

SENATE BILL 293

Introduced by Fritz, et al.

2/01	Introduced
2/01	Referred to Education & Cultural Resources
2/01	First Reading
2/01	Fiscal Note Requested
2/03	Hearing
2/09	Fiscal Note Received
2/10	Fiscal Note Printed
2/15	Committee Report--Bill Not Passed
2/15	Adverse Committee Report Adopted

BILL NO. 293

INTRODUCED BY Bill
BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

Bartlett
A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING PROCEDURES
FOR AN ELEMENTARY SCHOOL DISTRICT TO JOIN WITH A HIGH SCHOOL
DISTRICT FOR PROGRAM AND ADMINISTRATIVE PURPOSES; AMENDING
SECTIONS 20-3-361 AND 20-3-362, MCA; REPEALING SECTIONS
7-3-1348, 20-6-212, 20-6-219, 20-6-505, AND 20-6-506, MCA;
AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Elementary district --
affiliation with high school district. (1) Prior to fiscal
year 1995-96, elementary districts that are not part of a
K-12 school district, formed pursuant to 20-6-701, shall
affiliate programmatically with the high school district
within whose boundaries the elementary district lies by:

(a) becoming an inactive school district, if eligible,
in a K-12 district through procedures established in
20-6-701; or

(b) joining with one or more school districts to form a
joint board of trustees pursuant to 20-3-361.

(2) If the territory of an elementary district does not
lie totally within the boundaries of a single high school

district, the elementary district board shall affiliate with
the high school district that contains the majority of the
elementary district territory.

(3) An elementary district that has not complied with
subsection (1) or (2) prior to school year 1995-96 is
ineligible to receive school equalization funding in fiscal
year 1996-97.

Section 2. Section 20-3-361, MCA, is amended to read:

"20-3-361. Joint board of trustees organization and
voting membership. (1) The board of trustees of two or more
school districts may form a joint board of trustees for--the
purpose--of--coordinating--any to coordinate an educational
program or support service of the districts. A joint board
of trustees may coordinate only those programs and services
agreed to by the participating boards of trustees.

(2) When a joint board of trustees is formed, all--of
the members of the districts' trustees shall--be are members
of the joint board of trustees and each member shall--have
has the right to participate in the meetings, but voting on
matters considered by the joint board shall--be is limited by
the provisions of this section.

(3) At the first meeting of the joint board of
trustees, there--shall--be a chairman presiding officer of the
joint board of trustees must be selected from among the
membership of the high school board. A secretary of the

joint board ~~shall~~ must be selected from the membership of an elementary board. The chairman, ~~when selected as a voting member, shall~~ presiding officer is not be disqualified from voting ~~because of his position of chairman of the board~~. The secretary ~~shall~~ may not be a voting member except that he ~~shall~~ to cast the deciding vote when three successive ballots have resulted in a tie vote of the joint board of trustees.

(4) The voting membership of the joint board of trustees formed prior to June 30, 1992, shall must be equalized among the trustee membership of the participating districts. After the selection of the chairman presiding officer and the secretary, if necessary, the voting membership ~~shall be~~ is:

(a) all of the membership of the board of trustees of the smallest class of district, according to 20-6-201 or 20-6-301, unless one of its members is selected as secretary, in which case such the member shall may not be a voting member; and

(b) the members of the board of trustees of the other district or districts who are selected by such the trustees as voting members of the joint board in a number equal to the number of voting members of the district as established under subsection (4)(a) above. The names of the voting membership selected by the trustees ~~shall~~ must be submitted

in writing to the secretary of the board and ~~shall be~~ are the only members of such the district's trustees eligible to vote on joint board matters unless such the list is revised in writing by the trustees.

(5) The voting membership of the joint board of trustees formed on or after June 30, 1992, is:

(a) all of the membership of the board of trustees of the largest elementary district within the boundaries of each high school district member, pursuant to 20-6-201 or 20-6-301; and

(b) any additional members of the board of trustees of the other elementary district members who are selected by each district's trustees as voting members of the joint board in a number equal to the per elementary student representation of the elementary school district described in subsection (5)(a). A total representation under one counts as one member, and an additional one-half or more above a whole number counts as an additional member. The names of the voting membership selected by the trustees must be submitted in writing to the secretary of the board and are the only members of the district's trustees that are eligible to vote on joint board matters unless the list is revised in writing by the trustees.

