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For Immediate Release:

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**\*\*Nonprofits Bring Suit to Block Destructive School Voucher Bill\*\***

**[Helena, Montana]** On January 23, 2024, the Montana Quality Education Coalition and Disability Rights Montana challenged House Bill 393 (“HB 393”)—or Montana’s new private education voucher program—for violating the Montana Constitution.

The bill comes as part of the 2023 Montana Legislature’s concerted effort to privatize education. Masquerading as aid to students with disabilities, HB 393 takes public money out of local school district accounts and hands it directly to private individuals with little to no oversight. It does this by creating a voucher system that allows parents of students with disabilities to pay for a wide range of “educational expenses,” from tutoring to test prep to tuition. These payouts—starting at over \$5000 per year per student—come out of a school district’s general fund budget and compromise the economies of scale that allow public schools to provide quality education, including special education that is tailored to meet the needs of students with disabilities.

In the complaint, plaintiffs explain: **“While HB 393 provides no assurance that students with disabilities will receive the services and education they need, it assuredly provides that public schools will have fewer resources to serve their students, with and without disabilities.”**

The loss of funding is staggering. HB 393’s own fiscal note states this voucher program could transfer \$140 million of state and local property tax dollars from public schools to private individuals. School districts will be forced to increase local property taxes.

And HB 393 will profoundly diminish public school quality and Montana’s ability to attract quality teachers. Ninety percent of Montana students are currently enrolled in public school. They will have access to fewer resources, receive a poorer education, and students who leave their public school will bargain away valuable resources and protections. On its face, the funding mechanism is unconstitutional. The Montana Constitution forbids the legislature from writing blank checks both to private entities and to fund new education-related initiatives.

**“MQEC cares about quality public education—full stop,”** said Doug Reisig, Montana Quality Education Coalition’s executive director. **“Strong public schools**

foster strong communities. HB 393 is the Montana Legislature’s attempt to shirk its obligation to provide free quality public education to every child in Montana.”

“This bill does not help Montanans with disabilities,” said Tal Goldin, Director of Advocacy at and attorney for Disability Rights Montana. “Instead, it reduces public school resources while offering no assurance that students with disabilities who leave the public schools will receive appropriate educational services that meet their needs. It’s a lose-lose situation.”

“Like our public lands, public schools are one of Montana’s most precious resources,” said Rylee Sommers-Flanagan, Upper Seven Law’s executive director and attorney for the plaintiffs. “The Montana Constitution guarantees a quality education for all students, regardless of background or circumstance. HB 393 hollows out this promise. The law cannot stand.”

Montana nonprofit law firm Upper Seven Law represents the plaintiffs. A copy of the plaintiffs’ complaint accompanies this press release.

About the Plaintiffs:

**Montana Quality Education Coalition** (“MQEC”) is a nonprofit organization headquartered in Helena, Montana. MQEC is one of the largest education advocacy organizations 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. It represents 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.

**Disability Rights Montana** is the federally mandated Protection and Advocacy System and Client Assistance Program for Montana, protecting and advocating for the civil, legal, and human rights of persons with disabilities of all ages and across Montana. Its responsibilities include monitoring facilities serving people with disabilities—including Montana schools—and investigating allegations of abuse and neglect in those facilities.

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.