

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

JANUARY 28, 1981

The Senate Committee on Education and Cultural Resources met Wednesday, January 28, 1981, in Room 402 of the Captitol Building. Senator Bob Brown, Chairman, called the meeting to order at 1:00 p.m.

ROLL CALL

Committee members present were Senators Brown, Mazurek, Thomas, Severson, Haffey, Hammond, Blaylock and McCallum. Senator Smith was excused.

Senate Bill 125 was heard by the committee.

SENATE BILL 125

Senator Harold Dover, District 24, sponsor of the bill, stated the bill is intended to increase the taxable valuation a territory must have to create a new school district from \$75,000 to \$600,000. It also increases the amount of taxable value that must remain in the existing district if a new elementary district is to be created. His further written testimony is attached (attachment #1).

PROPOSERS

Senator Dover read a statement from Pat Underwood, representing the Montana Farm Bureau, in support of the bill (attachment #2).

Mike Stephen, representing the Montana Association of Counties, stated his support of the bill. He said counties compete with schools for the property tax dollars. He said the average cost of educating a student in 1975 was \$1265 and in 1980 had risen to \$2581. He cited the compound problem of increasing costs due to inflation and declining enrollments of 2% a year. He stated that out of 586 elementary schools 145 had less than 200 students and 202 had less than 50 students. Any large landowner or group of landowners can withdraw and create a new district which creates an additional burden for taxpayers. He pointed out inflation, higher taxes, and declining enrollments are all taking their toll and therefore the \$600,000 figure is not unrealistic.

Roy McCaffree, Chairman, Mussellshell County Commissioners, stated his support of the bill.

Raymond Jeffers, Chairman, Golden Valley County Commissioners, urged support of the bill, stating there are two high schools in his county and they can't afford to lose any land to a new district.

Stephen Brown, Jr., representing Hauge, Ober and Thompson, Attorneys at Law, urged support of the bill as per his written testimony (attachment #3), and his recommendation to amend the bill to provide for an immediate effective date and a contiguous land parcel provision (attachment #3 (a)).

W. R. Patte, County Commissioner, Golden Valley County, stated he supported the previous testimony and urged support of the bill (attachment #4).

Chad Smith, representing the Montana School Boards Association, stated his group opposes anything which further carves up school districts. He said transportation is adequate to cover existing districts at this point. He felt the \$600,000 figure was minimally adequate.

Larey Biere, Superintendent of Schools, Stanford, presented his testimony in support of the bill (attachment #5).

Joseph W. Lashway, Superintendent of Schools, District 58, Geyser, Judith Basin County, presented his testimony in support of the bill (attachment #6).

Alvin Zeinne, a taxpayer from Golden Valley County, presented his testimony in support of the bill (attachment #7).

Edgar Langston, Chairman, Wheatland County Commissioners, stated he supports the bill as he feels the problem originated in and most seriously affects his county. He feels the rash of dividing into smaller districts will spread and that would disrupt the educational system and totally destroy the foundation program.

There being no further proponents, the Chairman called for opponents to the bill to present their testimony.

OPPONENTS

Richard Trerise, Lewis and Clark County Superintendent of Schools, stated he was representing the County Superintendents Association which has some concerns about the bill. He said there is already a procedure in law which prohibits "sneaking" in a new district. He felt the \$600,000 figure is prohibitive - many very small districts are running very well. He questioned how far local control can be inhibited by the state.

Sherron Hughes, teacher at the Avers Colony School, Grass Range,

Fergus County, and also representing the Fergus County Superintendent of Schools, presented her testimony in opposition to the bill and supporting letters (attachment #8).

Eli Hofer, representing the North Harlem Hutterite Colony, stated most of the districts are not anywhere near a \$600,000 valuation. He feels a monetary limit cannot be put on schools; the good of children should be the prime consideration. He stated their children were in the local public schools for two years at which time the trustees created a local attendance center (separate classroom) which was in operation for three years. Due to the difficulties encountered with the bilingual children and their problems adapting to the public school system, the trustees asked the Hutterites to form their own district. He pointed out trustees do like local attendance centers as they do get the ANB to pay for the class. He felt that creating the district was good for the Hutterites as they were forced to be more active in government and had to register to vote in order to get into the school business.

Martin Stahl, Grass Range, Ayers Colony School, stated they created a new district three years ago and had no trouble getting it. He stated they took \$100,000 tax valuation out of the Grass Range system and had no opposition. He felt the bill was designed to keep the Hutterites from getting any schools and yet they paid \$10,000 into the schools and got no education for it which isn't fair. He feels local control is important and urged the committee to vote against the bill.

There being no further opponents, Mr. Stephen closed for Senator Dover in his absence. The stated land value has gone up over 400% since 1975 and this is an attempt to even that up. He stated there is no objection to the contiguous land provision. He felt raising the taxable valuation is a realistic approach in protecting educational dollars. Declining enrollments mandate a cut off point in the number of schools which can be supported adequately. Good quality education is what everyone is interested in, he stated, and this bill provides the means to achieve it. He pointed out the transportation system is adequate to cover existing schools at present also.

In response to a question by a member of the committee, Mr. Trerise stated between 20-30% of the elementary school districts have a taxable valuation of less than \$600,000. He further stated in 1975-1976 the assessed valuation went from \$4,374,000,000 to \$15,128,000,000 in 1980.

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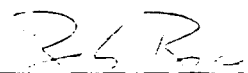
Senate Committee on Education and Cultural Resources
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There being no further discussssion, the hearing was closed.

OLD BUSINESS

Senator Blaylock moved to submit a request for a committee bill
re bus transportation contracts. The motion carried unanimously.

There being no further business, the meeting adjourned to
reconvene Friday, January 30, 1981, at 1:00 p.m.



Senator Bob Brown, Chairman

jdr

ROLL CALL

SENATE EDUCATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 1/27/81

NAME	PRESENT	AI SENT	EXCUSED
Senator Ed Smith			X
Senator George McCallum			
Senator Elmer Severson			
Senator Swede Hammond	X		
Senator Chet Blaylock			
Senator Bill Thomas	X		
Senator Joseph Mazurek			
Senator Jack Haffey			
Senator Bob Brown, Chairman	Y		

Each day attach to minutes.

