

For Immediate Release:

Contact: Rylee Sommers-Flanagan, 406-396-3373, rylee@uppersevenlaw.com

****Montana parents and teachers bring suit to prevent school privatization****

[HELENA, MONTANA] On Wednesday, a group of individual and organizational plaintiffs, including the Montana Quality Education Coalition, the League of Women Voters of Montana, Billings public schoolteacher and parent Jessica Felchle, Kalispell public schoolteacher and parent Beau Wright, and others filed a lawsuit to prevent the state from privatizing education in Montana. The lawsuit also includes a motion for a preliminary injunction or temporary restraining order, asking the court to stop House Bill 562 (“HB 562”) from going into effect while the litigation is pending.

In May 2023, Governor Greg Gianforte signed HB 562 into law, which authorizes the creation of privatized schools, unaccountable to state accreditation standards. HB 562 also exempts privatized schools from state regulations that provide for teacher certification, curriculum requirements, school safety regulations, and other rules that ensure equal and quality educational opportunities to Montana children.

The public school plaintiffs point out that HB 562 violates the Montana Constitution in more than six distinct, yet interrelated ways. Even as it claims to create what it characterizes as a “community choice” school system, HB 562 actually designs a separate and unequal system of state-subsidized private schools that undermine Montana’s guarantee of an equal, free, and quality public education system.

The bill sets up a commission and governing boards that fall outside the supervision of the Board of Public Education and usurp control from local school boards. Governor Gianforte, Superintendent Elsie Arntzen, and members of the Legislature are tasked with appointing members of the commission. Only parents of students who attend HB 562’s privatized schools and school employees can vote in governing board elections, meaning that local community members are excluded from the electorate in violation of their Rights of Suffrage and to Equal Protection.

“The Legislature cannot funnel public money to private institutions. The health of our society depends on a free, high quality public education system,” Doug Reisig, executive director of Montana Quality Education Coalition said. **“We vow to stand against school privatization activists’ incursions into Montana. And the great news is, we have the Montana Constitution behind us.”**

A copy of the lawsuit and motion for preliminary injunction or temporary restraining order is attached to this press release.

About organizational plaintiffs:

Montana Quality Education Coalition (“MQEC”) is a nonprofit organization headquartered in Helena, Montana. MQEC is the largest education advocacy organization in the state. MQEC was formed in 2001 to advocate for adequate public school funding and other public school interests before the Montana Legislature. It is an organization committed to defending the state’s constitutional guarantees with respect to free and quality public education.

MQEC represents the interests of more than 100 school districts, and six educational organizations. They represent innumerable teachers, trustees, and administrators from across the state in urban and rural areas, large and small schools, and from the east to the west.

League of Women Voters of Montana is a chapter of the national nonprofit League of Women Voters. The League’s mission is to encourage informed and active participation in government while defending and improving our democracy. The League was highly involved in the adoption and passage of the 1972 Montana Constitution and has been an adamant defender of the protections enshrined within it. Much of the League’s current work focuses on voting rights, including expanding access and fighting voter suppression.

The LWV believes that a high quality education, provided by free public schools funded by public resources and run by publicly elected school boards, is a fundamental component of democracy in ensuring well-educated citizens.

About Upper Seven Law:

Upper Seven Law is a Montana-based nonprofit law firm dedicated to holding the powerful accountable. Based on the belief that creativity and innovation in law are essential to advancing social justice and public interest objectives, Upper Seven takes smart risks and invests the time necessary to build foundations for long-term accountability work.