

SENATE BILL NO. 177

INTRODUCED BY S. VINTON

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE COMMUNITY CHOICE SCHOOL COMMISSION TO SEEK AND RECEIVE PUBLIC FUNDING AND CLARIFYING THE COMMISSION'S ABILITY TO RECEIVE AND EXPEND GIFTS FROM PRIVATE INDIVIDUALS; AMENDING SECTION 20-11-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 20-11-106, MCA, is amended to read:

"20-11-106. Community choice school commission -- appointments. (1) There is an autonomous state community choice school commission with statewide authorizing jurisdiction and authority. The commission is attached to the board of public education for administrative purposes, as prescribed in 2-15-121(2), except as provided in this section, and is under the general supervision of the board of public education as set forth in this section.

(2) The commission is responsible for approving authorizers for choice schools throughout the state.

(3) The commission consists of seven members who are appointed as follows:

(a) two members appointed by the governor;

(b) one member appointed by the superintendent of public instruction

(c) one member appointed by the president of the senate;

(d) one member appointed by the speaker of the house;

(e) one member appointed by the minority leader of the senate; and

(f) one member appointed by the minority leader of the house of representatives.

(4) Members appointed to the commission must collectively possess substantial experience and expertise in board governance, business, finance, education, management, and philanthropy. All members of the commission must have a demonstrated understanding of and commitment to choice schools as a strategy

1 for strengthening public education.

2 (5) (a) Initial appointments to the commission must be for staggered terms as follows:

3 (i) 4-year terms for the appointees of the governor, one of whom must be designated by the
4 governor as the initial presiding officer of the commission for 2 years;

5 (ii) 3-year terms for the appointees of the superintendent of public instruction and the minority
6 leaders of the senate and house of representatives; and

7 (iii) 2-year terms for the appointees of the president of the senate and speaker of the house.

8 (b) All terms after the initial term must be for 3 years. Appointment to the initial terms must be
9 made no later than 60 days following July 1, 2023. If any of the appointing authorities fails to make the
10 appointments, the remaining appointing authorities may make the remaining appointments.

11 (6) Each member of the commission is entitled to reimbursement for expenses upon approval of
12 the treasurer of the commission as provided in the commission's bylaws.

13 (7) A member of the commission may be removed by a majority vote of the commission for any
14 cause that renders the member unable or unfit to discharge the duties of the office, including but not limited to
15 failure to approve an authorizer or a choice school without just cause and interference with the functions of the
16 commission as set forth in this part. Whenever a vacancy on the commission exists, the original appointing
17 authority shall appoint a member for the remaining portion of the term consistent with the requirements of
18 subsections (4) and (5).

19 (8) (a) The commission is authorized to receive and expend gifts and donations of any kind from
20 any private ~~entity~~ source, including an individual. The gifts and donations may not require conditions that do not
21 comport with the purposes of this part. Gifts and donations under this subsection (8)(a) must be deposited in
22 the community choice school account pursuant to 20-11-126 and may be used by the commission for
23 commission operations or distributed to choice schools at the discretion of the commission.

24 (b) The commission is authorized to seek and receive public funding that comports with the
25 purposes of this part.

26 (9) The commission may hire staff for the commission. Support staff may be provided by the board
27 of public education for centralized services, including payroll, human resources, accounting, information
28 technology, or other services, if those services are determined by the commission and the board to be more

1 efficiently provided by the board.

2 (10) The commission shall convene and approve bylaws and officers within 180 days of July 1,
3 2023.

4 (11) All commission meetings are open to the public pursuant to Article II, section 9, of the Montana
5 constitution and 2-3-203.

6 (12) By August 1 of each year, the commission shall annually report to the state board of public
7 education the academic performance and financial reports of each choice school authorized within the state."

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9 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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