SENATE
BILL 165

VISITORS' REGISTER

DATE 1/28/81

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
Mrs. Kathryn Stahl	Private citizen	SB 125		✓
Eli Heller	Private Citizen	SB 125		✓
Miriam Hughes	" "	SB 125		✓
Joseph Stahl	" "	SB 125		✓
Martin Stahl	" "	SB 125		✓
Sam Hofer	" "	SB 125		✓
Peter Hofer	" "	SB 125		✓
Jack P. Wipf	" "	SB 125		✓
Joseph P. Kleinsasser	" "	SB 125		✓
Edward J. Wipf	" "	SB 125		✓
Mrs. David Stahl	" "	SB 125		✓
Paul H. Stahl Jr.	" "	SB 125		✓
Mrs. Paul K. Stahl Jr.	" "	SB 125		✓
Helen Stahl	" "	SB 125		✓
Hugo Andersen	Have Public Schools	SB 125	✓	
Brian L. Morse	Have Public Schools	SB 125	✓	
Shirley R. Brown	Have Open & Thriving	SB 125	✓	
Brenda M. Brown	Private Citizen	SB 125	✓	
Mike Stephens	MT Assoc of Co	SB 125	✓	
Susan Patte	Private citizen	SB 125	✓	
W. A. Batte	G.V. Co.	SB 125	✓	
Ray McAffree	McAffree Co	SB 125	✓	
Larry A. Bure	School Dist #12	SB 125	✓	
Joseph W. Lashway	School Dist #58	SB 125	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

January 28, 1981

BILL SUMMARY

Senate Bill 125 Senator Harold Dover, District 24

This bill will increase significantly the amount of taxable value that a territory must have in order to detach itself from an existing school district and create a new school district. In addition, the bill increases the amount of taxable value that must remain in the existing district if a new elementary district is to be created. This bill will strengthen existing limitations on the creation of new elementary districts from existing districts.

NAME PAT Underwood BILL No. SB 125
ADDRESS Box 207 Bozeman, MT. 59715 DATE JAN 28, 1981
WHOM DO YOU REPRESENT MONTANA FARM BUREAU
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

THE MONTANA FARM BUREAU WANTS TO GO ON RECORD AS BEING FULLY IN SUPPORT OF SB 125. A CONSIDERABLE NUMBER OF OUR MEMBERS IN GOLDEN VALLEY, MUSSEL SHELL AND WHEATLAND COUNTIES HAVE STUDIED THIS BILL IN DETAIL AND FEEL IT WOULD CORRECT MANY SERIOUS PROBLEMS THEY NOW FACE.

THE MONTANA FARM BUREAU HAS PASSED POLICY AT OUR MOST RECENT STATE WIDE CONVENTION IN GREAT FALLS IN DECEMBER, 1979 THAT SUPPORTS THE CONCEPTS OF THIS BILL. THE SIZE OF THE INCREASE IS JUSTIFIED AND NEEDED.

Pat R Underwood

NAME: Ramona Jeffers D. TE: 1/58/81

ADDRESS: Box 188 Kyzale Road.

PHONE: 575-2885

REPRESENTING WHOM? Golden Valley Co.

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Stephen R Brown Jr. DATE: 1/23/51

ADDRESS Bell 1772 Home Mont.

PHONE: 268-6747

REPRESENTING WHOM? Home Club + Thompson - Attorney at Law

APPEARING ON WHICH PROPOSAL: SR 125

DO YOU: SUPPORT? yes AMEND? yes OPPOSE?

COMMENTS:

Stephen R Brown Jr.
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

HAUGE, OBER & THOMPSON
ATTORNEYS AND COUNSELORS
SECOND FLOOR MASONIC TEMPLE BUILDING

LESTER N. HAUGE
EDWARD J. OBER, JR.
THEODORE K. THOMPSON
BRUCE E. SWENSON
LANE M. HAUGE
STEPHEN R. BROWN, JR.

P. O. BOX 1472
HAVRE, MONTANA 59501

OSCAR C. HAUGE (1892-1972)
TELEPHONE 265-6747
AREA CODE 406

January 29, 1981

Senator Bob Brown
Montana State Senate
State Capitol Building
Helena, Montana 59601

Re: Senate Bill 125

Dear Senator Brown:

As you probably recall, I testified at the hearing held on the above-entitled Bill on January 28, 1981. You had suggested that persons having written testimony should offer the same to your secretary for copying and passing out to the members of the Education Committee. I did not offer my written testimony to the committee at that time because it was not in the proper form to be utilized by the members of the committee, so I am now offering you my testimony in a form which I hope can be more readily utilized by your committee. Because of this office's and my role in representing several existing elementary school districts, namely School District 16 of Havre and School District 12 of Stanford, in opposing the petitions of Hutterite colonies to create new elementary districts out of the territory encompassed by the existing school districts, I have become aware of some weaknesses and disparities created by the present application of the above-entitled law. This Section sets forth the prerequisite limitations for creating a new elementary school district out of the territory of existing elementary school district.

The problem as we have encountered it is that Hutterite colonies which have been operating private, parochial schools are petitioning County School Superintendents, pursuant to companion Statute 20-6-217, M.C.A., to create a new public elementary district encompassing Colony-owned land only, or principally at least. The end result of such a creation is to establish a public school district with a school located on the Hutterite Colony, run by a board of Hutterite trustees, and financed by State Foundation Program money and other public sources.

In the cases I have been involved with, the Colonies have few students, are close in proximity to quality education in the established school district, have petitioned with barely over the minimum amount of taxable value of \$75,000, have petitioned with land that is non-contiguous and encompassed several distinct areas, and have refused to send their children to the existing public schools based on their religious principles. In the case of the Stanford petition for example the Colony was only five miles out of Stanford, located on the main highway between Stanford and Great Falls, and yet they refused to

Senator Bob Brown
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send their students into the Stanford school system, a system which could more than easily have accepted all of the Hutterite children into its midst. The Colony members admitted their refusal to send their children into the school was based on a mandate given by the hierarchy of the Hutterian brotherhood, located in Alberta, Canada.

I do not mean to criticize the Hutterite people or their customs, but only use them as an example of what any secular group or faction can do to the detriment of an existing district, taxpayers and students under the present state of the law. There is a resulting loss of cash reserves by the existing district in the year the school is created, a loss of tax base, and a greater potential loss of tax base as other land owners may seek to join a new district so as to incur a lower school tax liability.

We have observed cases where as few as nine students only seven miles from the established school have been allowed a new district, with an annual budget of nearly \$3,000 per student as opposed to \$1,150 per student as a state annual average. The reason these groups are petitioning is obvious--to obtain public money to run what is basically a parochial school--yet they refuse to avail themselves of existing quality school programs willing to accept them. Not only is this illogical and detrimental to other students, but we believe it is a violation of the constitutional principle of Separation of Church and State, in that public money is being used to foster the cultural and religious quirks of a minority group.

