

Proposal for Legislation -- 2011

Re: Authorize state-operated health care facilities providing special education to establish age of eligibility to match state law for school districts

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- 1. What is the problem or issue?**
State law authorizes a school district to establish the upper age limit for eligibility for special education at 19, and all but one Montana district have done so. Federal law (IDEA) recognizes this authority for school districts because it is included in state law. State-operated adult health care facilities (primarily MDC and MSH), are not mentioned in state special education law, resulting in uncertainty as to their obligation to offer special education. Advocates have urged that federal law obligates offering special education services to the federal upper age limit, 21. This requires expenditures for services which the students would not have received in the community, and in some cases appears to have provided an added incentive to place students at MDC at age 19, when they age out of school-based special education in their home community.
- 2. What do you want the legislation to do?**
Clarify that state-operated health care facilities have the same obligations as school districts in establishing the age range for special education.
- 3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.**
20-7-411(2) and (4), MCA.
- 4. If the proposed change requires additional funding, what funding sources do you propose?**

N/A
- 5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**
No.