

1 HOUSE BILL NO. 376

2 INTRODUCED BY J. WINDY BOY, D. ANKNEY, N. BALLANCE, S. BERGLEE, M. BLASDEL, B. BROWN,
3 D. BROWN, E. BUTTREY, P. CONNELL, M. CUFFE, A. DOANE, R. EHLI, C. GLIMM, E. GREEF,
4 B. HARRIS, G. HERTZ, J. HINKLE, D. JONES, D. KARY, B. KEENAN, G. KIPP, J. KNOKEY, A. KNUDSEN,
5 D. LENZ, D. LOGE, T. MANZELLA, W. MCKAMEY, F. MOORE, D. MORTENSEN, M. NOLAND,
6 A. REDFIELD, V. RICCI, A. ROSENDALE, D. SALOMON, R. SHAW, D. SKEES, J. SMALL, C. SMITH,
7 S. STAFFANSON, S. STEWART-PEREGOY, N. SWANDAL, F. THOMAS, B. TSCHIDA, G. VANCE,
8 G. VUCKOVICH, K. WAGONER, R. WEBB, T. WELCH, K. WHITE, D. ZOLNIKOV, J. ESSMANN

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10 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ESTABLISHMENT OF PUBLIC CHARTER
11 SCHOOLS AS A MEANS OF PROVIDING ADDITIONAL EDUCATIONAL OPPORTUNITIES; DEFINING
12 "PUBLIC CHARTER SCHOOL"; CREATING THE PUBLIC CHARTER SCHOOL COMMISSION WITH
13 STATEWIDE CHARTERING AUTHORITY; PROVIDING A PROCESS AND REQUIREMENTS FOR SCHOOL
14 DISTRICT CHARTER SCHOOL PROPOSALS AND RENEWALS; AND PROVIDING AN EFFECTIVE DATE."

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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18 NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Public Charter
19 Schools Act".
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21 NEW SECTION. **Section 2. Legislative purpose and intent -- public charter school defined.** (1) The
22 legislature finds, pursuant to the authority and duties provided in Article X, section 1(3), of the Montana
23 constitution, that:

24 (a) encouraging innovation within public schools of the state is a valid public purpose; and

25 (b) creating options that assist parents and encourage students to develop their full educational potential
26 is vital to the economic competitiveness of the state.

27 (2) The legislature intends that public charter schools:

28 (a) incubate educational innovation;

29 (b) are created by trustees in collaboration with communities, school district staff, parents, and students;

30 (c) meet or exceed the educational outcomes of noncharter public schools in order to maintain their

1 charter;

2 (d) operate within a school district structure but independently from the other schools of a district;

3 (e) are funded along with other district schools through the school funding formula in Title 20, chapter

4 9;

5 (f) are an alternative educational program parallel to, but outside, the public school system; and

6 (g) are established under the authority and general supervision of the public charter school commission

7 established in [section 3].

8 (3) As used in [sections 1 through 4], "public charter school" means a separate and distinct public school:

9 (a) that is established through a charter contract between the public charter school commission and a
10 board of trustees of a public school district as defined in 20-6-101;

11 (b) that is under the supervision and control of the board of trustees;

12 (c) to which parents choose to send their children and that admits students on the basis of a lottery, if
13 more students apply for admission than can be accommodated; and

14 (d) that exclusively serves children who are residents of the district or children attending outside their
15 resident district pursuant to 20-5-321.

16 (4) A public charter school is not subject to the general supervision of the board of public education or
17 the accreditation standards but is authorized through a charter granted by the public charter school commission
18 pursuant to [sections 3 and 4].

19 (5) A public charter school may be maintained in a separate facility or in an existing school facility if the
20 public charter school is operated independently from the other school in the shared facility.

21 (6) A public charter school may be organized around a special emphasis, theme, or concept or may
22 utilize innovative educational methods or practices. A public school district operating a public charter school may
23 partner or contract with community organizations and individuals in the operation of the school.

24 (7) The opening of a public charter school established pursuant to [sections 1 through 4] is exempt from
25 the limitations on opening or reopening a school under 20-6-502 and 20-6-503.

26

27 **NEW SECTION. Section 3. Public charter school commission -- creation -- appointments.** (1)

28 There is an independent state public charter school commission with sole statewide chartering jurisdiction and
29 authority. The commission is administratively attached to the office of public instruction.

30 (2) The commission consists of seven members as follows:

