

HOUSE BILL NO. 336
INTRODUCED BY M. LANGE

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO SERVICES FOR INDIVIDUALS WHO ARE DEVELOPMENTALLY DISABLED; CLARIFYING THAT AN INDIVIDUAL MAY RETURN TO HIGH SCHOOL AFTER GRADUATION IF THE INDIVIDUAL IS NOT 19 YEARS OF AGE; PROVIDING THAT DEVELOPMENTALLY DISABLED PUPILS WHO RETURN TO HIGH SCHOOL AFTER GRADUATION FROM HIGH SCHOOL ARE ENTITLED TO RECEIVE ANB FUNDS IN KIND FROM THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; PROVIDING THAT INDIVIDUALS ELIGIBLE TO RECEIVE SERVICES FOR THE DEVELOPMENTALLY DISABLED ARE NOT DISQUALIFIED FROM ALSO RECEIVING MEDICAID IF QUALIFIED FOR MEDICAID; REQUIRING THAT CASH ASSISTANCE FOR SERVICES BE MADE AVAILABLE TO INDIVIDUALS WHO ARE DEVELOPMENTALLY DISABLED; AMENDING SECTIONS 20-5-101, 20-9-346, AND 53-20-202, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-5-101, MCA, is amended to read:

"20-5-101. Admittance of child to school. (1) The trustees shall assign and admit a child to a school in the district when the child is:

(a) 6 years of age or older on or before September 10 of the year in which the child is to enroll but is not yet 19 years of age;

(b) a resident of the district; and

(c) otherwise qualified under the provisions of this title to be admitted to the school.

(2) The trustees of a district may assign and admit any nonresident child to a school in the district under the tuition provisions of this title.

(3) The trustees may at their discretion assign and admit a child to a school in the district who is under 6 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision of this section. The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this section.

(4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B. McKinney

Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

(5) Except for the provisions of subsection (4), tuition for a nonresident child must be paid in accordance with the tuition provisions of this title."

Section 2. Section 20-9-346, MCA, is amended to read:

"20-9-346. Duties of superintendent of public instruction for state and county equalization aid distribution. The superintendent of public instruction shall administer the distribution of the state and county equalization aid by:

(1) establishing the annual entitlement of each district and county to state and county equalization aid, based on the data reported in the retirement, general fund, and debt service fund budgets for each district that have been adopted for the current school fiscal year and verified by the superintendent of public instruction;

(2) for the purposes of state advances and reimbursements for school facilities, limiting the distribution to no more than the amount appropriated for the school fiscal year to the districts that are eligible under the provisions of 20-9-366 through 20-9-371 by:

(a) determining the debt service payment obligation in each district for debt service on bonds that were sold as provided in 20-9-370(3) that qualify for a state advance or reimbursement for school facilities under the provisions of 20-9-366 through 20-9-369 and 20-9-370;

(b) based on the limitation of state equalization aid appropriated for debt service purposes, determining the state advance for school facilities and the proportionate share of state reimbursement for school facilities that each eligible district must receive for the school fiscal year; and

(c) distributing that amount by May 31 of each school fiscal year to each eligible district for reducing the property tax for the debt service fund for the ensuing school fiscal year;

(3) distributing by electronic transfer the BASE aid and state advances for county equalization, for each district or county entitled to the aid, to the county treasurer of the respective county for county equalization or to the county treasurer of the county where the district is located or to the investment account identified by the applicable district for BASE aid, in accordance with the distribution ordered by the board of public education;

(4) keeping a record of the full and complete data concerning money available for state equalization aid, state advances for county equalization, and the entitlements for BASE aid of the districts of the state;

(5) reporting to the board of public education the estimated amount that will be available for state equalization aid; ~~and~~

(6) reporting to the office of budget and program planning, as provided in 17-7-111:

(a) the figures and data available concerning distributions of state and county equalization aid during the preceding 2 school fiscal years;

(b) the amount of state equalization aid then available;

(c) the apportionment made of the available money but not yet distributed;

(d) the latest estimate of accruals of money available for state equalization aid; and

(e) the amount of state advances and repayment for county equalization; and

(7) for a pupil with a developmental disability, as defined in 53-20-102, who has returned to high school following graduation from high school and for whom a school district would otherwise receive funds calculated pursuant to 20-9-311, providing the amount representing the ANB entitlement for that pupil directly to the department of public health and human services. Funds provided to the department pursuant to this section may be used only for medicaid-eligible services for the pupil."

NEW SECTION. Section 3. Dual eligibility for services. An individual with developmental disabilities who is eligible for services pursuant to this chapter may also apply for and, if qualified, receive medicaid services pursuant to law governing the Montana medicaid program.

Section 4. Section 53-20-202, MCA, is amended to read:

"53-20-202. Definitions. As used in this part, the following definitions apply:

(1) "Comprehensive developmental disability system" means a system of services, including but not limited to the following basic services, with the intention of providing alternatives to institutionalization:

(a) evaluation services;

(b) diagnostic services;

(c) treatment services;

(d) day-care services;

(e) training services;

(f) education services;

(g) employment services;

(h) recreation services;

(i) personal-care services;

(j) domiciliary-care services;

- (k) special living arrangements services;
- (l) counseling services;
- (m) information and referral services;
- (n) follow-along services;
- (o) protective and other social and sociolegal services; ~~and~~
- (p) transportation services; and
- (q) financial assistance.

(2) "Department" means the department of public health and human services.

(3) "Developmental disabilities" means disabilities attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically disabling condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals if the disability originated before the person attained age 18, has continued or can be expected to continue indefinitely, and results in the person having a substantial disability.

(4) "Developmental disabilities facility" means any service or group of services offering care to persons with developmental disabilities on an inpatient, outpatient, residential, clinical, or other programmatic basis.

(5) "Planning and advisory council" or "council" means the developmental disabilities planning and advisory council created in 2-15-1869."

NEW SECTION. **Section 5. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 53, chapter 20, and the provisions of Title 53, chapter 20, apply to [section 3].

NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2005.

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