



\*\*\*DRAFT\*\*\*

### OPI Bill Draft– 2025 Legislature

Specifically define a cultural public charter school in § [20-6-803](#), MCA, and expand the public charter school approval process in § [20-6-805](#), MCA, to include cultural public charter schools for the Board of Public Education’s consideration. This legislation would build on the ideas proposed by Rep. Windy Boy in HB 394 (2023) by including language passed through HB 214 (2023) into the public charter school processes passed in HB 549 (2023). Draft amendment language could be as follows:

20-6-803. Definitions. As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) “Applicant” means a group of residents of the located school district or county of the located school district or the local school board of the located school district that submits a proposal for a public charter school to the board of public education.

(2) “Board of public education” means the board created by Article X, section 9(3), of the Montana constitution and 2-15-1507. For the purposes of public charter schools established under this part, the board of public education is the sole entity authorized to enter into charter contracts with a governing board.

(3) “Charter contract” means a fixed-term, renewable contract between a governing board of a public charter school and the board of public education that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(4) “Cultural public charter school” means a public charter school emphasizing culturally rooted instruction aligned to a learning environment for English language learners or an Indian language immersion program for pupils.

~~(4)~~(5) “Governing board” means the elected board of trustees of a public charter school district exercising supervision and control over a charter school or the local school board that is a party to the charter contract with the board of public education and that exercises supervision and control over a charter school pursuant to the charter contract.

~~(5)~~(6) “Local school board” means a preexisting board of trustees exercising supervision and control of the schools and programs of a local school district pursuant to Article X, section 8, of the Montana constitution and the laws of the state of Montana.

~~(6)~~(7) “Located school district” means the school district in which a proposed, preoperational, or operational public charter school is located and from which the separate boundaries of the charter school district are proposed to be formed. When a charter school district is formed, the boundaries of the charter school district are removed from the territory of the located school district.

**Commented [RS1]:** This language was taken from § [20-3-363\(1\)\(b\)](#), MCA, introduced by Rep. Bertoglio in HB 214 (2023).

~~(7)~~(8) “Noncharter public school” means a public school that is under the supervision and control of a local school board or the state and is not operating under a charter contract pursuant to 20-6-806.

~~(8)~~(9) “Parent” means a parent, guardian, or other person or entity having legal custody of a child.

~~(9)~~(10) “Public charter school” means a public school that:

(a) has autonomy over decisions including but not limited to matters concerning finance, personnel, scheduling, curriculum, and instruction as defined in a charter contract;

(b) is governed by a local school board or, in the case of a governing board other than a local school board, by the governing board of the charter school district of which the charter school is a part;

(c) is established and operated under the terms of a charter contract;

(d) allows parents choose to enroll their children;

(e) admits students on the basis of a lottery if more students apply for admission than can be accommodated;

(f) provides a program of education that may include any or all grades from kindergarten through grade 12 and vocational education programs;

(g) operates in pursuit of a specific set of educational objectives as defined in its charter contract;

(h) operates under the general supervision of the board of public education in accordance with its charter contract; and

(i) if the school is a high school, establishes graduation requirements and has authority to award degrees and issue diplomas.

~~(10)~~(11) “Resident school district” means the public school district in which a student resides.

~~(11)~~(12) “Student” means a child who is eligible for attendance in a public school in the state.

20-6-805. Public charter school proposal process. (1) To solicit, encourage, and guide the development of public charter schools, the board of public education shall issue and broadly publicize a request for proposal by October 1 in 2023 and by June 1 of each year thereafter. The content and dissemination of the request for proposal must be consistent with the purposes and requirements of this part.

(2) The request for proposal must include:

(a) the criteria that will guide the board's decision to approve or deny a charter proposal;

(b) clear and detailed questions designed to gauge an applicant's capacity to establish and operate a successful public charter school, as well as guidelines concerning the format and content of an applicant's response to the request for proposal.

