

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

HOUSE BILL NO. 330INTRODUCED BY Shaper

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT TRANSPORTATION CONTROVERSIES BE HEARD BEFORE THE COUNTY SUPERINTENDENT RATHER THAN THE COUNTY TRANSPORTATION COMMITTEE; AMENDING SECTIONS 20-3-107, 20-3-210, AND 20-10-132, MCA."

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

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

"20-3-107. Controversy appeal. (1) The superintendent of public instruction shall decide matters of controversy when they are appealed from:

(a) a decision of a county superintendent rendered under the provisions of 20-3-210; or

(b) ~~a decision of a county transportation committee rendered under the provisions of 20-10-132.~~

(2) The superintendent of public instruction shall make his decision on the basis of the transcript of the fact-finding hearing conducted by the county superintendent ~~or county transportation committee~~ and documents presented at the hearing. The superintendent of public instruction may require, if he deems necessary, affidavits, verified statements, or sworn testimony as to the facts in issue. The

decision of the superintendent of public instruction shall be final, subject to the proper legal remedies in the state courts. Such proceedings shall be commenced no later than 60 days after the date of the decision of the superintendent of public instruction.

(3) In order to establish a uniform method of hearing and determining matters of controversy arising under this title, the superintendent of public instruction shall prescribe and enforce rules of practice and regulations for the conduct of hearings and the determination of appeals by all school officials of the state.

(4) Whenever in a contested case the superintendent of public instruction is disqualified from rendering a final decision, he shall appoint a hearing examiner as provided in 2-4-611 and the decision of the hearing examiner constitutes the superintendent's final order except as provided in this subsection. Such final order is subject to all the provisions of Title 2, chapter 4, relating to final agency decisions or orders, including judicial review under Title 2, chapter 4, part 7."

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

"20-3-210. Controversy appeals and hearings. (1) Except as provided under 20-3-211, the county superintendent shall hear and decide all matters of controversy arising in 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 ~~(b)~~(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 ~~(d) 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~~ 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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