The principle of Separation of Church and State is being violated in that the Montana Constitution forbids the expenditure of any public money to further the purposes of any secular or religious group in the state which are not under the control of the State of Montana. In the case of Stanford, the members of the Colony admitted in sworn testimony in a hearing on the matter, that their refusal to attend school in Stanford was mandated by the hierarchy from Alberta, Canada, and that their objection to the colony children attending school in Stanford was based on strictly religious reasons. Although the Hutterites will swear on the stand to uphold all applicable state laws concerning schools created as public districts within the boundaries of their colony, it is obvious that with such input from outside sources they will not be under the strict control of the State of Montana through the Office of Public Instruction.

Two amendments in §20-6-216, M.C.A., are required to prevent future abuse of this law. The first necessary change is that subsection (1), should be amended to require a taxable valuation of \$600,000 or more on property proposed to be included in a new district. In tracing the history of this law, I discovered that the \$75,000 requirement was first enacted in 1933. It can only be inferred that the legislature intended to require a substantial amount of property

to be included in any new district and that such property would encompass a substantial number of people. This law was enacted when the population patterns of the whole state of Montana were entirely different than they are now. There was the need to create schools throughout the state wherever the population might be, as most of it was on the farmlands during that period of time. In light of the vast increase in land values, and the accompanying tax valuations since then, it only seems fair that this prerequisite amount be raised to \$600,000 to reflect the purpose of the Statutes. What is proposed is an increase of only eight times the present taxable valuation required, when land values are probably up to one hundred times what they were in 1933.

As it is now, one or two substantial land owners could amass enough property to form their own school district if the families of themselves or their employees were large enough. We do not believe that the purpose of the statute as enacted in 1933 was to allow such small groups in such finite areas of territory to create their own school districts. The statute was enacted to allow for needed school districts where the population displacement and distance factors required smaller districts to be set up from the large districts in existence at the time. Because of the Hutterite's unique style of communal living, they are now able to take advantage of a law that was geared to a whole different era of time, with a completely different population dispersement arrangement.

We do not believe the purpose of the law was to allow any small group with a minimum amount of land to throw the burden on the County Superintendents, and on appeal the County Commissioners, to decide whether in every case a new school district should be created. By allowing such an antiquated taxable valuation amount to be the basis of a petition for a new district the State is forcing the expenditures of further taxpayer money in the form of attorneys' fees and court costs incurred by school districts in attempting to protect their tax base. As an attorney I am actually cutting my own potential sources of income by sponsoring this bill, but I feel that the statute is being abused and that school district money can be spent in better ways.

Although much discussion was given to the subject of the hearing process before these new districts are granted, it should be pointed out that the statute is not set up so that every Hutterite Colony or other factional group, in the state can cause these hearings to be initiated and held both at the initial level with the County Superintendent, and at the appellate level with the County Commissioners, and possibly even further court action. The statute was enacted in 1933

and has been carried forth ever since to allow creation of a new school district when there is a pressing need for it, not just to provide for a special educational opportunity for those citizens of Montana who choose not to utilize the existing, quality educations which can be obtained in our present school systems. As testimony showed yesterday, several of these petitions have been granted in the past few years and in the two I have been involved with both petitions were denied and several others have been denied. This shows that there is a statewide organized plan on the part of the Hutterites, who have a very good communications system among themselves, to apply for new districts wherever Hutterite territory is encountered in the State of Montana. The Colonies regard the statute as a special, permissive statute allowing them to run and control schools within their own boundaries, which just happen to be financed by public money. I believe this statute as it is now being applied is subject to much abuse in this regard. The second change in the statute that is required would be a new subsection requiring that all territories sought to be included in a new district be contiguous, i.e. in one large block. As I stated above, the cases I have been involved with considered petitions which grouped two or more blocks of land together to create the new district, with its requisite taxable valuation. Contrary to what Sharon Hughes testified to yesterday, the land at the Stanford colony was proven not to be contiguous and in fact involved three separate blocks of land.

Common sense alone would point to the ludicrousness of allowing several noncontiguous areas of land to be included in one district. Blocks of land from two ends of a county could be used to form the new district if this requirement is not made, and it is observable that this could create busing problems beyond those encountered even now, under the present system.

Besides common sense, Montana law would seem to demand such a prerequisite. Until 1979 when the school law titles underwent a general revision, the statutes which preceded §20-6-216 had a specific requirement that land in one district be contiguous. This language was lost with the general revision, although we do not know whether it was intentional, a scrivener's error, or thought so obvious it was not needed. Presently the statutes on District Consolidation and Transfer of Territory Between Districts still require that any such land be contiguous

Furthermore, the 1942 Montana case of State vs. Morris, 126 P.2d 1101, in an opinion authored by Justice Angstman, stated that it was a conclusion of law that noncontiguous territory should not be embraced in one school district. This case has never been overruled, or even

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questioned, since it was decided and still stands as authoritative Montana law. You already have my proposed amendment to the bill as it has been introduced and I think that the reasons behind this are fairly obvious.

It is our opinion that this law should become effective as soon as it is passed and approved. Our reasoning behind this is a rash of petitions which occurred just this year, in such counties as Hill County, Judith Basin, Wheatland and Meagher, which do not comply with the proposed amendments. Although the amendments would not change the outcome of hearings on these petitions, it would prevent future petitions pursuant to a statewide plan by the Hutterite colonies, and perhaps other fringe groups. Basically, I do not think that the role of the County Superintendent of Schools or of the County Commissioners is to be sieged by petitions of the like involved pursuant to this statute. The idea behind the original prerequisites enacted in 1933 and our proposed changes to those prerequisites are to only provide a hearing for those petitioners who can meet a statutory requirement that they are even in the ballpark for consideration to have a new school district. As I think the testimony has proved a good-quality education cannot be obtained in the one-room schoolhouse. The trend both nationally and statewide is towards centralization of the schools, in order to offer a broader range of educational experience and in order to offer it at a more economical cost per student. This whole idea of allowing the small, typically one-room, rural schools to be developed anew in the State of Montana flies in the face of national trends, logic, and the true sense of quality of education in Montana.

To sum up then, I would like to raise the following points:

1. The statute needs to be updated to account for current land values, and to comply with the original legislative intent and that intent as it has been carried on throughout the years.
2. State law and common sense would dictate that all such territory in a proposed district must be contiguous. Failure to have this language in the bill is misleading at the present time, as petitioners do not realize that this is a legal requirement under Montana law.
3. Public money is currently being asked to support what are basically parochial schools, and taxes in the long run for school support would increase statewide with the increased number of schools requiring foundation money.

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4. The violation of the constitutional principle of Separation of Church and State is involved here. Federal law also prohibits the deliberate segregation by an educational agency of students on the basis of race, color, religion or national origin among or within schools. The remedy under federal law for violations of this type is court-ordered mandatory federal busing programs, which I am sure no one in the State of Montana would like to see become effective in Montana. U. S. Congress also provides financial assistance to help meet the special needs of the elimination of minor group segregation and discrimination among students and faculty in the elementary and secondary schools, and encourages the voluntary elimination, reduction or prevention of minor group isolation in elementary and secondary schools. I would refer you to 20 U.S.C.A. 3192 and 20 U.S.C.A. 1703 to see these statutes outlined in full.

