

HOUSE JOINT RESOLUTION NO 41

School District Territory Transfers

Study Questions

20-6-320 (1), MCA: CONDITIONS REQUIRED FOR CONSIDERATION OF A TRANSFER PETITION

1. **Who should be allowed to petition for a transfer of territory from one school district to another school district?** (e.g., registered electors, property owners, resident property owners, parents, others)
2. **How many people should be required to sign the petition?** (e.g., certain percentage, simple majority, two-thirds, other)
3. **What conditions must be met before a transfer petition can be considered?** (e.g., number of signatures on petition, territory contiguous to receiving district, distance from school in current district, reduction in taxable value, previous transfers of territory, others)
4. **What should be the role of the respective boards of trustees of the school districts involved in the territory transfer?** (e.g., approval of both transferring and receiving districts, approval of receiving district only, other)

20-6-320 (5), MCA: APPROVAL OR DENIAL OF TRANSFER PETITION

5. **Who should make the decision as to whether a transfer should take place?** (e.g., county superintendent, State superintendent, specially-appointed committee, other)
6. **What effects of the proposed transfer should be used in deciding whether a transfer should be approved or denied?** (e.g., educational opportunity or quality, property taxes, taxable valuation, fiscal stability and bonding capacity, student transportation, facility capacity, class size, school morale, sports and extracurricular activities, geography, demographic diversity or homogeneity, others)
7. **How many of the effects must be considered?**
8. **Should some effects be given more weight than others in the decision? If yes, which effects?**
9. **Who bears the burden of proof of the effects? The petitioners or those opposed to the petition?**

10. **What should be the standard of proof?** (e.g., preponderance of the evidence, clear and convincing evidence, some other standard)

OTHER ISSUES

11. **Should there be an appeals process for an adverse decision? If yes, what should that appeals process be?**
12. **Are there any other issues involving a territory transfer that should be considered by the Education and Local Government Interim Committee?**

Please send your responses to:
Education and Local Government Committee
Legislative Services Division
P.O. Box 201706
Helena, MT 59620-1706

You may also fax your responses to the Education and Local Government Committee at (406)444-3036 or e-mail your responses to cerickson@mt.gov.

PLEASE RESPOND BY MONDAY, OCTOBER 22, 2001.