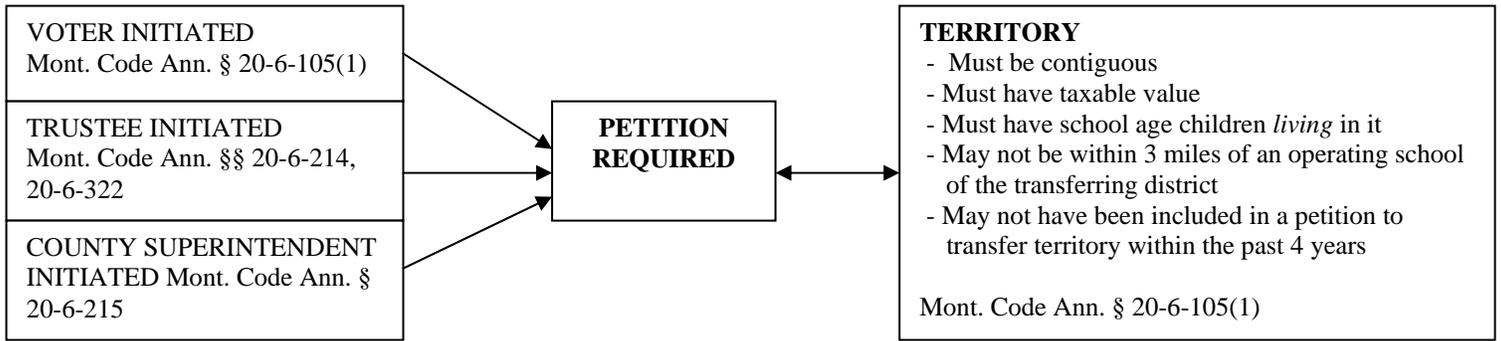


# REQUIREMENTS TO INITIATE TERRITORY TRANSFER PROCESS



**TRUSTEES OF THE RECEIVING DISTRICT MUST APPROVE THE TRANSFER BY RESOLUTION. THE MINUTES OR RESOLUTION MUST BE PRESENTED WITH THE PETITION. THE PETITION MUST:**

- be signed by 60% of the registered electors in the territory to be transferred
- include a legal description of the territory to be transferred and a description of the district to which it is to be transferred
- state the reasons why the transfer is requested
- state the number of school-age children *residing* in the territory, and
- be presented to the county superintendent to initiate a hearing.

Mont. Code Ann. § 20-6-105(1)

If the trustees of the district transferring the territory **DO NOT APPROVE** the transfer in writing, the county superintendent shall set the matter for hearing. Mont. Code Ann. § 20-6-105(5)

If the trustees of **BOTH** districts **APPROVE** the transfer in writing, the county superintendent shall grant the transfer without a hearing. Mont. Code Ann. § 20-6-105(4)

**BEFORE THE HEARING THE COUNTY SUPERINTENDENT SHALL:**

- Schedule the hearing at a neutral hearing site not more than 40 days after receipt of the petition. Court reporter is needed.
- Verify the following which become part of the record:
  - Percentage of voters (Clerk and Recorder)
  - Contiguity, distance from school, taxable value (Appraiser)
  - Number of school age children
  - Territory hasn't been included in a transfer in the past 4 years (County Superintendent records)
- Post notice pursuant to Mont. Code Ann. § 20-20-204 with at least one notice in the territory to be transferred
- For joint districts, appoint additional county superintendents, if needed. Mont. Code Ann. 20-6-105(10)
- Determine hearing ground rules regarding repetitious testimony, time limits, rebuttal testimony, and acceptance of post-hearing written testimony

Mont. Code Ann. 20-6-105(5)

**HEARING**

**POST-HEARING**  
Issue Findings of Fact, Conclusions of Law and Order. Make a finding on each item listed in Mont. Code Ann. § 20-6-105(6). If multiple county superintendents are involved, each may submit findings. Include a Notice of Right to Appeal with Findings. Mont. Code Ann. § 20-5-105(7)

**APPEAL** must be filed within 30 days. Submit the entire record to the District Court. Mont. Code Ann. § 20-6-105(9)

**NO APPEAL**  
Transfer will not take effect between January 1 and the fourth Monday in August. Mont. Code Ann. §§ 20 6-202, 20-6-314  
Notify the following in writing if the transfer has been approved:  
Both districts, Clerk and Recorder, Treasurer (NOTE: territory retains any debt service payments), Assessor/appraiser, Surveyor (request rewrite of boundary descriptions), Fire districts, Utilities, Board of County Commissioners, and Office of Public Instruction (particularly if low income students are involved).