

HOUSE BILL NO. 25

INTRODUCED BY M. FUNK

BY REQUEST OF THE EDUCATION INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SCHOOL FUNDING LAWS RELATED TO CHILDREN IN CHILDREN'S PSYCHIATRIC HOSPITALS AND RESIDENTIAL TREATMENT FACILITIES; CLARIFYING THAT MEDICAID DOES NOT PROVIDE FUNDING FOR THE EDUCATIONAL COSTS OF STUDENTS IN CHILDREN'S PSYCHIATRIC HOSPITALS AND RESIDENTIAL TREATMENT FACILITIES; AMENDING SECTION 20-7-403, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-7-403, MCA, is amended to read:

"20-7-403. Duties of superintendent of public instruction. The superintendent of public instruction shall supervise and coordinate the conduct of special education in the state by:

(1) recommending to the board of public education adoption of those policies necessary to establish a planned and coordinated program of special education in the state;

(2) administering the policies adopted by the board of public education;

(3) certifying special education teachers on the basis of the special qualifications for the teachers as prescribed by the board of public education;

(4) establishing procedures to be used by school district personnel in identifying a child with a disability;

(5) preparing appropriate technical assistance documents to assist local districts in implementing special education policies and procedures;

(6) seeking for local districts appropriate interdisciplinary assistance from public and private agencies in identifying the special education needs of children, in planning programs, and in admitting and discharging children from those programs;

(7) assisting local school districts, institutions, and other agencies in developing full-service programs

1 for a child with a disability;

2 (8) providing technical assistance to district superintendents, principals, teachers, and trustees;

3 (9) conducting conferences, offering advice, and otherwise cooperating with parents and other
4 interested persons;

5 (10) ensuring appropriate training and instructional material for persons appointed as surrogate
6 parents that outlines their duties toward the child, limitations on what they may do for the child, duties in relation
7 to the child's records, sources of assistance available to the surrogate parent, and the need to seek competent
8 legal assistance in implementing hearing or appeal procedures;

9 (11) ensuring that the requirements of the Individuals With Disabilities Education Act are met and that
10 each educational program for a child with a disability, including a homeless child with a disability, administered
11 within the state, including each program administered by any other agency, is under the general supervision of
12 the superintendent of public instruction, meets the education standards of the board of public education, and
13 meets the requirements of the superintendent of public instruction, reserving to the other agencies and political
14 subdivisions their full responsibilities for other aspects of the care of children needing special education or for
15 providing or paying for some or all of the costs of a free appropriate public education to a child with a disability
16 within the state;

17 (12) contracting for the delivery of audiological services to those children allowed by Montana law in
18 accordance with policies of the board of public education; and

19 (13) ~~except for those children who qualify for residential services under the Montana public mental~~
20 ~~health program pursuant to Title 53, chapter 6, contracting, pursuant to 20-7-435, with a public school district or~~
21 ~~a private residential facility for the provision of appropriate educational opportunity, including provision of a free~~
22 appropriate public education, for a child placed in an in-state residential treatment facility or children's
23 psychiatric hospital."

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25 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2021.

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