



# Public Charter Schools Guidance

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## Purpose

This document is intended to provide information to the public, particularly public charter school personnel, regarding the responsibilities of the Office of Public Instruction and public charter schools as created and defined by HB 549 (2023 Session).

## History and References

- [HB0549 \(2023 Session\)](#)
- [Title 20 Chapter 6 Part 8, MCA](#)
- [Board of Public Education Public Charter School webpage](#)

## Overview

HB 549 (2023) authorized the establishment of public charter schools in Montana and defined the roles and requirements of schools, the Board of Public Education (BPE), and the Office of Public Instruction (OPI).

The Board of Public Education is tasked with the review and approval of proposed public charter schools, as well as contract maintenance for any approved facilities. For additional information regarding the BPE process, please visit the [Board of Public Education Public Charter School webpage](#). Any new charter application that is accepted by the BPE needs to follow the statutory [school-opening process in Montana](#).



Once charter schools are approved by the BPE, the OPI is responsible for the oversight of the educational functions of the new school. Public charter schools are identified as a separate school code (SC) and must meet the requirements as such, including financial and educational reporting and maintenance of student attendance agreements. Public charter school districts are identified as an individual legal entity (LE).

## School Opening Process with the OPI

As with all schools in the State of Montana, the goal of public charter schools must be to provide Montana students with a learning environment that allows them to develop their full educational potential and enhance their opportunities (20-6-802, MCA, 20-1-102, MCA).

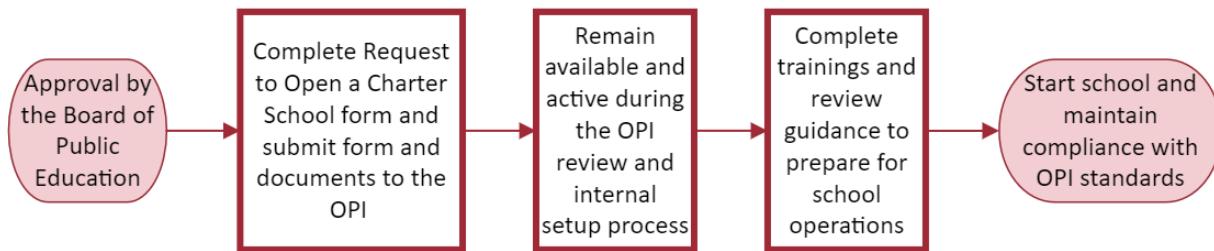
There are two types of public charter schools: those operating under an existing local school board and those operating as a new school district under a separate governing board. Those schools operating as a new school district will have additional requirements and responsibilities. For both types of charter schools, the school must apply for contract with the Board of Public Education and be approved to proceed.

After approval of the Board of Public Education, a new charter school or charter district must apply with the OPI to complete the school set-up process. Schools and districts will need access to multiple OPI systems to maintain students' information and their own.

### Opening of Public Charter Schools Operating Under a Local School Board

After approval by the BPE, a public charter school must:

1. Submit the Request to Open a Charter School form to the OPI, along with the required documents listed.
2. Work with the OPI to ensure that system set up is completed. There may be a need to double check logins, review website accesses, and add or remove users.
3. Participate in trainings and review guidance made available by the OPI.





## Additional Opening Considerations of Public Charter Schools

A public charter school or district's obligations will include, but are not limited to:

- Meet Special Education legal requirements, as available for review in [Special Education Guidance](#) and via the U.S. Department of Education [Office of Special Education](#) website.
- Work with the Assessment team to appoint a Test Coordinator and understand the testing requirements and processes, as can be reviewed through the [Assessment webpage](#).
- Work with School Nutrition to assess needs, review [School Meal Programs](#), and implement program.
- Review [Accreditation requirements](#) and work with the team to meet standards.

## Funding of Public Charter Schools

### Basic Entitlement for Newly Approved Public Charter Schools

School opening procedures as outline in [Title 20, Chapter 6, Part 5, MCA](#), require county superintendents to estimate average number of belonging (ANB) after investigating the probable enrollment for the school. This enrollment estimate will be reported to the OPI as part of the school opening process. On the first budget sheet of the first year of a new public charter school that is located within an existing district, the students who will be enrolled in that charter school, may already have been counted for ANB purposes in another school in the district. To ensure students are not double counted, the new charter school will show on the budget report as having non enrolled students for the first year's budget sheet but will receive basic entitlement.

### 1) Public Charter Schools Operating Under a Local School Board

When a public charter school is operated by a local school board, a public charter school must

1. Be considered a separate budget unit of the located school district;
2. Have its Average Number Belonging (ANB) calculated separately from other budget units of the district;
3. Receive a basic entitlement calculated separately from other budget units of the district when its ANB is greater than:
  - (i) 70 for an elementary school or program;
  - (ii) 20 for a middle school or program; or
  - (iii) 40 for a high school or program.

The governing board of a public charter school shall report annually on the financial activities of the public charter school in the manner prescribed in [20-9-213\(6\)](#).

### 2) Public Charter Districts

For newly approved public charter school districts, the county treasurer of the county in which a public charter school is located shall establish funds for the public charter district separate from the funds of the located school district. Funding of the public charter school district must be distributed as BASE aid, at



- 80% of the basic entitlement,
- 80% of the total per-ANB entitlement,
- 100% of the total quality educator payment,
- 100% of the total at-risk student payment,
- 100% of the total Indian education for all payment,
- 100% of the total American Indian achievement gap payment,
- 100% of the total data-for-achievement payment, and
- 140% of the special education allowable cost payment.

The total funding received constitutes both the minimum and maximum amount of public funding for the public charter school district. Tuition and fees are prohibited.

A public charter school district may obligate the public charter school district to indebtedness and is solely responsible for those debts. A public charter school district is not responsible for the debts of the located school district.

A public charter school district is not eligible for a basic entitlement unless its ANB is greater than:

- 70 for an elementary school or program;
- 20 for a middle school or program; or
- 40 for a high school or program.

### Gifts, Donations, and Surplus Funds

The governing board of a public charter school is authorized to accept gifts or donations and utilize them in accordance with the donor's stipulations, provided they align with legal provisions or charter contract terms.

Money remaining in the public charter school's accounts at the end of a budget year must be retained for subsequent use.

### Resources

For questions or concerns, please contact the School Finance Division of the Office of Public Instruction at [OPISchoolFinance@mt.gov](mailto:OPISchoolFinance@mt.gov).