

HOUSE BILL NO. 195  
INTRODUCED BY M. LANGE, ARNTZEN

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 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; PROVIDING AN APPROPRIATION; AMENDING ~~SECTIONS~~ SECTION 20-5-101 ~~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."

NEW SECTION. **Section 2. 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 3.~~ 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."~~

NEW SECTION. Section 3. Appropriation. (1) There is appropriated from the general fund \$156,640 in fiscal year 2008 and \$161,320 in fiscal year 2009 to the department of public health and human services to provide services to individuals who have graduated from high school but have not turned 19 years of age on or before September 10 in the school year or years following graduation and who are qualified to receive developmental disability services from the department of public health and human services by:

(a) providing payments to a school district that admits an individual under the provisions of 20-5-101;  
or

(b) providing direct ~~cash~~ assistance to an individual to purchase community-based services.

(2) All or a portion of the money appropriated to the department of public health and human services may be used as a state match for federal funds.

(3) THE APPROPRIATIONS IN SUBSECTION (1) ARE ONE-TIME IN NATURE AND ARE NOT TO BE INCLUDED IN THE BASE BUDGET FOR THE 2011 BIENNIUM BUDGET.

NEW SECTION. Section 4. Codification instruction. [Section 2] 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 2].

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2007.

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