

HOUSE BILL NO. 330

1/22 Introduced  
1/22 Referred to Education & Cultural Resources  
2/08 Hearing  
2/14 Adverse Committee Report  
2/15 Bill Killed

1                   HOUSE BILL NO. 330

2                   INTRODUCED BY Staple

3

4                   A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT

5                   TRANSPORTATION CONTROVERSIES BE HEARD BEFORE THE COUNTY

6                   SUPERINTENDENT RATHER THAN THE COUNTY TRANSPORTATION

7                   COMMITTEE; AMENDING SECTIONS 20-3-107, 20-3-210, AND

8                   20-10-132, MCA."

9

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

11                  Section 1. Section 20-3-107, MCA, is amended to read:

12                  "20-3-107. Controversy appeal. (1) The superintendent

13                  of public instruction shall decide matters of controversy

14                  when they are appealed from:

15                  ~~fat~~ a decision of a county superintendent rendered

16                  under the provisions of 20-3-210~~7~~-or

17                  ~~tb7--a--decision--of--a--county--transportation--committee~~

18                  ~~rendered--under--the--provisions--of--20-10-132.~~

19                  (2) The superintendent of public instruction shall

20                  make his decision on the basis of the transcript of the

21                  fact-finding hearing conducted by the county superintendent

22                  ~~or--county--transportation--committee~~ and documents presented

23                  at the hearing. The superintendent of public instruction may

24                  require, if he deems necessary, affidavits, verified

25                  statements, or sworn testimony as to the facts in issue. The

1                  decision of the superintendent of public instruction shall

2                  be final, subject to the proper legal remedies in the state

3                  courts. Such proceedings shall be commenced no later than 60

4                  days after the date of the decision of the superintendent of

5                  public instruction.

6                  (3) In order to establish a uniform method of hearing

7                  and determining matters of controversy arising under this

8                  title, the superintendent of public instruction shall

9                  prescribe and enforce rules of practice and regulations for

10                 the conduct of hearings and the determination of appeals by

11                 all school officials of the state.

12                  (4) Whenever in a contested case the superintendent of

13                  public instruction is disqualified from rendering a final

14                  decision, he shall appoint a hearing examiner as provided in

15                  2-4-611 and the decision of the hearing examiner constitutes

16                  the superintendent's final order except as provided in this

17                  subsection. Such final order is subject to all the

18                  provisions of Title 2, chapter 4, relating to final agency

19                  decisions or orders, including judicial review under Title

20                  2, chapter 4, part 7."

21                  Section 2. Section 20-3-210, MCA, is amended to read:

22                  "20-3-210. Controversy appeals and hearings. (1)

23                  Except as provided under 20-3-211, the county superintendent

24                  shall hear and decide all matters of controversy arising in

25                  his county as a result of decisions of the trustees of a

1 district in the county. When appeals are made under 20-4-204  
 2 relating to the termination of services of a tenure teacher  
 3 or under 20-4-207 relating to the dismissal of a teacher  
 4 under contract, the county superintendent may appoint a  
 5 qualified attorney at law to act as a legal adviser who  
 6 shall assist the superintendent in preparing findings of  
 7 fact and conclusions of law. Subsequently, either the  
 8 teacher or trustees may appeal to the superintendent of  
 9 public instruction under the provisions for appeal of  
 10 controversies in this title. Furthermore, he shall hear and  
 11 decide all controversies arising under:

12 (a) section 20-5-304 or 20-5-311 relating to the  
 13 approval of tuition applications; or

14 (b) a decision of the county transportation committee  
 15 under 20-10-132; or

16 ~~tb~~(c) any other provision of this title for which a  
 17 procedure for resolving controversies is not expressly  
 18 prescribed.

19 (2) The county superintendent shall hear the appeal  
 20 and take testimony in order to determine the facts related  
 21 to the controversy and may administer oaths to the witnesses  
 22 that testify at the hearing. He shall prepare a written  
 23 transcript of the hearing proceedings. The decision on the  
 24 matter of controversy which is made by the county  
 25 superintendent shall be based upon the facts established at

1 such hearing.

2 (3) The decision of the county superintendent may be  
 3 appealed to the superintendent of public instruction, and if  
 4 it is appealed, the county superintendent shall supply a  
 5 transcript of the hearing and any other documents entered as  
 6 testimony at the hearing to the superintendent of public  
 7 instruction.

8 (4) Cost incurred by the office of the county  
 9 superintendent shall be paid from the general fund budget of  
 10 the county in which the controversy is initiated."

11 Section 3. Section 20-10-132, MCA, is amended to read:  
 12 "20-10-132. Duties of the county transportation  
 13 committee. (1) It shall be the duty of the county  
 14 transportation committee to:

15 (a) establish the transportation service areas within  
 16 the county, without regard to district boundary lines, which  
 17 will define the geographic area of responsibility for school  
 18 bus transportation for each district that operates a school  
 19 bus transportation program;

20 (b) approve, disapprove, or adjust the school bus  
 21 routing submitted by the trustees of each district in  
 22 conformity with the transportation service areas established  
 23 in subsection (1)(a); and

24 (c) approve, disapprove, or adjust applications,  
 25 approved by the trustees, for increased reimbursements for

1 individual transportation due to isolated conditions of the  
 2 eligible transportee's residence; and

3 ~~to~~--conduct--hearings--to--establish--the---facts---of  
 4 transportation--controversies--which--have--been--appealed--from  
 5 the--decision--of--the--trustees--and--act--on--such--appeals--on--the  
 6 basis--of--the--facts--established--at--such--hearing--

7 (2) After--a--fact--finding--hearing--and--decision--on--a  
 8 transportation--controversy, the trustees or a patron of  
 9 the district may appeal such decision to the superintendent  
 10 of public instruction who shall render a decision on the  
 11 basis--of--the--facts--established--at--the--county--transportation  
 12 committee--hearing a decision of the county transportation  
 13 committee to the county superintendent under the provisions  
 14 for controversy appeals in 20-3-210.

15 (3) The trustees of any district which objects to a  
 16 particular school bus route or transportation service area  
 17 to which it has been assigned may request a transfer to  
 18 another school bus route or transportation service area. The  
 19 county transportation committee may transfer the territory  
 20 of such district to an adjacent district's transportation  
 21 service area or approved school bus route with the consent  
 22 of such adjacent district. When the qualified electors of  
 23 the district object to the decision of the county  
 24 transportation committee and the adjacent district is  
 25 willing to provide school bus service, 20% of the qualified

1 electors, as prescribed in 20-20-301, may petition the  
 2 trustees to conduct an election on the proposition that the  
 3 territory of such district be transferred for school bus  
 4 transportation purposes to such consenting, adjacent  
 5 district. When a satisfactory petition is presented to the  
 6 trustees, the trustees shall call an election in accordance  
 7 with 20-20-201 for the next ensuing regular school election  
 8 day. Such election shall be conducted in accordance with the  
 9 school election laws. If a majority of those voting at such  
 10 election approve the transfer, it shall become effective on  
 11 July 1 of the ensuing school fiscal year.

12 (4) Unless a transfer of a district from one  
 13 transportation service area or approved school bus route to  
 14 another such area or route is approved by the county  
 15 transportation committee and the superintendent of public  
 16 instruction, the state transportation reimbursement shall be  
 17 limited to the reimbursement amount for school bus  
 18 transportation to the nearest operating public elementary  
 19 school or public high school, whichever is appropriate for  
 20 the affected pupils."

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