5. To prevent a legislatively unintended abuse, the amendments to §20-6-216 M.C.A. should be passed.

I would apologize for not having this testimony in a proper form for distribution yesterday, but I hope that the present form presented to you will allow for its use by the Committee on Education. Thank you for your patience and attention to this matter.

Sincerely,

HAUGE, OBER & THOMPSON

Stephen R. Brown, Jr.

SRB/kan

INTRODUCED BY

SENATE BILL NO. 125

Dorey, H. H. Hudson, Hagon

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE TAXABLE VALUATION REQUIREMENTS FOR ESTABLISHING A NEW ELEMENTARY SCHOOL DISTRICT; AMENDING SECTION 20-6-216, MCA."

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

Section 1. Section 20-6-216, MCA, is amended to read:

"20-6-216. Limitations for creation of new elementary district. A new elementary district may be created out of the territory of an existing elementary district or districts when:

(1) the taxable value of the taxable property of the territory proposed to be included in such new district is less than \$200,000 or more, except that when 10,000 acres or more of such new district are nontaxable Indian land, this limitation shall not be applicable;

(2) the taxable value of the taxable property of each existing district from which territory would be detached will be \$100,000 or more after the territory is detached; and

(3) the AMB in any of the existing districts is not reduced to less than 15."

XXXX

(4) all of the territory proposed to be included in such new district shall be contiguous.

-end-

INTRODUCED BILL

SB 125

NAME: _____ DATE: _____

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Larry Pierce - Superintendent of Schools - Stratford, Ct.
School Tax #14

could like to

Testify in favor of SB 125 by Sen. Dorce

to raise the taxable valuation required for creating a
new ^{Elementary} school District to \$600,000 ~~from \$25,000 to \$200,000~~
~~set forth in 20-1-216.~~

We in our school District have gone through 2 hearings,
one before the County Supt. Oct 7th 1980, one before the
County commissioners Jan 7, 1981. concerning the creation
of a new elementary District at the surprise creek
Hutterite Colony located 5 miles from Stratford.

With the taxable valuation the way it is currently, ~~at only \$25,000~~,
it is indeed not very difficult to meet that requirement of
the law for the creation of a new District. We feel that
the figure set forth in Senator Dorce's Bill is much more
realistic.

To give you a little of the history concerning the necessity
for changing this ~~the~~ requirement and the Long Range
~~consequences~~ affects of not adopting this Bill, I would like
to make you aware of some of the things going on around the
state. If several ^{Ct. Supt's} ~~school districts~~ have been petitioned
to create new school Districts at Hutterite Colonies

2) Up to this point, it has cost our school District several \$1000 in attorney fees to prevent this.

3) The long range effect, as I see it, would be great, and effect the entire structure of the state funding with reference to the foundation program.

If there are 40+ Colonies in the state, there could conceivably be that many little school districts created at the expense of the foundation program.

4) Assuming this trend continues, other religious groups, cultures, etc. will presumably take advantage of this. Can you imagine the effect on school funding if there were say 100 new school districts in Montana.

~~This raises a fundamental argument concerning the separation of church and state; and at least concerning private schools being operated with public monies.~~

The passing of this bill would solve a lot of problems concerning Public School Districts now in existence; the whole concept of State funding.

Without the passage of this bill numerous school Districts are going to be faced with attorney fees and hearings concerning the partitioning of land out of their Districts.

I also understand this Bill will be amended to get the contiguity language back into ^{2D-6-21b} it. It seems ^{obvious} ~~ridiculous~~ that the land forming a new District ^{should} ~~not~~ have to be contiguous, ~~and perhaps that requirement is there even though it is not stated in 2D-6-21b~~

In summing up I would like to emphasize that the passing of this bill would prohibit the continuance of the type of problem we and many other school districts in the state have experienced with Hutterite Colonies. ^{Also that this term may extend itself to other religious groups & cults} The ~~same~~ ^{taxable} valuation now required is antiquated and ^{I feel} definitely needs to be changed. Therefore, I would strongly support the passage of Senate bill 125 and I respectfully request your consideration in this matter.

If you have any questions concerning our position on this matter I would be glad to attempt to answer them.

Joseph W. Ziskway, Superintendent
School Dist. # 58, Geyser, Mt.
Tussock Basin County -

I support the testimony given
by Mr. Biere, Superintendent
from Stanford, School Dist. # 12.

~~There is no~~ There is no need to carve
out another School District between
Stanford and Geyser. The
Geyser School District now has
space to accommodate nearly
twice the number of students
that are enrolled in our
school at the present time.

~~I~~ I support SB 125 and all of those
who testified in support of SB 125.

Please send me
a copy.

NAME:

Oliver M. Zimm

DATE:

1/98/81

ADDRESS:

Ripgate Mt 59070

PHONE:

568-7580

REPRESENTING WHOM?

Self as a Tax Payer

APPEARING ON WHICH PROPOSAL:

SB 125

DO YOU:

SUPPORT?

Yes and

AMEND?

OPPOSE?



COMMENTS:

Need to offer our children a Better Education

w/ Consolidation rather than Decentralization

There is impossible we could ever ~~create~~ create existing
school district tax BaseOur daughter taking nursing at Bozeman Had to
take high school subjectsWe need more students, that we may be able to
afford more and the best teacher and instructors

NAME: Edgar Langston DATE: 7-18-81

ADDRESS: Box 1675

PHONE: 632-4108

REPRESENTING WHOM? Whitland co. MD.

APPEARING ON WHICH PROPOSAL: Sec ^H 125

DO YOU: SUPPORT? yes AMEND? ☒ OPPOSE? ☒

COMMENTS: I support Sec B. 125

I think, it is all right for these people
to have their own school districts. We are
supporting a religious type school with tax payers
money. It will cause some small districts to
become smaller and will merge in time to come.

NAME: Theresa E. Turner

DATE: 1-28

ADDRESS: 316 11 Park

PHONE 492 - 1010

REPRESENTING WHOM? Co. Supts

APPEARING ON WHICH PROPOSAL: 12 ✓

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: _____ DATE: _____

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? Amnesty International

APPEARING ON WHICH PROPOSAL: 45-125

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: I have not heard until

the committee has started

to look into the matter

and I am sure they will

be able to get the truth

out of the situation.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Montana Education Comm.

