

SENATE BILL NO. 283

INTRODUCED BY T. MURPHY

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRITERIA FOR AN EXISTING ELEMENTARY DISTRICT TO BE ELIGIBLE TO EXPAND INTO A K-12 DISTRICT; AND AMENDING SECTION 20-6-326, MCA."

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

**Section 1.** Section 20-6-326, MCA, is amended to read:

**"20-6-326. Procedure for creation of high school district solely for expansion into K-12 school district -- trustee resolution.** (1) An existing elementary district may create a high school district solely for the purpose of expanding an elementary district into a K-12 district only if:

~~(a) the nearest elementary school building is located at a distance of at least 40 miles from the nearest accessible high school;~~

~~\_\_\_\_\_ (b) the trip from the nearest elementary school building to the nearest accessible high school is 60 minutes or more over the shortest passable route;~~

~~\_\_\_\_\_ (c) periodically during the school year, the condition of the road makes it impractical to attend the nearest accessible high school; and~~

~~(d) at least 50 high school students reside in the elementary district; and~~

~~(e) the taxable valuation and boundaries of the combining elementary and high school district are the same.~~

(2) The creation of a new high school district may be requested by the trustees of an existing elementary district through passage of a resolution that includes the information outlined in 20-6-105(3) and requests the county superintendent to order an election to allow the electors of the elementary district to consider the proposition to create a high school district solely for the purpose of expanding the elementary school district into a K-12 district. Approval of the proposition results in a tax levy for payments as provided in subsection (6)(b).

(3) If the proposition for the expansion and the transition levy provided for in 20-9-502(6) is approved by the electors of the elementary district and the trustees issue a certificate of election as provided in 20-20-416, the county superintendent shall order the creation of the high school district and oversee the expansion of the high school district into a K-12 district pursuant to 20-6-701.

1 (4) The county superintendent shall send a copy of the order to the board of county commissioners and  
2 to the trustees of the districts affected by the creation of the district.

3 (5) If a new district is created, the effective date of its creation is the following July 1. The trustees of the  
4 elementary district must be designated as the trustees of the new K-12 district.

5 (6) Until the first school fiscal year in which the new K-12 district enrolls high school students in all  
6 grades, the existing high school district shall provide high school instruction to students residing in the newly  
7 created K-12 district with the K-12 district paying the existing high school district:

8 (a) tuition and transportation charged pursuant to the provisions of 20-5-320 and 20-5-321; and

9 (b) an amount equal to the BASE general fund mills for the existing high school district assessed against  
10 the taxable valuation in the new K-12 district and funded using a building reserve fund levy for transition costs  
11 as provided in 20-9-502. The payment to the existing high school district must be deposited in the district general  
12 fund and used to reduce the BASE budget levy.

13 (7) If bonded indebtedness has been approved by the voters of the existing high school district prior to  
14 April 12, 2007, but the bonds have not been sold prior to the creation of the new K-12 district, then the future  
15 indebtedness of those bonds when those bonds are sold must be paid by levies on the original territory.

16 (8) If the K-12 school district does not open and operate a high school within 3 years after the effective  
17 date of the creation of the new district, the order of the county superintendent creating a new district under this  
18 section is void, the new district ceases to exist, and the trustees of the new district have no capacity to act. Those  
19 trustees retain authority as trustees of the elementary district."

20 - END -