- 1 (a) the superintendent of public instruction, who shall act as the presiding officer of the commission;
- 2 (b) two members appointed by the governor;
- 3 (c) two members appointed by the president of the senate; and
- 4 (d) two members appointed by the speaker of the house.
- 5 (3) The commission members are subject to the following qualifications:
- 6 (a) no more than four of the members may be affiliated with the same political party; and
- 7 (b) in making the appointments, the governor, the president of the senate, and the speaker of the house
- 8 shall ensure statewide geographic diversity among commission members.
- 9 (4) Members appointed to the commission must collectively possess substantial experience and
- 10 expertise in educational design, leadership, assessment, curriculum, and instruction. All members of the
- 11 commission must have a demonstrated understanding of and commitment to charter schools as a strategy for
- 12 strengthening public education in Montana.
- 13 (5) (a) For the initial term, each appointing authority shall appoint one member to a 4-year term and one
- 14 member to a 2-year term. Appointments to the initial terms must be made no later than 60 days following [the
- 15 effective date of this act].
- 16 (b) All terms after the initial term must be for 4 years.
- 17 (c) If an appointing authority fails to make an appointment, the other appointing authorities may make
- 18 the appointment.
- 19 (6) Each member of the commission is entitled to reimbursement for expenses as provided in 2-18-501
- 20 through 2-18-503.
- 21 (7) (a) A member of the commission may be removed by a majority vote of the commission for any cause
- 22 that renders the member unable or unfit to discharge the duties of the office, including but not limited to failure
- 23 to approve a charter application without just cause and interference with the functions of the commission as set
- 24 forth in [sections 1 through 4].
- 25 (b) When a vacancy on the commission exists, the original appointing authority shall appoint a member
- 26 for the remaining portion of the term consistent with the requirements of subsections (3) and (4).
- 27 (8) The commission shall meet as necessary at the call of the superintendent of public instruction.
- 28 (9) All commission meetings are open to the public pursuant to Article II, section 9, of the Montana
- 29 constitution and 2-3-203.
- 30

1 **NEW SECTION. Section 4. Public charter school proposal and renewal process -- charter term**

2 **-- reporting.** (1) The trustees of a school district may pass a resolution to submit to the public charter school
3 commission a proposal to establish a public charter school. If at least 20% of the electors of the school district
4 sign a petition requesting the creation of a public charter school, the trustees shall hold a public hearing regarding
5 the establishment of a public charter school.

6 (2) The public charter school commission shall develop, maintain, and publish a public charter school
7 proposal template and timeline for submission. The timeline for submission must allow enough time for the
8 proposal to be reviewed, for the commission to make a determination, and, for approved proposals, for the
9 commission and board of trustees to enter into a charter contract by no later than May 1 preceding the school
10 year in which the public charter school plans to enroll students. The proposal template must include the following
11 items:

12 (a) an executive summary, including the reasons the proposal requires public charter school designation;

13 (b) the mission and vision of the proposed public charter school, including identification of the targeted
14 student population and research-based strategies to address needs specific to that population;

15 (c) the location of the proposed public charter school;

16 (d) the grades to be served by the proposed public charter school;

17 (e) minimum, planned, and maximum enrollment;

18 (f) evidence of need and community support for the proposed public charter school;

19 (g) the intended calendar and sample daily schedule;

20 (h) a description of the academic program, including plans to formally assess student achievement on
21 an annual basis as part of the public charter school's performance framework;

22 (i) a description of the proposed public charter school's instructional design, including the type of learning
23 environment, class size and structure, curriculum overview, and teaching methods, and evidence that the
24 instructional design reflects best practices;

25 (j) plans for identifying and successfully serving students with disabilities, students who are English
26 language learners, students who are academically challenged, and gifted students, including but not limited to
27 compliance with applicable laws and regulations;

28 (k) a description of cocurricular or extracurricular programs, if any;

29 (l) plans and timelines for student enrollment, including lottery procedures;

30 (m) an organizational chart that clearly presents the proposed public charter school's organizational

1 structure, including any external organizations that will play a role in the operations of the school;

2 (n) a clear description of the roles and responsibilities for the proposed public charter school's leadership
3 team and for other entities shown in the organizational chart;

4 (o) a staffing chart for the proposed public charter school's first year and a staffing plan for the term of
5 the charter;

6 (p) explanations of any partnerships central to the proposed public charter school's operations or
7 mission; and

8 (q) opportunities and expectations for parent involvement.

9 (3) In reviewing and evaluating charter proposals, the commission shall employ procedures, practices,
10 and criteria consistent with nationally recognized principles and standards for authorizing public charter schools.
11 The proposal review process must include thorough evaluation of each written charter proposal and an in-person
12 interview with representatives from the board of trustees of the applying school district.

13 (4) (a) An approval decision may include, if appropriate, reasonable conditions that the applicant must
14 meet before a charter contract may be executed.

15 (b) For a charter denial, the authorizer shall clearly state for the public record the reasons for denial. A
16 board of trustees whose charter proposal is denied may subsequently reapply to the commission.

17 (5) The initial term of a charter contract must be 4 years.

18 (6) During the fourth year of a charter contract, the school district may seek to renew the charter contract
19 for a continuing term of no less than 2 years and no more than 5 years. The commission shall determine a
20 procedure for charter contract renewal that is based on the public charter school's student achievement outcomes
21 and performance framework.

22 (7) A school district may discontinue an approved public charter school at the end of any school fiscal
23 year. If the district decides to discontinue a public charter school, it shall promptly notify the public charter school
24 commission in writing.

25 (8) The commission shall monitor the performance of all public charter schools and publish an annual
26 report on public charter school status and performance by no later than December 1.

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28 **NEW SECTION. Section 5. Notification to tribal governments.** The secretary of state shall send a
29 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
30 Chippewa tribe.

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2 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 4] are intended to be codified
3 as an integral part of Title 20, and the provisions of Title 20 apply to [sections 1 through 4], except where explicitly
4 stated in [sections 1 through 4].

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6 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2017.

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