What bill is would:

I think have control of education

@ attachment to our education especially
primary & secondary

I think is really an our small
communities always, this is a real
effort to provide for education of their
children

I think should be used on what
is best for children rather than on
their situation

I support for small groups and have
idea to attract best possible
education for their children

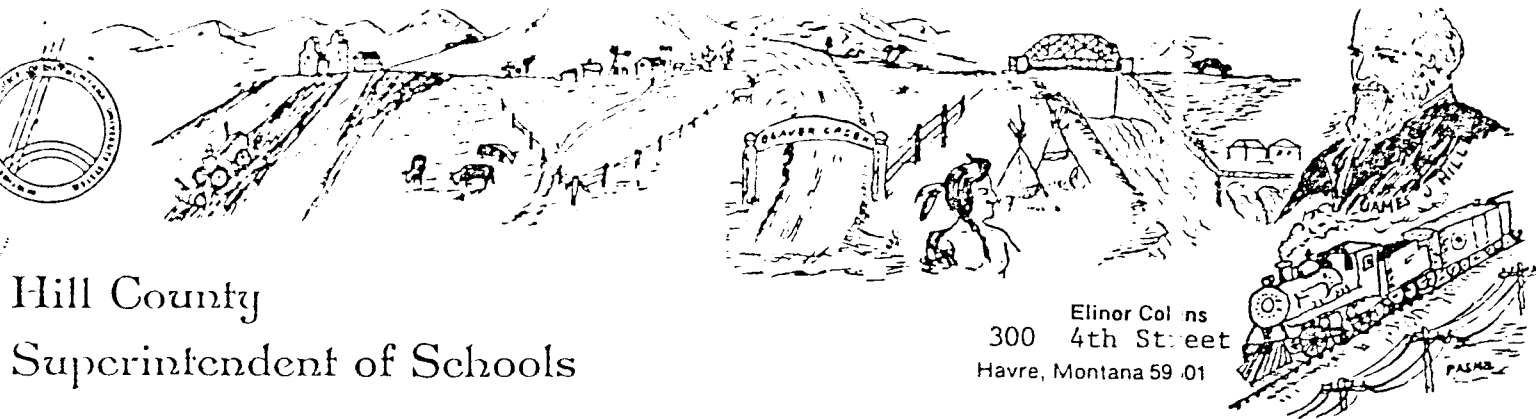
therefore I am opposed to the bill. A great
percentage of elementary schools in Montana
operate on a much smaller budget than

2. The bill of right and schools in Tynes
County operate with less than \$20,000 taxable
valuation.

The bill would specifically limit of the best
educational facilities to minority groups who
were given education to their children.

Miss Sharon Hughes
Tynes Colony School
Grass Range
Tynes Co.

Kathryn Stahl
~~by~~ Ford Creek Ctl.
Grass Range
Tynes Co.
Marty Stahl
Ford Creek Ctl.
Tynes



Hill County
Superintendent of Schools

Elinor Collins
300 4th Street
Havre, Montana 59.01

January 27, 1981

Senate Education Committee
State Capitol
Helena, Montana 59601

Gentlemen:

I am concerned that Senate Bill 125 to increase the taxable valuation requirements for establishing a new elementary school district from \$75,000. to \$600,000. for the district left behind is excessive.

Whenever a school district's boundaries are changed through transfer of land, annexation, or consolidation a hearing is held to determine if such a change is in the best interest of the children involved. Limitations are necessarily imposed on the amount of taxable valuation the newly created district and the district left behind so that each will have enough money to operate effectively if the change in district boundaries is approved.

Imposing such an increase in taxable valuation will make it very difficult for any change in district boundaries to be made by smaller groups.

In Hill County we have had five hearings on proposed boundary changes within the past two years. Three of those have been approved and two denied. One Hutterite colony was granted a new school district and one was denied a new school district by this office.

The decision should be based on what is best for the children rather than on the taxable valuation of the proposed district.

Requiring \$600,000. taxable valuation is detrimental to groups who have legitimate requests to change school district boundaries.

Respectfully submitted,

Mrs. Elinor Collins

Mrs. Elinor Collins
Superintendent of Schools
Hill County

FERGUS COUNTY

STATE OF MONTANA

Lewistown, Montana 59457

DATE: January 27, 1981

TO: Senate Education Committee

FROM: Judy Bradley *Judy Bradley*
Fergus County Superintendent of Schools

I am writing to express my concern about the possible consequences of SB 125 should it become law. Raising the taxable valuation required to create a school district from \$75,000. to \$600,000. would result in the elimination of a very viable option for educating Montana's youngsters, that being, the rural school. Considering the strong arguments being waged nationwide for educating children within their communities, it seems quite ironic that Montana would be considering legislating just the opposite.

One need only look at the geography of our state to determine that such legislation is unsound. We are a vast and largely rural state with many remote and many as yet unpopulated areas. As new communities develop, they must have the legal option to provide for the education of their children rather than being forced to bus them great distances at great expense to other communities. Requiring a taxable valuation of \$600,000. in order for a new district to be created would be both unnecessary and detrimental in its effects. The loss of this much tax base from an existing district would necessarily mean a greater impact on that district than the \$75,000. required under present law.

The need for a new school district to have a taxable valuation of \$600,000. has no basis. Many successfully operating school districts in our state have valuations much less than this. For example, in Fergus County, five of our eight rural districts have taxable valuations less than \$250,000. A comparison of these districts to the larger districts in this county reveals that the smaller districts are more economical, spending less per pupil while maintaining a quality educational offering supported by district special levies.

Another objection to SB 125 is that it is yet another step toward reducing local control. Present Montana law provides for determination of the need for a new school district at the local level. County officials are in a position to know those needs and to determine if an area's tax base is sufficient to support a school. There is no need to usurp local control by legislating an inflated minimum valuation which would in effect deny rural Montanan's their right to education in their communities.

At a time when the trend is turning back to localized, rural education, it is inappropriate for Montana to be abandoning a system which continues to serve its citizens so well. On the basis of the foregoing assessment, I urge you to vote against the passage of SB 125.

January 27, 1961

Dear Sirs:

We are writing in regard to Senate Bill 125 that changes the amount of taxable land to form a school district. We are totally OPPOSED to this bill.

Montana is a very large rural state with lots of distance between cities and many small rural communities, if this bill were passed many small rural schools would be shut down, children would have to be bussed great distances to attend school and many teachers would be out of jobs. Sometimes small rural schools close for a year or two until the small children in the area turn school age, if this bill were passed the schools would not be able to reopen, again causing the problem of children being bussed long distances.

A small rural school provides more individualized instruction and a greater community feeling. It would also prohibit the opening of new districts when many children move into or are born into a small area hours from the nearest district school. This bill would do away with local control of schools. Bigger districts do not mean better education just more students per teacher.

