

SENATE BILL NO. 374

INTRODUCED BY LEWIS, WINDY BOY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ESTABLISHMENT OF PUBLIC CHARTER
5 SCHOOLS AS A MEANS OF PROVIDING ADDITIONAL EDUCATIONAL OPPORTUNITIES; DEFINING PUBLIC
6 CHARTER SCHOOLS; ~~PROVIDING FOR AUTONOMY OF PUBLIC CHARTER SCHOOLS THROUGH~~
7 ~~EXEMPTION FROM TITLE 20, MCA; ESTABLISHING A PUBLIC CHARTER SCHOOL COMMISSION;~~
8 ~~ESTABLISHING CHARTER AUTHORIZERS FOR OVERSEEING PUBLIC CHARTER SCHOOLS; PROVIDING~~
9 ~~AN OVERSIGHT FEE FOR CHARTER AUTHORIZERS; PROVIDING FOR CREATION, RENEWAL,~~
10 ~~REVOCAION, AND CLOSURE OF PUBLIC CHARTER SCHOOLS; PROVIDING FOR PERFORMANCE~~
11 ~~MEASURES FOR PUBLIC CHARTER SCHOOLS; EXEMPTING PUBLIC CHARTER SCHOOL TEACHERS~~
12 ~~FROM STATE CERTIFICATION REQUIREMENTS; PROVIDING FOR FUNDING OF PUBLIC CHARTER~~
13 ~~SCHOOLS; ESTABLISHING A PUBLIC CHARTER SCHOOL FACILITY REVOLVING LOAN ACCOUNT;~~
14 ~~ESTABLISHING THE PUBLIC CHARTER SCHOOL ENDOWMENT ACCOUNT; PROVIDING RULEMAKING~~
15 ~~AUTHORITY; AMENDING SECTIONS 15-6-201, 20-1-101, 20-4-101, 20-5-323, 61-3-321, AND 61-10-214, MCA;~~
16 PROVIDING GUIDELINES FOR THE AUTHORIZATION AND PURPOSES FOR THE ESTABLISHMENT OF A
17 PUBLIC CHARTER SCHOOL; PROVIDING EXPECTATIONS FOR THE OPERATION OF A PUBLIC CHARTER
18 SCHOOL; ALLOWING FOR THE TERMINATION OF A CHARTER SCHOOL; AND PROVIDING AN EFFECTIVE
19 DATE."

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

22 (Refer to Second Reading (Yellow) Bill)

23 Strike everything after the enacting clause and insert:

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25 NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Public Charter
26 Schools Act".

27
28 NEW SECTION. **Section 2. Legislative intent -- charter school defined.** (1) [Sections 1 through 5]
29 are intended to provide an alternative means within the public school system for ensuring the necessary
30 outcomes of education by offering opportunities for school district trustees, in collaboration with communities and

1 school district staff, to establish and maintain charter schools that are under the supervision and control of the
2 elected school boards pursuant to Article X, section 8, of the Montana constitution, subject to general supervision
3 of the board of public education pursuant to Article X, section 9(3), of the Montana constitution, and that operate
4 within a school district structure but independently from other schools of the district.

5 (2) As used in [sections 1 through 5], "charter school" means a separate and distinct public school that
6 is established and governed by a board of trustees of a public school district as defined in 20-6-101 for one or
7 more of the purposes set forth in [section 3] and that exclusively serves children who are residents of the district
8 or children attending outside their resident district pursuant to 20-5-321.

9 (3) Except as otherwise approved by a variance to standards by the board of public education, each
10 charter school must be subject to accreditation requirements of the board of public education and must be
11 accredited to maintain its charter.

12 (4) A charter school may be maintained in a separate facility or in an existing school facility if the charter
13 school is operated independently from the other school in the shared facility.

14 (5) Each charter school shall offer a general curriculum appropriate to the grades offered at the charter
15 school but may include one or more special programs as part of its curriculum. A charter school may be
16 organized around a special emphasis, theme, or concept or may utilize innovative educational methods or
17 practices.

18 (6) A charter school offering distance learning opportunities as all or part of its curriculum shall do so
19 exclusively using the Montana digital academy established in 20-7-1201 and shall comply with the rules regarding
20 the calculation of average number belonging set forth in 20-9-311(11)(g).