~~(5)(6)~~ (6) Each voting member ~~shall be~~ is entitled to cast one vote, individually, upon every matter submitted to the

joint board for a vote.

~~(6)(7)~~ A joint board must remain in existence for at least 1 school year and may not be dissolved until the end of a school year only when a member district ceases to exist because the district:

(a) is annexed, abandoned, or consolidated with another district;

(b) becomes part of a larger joint board; or

(c) becomes part of a K-12 district pursuant to procedures in 20-6-701.

(8) If dissolved, the joint board must then be reconstituted based on the new structure of the member districts unless all members have become part of a K-12 district."

Section 3. Section 20-3-362, MCA, is amended to read:

"20-3-362. Powers of joint board of trustees. (1) When a joint board of trustees is formed as provided by 20-3-361, it shall have the power to:

(a) jointly employ a district superintendent under the provisions of 20-4-401;

(b) jointly employ personnel, including teachers and specialists under the provisions of 20-4-201;

~~(c)--open--a--junior-high-school--under--the--provisions--of--20-6-505--if--the--trustees--of--a--county--high--school--and--the--trustees--of--an--elementary--district--have--formed--a--joint--board~~

~~of-trustees;~~

~~(d)(c)~~ prescribe and administer joint administrative policy;

~~(e)(d)~~ jointly provide any program or service authorized under 20-3-324, including any joint provision of special education services as provided in 20-7-457; and

~~(f)(e)~~ prorate all items of joint expense among the school districts, provided that a controversy over any decision by the joint board to prorate joint costs may, within 30 days, be appealed by the trustees of any district to the superintendent of public instruction for a final decision as to what constitutes a fair and just proration of the cost.

(2) A joint board of trustees formed on or after June 30, 1992, as provided in 20-3-361, has the power to provide joint reporting for all districts represented by the joint board according to procedures developed by the office of public instruction and the board of public education.

~~(2)(3)~~ The joint board of trustees shall does not have the power to transact business that is not specifically related to the joint administration of the districts."

NEW SECTION. Section 4. Repealer. Sections 7-3-1348, 20-6-212, 20-6-219, 20-6-505, and 20-6-506, MCA, are repealed.

NEW SECTION. Section 5. Codification instruction.

LC 0800/01

1 [Section 1] is intended to be codified as an integral part
2 of Title 20, chapter 6, part 2, and the provisions of Title
3 20, chapter 6, part 2, apply to [section 1].

4 NEW SECTION. **Section 6.** Effective date. [This act] is
5 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0293, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act establishing procedures for an elementary school district to join with a high school district for program and administrative purposes.

ASSUMPTIONS:

1. There are limited, if any, expenditure and/or revenue implications for the state as a result of this bill.
2. There will be increased general fund expenses for local districts associated with trustee travel to some meeting site, long distant phone calls, additional mailings of materials, workshops and training sessions of new joint board.
3. The full powers and duties (20-3-324, MCA) of former local boards of trustees will be vested in the new joint board of trustees.

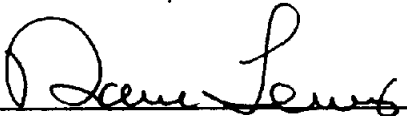
FISCAL IMPACT: Limited if any.

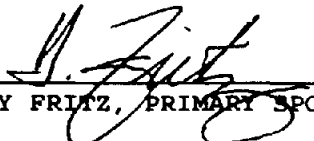
EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

1. Districts will incur some expenses associated with participating in a joint board.
2. Districts may experience some savings from taking advantage of the joint reporting options provided in this bill.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

1. The title and new section (4) of this bill repeal 20-6-219, MCA. Unable to locate 20-6-219 in the Montana Code Annotated.
2. By repealing 20-6-505 and 20-6-506, there may be a conflict with 20-6-504(1) which requires the trustees of a high school or elementary district wishing to open a junior high school that has been approved by the superintendent of public instruction, except, "that when the high school district operates a county high school, the opening of a junior high school shall be approved under the provisions of 20-6-505, MCA."

 2-893
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/10/93
HARRY FRITZ, PRIMARY SPONSOR DATE
Fiscal Note for SB0293, as introduced
5B293