This bill would also prohibit Hutterites from obtaining public schools for their children thus preventing the children from receiving equal educational opportunities.

We urge you to vote AGAINST Senate Bill 125.

Sincerely,

Mrs. Isadore Estes

Sherry A. Keller

Mike Wallman

Mrs. George K. Wallman

Mr. & Mrs. Paul Hoyer

Mrs. & Mrs. George Hoyer

Mrs. Peter M. Hoyer

Mrs. Katie P. Hoyer

Mrs. Walter Hoyer

Peter L. Hoyer

Bern Stevenson

Mr. & Mrs. John Wallman

Jack Wallman

Sarah Wallman
Samuel Keller
John W. Hesselberg

January 27, 1981

Senate Education Committee:

We are writing in reference to SB 125.
We are adamantly opposed to this bill
that would:

- take away local control of public
school systems

- deny the uttermost student of the public
education that is now available to him
and to which he is entitled

- discriminate against rural public
education which is so important to our
sparsely populated state

We strongly urge you to consider
the negative effect this bill would have
on our children's education and vote
against SB 125

Respectfully,
Thirty-one Concerned
Montana Citizens

(see signatures on following pages)

Rona Hofer
Spring Creek Colony.

Kathryn Walter
Spring Creek Colony

Eli K Walter
Spring Creek Colony
Paul J Walter

Spring Creek Colony

Daird Walter
Spring Creek Colony

Paul J Walter
Katie J Walter

Joe Walter
Tim Walter

Darius J Walter - CHR
Spring Creek Colony School.

Patricia Rodriguez
Teacher
Spring Creek Colony

Don Brunard
Resource Teacher
CMLCE

Charley Karinen
Teacher

Spring Creek Colony

Mrs Paul J Walter
Trustee

Spring Creek Colony

Lucie Walter

Trustee

Spring Creek Colony

Mary Walter
Spring Creek Colony.

North Harlem School,
Mrs. Pete Hoyer. (Mary)

Elizabeth Walter

Pete Walter, Clerk

Spring Creek Colony Spring Creek Colony School

Paul F. Walter

Mary P Walter

Spring Creek Colony

Paul R Stahl

Mrs Paul R Stahl

Flat Willow. Round up
Flat Willow Colony

Katie Walter

Roundup Mt.

Anna Rose Walter
Spring Creek Colony

Darius Hoyer
Spring Creek Colony

Kathy Walter
Spring Creek Colony

Henry Walter

Mrs Henry Walter

John P. Hoyer

NAME:

DATE:

ADDRESS:

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Myrtle K. L.

DATE: 7-18-80

ADDRESS: 4000 16th Ave

PHONE: 22-230

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL:

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? 2

COMMENTS: *Copied from [unclear] Bill.*

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

BEFORE THE SUPERINTENDENT OF SCHOOLS OF WHEATLAND COUNTY, MONTANA

IN THE MATTER OF THE
CREATION OF A NEW
SCHOOL DISTRICT

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

The above matter was heard on October 30, 1980 before Charles E. Hereim, Wheatland County Superintendent of Schools. The Petitioner, Martinsdale Hutterite Colony, was represented by their attorneys, Peter L. Rapkock and Leonard McKinney; and the interested citizens of School District #15 were not represented. Both parties had an opportunity to cross-examine witnesses, interested citizens from the audience were given the opportunity to ask questions of witnesses or to give prepared statements. The hearing officer being duly advised of the premises, makes the following FINDINGS OF FACT:

FINDINGS OF FACT

1. Present enrollment at Two Dot School is:

Kindergarten	3
First	2
Second	1
Third	4
Fourth	3
Fifth	6

2. Presently there are two teachers and two classrooms available at Two Dot School.

3. A petition for Separate Attendance Center was filed by Martinsdale Colony to the Two Dot School Board on April 1, 1980.

4. A public hearing on proposed attendance center was held at the Two Dot School on April 7, 1980.

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5. The request for Separate Attendance Center was denied in writing by the Two Dot School Board on April 14, 1980. (Petitioner's Exhibit #4)

6. If the colony children were to attend the present school at Two Dot, at least one additional room and at least one additional teacher and a Language Specialist would have to be provided.

7. A renovation project would have to meet approval of the Department of Public Instruction, Department of Health, State Fire Marshall, and if over \$4500.00 in costs, would have to meet approval of a licensed architect.

8. Present bathroom facilities would be adequate.

9. Administrative supervision of consolidation at Two Dot, or a new school district, would be the responsibility of the County Superintendent.

10. School bus transportation would have to be provided for colony students to be transported to Two Dot School.

11. Martinsdale Colony paid \$26,848.42 in real estate and personal taxes into Wheatland County for 1979 assessment. Of that total, \$9,074.52 went to School District #15 to support the school. (Petitioner's Exhibit #3)

12. Lyle Eggum from the Office of Public Instruction testified that to his knowledge, no public school is in operation on this date that has Hutterite children enrolled that have been transported from the colony to the public school.

13. It is a matter of right for a group to form their own School District, if they meet the jurisdictional and statutory requirements of the School Laws of Montana.

14. Presently, the Martinsdale Colony has two school buildings, one for English School and one for German School.

15. If petition is granted, Martinsdale Colony will provide school facilities that will meet the standards set forth

1 by the State Department of Public Instruction

2 16. Colony currently operates a private school on colo
3 property with one non-certified teacher employed.

4 17. Martinsdale Hutterite children have never attended
5 public school at Two Dot to determine, if in fact, they would bl
6 into a public school system.

7 18. Mr. Wipf testified that non-Hutterite children coul
8 attend their public school if it were granted.

9 19. Mrs. Estes testified that there had been non-
10 Hutterite children attending her Hutterite Public School in the
11 past.

12 20. Mrs. Estes testified that it takes at least two yea
13 before the Hutterite children have learned enough English to
14 function equally in the classroom.

15 21. Mrs. Estes testified that her school follows curricu
16 and accreditation standards established by the State Department
17 of Public Instruction.

18 22. Mrs. Estes testified that people who speak High
19 German have great difficulty with Tyrolean German.

20 23. Mrs. Estes testified that a great deal of time has
21 to be spent with non-English speaking children, while the non-
22 Hutterite children are left alone and both segments suffer.

23 24. Mrs. Estes testified that the two segments' home
24 life is so vastly different, they have difficulty relating events
25 to real life.

26 25. Mrs. Estes testified that some colonies in Fergus
27 County with public school systems, have organized kindergarten
28 classes, where a German teacher, teaches the basic English to
29 pre-schoolers.

30 26. Miss Hughes testified that in the colony that she
31 teaches, the school board is comprised of two Hutterites and one
32 non-Hutterite.

