

BEFORE THE SUPERINTENDENT OF SCHOOLS

OF

_____ COUNTY

IN THE MATTER OF THE PETITION)
TO TRANSFER TERRITORY FROM)
SCHOOL DISTRICT # _____ TO SCHOOL)
DISTRICT # _____, _____ COUNTY)
_____)

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

On _____, 20__, residents of the described territory filed with the _____ County Superintendent of Schools a petition requesting that the said territory be transferred from School District # _____ (name of district) to School District # _____ (name of district). Based on the contents of the petition submitted and official sources of verification, I make the following findings of fact:

FINDINGS OF FACT

1. The petition is signed by ____ of ____ (____%) of the residents of the territory to be transferred. It contains a legal description of said territory (see attached map) and a description of the receiving district. It states the reasons why the transfer is requested and the number of school-age children (____) residing in the territory.

2. The territory to be transferred is adjacent to the district to which it is to be attached (School District legal description and GIS mapping).

3. The territory to be transferred is located approximately ____ miles (utilizing ____ Road) from the only operating school (name of district) in the district from which it is to be transferred. Utilizing _____ Road, the territory is approximately ____ miles from _____ School and by way of _____ Road it is approximately ____ miles from that

same school. In contrast, the territory to be transferred is approximately ____ miles by way of _____ Road from the only operating school (name of school) in the district that would receive the territory.

4. The territory is comprised of ____ properties with taxable value (Montana Department of Revenue, 20____).

5. The Board of Trustees of the receiving school district has approved the proposed transfer by resolution at a meeting for which proper notice was given (see attached Board Resolution, notice, agenda and minutes of board meeting).

6. The Board of Trustees of the transferring district has approved the proposed transfer by resolution at a meeting for which proper notice as given (see attached Board Resolution, notice, agenda and minutes of board meeting).

From the foregoing facts, I make the following conclusions of law:

CONCLUSIONS OF LAW

1. The petition conforms to the requirements found in Mont. Code Ann. § 20-6-105, in that more than 60% of the registered electors signed the petition; a legal description of the territory to be transferred and a description of the district to receive the territory are both provided; reasons are stated for the request; and school-age children reside in the territory.

2. The territory is contiguous to the district to which it is to be attached (name of school district) and includes taxable property.

3. The territory is located more than 3 miles from the operating school in the district from which it is to be transferred.

4. The boards of trustees from both districts (transferring and receiving) have approved the proposed transfer by adopted resolutions approved by the majority of the members

of each board at meetings for which proper notice as given.

5. As provided in Mont. Code Ann. § 20-6-105, when both the trustees of the receiving and transferring school districts have approved the proposed territory transfer in writing, the county superintendent shall grant the transfer.

ORDER

Based on the foregoing findings of fact and conclusions of law, the petition to transfer the described territory to School District # _____ is approved. The decision of the county superintendent is final 30 days after the date of this decision. This matter may be appealed to the district court by a resident, taxpayer, or representative of either district affected by the petitioned territory transfer.

DATED this ____ day of _____, 20__.

(Name)
_____ County Superintendent of Schools

CERTIFICATE OF MAILING

On the ____ day of _____, 20__, a true and exact copy of the foregoing Findings of Fact, Conclusions of Law and Order was mailed, postage prepaid to:

_____, Board Chair
(Receiving School District)
(Address)

_____, Board Chair
(Transferring School district)
(Address)

(Name)
_____ County Superintendent of Schools