

## EDUCATION SAVINGS ACCOUNTS

### 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.**

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### Background Materials and Research

#### Topic Summary:

An education savings account (ESA) allows parents who have withdrawn their child from a public school to receive an amount of public money to purchase a variety of educational services for their child -- tutoring, online programs, educational materials, higher education, or private school tuition. This variety of eligible expenditures distinguishes ESAs from vouchers which are typically only used to purchase private school tuition. Several states have implemented ESA programs; sometimes eligibility is limited to special education students with IEPs or students in schools with low performance or other special categories of students, but some programs are open to any student. Montana has considered several ESA proposals in recent years.

#### Legislative Services Division Materials:

None

#### Other Materials:

[NCSL LegisBrief "Expanding Choices with Education Savings Accounts"](#) (February 2016)

["Education Savings Accounts: Key provisions and state variations"](#) (Education Commission of the States; August 2016)

["What is an Education Savings Account?"](#) (edChoice webpage)

["Eight School Choice Reforms for the Coronavirus Era"](#) (American Enterprise Institute report by Dale Chu; September 2020)

## Introduced Legislation

\*Chapter number assigned means bill was passed and approved.

### 2021

[HOUSE BILL NO. 329](#) - (S) Died in Standing Committee -- AN ACT GENERALLY REVISING LAWS RELATED TO ESTABLISHING THE STUDENTS WITH SPECIAL NEEDS EQUAL OPPORTUNITY ACT AND THE MONTANA SPECIAL NEEDS EQUAL OPPORTUNITY EDUCATION SAVINGS ACCOUNT PROGRAM; ESTABLISHING REQUIREMENTS FOR ELIGIBILITY AND ALLOWABLE EXPENSES; PROVIDING RESPONSIBILITIES FOR PARENTS, SCHOOL DISTRICTS, AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION; CLARIFYING THE AUTONOMY OF PARTICIPATING PRIVATE SCHOOLS; PROVIDING FOR FUNDING OF SPECIAL NEEDS EQUAL OPPORTUNITY EDUCATION SAVINGS ACCOUNTS; ESTABLISHING THE SPECIAL NEEDS EQUAL OPPORTUNITY EDUCATION SAVINGS TRUST; PROVIDING AN APPROPRIATION AND A STATUTORY APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

2019 No introduced legislation

### 2017

[HOUSE BILL NO. 423](#) - (H) Died in Standing Committee -- AN ACT ESTABLISHING THE MONTANA SPECIAL NEEDS EDUCATION SAVINGS ACCOUNT PROGRAM; PROVIDING DEFINITIONS; ESTABLISHING REQUIREMENTS FOR ELIGIBILITY AND ALLOWABLE EXPENSES; PROVIDING RESPONSIBILITIES FOR PARENTS AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION; CLARIFYING THE AUTONOMY OF PARTICIPATING PRIVATE SCHOOLS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION AND A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

### 2015

[HOUSE BILL NO. 322](#) - Vetoed by Governor - AN ACT ESTABLISHING THE MONTANA SPECIAL NEEDS EDUCATION SAVINGS ACCOUNT PROGRAM; PROVIDING DEFINITIONS; ESTABLISHING REQUIREMENTS FOR ELIGIBILITY AND ALLOWABLE EXPENSES; PROVIDING RESPONSIBILITIES FOR PARENTS AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION; CLARIFYING THE AUTONOMY OF PARTICIPATING PRIVATE SCHOOLS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION AND A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

### 2013

[HOUSE BILL NO. 288](#) - (H) Died in Standing Committee - AN ACT ESTABLISHING THE MONTANA SPECIAL EDUCATION SAVINGS ACCOUNT PROGRAM; PROVIDING DEFINITIONS; ESTABLISHING ELIGIBILITY REQUIREMENTS; PROVIDING RESPONSIBILITIES FOR PARENTS, STUDENTS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE COMMISSIONER OF HIGHER EDUCATION, AND EDUCATION PROVIDERS; SUPERSEDING THE UNFUNDED MANDATE LAWS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HOUSE BILL NO. 357](#) - (H) 2nd Reading Not Passed - AN ACT ESTABLISHING THE MY CHOICE SAVINGS ACCOUNT PROGRAM; PROVIDING DEFINITIONS; ESTABLISHING ELIGIBILITY REQUIREMENTS; PROVIDING RESPONSIBILITIES FOR PARENTS, STUDENTS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE COMMISSIONER OF HIGHER EDUCATION, AND EDUCATION PROVIDERS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION AND A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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