1 27. Miss Hughes testified that she has two students
2 that have graduated from the eighth grade but have not yet
3 reached age 16. They are in a supervised program of typing,
4 general math, language, literature, health and environmental
5 studies, budgeting and banking.

6 28. Miss Hughes testified that the Ayers Colony places
7 great emphasis on reading and the English language.

8 29. Miss Hughes testified that her experience has been
9 that Hutterite students are from one to four years behind non-
10 Hutterite children in their ability to learn, due to the language
11 barrier.

12 30. Miss Hughes testified that the quality of education
13 has improved vastly since the Ayers Colony has become a public
14 school district.

15 31. Miss Hughes testified that children with language
16 barrier problems, regardless of language, would not progress at
17 the normal rate if they were thrust into a strange school system.

18 32. Miss Hughes testified that she would recommend a
19 certified remedial reading teacher with a background in German to
20 teach in the mixed public school.

21 33. Miss Hughes testified that the Hutterite children
22 went to a public school in Grass Range for three years and her
23 feeling was that they simply did not learn as much as they could
24 have in their own school and that in general it was not a good
25 educational experience.

26 34. Miss Hughes testified that Hutterite children are
27 better off in their own school because of their environmental,
28 home and life style, dress and language.

29 35. Miss Hughes testified that learning disabilities
30 can be corrected faster in a separate school than in a conglomerate
31 public school.

32 36. Miss Hughes, in an answer to Diane Morse's question

1 stated that in her school they are educating the Hutterite children
2 to go beyond the eighth grade. They have an adult education program,
3 a GED program, and several Hutterites are taking college courses.

4 37. Miss Hughes, in answer to Richard Moe, testified
5 that forced integration of minorities has been proven to be poorer
6 for both cultures.

7 38. Mr. Thirsk testified that finding a person that is
8 qualified to translate from German to English is hard to find.

9 39. Mr. Leppink testified that School District #15
10 would provide bus service from Martinsdale Colony to the Two Dot
11 School.

12 40. Mr. Leppink testified that School District #15
13 would be willing to supply audio visual aids to help overcome the
14 language barrier, such as described in the Ayers Colony.

15 41. Mr. Leppink testified that to his knowledge, the
16 Martinsdale Colony has never indicated a desire to attend the Two
17 Dot School.

18 42. Mr. Leppink testified that School District #15 would
19 be willing to adjust the hours of school to coincide with the
20 arrival and departure of the present buses.

21 43. Mr. Leppink testified that although the present
22 seventh and eighth grade students to into Harlowton, that provisions
23 would be made to school the seventh and eighth grade Hutterites at
24 Two Dot.

25 44. Mr. Leppink testified that School District #15 would
26 be willing to assume costs of transportation, remodeling, rebuilding,
27 additional teachers, additional aides, additional equipment, if the
28 Martinsdale Colony will send their children into the Two Dot School.

29 45. Mrs. Moe testified that she had no trouble conversing
30 with first and second grade Hutterite children who were her students
31 at the Martinsdale Colony.

32 46. Mrs. Moe testified that by the end of second grade,

1 Hutterite children have pretty much overcome their language
2 barrier.

3 47. Mrs. Moe testified that Hutterite children should
4 have at least one year of pre-schooling or kindergarten before
5 enrolling in first grade.

6 48. Mrs. White testified that her idea of a quality
7 education is for the Hutterite children to first go to the
8 Two Dot Elementary, Harlowton High School, and on to higher
9 education.

10 49. Mr. Martin testified to the possibility that nine
11 students presently enrolled at the Two Dot School could be gone
12 any time, thus reducing the enrollment drastically.

13 50. Mrs. Glennie testified that she believes a better
14 education would be attained if the Hutterite children were to attend
15 the Two Dot School.

16 51. Mrs. Moore testified that she believes the Hutterite
17 children's civil rights are being violated if the children are
18 isolated from the outside world.

19 52. Mr. Wipf testified that there will be thirty (30)
20 and possibly thirty-three (33) students in the Martinsdale Colony
21 next year.

22 From the foregoing Findings of Fact, the hearing officer
23 makes the following conclusions:

24
25 CONCLUSIONS OF LAW

26 I. The County Superintendent has the jurisdiction to
27 hear and the power to decide this matter.

28 2. Taxable value of proposed new district is \$136,432.00,
29 thus satisfying requirements of Section 20-6-216(1) M.C.A.
30 (Petitioner's Exhibit #1)

31 3. Taxable value of remaining property in School District
32 #15 is \$1,509,352.00, thus satisfying requirements of Section
20-6-216(2) M.C.A. (Petitioner's Exhibit #2)

4. There would remain a minimum of 21 ANB if new district was formed, thus satisfying requirements of Section 20-6-216(3) M.C.A.

5. Signatures of 25 parents of children between the ages of 6 and 16 are listed on said petition for creation of new elementary district, thus satisfying requirements of 20-6-217(1)(c) M.C.A.

6. Said new location of proposed school is thirteen miles over the shortest practical route from an existing, operating school, thus satisfying requirements of Sec. 20-6-217(1)(e), M.C.A.

7. Accreditation standards state that a multi-grade classroom, with grades 1 through 3, can have no more than 20 students. Grades 4 through 6, can have no more than 24 students. (Accreditation Standards 232.1)

From the foregoing Findings of Fact and Conclusions of Law, the hearing officer makes the following:

ORDER

The petition of certain residents, parents of children and owners of property resident and located in Wheatland County, School District No. 15, having been filed in this office, pursuant to Title 20, Chapter 6, Part 2 of the Montana Code Annotated, and hearing thereon having been set and notice thereof given as provided by law, and no protest petition having been received and the hearing of said petition having been held pursuant to said notice, in the courtroom in the courthouse in Harlowton, Wheatland County, Montana and evidence having been given both in support of and in opposition to said petition, and all persons who desired to be heard on the petition were heard, and the Superintendent of Schools being fully advised in the premises and having taken the matter under advisement now finds:

1. That the statements of fact made in the petition,

1 and all of them, are true and the requisite facts authorizing
2 the filing and hearing of the said petition are existing, and
3 this officer has jurisdiction over the subject matter hereof; and

4 2. That it is adviseable and in the best interests of
5 the residents of the proposed new district that the petition be
6 granted.

7 IT IS THEREFORE HEREBY ORDERED that the request of the
8 said petition be granted and that a new school district be created,
9 to be designated Wheatland County School District #11-H, and that
10 it contain the area of real property described in said petition
11 and described also in Annex "A" to this Order.

12 IT IS FURTHER ORDERED that the Wheatland County
13 Superintendent of Schools, in consultation with the Martinsdale
14 Colony leaders, will appoint the Trustees of said School District,
15 to so serve until their successors shall have been elected at the
16 next regular election therein and qualified.

