BILL NO. 415

2 INTRODUCED BY FORBES, SIMPKINS, WISEMAN, RYAN, TROPILA

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN LAWS RELATING TO THE MONTANA
 5 SCHOOL FOR THE DEAF AND BLIND; REVISING ADMISSION ELIGIBILITY; AUTHORIZING NEGOTIATIONS
 6 WITH OUT-OF-STATE EDUCATIONAL INSTITUTIONS FOR ADMISSION OF OUT-OF-STATE STUDENTS;
 7 CLARIFYING PROVISIONS RELATING TO THE SUSPENSION AND EXPULSION OF STUDENTS;
 8 STATUTORILY APPROPRIATING FEES PAID BY OUT-OF-STATE STUDENTS; AMENDING SECTIONS
 9 17-7-502, 20-8-104, 20-8-106, 20-8-107, AND 20-8-116, MCA; REPEALING SECTION 20-8-105, MCA;
 10 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11

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

13

14 Section 1. Section 20-8-104, MCA, is amended to read:

15 "20-8-104. Eligibility of children for admittance. ~~On~~ Upon proper application ~~being made therefor~~
 16 for admittance, as prescribed by the rules of the board of public education, ~~deaf and blind~~ and either
 17 pursuant to an individualized educational plan developed jointly by a child's local educational agency and
 18 the Montana school for the deaf and blind or by direct application by the child's parents, hearing impaired
 19 or visually impaired children who are not more than ~~18~~ 21 years of age residing within the state of Montana
 20 and nonresident children who are not more than ~~18~~ 21 years of age, ~~who are not mentally deficient,~~
 21 ~~dangerously diseased in body, or of confirmed immorality or incapacitated for useful instruction by reason~~
 22 ~~of physical disability~~ may be admitted to ~~such school~~ the Montana school for the deaf and blind if the
 23 child's local educational agency and the Montana school for the deaf and blind determine that the
 24 admittance constitutes the most appropriate educational placement for the child."

25

26 Section 2. Section 20-8-106, MCA, is amended to read:

27 "20-8-106. Duration of attendance at school -- ~~suspension or expulsion -- transfer.~~ (1) ~~Every~~ Each
 28 child admitted to ~~such~~ the school ~~shall be~~ is entitled to attend ~~such~~ the school until reaching the age of 21
 29 years ~~unless the board of public education and superintendent determine that attendance at the school will~~
 30 ~~not benefit the child, provided that nothing~~ if attendance at the Montana school for the deaf and blind is

1 the most appropriate educational placement for the child.

2 (2) ~~Nothing~~ in this section ~~shall may~~ be construed ~~so as~~ to prevent the suspension or expulsion of
3 ~~any a~~ child at any time for insubordination or other cause ~~deemed~~ considered good and sufficient by the
4 board of public education and superintendent of the Montana school for the deaf and blind if the suspension
5 or expulsion complies with other applicable state and federal law.

6 ~~(2)(3)~~ Transfer of a student from the school to another educational placement must ~~be in~~
7 ~~accordance~~ comply with rules ~~of~~ adopted by the board of public education."
8

9 **Section 3.** Section 20-8-107, MCA, is amended to read:

10 **"20-8-107. Admission of nonresident children and advance payment of cost -- Indian children.** (1)
11 ~~Deaf and blind~~ Hearing impaired or visually impaired children who are not residents of the state of Montana,
12 ~~upon~~ may be admitted to the Montana school for the deaf and blind after proper application being made
13 ~~therefor for admission, may be admitted to the school,~~ subject to all eligibility requirements prescribed for
14 children who are residents of the state, ~~provided that for if:~~

15 (a) ~~each such nonresident child there shall be paid to the school is paid~~ in advance a sum of money
16 ~~the amount of which shall be determined by a careful~~ for each child equal to an estimate of the whole per
17 capita cost of maintaining the school during the year immediately preceding the date of the application;
18 and

19 (b) ~~provided further that no nonresident child shall be admitted to the school except when~~ the full
20 capacity ~~thereof of the school~~ is not required for children who are residents of the state.

21 (2) The Montana school for the deaf and blind is authorized to negotiate with an out-of-state
22 educational institution to place a student at the school. If a group of out-of-state students attends the
23 Montana school for the deaf and blind, the educational institution of the other state shall pay in advance
24 to the Montana school for the deaf and blind an amount of money for each student determined as a result
25 of a negotiated agreement between the superintendent of the Montana school for the deaf and blind and
26 the out-of-state educational institution. The agreement must be approved by the board of public education.

27 ~~(2)(3)~~ Indian children who are Montana residents ~~and wards of the United States shall be~~ are
28 eligible ~~to~~ for admission and ~~shall~~ must be admitted to ~~such~~ the school on the same terms as residents.

29 (4) The money paid by an out-of-state institution must be deposited in a state special revenue
30 account and is statutorily appropriated, pursuant to 17-7-502, to the Montana school for the deaf and blind

1 for educational purposes."

2

3 **Section 4.** Section 20-8-116, MCA, is amended to read:

4 **"20-8-116. Employment placement -- continuing education.** (1) The superintendent of the Montana
5 school for the deaf and blind or the superintendent's designee shall ~~gather and record data and statistics~~
6 ~~to help him locate~~ assist in locating suitable employment for ~~blind, deaf, and hard of hearing~~ hearing
7 impaired or visually impaired persons ~~not~~ in attendance at ~~said the school~~ or for those who have been
8 ~~trained by the department of social and rehabilitation services when it so requests such assistance.~~ The
9 superintendent or the superintendent's designee shall:

10 (a) consult with various county, state, and federal agencies and with the department of social and
11 rehabilitation services to secure employment for self-sustaining persons; and

12 (b) ~~He shall~~ coordinate his work with ~~such~~ federal agencies programs, such as social security and
13 reemployment for those out of work, as required by this part.

14 (2) The superintendent or the superintendent's designee, may, within funding limitations, develop
15 and offer continuing education programs of a vocational nature for the hearing impaired and visually
16 ~~impaired and hearing impaired that~~ who use the campus and facilities of the school during the summer
17 months and other times when the school's facilities are not being used by its students."

18

19 **Section 5.** Section 17-7-502, MCA, is amended to read:

20 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
21 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
22 without the need for a biennial legislative appropriation or budget amendment.

23 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
24 with both of the following provisions:

25 (a) The law containing the statutory authority must be listed in subsection (3).

26 (b) The law or portion of the law making a statutory appropriation must specifically state that a
27 statutory appropriation is made as provided in this section.

28 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
29 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706;
30 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410;

1 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201; 17-6-409;
 2 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512; 19-18-513;
 3 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-107; 20-8-111; 20-9-361; 20-26-1403;
 4 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301;
 5 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321;
 6 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107;
 7 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222;
 8 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215;
 9 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

10 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 11 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 12 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
 13 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
 14 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
 15 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec.
 16 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
 17 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
 18 July 1, 1995.) "

19

20 NEW SECTION. **Section 6. Repealer.** Section 20-8-105, MCA, is repealed.

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22 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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