(3) A request for proposal must require applicants to describe thoroughly the following essential elements of their public charter school proposal:

(a) an executive summary;

(b) the mission and vision of the proposed public charter school, including identification of the targeted student population and the community the school proposes to serve;

- (c) the school district in which the public charter school is proposed to be located and operate;
- (d) the grades to be served each year for the full term of the charter contract;
- (e) the minimum, planned, and maximum enrollment per year for the term of the charter contract;
- (f) specific evidence:
  - (i) of significant community support for the proposed public charter school; and
  - (ii) for an applicant that is not a local school board:
    - (A) that the applicant has sought from the local school board the creation of a school or program of the located school district serving the mission and vision of the proposed public charter school;
    - (B) the local school board declined to create the school or program or submit to the board of public education a proposal for the creation of a public charter school consistent with the mission and vision of the proposed public charter school; ~~and~~
    - (C) a legal description of the property of the existing school district from which the boundaries of the charter school district are proposed to be formed; and
    - (D) for a cultural public charter school, specifically describe the emphasis on culturally rooted instruction aligned to a learning environment for English language learners or an Indian language immersion program for pupils;
- (g) for an applicant that is not a local school board, background information on the initial governing board members and, if identified, the proposed school leadership and management team;
- (h) the proposed public charter school's proposed calendar and sample daily schedule;
- (i) a description of the academic program, including:
  - (i) plans to formally assess student achievement on an annual basis; and
  - (ii) variances to existing standards that the proposed public charter school requires;
- (j) a description of the proposed public charter school's instructional design, including the type of learning environment, class size and structure, curriculum overview, and teaching methods;
- (k) the proposed public charter school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically challenged, and gifted students, including but not limited to compliance with applicable laws and regulations;
- (l) a description of cocurricular or extracurricular programs, if any, and how the programs will be funded and delivered;
- (m) plans and timelines for student recruitment and enrollment, including lottery procedures;
- (n) the proposed public charter school's student discipline policies, including those for special education students;
- (o) an organizational chart that clearly presents the proposed public charter school's organizational structure, including lines of authority and reporting between the governing board, staff, related bodies such as advisory bodies or parent and teacher councils, and external organizations that will play a role in managing the school;

(p) a clear description of the roles and responsibilities for the governing board, the proposed public charter school's leadership and management team, and other entities shown in the organizational chart;

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

(r) plans for recruiting and developing school leadership and staff;

(s) the proposed public charter school's leadership and teacher employment policies, including performance evaluation plans;

(t) proposed governing bylaws;

(u) explanations of any partnerships or contractual relationships central to the proposed public charter school's operations or mission;

(v) the proposed public charter school's plans for providing transportation, food service, and all other significant operational or ancillary services, if any;

(w) opportunities and expectations for parent involvement;

(x) a detailed school startup plan, identifying tasks, timelines, and responsible individuals;

(y) a description of the proposed public charter school's financial plan and policies, including financial controls and audit requirements;

(z) a description of the insurance coverage the proposed public charter school will obtain;

(aa) startup and 5-year budgets with clearly stated assumptions;

(bb) startup and first-year cash flow projections with clearly stated assumptions;

(cc) evidence of anticipated fundraising contributions, if claimed in the proposal;

and

(dd) a sound facilities plan, including backup or contingency plans, if appropriate.

(4) If a public charter school proposal does not contain the elements required in subsection (3), the board shall consider the proposal incomplete and return the proposal to the applicant without taking further action.

(5) In reviewing and evaluating charter proposals, the board shall employ procedures, practices, and criteria consistent with nationally recognized best practices, principles, and standards for the authorization of public charter schools. The proposal review process must include thorough evaluation of each written charter proposal, an in-person interview with the applicant, and an opportunity in a public forum for local residents to learn about and provide input on each proposal.

(6) In deciding whether to approve charter proposals, the board shall:

(a) grant charters only to applicants that have demonstrated competence in each element of the board's published approval criteria and are likely to open and operate a successful public charter school;

(b) base decisions on documented evidence collected through the proposal review process;

(c) for an applicant that is not a local school board, request input from the qualified electors of the located school district regarding concerns about the applicant's proposal being approved;

(d) follow charter-granting policies and practices that are transparent and are based on merit and avoid conflicts of interest or any appearance of conflict; and

(e) weigh heavily the evidence of community support, the projected student enrollment, and the input received under subsection (6)(c) and only approve charters whose promise of improved educational outcomes outweighs potential increased costs to state and local taxpayers.

(7) (a) The board shall approve or deny a charter proposal within 90 days after the filing of the charter proposal. When approval is granted to a governing board other than a local school board, the approval constitutes corresponding approval of the creation of a separate charter school district, the boundaries for which consist of the legal description of the campus of the charter school. These boundaries must be removed from the boundaries of the located school district for the purpose of establishing a distinct boundary for the charter school district that is subject to exclusive supervision and control by the governing board of the charter school district.

(b) The board shall adopt by resolution all charter approval or denial decisions in an open meeting.

(c) An approval decision may include, if appropriate, reasonable conditions that the applicant must meet before a charter contract may be executed pursuant to 20-6-806.

(d) For any charter denial, the board shall clearly state for the public record the reasons for denial.