17 Done this 19th day of November, 1980.

18
19 Charles E. Hereim
20 Charles E. Hereim, Superintendent
21 of Schools for Wheatland County
22
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1 RATIONALE FOR DECISION

2 ly decision on this matter has to be developed into two
3 parts. Part I being, what is the best interest of the children
4 involved? No only the children of the Martinsdale Colony but the
5 children that are non-Hutterites that will be going to the Two
6 Dot School in the years to come. Part II being, what is in the
7 best interest of the residents of Wheatland County and the taxpayers
8 of School District #15?

9 Part I: All of the limitations for creation of a new
10 elementary district have been met by the Petitioners, as
11 stipulated in 20-6-216 M.C.A. All of the procedures for creation
12 of a new elementary district have been followed as stipulated in
13 20-6-217 M.C.A.

14 Testimony and known facts are overwhelmingly opposed to
15 sending Hutterite children away from their environment and into a
16 public school off the colony. The reasons for this being:

- 17 1. The dress code of Hutterite children.
18 2. Non-English speaking children in the 1st and 2nd
19 grades.
20 3. Testimony from state department official that there are
21 no mixed public schools in operation in the state at the present
22 time, although they have been tried.
23 4. Testimony from teachers who are currently teaching
24 in Hutterite colonies and who have experienced colony children
25 being sent into public schools.
26 5. In a public school setting, considerable time is
27 required to be spent with non-English speaking Hutterite children,
28 thus reducing the teacher-pupil time spent with non-Hutterite
29 children. This eliminates the small school teacher-pupil ration
30 advantage.
31 6. Teachers have testified that Hutterite children
32 are anywhere from one to four years behind public school children,

1 thus slowing them down, also

2 7. It has been proven that children with language
3 barrier problems do not advance nearly as fast if thrust into a
4 strange environment.

5 8. It is extremely difficult to find a remedial reading
6 specialist in German.

7 9. Forced integration of minorities across the country
8 has proven a failure.

9
10 Part II. In this instance, I cannot act on my emotions
11 on what I believe to be the correct recourse, but rather have to
12 act on what the evidence and facts really are. I believe that an
13 additional elementary school district in Wheatland County at the
14 present time is not what the county needs. However, it is not up
15 to me to decide this when all of the limitations of the statutes
16 have been met and the law says they are entitled to apply for a
17 district. I still believe that an Attendance Center would have
18 been by far the best solution but that is beyond my control now.
19 Following is a list of reasons why I believe it is more beneficial
20 to approve the new school district:

21 1. Additional costs to School District #15 if Hutterite
22 children were forced to attend the Two Dot School.

- 23 a. Remodeling costs of additional classroom
24 and renovation of lunch room.
25 b. Additional heating and lighting costs
26 c. Transportation costs
27 d. Remedial reading specialist
28 e. Additional teachers aides
29 f. Additional classroom equipment
30 g. Possible architectural fees

31 2. Present facilities at Martinsdale Colony could be
32 rented for \$1.00 per year with no costs to Wheatland County for

1 heating, utilities, upkeep, liability insurance, janitorial services,
2 clerk's wages, insurance on buildings.

3 3. Additional costs to Wheatland County

4 a. County share of transportation

5 b. Possibly forcing present bus contractor
6 into larger bus.

7 4. Man's plans change almost daily. If for some reason
8 the Martinsdale Colony one year from now were to decide to abandon
9 the public school route and go back to their present system, all the
10 money spent in preparing the Two Dot School would be a waste.

11 5. In my opinion, the economics of the situation and
12 what is in the best interest for the children involved do not add
13 up to sending those children into the Two Dot School.

14
15
16
17 CERTIFICATE OF MAILING

18 I certify that on this 19th day of November, 1980 I
19 mailed a copy of the above instruments to the following persons
20 by first class mail in Harlowton, Montana.

21 Peter L. Rapkock
22 211 3rd Ave. North
Lewistown, Montana 59457

23 Ed Wipf
24 Martinsdale Colony
Martinsdale, Montana 59053

25 Georgia Ruth Rice
26 Superintendent of Public Instruction
State Capitol
27 Helena, Montana 59601

28 Gary Leppink
Two Dot School Board
29 Two Dot, Montana 59085

30
31 Charles E. Hereim
Charles E. Hereim
32

NOTICE OF APPEAL

A person or board may appeal either of the County Superintendent's Orders to the board of County Commissioners within 30 days after the date of such order. Such appeal shall be in writing, signed by not less than three resident taxpayers, and shall state sufficient facts to show the appellant's right to appeal the order.

A copy of the notice of appeal shall be sent to the County Superintendent and any other parties to the controversy. The notice of appeal shall contain the following information:

- (a.) The name of the party appealing
- (b.) The name(s) and address(es) of the other parties to the hearing
- (c.) A copy of the finding of fact, conclusions of law and decision or order being appealed
- (d.) A brief statement of the grounds for the appeal
- (e.) The signature and address of the party appealing or representative.

BEFORE THE SUPERINTENDENT OF SCHOOLS OF WHEATLAND, COUNTY, MONTANA

IN THE MATTER OF THE

CREATION OF A NEW
SCHOOL DISTRICT

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±
±
±
±

O R D E R

The petition of certain residents, parents of children and owners of property resident and located in Wheatland County, School District No. 15 having been filed in this office, pursuant to Title 20, Chapter 6, Part 2, of the Montana Code Annotated, and hearing thereon having been set and notice thereof given as provided by law, and no protest petition having been received and the hearing of said petition having been held pursuant to said notice, in the Court Room in the Courthouse in Harlowton, Wheatland County, Montana and evidence having been given both in support of and in opposition to said petition, and all persons who reside or are taxpayers in the affected districts who desired to be heard on the petition were heard, and the Superintendent of Schools being fully advised in the premises and having taken the matter under advisement now finds:

1. That the statements of fact made in the petition, and all of them, are true and the requisite facts authorizing the filing and hearing of the said petition exist, and this Officer has jurisdiction over the subject matter hereof; and

2. That it is adviseable and in the best interests of the residents of the proposed new district that the petition be granted.

IT IS THEREFORE HEREBY ORDERED that the request of the said petition be granted and that a new school district be created, to be designated Wheatland County School District #____, and that it contain the area of real property described in said petition and described also in Annex "A" to this Order.

IT IS FURTHER ORDERED that the following persons be, and they hereby are, appointed the Trustees of said School District, to so serve until their successors shall have been elected at the next regular election therein and qualified:

Dore this _____ day of _____, 1980.

WHEATLAND COUNTY SUPERINTENDENT
OF SCHOOLS