EXHIBIT 1
DATE 1-26-05
HB 397

BEFORE THE HOUSE EDUCATION COMMITTEE
January 26, 2005, 59th Legislative Assembly

Testimony of Kalispell High School District No. 5 In Support of House Bill 397

Madame Chair, Members of the Committee, my name is Joe McCracken and I am here today on behalf of the Kalispell High School District to urge your favorable consideration of House Bill 397. I presently serve as a Consultant to the School District and have formerly served as Interim District Superintendent for the School District.

HB 397 is being offered at the request of the Kalispell High School District for the limited purpose of clarifying a "gap" that presently exists in the school laws concerning the proper structure of a board of trustees for a high school district. Under our present circumstances, our high school board is set up in the manner provided for under the school laws -- our board consists of the board of trustees of the elementary district in which our high school is located -- Kalispell Elementary, plus several additional trustees from the various other elementary districts that make up our high school district.

The "gap" that HB 397 is intended to address came to our attention as we were moving through our planning process for the construction of a new high school building. The site that we have chosen for that new high school building consists of a piece of school trust land that lies well within the boundary of our high school district, but lies just outside the boundary of Kalispell Elementary District, and inside the boundary of another elementary district -- West Valley Elementary District.

After consulting with our counsel and the School Boards Association, we were advised that the school laws very clearly provide the high school board with the authority to acquire school sites and to build school buildings anywhere in the high school district. We were also advised, however, that the school laws do not presently address the question of what a high school board of trustees should look like when that high school district operates high school buildings in more than one "component" elementary district.

Although Section 20-3-351 does presently make reference to that situation, it indicates that the high school board would be the board of trustees of the elementary district "designated by the high school boundary commission." We were advised by our counsel and the School Boards Association that the "high school boundary commission" was a group formerly composed of the County Commissioners and the County Superintendent of Schools, but that the laws creating the "high school boundary commission" had been repealed by the Legislature in 1997 -- over seven years ago. Since that time, we've also become aware that the present Code Commissioner bill (SB 24, Section 26) will remove the reference to the "high school boundary commission."

In light of that background, we are faced with a situation where the school laws governing the structure of our high school board would not address our situation after we had constructed a new high school building in our high school district, but outside of the Kalispell Elementary District. Even with the reference to the "high school boundary commission", the statute still provides no guidance, as the commission no longer exists. After the passage of the Code Commissioner bill, however, the statute will not address the question in any fashion.

Our only purpose in offering and supporting HB 397 is to remove that "gap" in the law and to remove any uncertainty in this area

as we move forward with the very complex process of building a new high school facility to better serve our students. The bill would simply provide that, in the event a high school district operates buildings in more than one elementary district, the high school board will consist of the board of trustees of the elementary district where the first high school building was constructed, plus any additional trustee positions called for under law. Thus, for a situation like ours (or any other high school district that might construct a new facility in a different elementary district), the law would simply retain the status quo.

The bill is not intended to impact on the structure or circumstances of any other high school districts currently operating and, to the best of our knowledge, it won't. If there is a present or potential situation out there that we aren't aware of and that might be impacted by HB 397, however, we are more than happy to work with those folks to accommodate those other situations.

In closing, our only intention here is to address a "gap" in the school laws that squarely impacts on our current plans to build a new high school building to better serve our students. It is a tremendously complex undertaking and we are just trying to remove any uncertainties or questions that might arise concerning the impact of those efforts on the proper structure of our High School Board of Trustees. We sincerely appreciate your time and effort in considering HB 397 and urge your passage of the bill. Thank you.