

HB 393 Sue Vinton
Establish the Students with Special Needs Equal Opportunity Act
Chapter: 616 Effective Date: July 1, 2023.

HB 393 amends section 17-7-502, MCA.

HB 393 establishes a special needs equal opportunity education savings account program for qualified students. A qualified student must have an identified disability under the Individuals with Disabilities Education Act, be between the ages of 5 and 19 on September 10, have been counted during the previous school year for ANB funding, be eligible for public school enrollment, and must not be currently enrolled in the Montana School for the Deaf and Blind or Pine Hills Correctional Facility. The participating student may not be enrolled in the resident school district.

HB 393 creates a special needs equal opportunity education trust fund. The funds from this trust fund are to be used by the Office of Public Instruction (OPI) to develop a separate Educational Savings Account (ESA) for each participating student. On a pro rata basis, 95% of the BASE aid payments must be distributed to each student's ESA. Money deposited into an ESA may be used on behalf of the student for allowable education resources such as tuition, fees, software, instructional materials, online courses, and extracurricular activities. The remaining 5% of the funds will be used for administering the program.

The Superintendent of Public Instruction (Superintendent) must notify the qualifying student's resident district of the amount to be distributed by the resident district to the student's ESA. The Superintendent is responsible for administration of the ESA. This administration includes making program information accessible to the public, ensuring eligibility of participating students, monitoring for fraud, establishing rules to administer the program, ensuring compliance with the rules, and removing students whose families do not comply with the requirements of the program. Schools that have enrolled participating students must provide quarterly reports of services provided to the Superintendent.

OPI will develop this program during the 2023-2024 school year to ensure the program is operational by the 2024-2025 school year.