

CHARTER SCHOOLS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex, and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary:

Charter schools are publicly funded schools that generally operate with a greater degree of autonomy than other public schools under a contract with an “authorizer.” The contract, or charter, includes performance expectations and a procedure for renewal, as well as revocation of the contract if performance expectations are not met.

Montana is one of five states (as of 2020; NE, VT, ND, SD, MT) that do not have charter school laws. Legislation establishing charter schools in Montana statute is frequently proposed and typically draws large crowds to lengthy hearings.

There is mechanism for school districts seeking to create a charter school through administrative rule in Montana, under [ARM 10.55.604](#). The Board of Public Education determines whether to grant, deny, or renew the charter. Charter status granted under this rule in and of itself does not allow any greater autonomy for the school. As of June 2018, two districts have been granted charter status for schools under this rule. It is debatable whether charter schools established under this administrative rule are truly charter schools; they do not seem to match the federal definition of “charter school” and likely would not qualify for federal funding to support charter schools.

Legislative Services Division Materials:

[Memo on ARM 10.55.604](#)

Other Materials:

[NCSL Charter Schools webpage](#)

Introduced Legislation

*Chapter number assigned means bill was passed and approved.

2019

No introduced legislation.

2017

[HOUSE BILL NO. 376](#) - (H) Died in Process -- AN ACT AUTHORIZING THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS AS A MEANS OF PROVIDING ADDITIONAL EDUCATIONAL OPPORTUNITIES; 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."

2015

[HOUSE BILL NO. 596](#) - (S) Died in Standing Committee -- AN ACT AUTHORIZING THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS AS A MEANS OF PROVIDING ADDITIONAL EDUCATIONAL OPPORTUNITIES; DEFINING "PUBLIC CHARTER SCHOOL"; PROVIDING FOR AUTONOMY OF PUBLIC CHARTER SCHOOLS THROUGH EXEMPTION FROM TITLE 20, MCA; ESTABLISHING A PUBLIC CHARTER SCHOOL COMMISSION; ESTABLISHING CHARTER AUTHORIZERS FOR OVERSEEING PUBLIC CHARTER SCHOOLS; PROVIDING AN OVERSIGHT FEE FOR CHARTER AUTHORIZERS; PROVIDING FOR CREATION, RENEWAL, REVOCATION, AND CLOSURE OF PUBLIC CHARTER SCHOOLS; PROVIDING FOR PERFORMANCE MEASURES FOR PUBLIC CHARTER SCHOOLS; EXEMPTING PUBLIC CHARTER SCHOOL TEACHERS FROM STATE CERTIFICATION REQUIREMENTS; PROVIDING FOR FUNDING OF PUBLIC CHARTER SCHOOLS; ESTABLISHING THE PUBLIC CHARTER SCHOOL ACCOUNT; AMENDING SECTIONS 15-6-201, 20-1-101, 20-4-101, 20-5-323, 61-3-321, AND 61-10-214, MCA; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

2013

[HOUSE BILL NO. 315](#) - (H) Died in Process -- AN ACT AUTHORIZING THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS AS A MEANS OF PROVIDING ADDITIONAL EDUCATIONAL OPPORTUNITIES; DEFINING PUBLIC CHARTER SCHOOLS; PROVIDING FOR AUTONOMY OF PUBLIC CHARTER SCHOOLS THROUGH EXEMPTION FROM TITLE 20, MCA; ESTABLISHING A PUBLIC CHARTER SCHOOL COMMISSION; ESTABLISHING CHARTER AUTHORIZERS FOR OVERSEEING PUBLIC CHARTER SCHOOLS; PROVIDING AN OVERSIGHT FEE FOR CHARTER AUTHORIZERS; PROVIDING FOR CREATION, RENEWAL, REVOCATION, AND CLOSURE OF PUBLIC CHARTER SCHOOLS; PROVIDING FOR PERFORMANCE MEASURES FOR PUBLIC CHARTER SCHOOLS; EXEMPTING PUBLIC CHARTER SCHOOL TEACHERS FROM STATE CERTIFICATION REQUIREMENTS; PROVIDING FOR FUNDING OF PUBLIC CHARTER SCHOOLS; ESTABLISHING A PUBLIC CHARTER SCHOOL FACILITY REVOLVING LOAN ACCOUNT; ESTABLISHING THE PUBLIC CHARTER SCHOOL ENDOWMENT ACCOUNT; PROVIDING RULEMAKING AUTHORITY;

AMENDING SECTIONS 15-6-201, 20-1-101, 20-4-101, 20-5-323, 61-3-321, AND 61-10-214, MCA; AND PROVIDING AN EFFECTIVE DATE.

[SENATE BILL NO. 374](#) - (H) Died in Standing Committee -- AN ACT AUTHORIZING THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS AS A MEANS OF PROVIDING ADDITIONAL EDUCATIONAL OPPORTUNITIES; DEFINING PUBLIC CHARTER SCHOOLS; PROVIDING GUIDELINES FOR THE AUTHORIZATION AND PURPOSES FOR THE ESTABLISHMENT OF A PUBLIC CHARTER SCHOOL; PROVIDING EXPECTATIONS FOR THE OPERATION OF A PUBLIC CHARTER SCHOOL; ALLOWING FOR THE TERMINATION OF A CHARTER SCHOOL; AND PROVIDING AN EFFECTIVE DATE.

2011

[HOUSE BILL NO. 603](#) - (S) Died in Standing Committee -- AN ACT AUTHORIZING THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS AS A MEANS OF PROVIDING ADDITIONAL EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF MONTANA; ESTABLISHING A PUBLIC CHARTER SCHOOL COMMISSION; ESTABLISHING CHARTER AUTHORIZERS FOR OVERSEEING CHARTER SCHOOLS; PROVIDING AN OVERSIGHT FEE FOR CHARTER AUTHORIZERS; PROVIDING FOR CREATION, RENEWAL, AND REVOCATION OF PUBLIC CHARTER SCHOOLS; PROVIDING FOR PERFORMANCE MEASURES FOR PUBLIC CHARTER SCHOOLS; PROVIDING FOR AUTONOMY FOR PUBLIC CHARTER SCHOOLS; PROVIDING FOR FUNDING OF PUBLIC CHARTER SCHOOLS; PROVIDING SPENDING AUTHORITY; AMENDING SECTIONS 15-6-201, 20-5-323, 20-6-104, 20-9-313, 61-3-321, AND 61-10-214, MCA; AND PROVIDING AN EFFECTIVE DATE.

2009

No introduced legislation.

Prepared By:

Pad McCracken, Research Analyst
Office of Research and Policy Analysis
October 2018 (updated September 2020)