

HOUSE BILL NO. 376

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ESTABLISHMENT OF PUBLIC CHARTER
 SCHOOLS AS A MEANS OF PROVIDING ADDITIONAL EDUCATIONAL OPPORTUNITIES; ~~DEFINING~~
~~"PUBLIC CHARTER SCHOOL"; CREATING THE PUBLIC CHARTER SCHOOL COMMISSION WITH~~
~~STATEWIDE CHARTERING AUTHORITY; PROVIDING A PROCESS AND REQUIREMENTS FOR SCHOOL~~
~~DISTRICT CHARTER SCHOOL PROPOSALS AND RENEWALS; DEFINING "CHARTER SCHOOL";~~
~~PROVIDING A PROCESS THROUGH WHICH SCHOOL DISTRICT TRUSTEES MAY ESTABLISH A CHARTER~~
~~SCHOOL AND EXPECTATIONS FOR THE OPERATION OF A CHARTER SCHOOL; AND PROVIDING AN~~
 EFFECTIVE DATE."

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

(Refer to Second Reading, Second Chamber, Tan Bill)

Strike everything after the enacting clause and insert:

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

NEW SECTION. Section 2. Legislative intent -- charter school defined. (1) [Sections 1 through 5]
 are intended to provide an alternative means within the public school system for personalizing learning while
 ensuring the necessary outcomes of education by offering opportunities for school district trustees, in
 collaboration with communities and school district staff, to establish and maintain charter schools that are under
 the supervision and control of the elected school boards pursuant to Article X, section 8, of the Montana

1 constitution, subject to general supervision of the board of public education pursuant to Article X, section 9(3),
2 of the Montana constitution.

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

7 (3) In order to promote the flexible operation of a charter school, a school district operating a charter
8 school may seek a variance to accreditation requirements through a procedure adopted by the board of public
9 education.

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

12 (5) Each charter school shall offer a general curriculum appropriate to the grades offered at the charter
13 school but may include one or more special programs as part of its curriculum. A charter school may be organized
14 around a special emphasis, theme, or concept or may utilize innovative educational methods or practices,
15 including proficiency-based learning consistent with the provisions of 20-9-311 and 20-1-301.

16 (6) In providing distance learning opportunities, a charter school shall:

17 (a) for K-12 curriculum, exclusively use the Montana digital academy established in 20-7-1201;

18 (b) for dual credit purposes, use:

19 (i) the Montana digital academy;

20 (ii) a unit of the Montana university system as referenced in 20-25-201; or

21 (iii) a community college district as referenced in 20-15-101; and

22 (c) comply with the rules regarding the calculation of average number belonging set forth in 20-9-311.

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

25

26 **NEW SECTION. Section 3. Authorization to establish -- purposes.** (1) A charter school may be
27 established and governed by the board of trustees within a school district, either as a new school or as a
28 conversion of an existing school, if a majority of the board of trustees votes for the creation of a charter school.
29 The trustees may convert one or more schools to charter schools and nothing in [sections 1 through 5] precludes
30 the board of trustees from converting all schools of the district to charter schools.

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

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

5 (a) improved pupil learning;

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

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

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

14
15 **NEW SECTION. Section 4. Expectations.** (1) A charter school shall provide an education that meets
16 or exceeds the requirements of the Montana constitution, state law, and school accreditation standards except
17 as specifically otherwise approved through a variance to standards by the board of public education.

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

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

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

23 (c) compliance with all health and safety laws;

24 (d) teacher licensure and endorsement to the same extent as required or provided by state law or
25 accreditation standards;

26 (e) employee collective bargaining to the same extent as required or provided by state law; and

27 (f) a plan for soliciting input on vital formation and implementation issues from community members and
28 school district staff through the formation of advisory committees, the conduct of properly noticed public meetings
29 for purposes of hearing comment, or any other reasonable means that result in an opportunity for input by staff
30 and community members prior to a decision of significant interest on establishing a charter school.

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

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

9
10 **NEW SECTION. Section 7. Codification instruction.** [Sections 1 through 5] are intended to be codified
11 as an integral part of Title 20, and the provisions of Title 20 apply to [sections 1 through 5].

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13 **NEW SECTION. Section 8. Effective date.** [This act] is effective July 1, 2017.

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