21 (7) The opening of a charter school established pursuant to [sections 1 through 5] is exempt from the
22 limitations on opening or reopening a school under 20-6-502 and 20-6-503.

23
24 **NEW SECTION. Section 3. Authorization to establish -- purposes.** (1) A charter school may be
25 established and governed by the board of trustees within a school district, either as a new school or as a
26 conversion of an existing school, upon any of the following actions:

27 (a) in a first-class elementary district, as defined in 20-6-201, or in any high school district with which a
28 first-class elementary district is affiliated by unification or joint board status, at least 10% of the electors qualified
29 under the provisions of 20-20-301 sign a petition calling for the creation of a charter school and a majority of the
30 board of trustees votes for the creation of a charter school;

1 (b) in a second-class elementary district, as defined in 20-6-201, or in any high school district with which
2 a second-class elementary district is affiliated by unification or joint board status, at least 20% of the electors
3 qualified under the provisions of 20-20-301 sign a petition calling for the creation of a charter school and a
4 majority of the board of trustees votes for the creation of a charter school; or

5 (c) in a third-class elementary district, as defined in 20-6-201, or in any high school district with which a
6 third-class elementary district is affiliated by unification or joint board status, at least 30% of the electors qualified
7 under the provisions of 20-20-301 sign a petition calling for the creation of a charter school and a majority of the
8 board of trustees votes for the creation of a charter school.

9 (2) In the case of a conversion of an existing school or creation of a new charter school, the board shall
10 negotiate salary, benefits, and working conditions with affected labor groups.

11 (3) The board of trustees of any school district defined in 20-6-101 may establish a charter school as a
12 means of providing new opportunities for:

13 (a) improved pupil learning;

14 (b) increased learning opportunities for pupils in special areas of emphasis in accordance with themes
15 established for charter schools; or

16 (c) creative and unconventional instructional techniques and structures.

17 (4) A school district establishing a charter school under this section may apply to the board of public
18 education for variances to any standards set forth in board of public education rules, excluding standards
19 pertaining to teacher licensure or endorsement. The procedure for applying for variances to standards of the
20 board of public education must be set forth in board of public education rules, and the determination regarding
21 whether to waive any standards must be in the sole discretion of the board of public education.

22
23 **NEW SECTION. Section 4. Expectations.** (1) A charter school shall provide an education that meets
24 or exceeds the requirements of the Montana constitution, state law, and school accreditation standards except
25 as specifically otherwise approved through a variance to standards by the board of public education.

26 (2) To be established pursuant to a vote of the board of trustees or the qualified electors, a charter school
27 shall, at a minimum, guarantee the following:

28 (a) elected school board governance, supervision, and control over the charter school and its operations;

29 (b) unrestricted, open student access for all children who are residents of the district or children subject
30 to attendance with mandatory approval pursuant to 20-5-321;

- 1 (c) compliance with all health and safety laws;
- 2 (d) teacher licensure and endorsement to the same extent as required or provided by state law or
3 accreditation standards;
- 4 (e) employee collective bargaining to the same extent as required or provided by state law; and
- 5 (f) a plan for soliciting input on vital formation and implementation issues from community members and
6 school district staff through the formation of advisory committees, the conduct of properly noticed public meetings
7 for purposes of hearing comment, or any other reasonable means that result in an opportunity for input by staff
8 and community members prior to a decision of significant interest on establishing a charter school.

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10 **NEW SECTION. Section 5. Termination.** A school district may discontinue an approved charter school
11 upon completion of any school fiscal year. If the district decides to discontinue a charter school, it shall promptly
12 notify the board of public education in writing.

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14 **NEW SECTION. Section 6. Notification to tribal governments.** The secretary of state shall send a
15 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
16 Chippewa tribe.

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18 **NEW SECTION. Section 7. Codification instruction.** [Sections 1 through 5] are intended to be codified
19 as an integral part of Title 20, and the provisions of Title 20 apply to [sections 1 through 5], except where explicitly
20 stated in [sections 1 through 5].

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22 **NEW SECTION. Section 8. Effective date.** [This act] is effective July 1, 2013.

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